

THIRD MEETING OF THE (1985) SESSION OF THE LEGISLATIVE ASSEMBLY

FIRST DAY

TUESDAY

3RD SEPTEMBER, 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 RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER RESPONSIBLE 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 ELECTORAL DISTRICT OF BODDEN TOWN
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ORDER PAPER

THIRD MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY
3RD SEPTEMBER, 1985
(FIRST DAY)

1. PRAYERS

To be delivered by Rev. Talmage Ebanks

2. PRESENTATION OF PAPERS AND REPORTS

(i) CAYMAN AIRWAYS REPORT (MARCH 1985)

To be tabled by the Honourable Second Elected Member of Executive Council responsible for Tourism Aviation and Trade.

(ii) PUBLIC ACCOUNTS COMMITTEE REPORT

Public Accounts Committee Report dealing with the proposed new Standing Order 74.

To be laid on the table by the Chairman, the Second Elected Member for George Town.

(iii) STANDING SELECT COMMITTEE ON STANDING ORDERS REPORT

Standing Select Committee on Standing Orders Report on changes to the Legislative Assembly Standing Orders.

To be laid on the table by the Chairman, the Honourable First Official Member - Leader of Government Business.

3. QUESTIONS TO MEMBERS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 84: WOULD THE HONOURABLE MEMBER STATE THE CONTENTS OF THE NOTE GIVEN TO JOHN POWERY IN JUNE OF 1985, TO IMPORT (CHELONA MYDAS) GREEN TURTLES INTO CAYMAN?

NO. 85: WOULD THE HONOURABLE MEMBER STATE WHO ORDERED THE RELEASE OF SOME OF THE TURTLES IMPORTED BY JOHN POWERY IN JUNE, 1985?

NO. 86: WOULD THE HONOURABLE MEMBER STATE WHETHER THOSE OF THE TURTLES IMPORTED BY JOHN POWERY IN JUNE, 1985, WHICH WERE RELEASED ON GOVERNMENT ORDERS HAVE BEEN MONITORED TO DETERMINE THEIR SURVIVAL RATE?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 87: WOULD THE HONOURABLE MEMBER STATE THE AMOUNT OF REIMBURSEMENT REQUESTED BY MR POWERY FOR IMPORTATION AND LOSS OF THE GREEN TURTLES?

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. 88: WOULD THE HONOURABLE MEMBER GIVE A BREAKDOWN BY SUB-HEADS OF EXPENDITURE UNDER THIS YEAR'S SOCIAL SERVICE DEPARTMENT VOTE?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 89: WOULD THE HONOURABLE MEMBER MAKE A STATEMENT ON THE PROGRESS ON THE MATTER ON FOREIGN PRISONERS?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 90: WOULD THE HONOURABLE MEMBER STATE THE PURPOSE OF THE RECENT SURVEY CARRIED OUT BY THE POLICE DEPARTMENT WITH REGARD TO FIREARMS?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 91: WOULD THE HONOURABLE MEMBER MAKE A STATEMENT ON THE OFFICIAL DELEGATION TO COSTA RICA FOR INTERVIEWS WITH LACSA OFFICIALS AND GIVE THE PURPOSE AND THE COST TO GOVERNMENT?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 92: WOULD THE HONOURABLE MEMBER STATE THE POLICY OF THE NATIONAL AIRLINE - CAYMAN AIRWAYS - REGARDING THE REPLACEMENT OF FOREIGN PILOTS WITH QUALIFIED CAYMANIANS?

4. STATEMENTS BY MEMBERS OF THE GOVERNMENT

Statement by the Honourable First Official Member - Leader of Government Business.

5. GOVERNMENT BUSINESS

(i) MOTIONS:-

GOVERNMENT MOTION NO.9/85 - CARIBBEAN DEVELOPMENT BANK

To be moved by the Honourable Third Official Member

(ii) BILLS:-

FIRST AND SECOND READINGS

- (1) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
- (2) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1985
- (3) THE PUBLIC FINANCE AND AUDIT BILL, 1985
- (4) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
- (5) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
- (6) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
- (7) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

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TUESDAY

3RD SEPTEMBER, 1985

10.06 A.M.

MR. PRESIDENT: *The Assembly is in Session.
I will invite the Reverend Talmage
Ebanks to say prayers for us.*

REV. TALMAGE EBANKS: *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 the 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 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.*

*The Lord bless us and keep us. The
Lord make His face shine upon us and be gracious unto us. The Lord
lift up His countenance upon us and give us peace now and always.
Amen.*

MR. PRESIDENT: *Please be seated.
Presentation of Papers and Reports.
Cayman Airways Report (March, 1985). The Honourable Second Elected
Member of Executive Council.*

PRESENTATION OF PAPERS AND REPORTS

CAYMAN AIRWAYS REPORT (MARCH 1985)

HON. W. NORMAN BODDEN: *Mr. President, I beg to lay on the Table
of this Honourable House a Report on Cayman Airways as prepared by
a team of Swissair advisors.*

MR. PRESIDENT: *So ordered.*

HON. W. NORMAN BODDEN: *Mr. President, shortly after the new
Government took office in November last year, the state of affairs
which existed in relation to the unstable and uncertain conditions
in which the national flag carrier was found prompted Government
to have the company's operations examined, documented and reported
on by independent airline experts.*

HON. W. NORMAN BODDEN (CONTINUING): Therefore, Swissair was selected for this assignment in view of its top rating as the world's most efficiently operated airline.

The Report, Mr. President, was commissioned in December. It commenced in January. It was completed in March and presented to the Board of Directors and considered by them in June. The Report is very much in keeping with the terms of reference provided to the Swissair team which was specifically instructed to examine and report on the areas of finance, of flight equipment and of management.

In the area of finance the serious financial situation of the airline is especially borne out by the statements, and I quote:

"The balance-sheet of Cayman Airways is a disaster. The accumulated loss at June 30th, 1984 was twice as large as the share capital, which in itself could constitute a ground for declaring bankruptcy."

Mr. President, much emphasis has been placed in this Report on the stabilisation of the airline. The Report goes on to point out that the immediate need would require a large capital injection in order to reduce the accumulated loss as of June, 1984, which was approximately \$17.5 million. So while it is recognised that this might not be presently possible, it was stated that the company's balance-sheet must be cleaned up, if for no more than presentation purposes.

In an attempt to stabilise the airline Government must therefore be prepared to provide necessary financial assistance to our national airline on a fixed basis. There is no doubt therefore, Mr. President, that Government will be called on in the very near future, in fact at the Budget Meeting in November this year, to provide an annual subsidy until such time as the airline is able to reach at least a break even position. This can no longer be postponed if our national flag carrier is to continue in operation and maintain any form of dignity and reputation in the airline industry.

The Report speaks of a break even or a profitable position being reached. This, Mr. President, is clearly based on many assumptions. It is the team's opinion that the company could eventually reach this position. However, of course such assumptions as traffic volume and revenue projections, what the competitive situation is like at the time, which refers specifically to the moratorium, and of course last but not least a change of aircraft such as the 737 or similar equipment with a much lower operating cost than the present 727-200s which Cayman Airways has in service, these assumptions all have an important bearing on whether the company reaches a break even or profitable position.

Cayman Airways' Board gave consideration to this Report and specifically to the areas of finance and equipment change, and they have recommended to Government that any decisions to change aircraft to a 737 at this stage should be delayed for approximately eighteen months.

It is the view that had the 737 or similar size aircraft been acquired back in 1982 rather than the 727 at that time, the company could very well today have found itself in a much stronger financial position. However, it is very logical and reasonable to expect that conversion from one type aircraft to another is a very expensive exercise. Additionally, now that the travelling public has become accustomed to the larger aircraft like the 727, converting to a smaller aircraft could result in substantial traffic losses.

HON. W. NORMAN BODDEN (CONTINUING): Thirdly, and of course very importantly, it would be costly for Cayman Airways to get out of the current aircraft lease agreement at this time.

The other area which was reported on was management and the airline was found to be very underdeveloped in the areas of organisation, information and documentation. In this regard, Sir, numerous actions and suggestions were made. I am pleased to report that much progress has been made in implementing many of these recommendations. Others are currently in process, of course, while others are still under consideration. It is important to point out that a restructuring of top management was carried out where experienced Caymanian staff were promoted and placed in responsible positions. The organisational chart forms a part of this Report. Objectives for the company and management procedures have been developed by the Board and approved by Government.

Mr. President, this Report is timely. It is useful to Cayman Airways. It will prove beneficial to the airline in its future planning and will hopefully enable our national flag carrier to continue to reach bigger and brighter horizons.

In conclusion, Sir, I wish to record my thanks to the Swissair team, to the Board of Directors of Cayman Airways who carefully examined the Report in detail, and to the staff of Cayman Airways who contributed in a very meaningful way to its production.

Mr. President, I recommend the Report on Cayman Airways to this Honourable House. Thank you.

MR. PRESIDENT: Presentation of Papers. Item 2(ii). Public Accounts Committee Report. The Second Elected Member for George Town.

PUBLIC ACCOUNTS COMMITTEE REPORT

MR. LINFORD A. PIERSON: Mr. President, I beg to lay on the Table of this Honourable House the Public Accounts Committee's Report on the proposed amendment to Standing Order 74.

MR. PRESIDENT: So ordered.

MR. LINFORD A. PIERSON: Mr. President, the Public Accounts Committee met to consider the draft proposals prepared by Mr. G.E. Lyth, OBE, British Executive Service Overseas Executive, with respect to broadening the terms of reference of the Public Accounts Committee Standing Order 74 and the procedure for this Committee's consideration of the Auditor General's Report. I should like to place on record the Committee's profound appreciation and thanks to Mr. Lyth for the invaluable assistance given by him to the Committee.

The Committee held two meetings. The first meeting was held on the 11th June, 1985 to consider the proposed amendment to Standing Order 74. The second meeting was held on the 20th June, 1985 to enable the Committee to consider the circulation of the Minutes of the 11th June's meeting to select a Standing Committee on Standing Orders prior to the Committee's Report being tabled in the House.

Mr. President, the attendance of Members at the meeting is as set out in the Minutes which are attached to the Report:-

MR. LINFORD A. PIERSON (CONTINUING):

"In accordance with Standing Order 70(1), the following persons were in attendance at the Committee's meeting held 11th June -

Mr. G.E. Lyth, OBE	- B.E.S.O. Executive
Mr. R. Kelly	- Auditor-General
Mrs. Veronica Dilbert	- Acting Deputy Financial Secretary
Mr. Louis Moncrieffe	- Chief Accountant

Also in attendance were -

Mr. George McCarthy	- Deputy Financial Secretary
Mr. Ken Digby	- Financial Consultant"

The Committee agreed that the proposed amendment to Standing Order 74 which is the enclosure A to the Minutes attached to the Report, be recommended to the Standing Select Committee on Standing Orders for adoption.

Enclosure A, Mr. President, reads as follows:-

"PUBLIC ACCOUNTS COMMITTEE'S PROPOSED AMENDMENT TO STANDING ORDER 74

74.(1) There shall be a Standing Select Committee, to be styled the Public Accounts Committee, to consider reports of the Auditor-General -

- (a) on the accounts of the Government;
- (b) on such other accounts required to be laid before the House as the Committee may think fit; and
- (c) on any matter incidental to the performance of his duties or the exercise of his powers as the Committee may think fit.

(2) The Public Accounts Committee shall be nominated by the House at the beginning of a new Session following a general election and shall consist of five Elected Members. The quorum shall be three Members, including the Chairman.

(3) Upon its receipt by the Presiding Officer, a report mentioned in paragraph (1) shall be deemed to have been referred by the House to the Public Accounts Committee for consideration.

(4) In accordance with Standing Order 70, the Public Accounts Committee may call any public officer, or, in the case of a report on the accounts of or relating to a non-Government body or organization, any member or servant of that body or organisation, to give information or any explanation or to produce any records or documents which the Committee may require in the performance of their duties.

(5) The Public Accounts Committee shall make their report upon the report of the Auditor-General on the accounts of Government before the Auditor-General's report is laid on the Table of the House and both the Committee's report and the Auditor-General's report shall be so laid at the same time.

MR. LINFORD A. PIERSON (CONTINUING):

(6) Subject to these Standing Orders, the practice and procedure of the Public Accounts Committee shall be determined by the Committee.

(7) The Government Minute shall be laid on the Table of the Legislative Assembly within three months of the laying of the report of the Committee and of the report of the Auditor-General to which it relates.

(8) The Auditor-General, the Deputy Financial Secretary and the Chief Accountant shall be in attendance when Controlling Officers or other persons are providing information or explanations to the Committee.

(9) Notwithstanding the provisions of Standing Order 72, the Report of the Public Accounts Committee shall be adopted without division."

Mr. President, the Committee agreed that this Report should be the Report of the Committee to the Legislative Assembly at its third Meeting of the 1985 Session, and I recommend this Report to this Honourable House.

Thank you, Mr. President.

MR. PRESIDENT:

Thank you.

The presentation of Papers and Reports.

Item 2(iii), Standing Select Committee on Standing Orders Report.
The Honourable First Official Member.

STANDING SELECT COMMITTEE ON STANDING ORDERS REPORT

HON. DENNIS H. FOSTER: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Select Committee on Standing Orders.

MR. PRESIDENT:

So ordered.

HON. DENNIS H. FOSTER: Mr. President, at the first Meeting of the 1985 Session of the Legislative Assembly, Government Motion No. 4 was moved by me and passed on Monday 25th March. I am not going to read the whole motion, Sir, but just the resolved section:-

" 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)."

HON. DENNIS H. FOSTER (CONTINUING): Mr. President, I will try to be brief, Sir, because I know that I am depriving Members from question time if I take too long.

I was appointed Chairman of this Committee by the President, Sir, and we had six meetings. One meeting we were unable to do any business because of lack of a quorum. The Committee considered and made amendments to Standing Order 5, Standing Order 14, Standing Order 21, Standing Order 23, Standing Order 32, Standing Order 34, Standing Order 46, Standing Order 74 and Standing Order 75. We also dealt with Private Members' motions on Standing Orders. We considered Motions 1 and 6 which were passed by a majority at the first Meeting of the 1985 Session of the Legislative Assembly. The motions, No. 1 dealing with the proposed amendments to Standing Orders 8 and 10, and No. 6 dealing with the proposed amendment to Standing Order 38 were defeated by a majority vote as set out in the Committee Minutes.

On the consequential amendments to Standing Orders and the Cayman Islands Constitution Order, 1972, Mr. President, the Committee agreed that the Honourable Second Official Member make any consequential amendments arising out of the amended Standing Orders to Standing Orders and the Cayman Islands Constitution Order, 1972.

We had another recommendation on Standing Order 34. The Committee agreed that the Presiding Officer be advised that in the opinion of the Select Committee stricter interpretation should be given to what interruption may properly be exercised. There was some clarification of points of order. The following were clarified as points of order, contents of speeches, behaviour of Members, reading of speeches and deviation. The Committee agreed that Members calling on a point of order must refer to the relevant Standing Order.

There was a minority report in accordance with Standing Order 72(4)(b). The Committee granted leave to the Second Elected Member for Bodden Town to table his report which is Enclosure A of the Report.

Mr. President, we all know that the Standing Orders needed a general tidying up and this is what the Committee has sought to do, Sir. In accordance with Standing Order 72(5) I move that the Report be adopted, Sir.

MR. PRESIDENT: The question is that the Report of the Standing Select Committee on Standing Orders be adopted. I will put the question.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: May I have a division please, Mr. President?

DIVISION

NO. 53

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

DIVISION
NO. 53
(CONTINUED).

AYES

NOES

Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Esnard Miller
Mr. John B. McLean

Mr. G. Haig Bodden

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THE REPORT ON THE STANDING SELECT COMMITTEE ON STANDING
ORDERS - PASSED BY MAJORITY VOTE.

EXPLANATION BY THE PRESIDENT

MR. PRESIDENT:

Perhaps it may be convenient for the House if I just make one point at this stage in explanation of what will, from my understanding, now happen.

The House has approved a number of amendments to Standing Orders. Section 31(1) of the Constitution provides that:-

"the Assembly may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intituling and numbering of Bills and for the presentation thereof to the Governor for assent; but no such Standing Orders or amendment or revocation thereof shall have effect unless they have been approved by the Governor."

What therefore has to happen is that the amendments which have been accepted or recommended today as the result of the Standing Select Committee on Standing Orders Report require the Governor's approval.

I think that I can speak for the Governor in saying that the approval will certainly be given but that it may be convenient for everybody if it is not given until it has been possible to go through the recommendations made and to consolidate them as it were, because they are not easy to follow in the way in which they are set out here. Moreover, it may be, as I understand it from the Report, necessary to do a little bit of minor tidying up. The Report says that the Committee agreed that the Honourable Second Official Member should make any consequential amendments which were necessary, and that needs looking at. I would think that the Governor's approval for the agreed changes will wait until it has been possible for the Honourable Second Official Member to check the matter for either a reprint of Standing Orders to be done, or for a print to be made of the amendment so that Members have got something to which they can easily refer.

I think that probably it will be, therefore, after this Meeting has been finished but before the next Meeting starts that the amendments will actually bite. I have been told that it was the hope of the Business Committee that in accordance with one of the changes contemplated by the Committee's Report Members should be invited to say prayers daily. I see no difficulty about introducing that practice immediately even though the Standing Orders amendments have not been formally approved and will not actually come into effect probably until the next Meeting of the Assembly.

MR. PRESIDENT: I hope that I have made that clear. If any Member has a question on it, by all means let him ask.

MR. D. EZZARD MILLER: With respect, Mr. President, may I also ask that the part of the Standing Orders amendment under Standing Order 74(7) be deemed to be effective as well, because otherwise Government might slip the present Committee Report through the cracks and not give a Government minute as a reply if it is not effective.

MR. PRESIDENT: I think that you can have an assurance that a Government minute will be produced.

MR. D. EZZARD MILLER: Thank you, Sir.

MR. PRESIDENT: I find it a little bit more difficult to apply that particular amendment, because in the case of the prayers I was not actually applying the amendment. There is nothing in Standing Orders now which prevents the Member from saying prayers each day.

MR. D. EZZARD MILLER: The assurance will be satisfactory, Sir.

MR. PRESIDENT: Well, I am sure that I speak for the Honourable Third Official Member in saying that that will be done. Now, my watch may be running a little bit slow so perhaps we still have half an hour for question time. However, it is slightly shorter and I would ask Members to bear that in mind when asking supplementary Questions. The Second Elected Member for Bodden Town.

QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 84: Would the Honourable Member state the contents of the note given to John Powery in June of 1985, to import (Chelona Mydas) green turtles into Cayman?

ANSWER: The note given to John Powery read,

"TO WHOM IT MAY CONCERN

The Government of the Cayman Islands have no objection to the importation of green sea turtles listed on Appendix I of the CITES appendices, provided an export permit is obtained from the country of origin and the importation is in conformity with Articles I and II of the convention.

Signed: Keurney S. Gomez
Principal Secretary (D & NR) and
CITES Management Authority".

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, a supplementary question. Would the Member say if he was aware that such a note had been given to Mr. Powery?

HON. VASSEL G. JOHNSON: The answer, Mr. President. Yes, the Principal Secretary advised me that the note was written. The note was not addressed to Mr. Powery. It was written to whom it may concern.

MR. G. HAIG BODDEN: Can the Member say how Mr. Powery got hold of this note if it was not for his own use?

HON. VASSEL G. JOHNSON: Mr. President, I have already said what the note given to Mr. Powery read, and I read the note. So I have said already that it was given to Mr. Powery.

MR. PRESIDENT: It was given to him but not addressed to him, I think that...

MR. G. HAIG BODDEN: Can the Member say if Mr. Powery's actions were in conformity to the note?

HON. VASSEL G. JOHNSON: Mr. President, Mr. Powery attended the office of the CITES Management Authority. In the meeting there were other people including the Assistant Principal Secretary of that Portfolio and Mr. McClaren. The Principal Secretary explained all the problems of trade in wild turtles to Mr. John Powery and at that time it was thought that the matter was settled. However, later on Mr. John Powery attended the office again insisting that he be given a permit or something with which he could contact his agent in Costa Rica to obtain the turtles which he wanted to import into the Cayman Islands. He was told again that he would require an export licence from Costa Rica from the CITES Management Authority there before the question of an import licence in these Islands by the CITES Management Authority here would be considered.

Mr. President, these instruction notes are written quite often between the CITES Management Authorities, especially in this region. Earlier this year CITES Management officials from Costa Rica and Nicaragua visited the Islands to look at the turtle farm operation. Discussions were held with the CITES Management Authority here concerning the catching of turtles in their territorial waters. Those gentlemen assured the CITES Management Authority here that no permit would be given to anyone to export turtles from their country caught out of their territorial waters. So the CITES Management Authority here was quite aware of that and this is what Mr. Powery was told. He was told that if he could bring an export licence from the Management Authority in Costa Rica that this Government would look at it.

However, we know what happened. Mr. Powery went off and he obtained not an export licence from Costa Rica, but he obtained from the Agricultural Department a permit to transport turtles in Costa Rica which is altogether a different thing from exporting turtles from Costa Rica. These permits to transport turtles in Costa Rica mean transporting turtles from one port to the other and the certificate was a health certificate to say that the turtles could be transported.

Mr. President, Article 2 of the Convention sets the guidelines for trade in Appendix 1, species such as the green sea turtle which is an endangered species. It is not a threatened species as it was back in 1979 when they were moved from that appendix to the endangered species appendix. It states, Mr. President, that those turtles cannot be exported and to do so permits will only be given in very exceptional circumstances.

HON. VASSEL G. JOHNSON (CONTINUING): The instruction note which was written by the Management Authority here referred to an export licence, an export permit to be obtained from the Management Authority in Costa Rica. It was not a permit to import turtles. Mr. Poverly was clearly informed of that, Mr. President. It is not that he did not know what the position was. We had many such problems with Mr. Poverly earlier. The fact is that I was advised that Mr. Poverly is wanted in Nicaragua and instructions have been issued by the Government of Costa Rica to the coast-guard to keep an eye out for him

MR. W. McKEEVA BUSH: Everybody is wanted in Nicaragua.

MR. G. HAIG BODDEN: Mr. President, may I ask another supplementary? Why did the Government give Mr. Poverly such a note if it were the Government's intention not to allow him to bring in turtles? Why did they issue such a note which would lead him to believe that he had the right to bring them in?

HON. VASSEL G. JOHNSON: It was because, Mr. President, of Mr. Poverly's insistence that he obtained something from this Government to take to Costa Rica to try to obtain the export permit over there. He was told several times what the position was and he would not believe it. So he was given this note to take to the CITES Management Authority in Costa Rica.

MR. W. McKEEVA BUSH: Mr. President, a supplementary. Is the Member saying that simply because Mr. Poverly insisted on something to take with him that a Minister in this Government gave it to him after he insisted? Is this what the Member is saying, Sir?

HON. VASSEL G. JOHNSON: No Minister gave Mr. Poverly any note here, Mr. President. I have already said in the reply to the question that the note was written to whom it may concern, and it was written by the CITES Management Authority of the Cayman Islands, not a Minister.

MR. W. McKEEVA BUSH: Mr. President, is the CITES Management Authority in this country not the Principal Secretary under the Member's Portfolio?

HON. VASSEL G. JOHNSON: Mr. President, CITES Management Authority is appointed by CITES, the Conference on International Trade in Endangered Species of Fauna and Flora, not the Government of the Cayman Islands.

MR. LINFORD A. PIERSON: Mr. President, I have listened to some of these answers. Is it my understanding that the Member is telling us that he was knowingly coerced into giving information which he felt was wrong, but that he gave this information anyway? I note here, Mr. President, that the letter is signed by Mr. Kearney Gomez who is the Principal Secretary under the Member's Portfolio.

HON. VASSEL G. JOHNSON: Yes, Mr. President, I am the target in this Government but I have already said that I am not the authority who represents CITES in the Cayman Islands. They have appointed a person here to be the Management Authority in these Islands and I cannot direct that manager to do anything which he does not want to do. He elected to issue this note to whom it was concerned and it was largely addressed to CITES authorities in other countries. It was not addressed to Mr. John Poverly.

MR. LINFORD A. PIERSON: Mr. President, while I do not regard the Member as the target for anything in this Government, he cannot abrogate his responsibilities because this note was signed by the Principal Secretary for his Portfolio. So, he is ultimately responsible and I, Mr. President, would like to know if he accepts this responsibility?

HON. VASSEL G. JOHNSON: Mr. President, as far as I know the Governor is responsible for the actions of Principal Secretaries in this Government, not the Member.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if from his knowledge of the execution of this Convention, is it not correct to say that the Ministry of Agriculture, or the Department of Agriculture, or the Portfolio is the Management Authority in every country which is a signatory to this Convention?

HON. VASSEL G. JOHNSON: Mr. President, the signatory to this Convention is the Government of the Cayman Islands. Thereafter CITES appoints a Management Authority in each of the countries.

MR. G. HAIG BODDEN: The question I am asking, Mr. President, is the Management Authority normally the Ministry of Agriculture or whatever we want to call it?

HON. VASSEL G. JOHNSON: Mr. President, I receive as any other person an invitation to attend the CITES conference and in such cases I represent the Government of the Cayman Islands at those conferences.

MR. G. HAIG BODDEN: Mr. President, the question I am asking is, is it not correct that in every country the Ministry of Agriculture, or the Department or the Portfolio of Agriculture is the appointed management body for the operation of the CITES convention?

MR. PRESIDENT: I think really first that the Member who is being questioned does not have any responsibility either for appointing or knowing who is appointed Management Authority in other countries and to that extent perhaps the question is out of order. Secondly, I have been rather liberal or rather lax in allowing supplementaries to stray an awful long way from the original question which was asked. I think perhaps that the time has come to end supplementaries on that particular question and pass on to the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR
DEVELOPMENT AND NATURAL RESOURCES:

NO. 85: Would the Honourable Member state who ordered the release of some of the turtles imported by John Powery in June, 1985?

ANSWER: If the question is directed to turtles imported by John Powery in July, 1985, the answer is as follows:

In the matter of law enforcement, the local police were advised by the CITES Management Authority in the Cayman Islands that the motor vessel "Good Faith" arrived in the Cayman Islands on the 1st July,

1985, with a cargo of turtles from Costa Rica without an export permit from CITES Management Authority in Costa Rica and had therefore committed an offence under the Endangered Species Protection and Propagation Law, 1978. The police accompanied by the Chief Fisheries Officer took appropriate action.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, a supplementary. Could the Member tell us why only some of the turtles were released?

HON. VASSEL G. JOHNSON: Mr. President, on examination of the cargo the seventeen turtles which appeared to be in fairly good healthy condition were released. The other 33 turtles were left with Mr. John Powery. It seems as though the police were very lenient because all the turtles could have been confiscated.

MR. G. HAIG BODDEN: Mr. President, could the Member tell us why seventeen turtles seem to have been brought in in contravention of a Law yet the other 33 seem to have arrived in a quite legitimate manner, and were not the subject of a release?

HON. VASSEL G. JOHNSON: Mr. President, I would have to give the same answer again which I gave just now.

MR. PRESIDENT: Let us pass on then to the next question, number 86.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 86: Would the Honourable Member state whether those of the turtles imported by John Powery in June, 1985, which were released on Government orders have been monitored to determine their survival rate?

ANSWER: Government is not aware of any turtles imported by John Powery in June, 1985, but if the reference is to turtles imported by John Powery in July, 1985, the answer is as follows:

The turtles which were released were not monitored to determine survival rate. The process to monitor turtles in the wild is very complicated. It would be very costly in terms of providing man-power and purchasing equipment such as electronic tracking devices which would have to be affixed to each turtle. By the time these were available the turtles would have died from starvation and exposure.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask if the Member is saying that the Management Authority here accepts no responsibility for the fate of turtles which are the subject of release on Government orders?

HON. VASSEL G. JOHNSON: Mr. President, those turtles rank in the same manner as the thousands of turtles which we have released from the Turtle Farm.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he knows that the turtles at the Turtle Farm up until the moment of their release are properly fed and kept in ponds which contain water, while the turtles which were released were turtles which had been out of the water for many days?

MR. PRESIDENT: I think that we are again straying slightly far from the original question and I did ask Members earlier to limit supplementaries. So let us pass on now. The Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 87: Would the Honourable Member state the amount of reimbursement requested by Mr. Powery for importation and loss of the green turtles?

ANSWER: \$8,500.

SUPPLEMENTARY:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Could the Member say whether Government is considering paying the amount requested, and if not, why not?

HON. VASSEL G. JOHNSON: Mr. President, Government is under no legal obligation to compensate Mr. Powery. A letter has been sent to him to this effect.

MR. W. McKEEVA BUSH: Mr. President, maybe this is not a question but....

MR. PRESIDENT: If it is not a question then you must sit down.

MR. W. McKEEVA BUSH: Maybe we do not have a legal obligation but what about a conscience, Sir?

MR. PRESIDENT: The Second Elected Member for West Bay may ask the next question.

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. 88: Would the Honourable Member give a breakdown by sub-Heads of expenditure under this year's Social Service Department vote?

ANSWER: The breakdown of sub-Heads is as follows:

01 - Personal Emoluments	\$233,293.63
02 - Travelling & Subsistence	5,892.99
03 - Supplies and Materials	69,151.64
06 - Utilities	849.00
07 - Other Operating & Maintenance Expenses	1,784.00
08 - Grants, Contributions & Subsistence	250,375.93
14 - Equipment	107.12

Total expenditure as at 31 July, 1985 \$561,454.31

SUPPLEMENTARY:

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Member state whether he feels the ratio of the cost of giving \$1 grants being \$2 to be reasonably satisfactory? We gave out grants, contributions and subsistence of \$250,000 and it seems to me that the cost of giving out those grants is as much as the grants.

HON. BENSON O. EBANKS: Mr. President, if the Member is making reference to the figure for Personal Emoluments he should realise that the work of the Department involves more than distributing grants.

MR. PRESIDENT: The next question. The Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 89: Would the Honourable Member make a statement on the progress on the matter on foreign prisoners?

ANSWER: Yes. A statement will be made during this Meeting.

MR. PRESIDENT: My watch is a little slow.

MR. JOHN B. McLEAN: Oh.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, are you allowing me to, or I was going to ask you to defer...

MR. PRESIDENT: I can let you get one question in and if there are not any supplementaries you might get both in.

MR. JOHN B. McLEAN: Thank you.

MR. PRESIDENT: I will give warning before I am going to close so that any Member who wants to postpone his question may do so.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 90: Would the Honourable Member state the purpose of the recent survey carried out by the Police Department with regard to firearms?

ANSWER: The purpose of the survey is to confirm the accuracy of police records and to ascertain if the grounds for the initial grant of a firearms authority are still valid.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Member state whether it is the intention to revoke licences if the grounds have changed?

HON. DENNIS H. FOSTER: Mr. President, in the letter which went out with the accompanying form there was no indication given in that at all, Sir, that licences would be revoked. However, I would like to say that if a particular circumstance arises where it would be in the best interests of the community and indeed of the country there is a possibility that they could be revoked.

MR. JOHN B. McLEAN: Mr. President, a supplementary. Am I understanding the Member correctly that the intent is there similar to that of the speargun?

HON. DENNIS H. FOSTER: No, Mr. President, definitely not, Sir. The intent was set out in paragraph one of the letter. There is no intention for that at all, Sir. However, I think that it is in the best interests that every few years we have a review or a check up to see what there is still existing from what is not. I am sure, Sir, that a lot of people in reply to this form had to say that their gun was stolen and they had reported it or something. The check up is to take stock.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Part of the questionnaire asked for the identification of land where hunting was going to be done. Is the Member saying that if someone is found hunting on property which is not laid out on that form, he will be guilty of an offence and his licence will be revoked?

HON. DENNIS H. FOSTER: Definitely not, Mr. President.

MR. G. HAIG BODDEN: Mr. President, is the Member aware that the major questions on the questionnaire were answered by the owners simply by using the information which had come from their most recent licences from the police themselves, and that the exercise was simply a computer game? Is he aware of that?

HON. DENNIS H. FOSTER: Mr. President, I had one of these questionnaires and certainly we had to answer a lot of the questions from the licence which we had. It was no computer game at all, Sir. Computerisation was mentioned in the first paragraph of the accompanying letter which is correct. We are putting all these records on the computer, Sir.

MR. D. EZZARD MILLER: A supplementary, Mr. President.

MR. PRESIDENT: I will allow one more supplementary. After it has been answered, if anybody wants to give notice he should do so.

MR. D. EZZARD MILLER: Thank you. Could the Member state what action will be taken if somebody fills in information on the questionnaire which contradicts information already in the Police Department, for example any change in the lot of land on which hunting is being done? What action will be taken in that case?

HON. DENNIS H. FOSTER: Mr. President, I cannot say whether any action will be taken or not, but in my mind it is doubtful. I am a hunter myself and the places where one goes from year to year vary, because as one area gets built up one cannot shoot there any more as the house owners will call the police if one is disturbing them. So the next year one might have to get permission from a property owner in another area. So I cannot foresee what the problem is there, Sir.

HON. MICHAEL J. BRADLEY: With respect, Mr. President, surely under Standing Order 22(1)(g) this is seeking the solution of an abstract legal question and, or hypothetical?

MR. PRESIDENT: Well, I think that it may be, yes. However, I said no more supplementaries I am afraid.

SUSPENSION OF STANDING ORDER 23(8)

MR. LINFORD A. PIERSON: Mr. President, under Standing Order 23(8) I would ask that this....

MR. PRESIDENT: Standing Order 23(8)?

MR. LINFORD A. PIERSON: Yes, Sir. I would ask that this question be postponed until tomorrow because it is a very important question, and I do not feel that it has received a proper answer.

MR. PRESIDENT: With due respect, the question has been answered. There may be unasked supplementaries. If there are questions which somebody wished to ask as a supplementary he had better put them down as a substantive question.

SUSPENSION OF STANDING ORDER 23(8)

MR. JOHN B. McLEAN: Mr. President, on today's Order Paper question number 91 stands in my name. Under Standing Order 23(8) I would ask that it be carried over until tomorrow's Order Paper.

HON. DENNIS H. FOSTER: Mr. President, I am not adverse to suspending or asking for suspension of Standing Order 23(8), Sir, to allow us to finish the questions, in view of the fact that we were rather long with the other Government business prior to the questions.

MR. PRESIDENT: If somebody wants to move that Standing Orders be suspended in order to allow Question Time to continue for long enough, although I do not think that that was what was being moved, for further supplementaries to be asked to question number 90, I would see no difficulty about that.

MOTION

SUSPENSION OF STANDING ORDER 23(7)

AND (8)

MR. D. EZZARD MILLER: Mr. President, I so move that Question Time be extended by suspension of Standing Orders to complete the questions on today's Order Paper.

MR. LINFORD A. PIERSON: Mr. President, I second that motion.

MR. PRESIDENT: The question is that in accordance with the provisions of Standing Order 82, Standing Order 23(8) be suspended in order to enable....

HON. MICHAEL J. BRADLEY: Standing Order 23(7) is it not, Mr. President?

MR. PRESIDENT: ...quite right, Standing Order 23(7) and (8) I think probably is suspended in order to enable the remainder of the questions on today's Order Paper to be answered. Does any Member wish to speak to that?

QUESTION PUT: AGREED. THAT STANDING ORDER 23(7) AND (8) BE SUSPENDED IN ORDER TO ENABLE THE REMAINDER OF QUESTIONS ON THE ORDER PAPER TO BE ANSWERED.

MR. PRESIDENT: In that case I will, subject to hearing their content, allow further supplementaries to question number 90. I think that the Second Elected Member for George Town was the one who had caught my eye.

SUPPLEMENTARY QUESTIONS ON QUESTION NO. 90 CONTINUED:

MR. LINFORD A. PIERSON: Mr. President, a supplementary on question number 90. Would the Member state whether membership in the Gun Club is a criterion for obtaining a new licence, or having a gun licence renewed?

HON. DENNIS H. FOSTER: Mr. President, I am not a member of the Gun Club but to the best of my knowledge, Sir, if one wishes to be a member of the Gun Club he applies for membership. If he is granted membership, naturally he will have to use either the Gun Club guns or his own. However, that does not say that he does not have to apply for either importation or to purchase a gun. If a person does not fulfil the qualifications for an applicant he is not going to be granted it, Sir. So I cannot see that people can take it that if they become a member of the Gun Club they are automatically going to get a licence. I do not think that that is the way it works at all.

MR. LINFORD A. PIERSON: Mr. President, that is also not my understanding. My question is, and it is on the basis of information I have received if I may just briefly mention it before I ask the question, which is that in the future a criterion for getting one's gun licence renewed will be that one is a member of the Gun Club, and I was asking the question to clarify this particular point. It is my feeling that one should be considered on the original information given when first obtaining the licence. One should not have to maintain a membership in the Gun Club to have one's licence renewed or to obtain a licence.

HON. DENNIS H. FOSTER: There are certain criteria laid down in policy for a renewal or granting of a new licence. One is a farmer who is operating a farm and needs a gun to help him get rid of vermin and rabbits and so on. The other is if the person is a member of the Gun Club. Now, it does not follow that if one is a farmer, to get his licence renewed he has to be a member of the Gun Club. I would imagine that present Gun Club members will get their licence renewed. I do not see anything to stop it, and if there are new members joining and they are entered into the Gun Club, they will get a licence as well. I cannot make it any clearer.

MR. LINFORD A. PIERSON: Mr. President, I think that there is some confusion. My question is if one is not, and by the way I am a member of the Gun Club, a member of the Gun Club and all other things being equal one qualifies, will one still be granted a gun licence if one so requires?

HON. DENNIS H. FOSTER: I hope that I have it right. If one is not a member of the Gun Club and has had a licence before, one's licence will be renewed. I would think so if there is nothing, I mean to say, such as supposing one has got a criminal record between the last licensing and the new licensing, this might go against one and he might not get it. However, all things being equal I would imagine that one would get it.

MR. D. EZZARD MILLER: A supplementary, Mr. President. One of the questions on the questionnaire says, "Purpose of gun". Would an answer such as to shoot be acceptable for that answer? (LAUGHTER).

MR. PRESIDENT: I am not sure that the Member is really expecting an answer. I think that perhaps we could pass on now. We have had a fair go at that question. We will pass on to the Elected Member for East End's next question. I know that he asked to postpone it but we have since reopened so I imagine that he would like to ask it today.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 91: Would the Honourable Member make a statement on the official delegation to Costa Rica for interviews with LACSA officials, and give the purpose and the cost to Government?

ANSWER: A delegation led by the Honourable Member for Tourism Aviation and Trade, comprising the Honourable Chief Secretary, the Honourable Member for Communications Works and District Administration and the Principal Secretary for Tourism Aviation and Trade visited Costa Rica during the period 18th-21st July, 1985.

The purpose of the visit was prompted by numerous requests from a cross-section of the community to enquire whether or not LACSA Airlines would be interested in providing a service between Costa Rica and Grand Cayman. Meetings were held with senior officials of LACSA on this matter, who undertook to study the request and advise this Government of its decision in due course. To date, no decision has been communicated to Government by LACSA.

The cost to Government was \$1,114.08.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, a supplementary. As the delegation went on airline business could the Member say why the Member who is the Chairman of Cayman Airways was excluded from this visit?

HON. W. NORMAN BODDEN: Mr. President, I believe that the Member who is the Chairman of Cayman Airways was on vacation at the time that this trip was made to Costa Rica. However, with all due respect the Chairman of Cayman Airways really has nothing to do with route rights into the Cayman Islands.

HON. DENNIS H. FOSTER: Mr. President, the Chairman was in London on Government business as far as I know, Sir.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he is aware that any competition from another airline is bound to affect Cayman Airways?

HON. W. NORMAN BODDEN: Mr. President, I am aware of that, Sir, but this would not create any competition for Cayman Airways because if LACSA serviced Grand Cayman to San Jose it was clearly pointed out to LACSA that they would have no traffic rights between Miami and Grand Cayman which would create any competition for Cayman Airways. They would be solely on the Grand Cayman/San Jose sector.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he agrees that if a tourist goes to San Jose instead of Miami, Cayman Airways loses a fare which Cayman Airways would have had if the person had gone to Miami?

HON. W. NORMAN BODDEN: It depends on how the passenger travels, Sir. Cayman Airways could bring a passenger from Miami or Houston to Grand Cayman and the passenger might decide to extend his trip down to Costa Rica. He could buy a Grand Cayman/San Jose/Grand Cayman ticket and return to Miami or Houston via Cayman Airways, or he might even take Republic Airlines.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he agrees that the easy availability of one tourist resort is bound to affect the traffic of another?

MR. PRESIDENT: I think that we are straying a little bit far from the original.

MR. LINFORD A. PIERSON: Mr. President, could the Member state whether there is any truth that the Government is setting the groundwork for the gradual phasing out of Cayman Airways?

HON. W. NORMAN BODDEN: Absolutely not, Mr. President, and if we were I think that we would be looking in the wrong direction, because I do not believe that LACSA would like to become involved again, if that is what the Member is referring to.

MR. PRESIDENT: Let us pass on to question number 92. The Elected Member for North Side.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRAFFIC

NO. 92: Would the Honourable Member state the policy of the national airline - Cayman Airways - regarding the replacement of foreign pilots with qualified Caymanians?

ANSWER: The policy of Cayman Airways is that as and when suitable, experienced and qualified Caymanian pilots become available they will be employed to replace foreign nationals.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask if the policy includes any actions which will speed up the replacement process?

HON. W. NORMAN BODDEN: Mr. President, the replacement process can only be brought about when in the company's view the company's criteria is met by the Caymanians who are in training at the present time, when they acquire the experience which is required by the company. The only way that that can be improved upon is when those Caymanians reach the standard which the company expects and demands.

MR. D. EZZARD MILLER: Is it possible for the Member to define experience as required by the company?

HON. W. NORMAN BODDEN: Well, to my mind and I think the standard which is applied by most airlines in relation to experienced as qualified, to use an example, a young person goes to flight school for two years or thereabouts and he is qualified and leaves there with a commercial air pilot's rating and to my mind he is then qualified to fly certain types of aircraft. Most airline companies set then a policy of requiring that person to have 3,000 or in some cases 5,000 flight hours before they will then employ him as a flight crew member, and that is when the experience comes into play.

MR. PRESIDENT: I think that we have gone on rather later than usual and it may now be convenient if I suspend proceedings for approximately fifteen minutes.

AT 11.28 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.58 A.M.

MR. PRESIDENT: Please be seated.
Item 4. Statements by Members of the Government. The Honourable First Official Member.

STATEMENT BY THE HONOURABLE FIRST OFFICIAL MEMBER:

HON. DENNIS H. FOSTER: Mr. President, Private Member's Motion No. 8/85 which was passed at the last Meeting of the Assembly called for:-

- (a) Rapid progress to be made with negotiation of treaties under which non-Caymanian prisoners could be sent back to their own countries to serve sentences imposed by courts here, and
- (b) All possible steps to be taken to ensure that such prisoners are not kept in prison here meanwhile.

As I explained when the motion was debated the pace at which treaties are concluded is not within our or the United Kingdom's unilateral control. It depends on the willingness of the other states to conclude them.

HON. DENNIS H. FOSTER (CONTINUING): As I also then explained, it would be wholly unacceptable to make any arrangements which resulted in non-Caymanians being in a position to commit crimes here with impunity, because they knew that we should never imprison them locally and could not send them to serve sentences in their own countries.

The motion also called for me to report progress to this House at the present Meeting. As to treaty or similar arrangements:-

- (a) Suitable provision already exists in the case of Jamaica, so Jamaicans sentenced by our courts are regularly sent to serve in prison there once any appeals have been heard.
- (b) It exists in the case of the United Kingdom too and we have asked that arrangements be made for the transfer of the one United Kingdom citizen who is at present a prisoner here.
- (c) The United Kingdom has now ratified a Council of Europe Convention which provides for the transfer of sentenced persons. We have asked that the Convention be extended to cover this territory and we understand that an order in Council providing for such extension should soon be made. Once it has been the way will be open to arrange for transfers of nationals of other states which have also ratified the Convention. Our understanding is that the United States has done this, in which case we can ask that any American prisoners now serving here be sent home.
- (d) We have proposed a prisoner exchange arrangement to the Government of Honduras and await their response. We shall continue to press them.

As to interim measures in respect of non-Caymanian prisoners whom we cannot yet let return to their own countries, a review of the position revealed one anomaly. This was that Caymanians may in suitable cases be released on licence after serving one year or half their sentence, whichever is the greater. However, those non-Caymanians who might have been considered suitable for release on licence are ineligible because they are not permitted to remain here after being released. The effect is that they have had to serve at least two thirds of their sentences. It has now been decided that their cases shall in future be reviewed by the Parole Commissioner's Board in the same way as the cases of Caymanian prisoners, and that when one of them would have been released on licence had he been Caymanian he will, subject to the payment of any fines imposed, be released from prison and at once returned to his own home country.

One non-Caymanian has already been so released. Another has been similarly released as the result of representations by the trial judge concerned.

The overall effect is that the number of non-Caymanians in prison here should be steadily reduced but I do not want to mislead the House. We must expect that some will remain, anyway for the foreseeable future.

MR. PRESIDENT: Item 5. Government Business. (i)
Motions. The Honourable Third Official Member.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 9/85 - CARIBBEAN DEVELOPMENT BANK

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move Government Motion No. 9/85, Caribbean Development Bank, which reads as follows:-

"WHEREAS Caribbean Development Bank, in Barbados (the Bank) advised that by Resolution No. 4/85 the Board of Governors approved on the 15th May, 1985 an increase in the Authorised Capital Stock of the Bank of US\$42,350,000 representing 8,470 shares of US\$5,000 each divided into 1933½ paid-up and 6536½ callable shares, which are reserved for issuance solely to give effect to determinations by the Board of Governors in respect of the admission of Italy - a non-regional state - to membership in the Bank;

AND WHEREAS the allocation to the Cayman Islands consists of 15 shares divided into 3.5 paid-up shares and 11.5 callable shares;

AND WHEREAS it is proposed that the three and one half (3.5) paid-up shares which value is US\$21,111.10 or CI\$17,592.58 should be taken and paid by the Government of the Cayman Islands in five (5) equal annual instalments, the first instalment of US\$4,222.22 or CI\$3,518.52 will be due on 31st January, 1986 and thereafter the remaining four (4) instalments would be payable in each succeeding year not later than the anniversary of the first instalment.

BE IT RESOLVED that the Government of the Cayman Islands exercise its right to subscribe to the fifteen (15) callable and paid-up shares of the Capital Stock of the Bank and that the Financial Secretary be and is hereby authorised to pay to the bank out of the General Revenue a sum not exceeding US\$21,111.10 or CI\$17,592.58 in respect of that portion of three and one-half (3½) paid-up shares in five equal instalments, the first payment of CI\$3,518.52 to be made on the 31st January, 1986."

Mr. President, let me add a bit of clarification. In looking at the Government Motion No. 9/85 which was submitted to the Clerk some weeks ago, we discovered that four of the figures were slightly wrong by use of the wrong conversions from the United States dollar to the Cayman Islands dollar, and the original figures did not take into account also the cost of purchasing the draft from the bank.

Therefore, some figures should be changed. For example the US\$21,111.10 in the Cayman Islands dollar equivalent should be CI\$17,696.80 instead of CI\$17,592.58, slightly less than \$100 difference.

Secondly, Mr. President, the US\$4,222.22 equivalent in Cayman Islands dollars should be CI\$3,537.36. Those two figures also appear in and should be changed in the "RESOLVED" section of the motion.

To elucidate a bit more on the motion, Mr. President, the Board of Governors of the Caribbean Development Bank acting in accordance with the agreement establishing the bank, laid down certain conditions for the admission of new members to the bank, including the condition that Commonwealth Caribbean members should always have a majority of the voting power in the bank and a majority of the number of directors.

HON. THOMAS C. JEFFERSON (CONTINUING): At the time of informing the Cayman Islands of the subscription of the shares there was an application for admission to the membership of the bank by Italy. In order to facilitate such admission, in accordance with the above mentioned conditions it is necessary to increase subscriptions of the Commonwealth Caribbean members of the bank to the Authorised Capital Stock of Caribbean Development Bank. The subscription price per share is a par value of US\$5,000 based on the 1969 weights and fines. Fifty per cent payment is supposed to be made in United States Dollars. This is required under paragraph 2(a) of the Article of the agreement establishing the bank. The other fifty per cent is in local currency which is required under paragraph 2(b) of Article 7 of the agreement establishing the bank.

If we look at the quantum, Mr. President, we are being charged \$21,101.10. When we divide it by 3.5 shares the price to the members is at a premium and that price is US\$6,031.74.

Thank you, Mr. President.

MR. PRESIDENT: The motion before the House is Government Motion No. 9/85. I will not read it in full again as it has just been read. Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NOV 9/85 PASSED.

MR. PRESIDENT: Government business. Item (ii).
Bills.

BILLS

THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985

FIRST READING

CLERK: THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to make provision for the provisional collection of Customs Duties, and matters connected therewith is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move that a Bill entitled a Bill for a Law to make provision for the provisional collection of Customs Duties, and matters connected therewith be given a Second Reading.

The Objects and Reasons of the Bill, Mr. President, are to provide a machinery for any Bill relating to the variations or abolition of any customs duty or to a charge of customs duty upon a new item of goods and to give immediate provisional validity for it.

Mr. President, we have seen during Budget Addresses much long debate on matters related to increase in revenue, and in particular we are talking about customs import duty. As the Budget debate is very time consuming, and looking at the procedure which is used in the United Kingdom where the Chancellor of the Exchequer delivers his Budget Address and

HON. THOMAS C. JEFFERSON (CONTINUING): shortly thereafter produces the Resolution to the House for increases in revenue, which is then passed and put into effect immediately.

The provisional legislation will bring into effect any increase in customs duty or any abolition of customs duty. The Resolution, Mr. President, in United Kingdom procedure is not debated. What is debated is the Bill when it formally comes to the House. That is in this case we will have to put forward a Customs Bill to bring into effect and to remove the provisional effect of this legislation in front of us. So all Members will have an opportunity to debate the Bill. Certainly I am sure that none of the Members wish to prolong the debate and have two debates on the same subject, one when the Resolution is put and the other when the Bill comes.

It is a system, Mr. President, which in my mind is quite useful as in the case of increases in customs duty whenever they occur in a Budget Address. It gives immediate effect and Government reduces the possibility of losing revenue as a result of perhaps not passing the Bill on the same day.

This is mainly the effect of the Bill, Mr. President. It will, in order for the procedure to be effective and similar to the United Kingdom Standing Orders, mean that our Standing Orders will have to be amended. Consideration will have to be given to amendment of the Standing Orders so that we do not have two debates, one on the Resolutions and one on the Bill when it comes. I think that that is fair, Mr. President, and it is in the best interests of this Government when dealing with increases in customs duty.

I commend the Bill to the Members of the House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to make provision for the provisional collection of Customs Duty, and matters connected therewith be given a Second Reading. The motion is open for debate.

DEBATE ON SECOND READING

MR. G. HAIG BODDEN: Mr. President, I rise to object to this Bill. In the past it has not been proved that Government has lost any substantial amount of revenue because there have been delays in the implementation of Law which provided for additional customs duty.

I know that it is correct that a similar Law is in force in the United Kingdom. However, there are two main differences with our situation and the situation there. One difference is that we have a small Parliament with only fifteen Members while the United Kingdom counts its Membership by the hundreds. So it is not a cumbersome matter to pass any Law. By the waiving of Standing Orders revenue Bills can be passed in one day. Also, the other difference which I challenge is the provision in the Bill whereby resolutions can be put into effect by Members of the Government. There is a motion coming up which I will not anticipate, which refers to this Bill, which motion would effectively do away with debate on the resolution at the time of its passage. What is happening here is that this Bill, if passed, effectively does away with the need for presenting a Bill at the time that it is thought to make the increase. The increase can be made by a resolution and under this Bill can be effective, as the Bill says, just the same as if it were a Law, and will remain in force for four months. During that time a Bill would have to be brought.

MR. G. HAIG BODDEN (CONTINUING): I think that it is important to take some time and deal with the difference between increasing taxes by resolution rather than Laws, because that is in effect what happens. The resolution passed in the House would go into effect immediately and would remain in effect for four months. I think that we have strayed far enough from the democratic system which we enjoyed.

In order to raise taxes I think we should pass Laws. It is true that revenue Laws in the past have been dealt with quite speedily, but nevertheless they were Laws and subject to all the checks and balances which are laid down in the Constitution and in the Standing Orders, and as such those Laws were open to the scrutiny of the public, the criticism of the Opposition and could not be railroaded the way this new Bill would make easy.

The reason why we must not substitute taxation by resolution rather than by Law is that the Law goes through many different processes which must be followed. A resolution is not subject to this procedure. If one examines the procedure for the passage of Bills one will know that many things must happen. First of all the Government must decide to have a Law. The Government Member must send a notice to the Clerk that a Bill will be coming to the House. The Bill must have been drafted. The Bill must have gone to Executive Council. The Bill must have passed through Executive Council. If it is a matter of a revenue Bill it must take along with it a certificate from the Governor that he has given his assent to this revenue Bill. When the Clerk receives the Bill, the Clerk has certain functions which are laid down in our Standing Orders. The Clerk must be satisfied that it is drafted in clauses and the schedules are numbered consecutively; that each clause and schedule has in the margin a short note summarising its content; that the Bill has a title and that its provisions do not go beyond the title; that the Bill is prefaced by a short explanatory statement of its objects, and if a Bill makes provision for revenue matters it must have the Governor's recommendation. If the Bill involves the expenditure of public money, then it must set out the financial effect of the Bill and an estimate of the money involved. All these things happen only if the Clerk is satisfied. If the Clerk is not satisfied that the Bill meets all these requirements, the Clerk will inform the Presiding Officer who, if he agrees, will so inform the Member in charge of the Bill and no further proceedings can take place.

If the Bill complies with all the requirements set out under Standing Order 45, the Clerk will then cause the text thereof and any memorandum explaining it to be gazetted. So the copies of it reach every Member not less than seven days before the Bill should be read the first time. When all of this is done the Bill is finally set down for its first reading.

The Bill before the House must go through three different readings. The Bill is voted on separately in each reading and then, if there is agreement by a majority, the Bill is passed by the House. Of course, the Members of the Opposition have an opportunity to debate the Bill.

However, even when the Bill passes the House it is not yet Law because under the Constitution, the Bill must then go to the Governor. Sections 39, 40 and 41 of the Constitution deal with this and the Governor may give his assent. However, if the Governor does not agree with the Bill he is not forced to assent to it. He can refuse to assent to the Bill. He can send it back to the Legislative Assembly with suggestions for amendments.

MR. G. HAIG BODDEN (CONTINUING): However, even supposing that the Governor assents to the Bill, the Bill still must have the sanction of London. The Queen or the Secretary of State has the power to disallow a Bill which has been passed by the Assembly and assented to by the Governor. So there are all these checks and balances to make certain that our laws are not railroaded; are not unfair and are made in a timely manner.

There is another provision in the Standing Orders which prohibits the reading of Bills; that is taking all the readings in one day. This can be changed for revenue Bills by Members agreeing to read the three stages in one day. So, there are many checks and balances provided in the Constitution for the passage of a Law. I think that there is no more important Law than a Law which calls for the collection of customs duty on a new item, which increases revenue.

However, the Members putting forward this Bill knew that it was nonsense because they have included Clause 2(2) which says that:-

"A resolution shall cease to have statutory effect under this section if the provisions giving effect to it are rejected during the passage of the bill containing them through the Legislative Assembly."

So, even when the Bill is brought and put into effect immediately by this temporary measure, they feel that there are instances when the Law itself may be rejected later on. They are quite right, because if they were trying to put in an unreasonable charge, for example suppose they were going to put a 1,000 per cent increase in duty on spearguns to discourage people from bringing them in, they would use this provisional collection Bill together with its resolution, and put in that unreasonable tax to discourage for a time the importation of spearguns knowing full well that later on the Assembly would reject it anyhow.

To show the confusion which exists in the Government, they go on to make provision for the things which will follow upon the implementation of the resolution. It says in section 2(3):-

"Where a resolution ceases to have statutory effect by virtue of subsection (2) or where the period of four months terminates before a law comes into operation providing for the charge of customs duty or, as the case may be, varying or abolishing any rate of any customs duty, any money paid in pursuance of the resolution shall be repaid or made good."

I question how the Government is going to do this. For example, suppose they seek to increase the duties on building material. Well, the merchants would pay the increased duty and the consumer would ultimately pay indirectly because the consumer is the one who pays the duty. The merchant only writes the cheque. When he sells the goods he prices the goods so as to include his customs charges and all other charges which make up the full cost of the goods.

So, how is the Government going to make this refund and let it go back to the people who really paid it, the consumers, because even if the merchant receives a refund on the duty which he paid, he cannot pass that on to his customers because there is no merchant who writes down the name and address and phone number of every customer who walks into his store.

MR. G. HAIG BODDEN (CONTINUING): So how are they going to refund my duty on a pound of nails which I bought in Kirk Plaza? They will not know who bought the pound of nails on a certain day. They will not know who bought a screen door or a padlock. So, it is not possible to refund this customs duty, because it is a customs duty charged on goods which are sold in the shops without any records being kept. If the merchant does receive a refund under this Bill because the Bill was not approved in the Assembly, he will really have a bonanza for his cash register but the real people who paid the duty would have suffered the loss.

Then the Bill goes on to say:-

"Any deduction made in pursuance of the resolution shall be deemed for all purposes to be an unauthorised deduction."

In other words, if the duty had been taken off instead of increased they are saying that, "Although you brought in those goods duty free, you now have to pay the duties". So, suppose the merchant had brought in goods for his store, dresses, underwear, shoes, costume jewellery or the many accessories which a lady needs to bedeck her in proper fashion, how in the world would those people who bought those duty free goods be able to be specifically charged by Government to pay the duty which the actual passage of the Law had brought into effect?

So, one can see that this is totally unworkable. If we pay duty or if we do not pay it according to the Law that is the end of the matter. There is no way that we can go back to the many merchants in the Islands and they can tell us who bought a handkerchief or a necktie yesterday, or even a can of sardines. It is utter nonsense.

This Bill is unnecessary. We have had no problems with the collection of duty in the past. Every merchant, every person importing has paid the duty demanded by Law. Customs have full control because the goods are in the warehouse; full control of the warehouse keeper and the customs, and no person should be allowed to take out those goods until the duty has been paid. It is true that sometimes a little time might elapse from the bringing forward of the Bill, but I am asking today what is the big reason for worrying about the loss of import duty on a specific item for one day or one week?

MR. PRESIDENT: Is the Honourable Member nearing the end of his speech or does he intend to speak for some considerable further time?

MR. G. HAIG BODDEN: Mr. President, I would care to speak for a much longer time.

MR. PRESIDENT: Well, in that case I think that perhaps we might suspend proceedings until approximately 2.15 p.m.

AT 12.42 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.25 P.M.

MR. PRESIDENT:

Please be seated.

Resumption of the debate on the Second Reading of the Provisional Collection of Customs Duties Bill, 1985. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, my main concern is with Clause 2(1) of the Bill which reads in the opening line:-

"Where the Legislative Assembly passes a resolution."

In the Bill we are not given any explanation at all about this resolution. We do not know to what extent and in what fashion this resolution will be presented. In my mind, the extent to which the Government will go is debatable and verges on the field of philosophical speculation. I can only believe that the resolution which will be used will be similar to the one contained on page 375 of Erskine May dealing with motions without notice. That particular Standing Order makes provision for certain motions to be passed without notice, and it is my belief that this is what the Government has in mind. I am not too concerned with the bringing of the motion without notice, but I trust that if the motion is brought without notice that the Members will be given full and ample opportunity to debate that motion, because on page 375, the paragraph which deals with motions made without notice does not preclude debate upon those motions.

As no example of the motion is given as an appendix to the Bill I can only assume that we will have to make drastic changes in our Standing Orders. I am aware of the item on the Agenda to change a Standing Order and I am not anticipating the debate because I know that under our Standing Orders there will be no debate on that particular motion when it arises, since amendments to the Standing Orders as was done in previous sittings here, will just stand committed to a Select Committee who will deal with the motion.

MR. PRESIDENT:

Perhaps it would help the Member.

It is perfectly true that a motion to refer something by way of an amendment to Standing Orders cannot be debated. However, when the Select Committee on Standing Orders reports, its report can be debated.

MR. G. HAIG BODDEN:

I understand that perfectly, Mr. President, but that is debate after the fact. That is debate after the Standing Order has been changed. My opinion is that debate after the fact is a waste of time.

Once the Select Committee has made up its mind and the Standing Committee which we now have established for dealing with our Standing Orders, which is made up of the Members of this House, agrees on anything, it would be foolhardy to attempt to change what the Committee has brought back to the House, because the Committee is in essence made up of the Members of the House. That is why I am concerned with the phraseology of this change which would require this customs motion to be put forthwith, which means without any debate at all, and any opposition would be stifled.

MR. G. HAIG BODDEN (CONTINUING): I believe that if we go this route we are not following the tradition in the United Kingdom where motions without debate or motions without notice appear to be wide open to ample debate. If I may quote this section:-

"MOTIONS MADE WITHOUT NOTICE. Certain procedural motions relating to the transaction of business may be made without notice. These include motions made immediately after second reading, that a bill be committed to a Committee of the whole House, a select committee or a joint committee or, under sessional order, to a special standing committee; motions for giving provisional statutory effect to any proposals in pursuance of section 5 of the Provisional Collection of Taxes Act 1968; and motions for the consideration of Lords amendments forthwith."

However, the particular motion without notice dealing with the giving of provisional statutory effect under the provisions of the Provisional Collection of Taxes Act does not preclude debate on the motion. So it would be wrong for us to allow our present Standing Orders to be changed to facilitate this Law, in order that the motion itself for the implementation of the tax could not be debated. This is undemocratic. I feel that it is communistic. It may be one thing not to debate a procedural motion like the closing of a debate. However, not to debate the implementation of a tax measure is taxation without any representation, because that taxation would go into effect without the minority having an opportunity to voice their dissent if there were any dissent. It would also be undemocratic in that the Elected Members would not have any say in the timing of the tax or the reduction of the tax, whatever it may be.

This is the reason why I am concerned with this Bill. We already have adequate provision for the passage of revenue Bills. Many times in the past they have gone into effect in one day. This Bill is specifically aimed at the Budget Session of the House. When the Budget Address is presented it normally outlines new tax measures and it has been the custom in the past to put those tax measures into effect as soon as possible. This has always been done by dealing with the revenue Bills before we go on to other business, or go on even to the debate on the Appropriation Law.

However, here by resolution we will be able to put the tax into effect with the Bill still not passed through the House. The Bill may be brought at the time, but certainly it has not fulfilled its process. It has not passed through all the stages which have made it into Law. This type of legislation introducing taxation through resolutions rather than by Law is wrong.

I explained my opinion of why it may be necessary in a large Parliament. Here, a Meeting could be summoned in fifteen minutes by calling the fifteen Members on the telephone and we could put a Meeting together very hurriedly. In the United Kingdom, if the House was in Recess and it was necessary to put a Meeting into effect it would take a long time, I imagine to summon the four or five hundred Members of Parliament to a Meeting when they might be on holiday or perhaps even abroad. However, here in a small community there is no need for this Bill. We did not hesitate to depart from the British tradition when we passed the Drugs Law, when we violated the Human Rights Convention. We did not worry about what they did in the United Kingdom. The fact that the British Law presumes a man to be innocent until proved guilty did not bother our consciences then. So, why do we need to follow to the letter this Provisional Collection of Customs Duties Bill. Even if we were following it to the letter it would not be so bad.

Mr. G. HAIG BODDEN (CONTINUING): However, it appears to me from what we have seen that the motion to trigger the effectiveness of this Provisional Collection of Customs Duties Law, 1985 is altogether different from the resolution used in the House of Commons, where the Members are allowed to debate the motion.

We know that certain motions under our Standing Orders here are motions which can be put without debate. That is fair enough because they are of a trivial matter. However, the implementation of a tax is certainly a trivial matter and should be aired fully so that the debate on it can go on Radio Cayman and the public can hear it even if they are helpless to stop the motion.

In conclusion I would say that if the Government had put forward any statistics to show that they had suffered any hardship because a particular revenue Bill had not gone into effect immediately. Or if they had put forward any statistics to show that the public had suffered because the duties had not been removed from any item immediately, I would say that there could be reason to examine this Bill. However, having not built a solid case for it, I think that it is wrong to make a mockery of our Constitution and to make a mockery of our Standing Orders by attempting to use the devious route of resolutions to circumvent the process of the passage of a Bill.

This Bill is bad and only highlights in my mind the confusion which has existed in the minds of the new Government from November last year. I can see nothing good to be gained by the passage of this Bill except to have on the books a Law which serves no purpose in that it does not help Government's revenue. It does not help the business people. It does not help the residents of the Islands and the books would have on them a Law where some of the sections as I showed earlier are totally unworkable.

Mr. President, I assure you that if there is only one vote against this Bill, that vote will be mine.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I rise to support my Honourable colleague the Third Official Member in this presentation of this Bill to this Legislative Assembly.

What this Bill proposes to do is to introduce a system the structure of which is very similar to that in use in the mother of Parliaments, in the House of Commons. In that Assembly there is and has been on the Statute Books since 1913 and a revised version was enacted in 1968 entitled a Provisional Collection of Taxes Act. The provisions there in that United Kingdom legislation which we are seeking to enact for our own Legislative Assembly here, provide a system whereby the customs, and we are limiting it to customs and not general taxes, duties which are being proposed by the Honourable Financial Secretary in the Budget Address are enabled to be brought into immediate effect and to prevent avoidance of customs duty and a loss to the revenue of the country.

The Honourable Member who spoke just before me made much ado about the fact that there was no necessity for it and no danger for it. In my opinion, Mr. President, there is one very important criterion which has been overlooked. That is that there exists a system of customs imports here which are not made through the physical bringing into the country at a certain time of customable effects, but a system of bonded warehouses which contain in very large quantities items such as tobacco, cigarettes and intoxicating liquor which traditionally are the subject of variations in

HON. MICHAEL J. BRADLEY (CONTINUING): budget proposals and which traditionally attract a high amount of duty.

It would be possible if there was undue delay between the proposals being made in the Budget Address and their legislative implementation, for persons having the facilities of bonded warehouses, and it is not only those cases I have mentioned; I can think of others such as motor cars being brought in under bond, knowing the duties were going to go up immediately, to proceed on the same day before the Law come into force to take all those items out of bond and make a considerable profit for themselves. It has not happened to date, as far as I am aware in any great substance because of the sense of duty and conscience which the holders of bonded warehouses have. However, Members should bear in mind that the possibility does exist. It is for that possibility and to make the running and working of this House smoother and easier that my Honourable colleague seeks approval for this Bill which he is proposing.

There is, however, one more point which I want to stress. Much play has been made about the fact that the procedure to be adopted will provide, if this Bill is passed, for a resolution to be introduced to this Assembly and passed without debate. As has been stated that after examination of Erskine May that this is not what happens in the United Kingdom. For the benefit of persons who are not Members of this House may I clarify that Erskine May is the definitive handbook on United Kingdom parliamentary practice; that it has been used as the Bible of parliamentary procedure for 139 years all over the world in Commonwealth Parliaments, and it is the book and the procedures contained in that book to which we refer on each occasion that our own Legislative Standing Orders are silent.

I would never at any time infer that any Member of this House would seek not to present the truth and the full truth and I think that it must be on that basis that the previous Member speaking has omitted to cast his mind to pages 831, 832 and 833 of Erskine May on parliamentary practice and procedure. Because, Mr. President, it is a matter of considerable importance to the people of these Islands and to the Members of this House I will seek your indulgence to read out at a little length what is said there concerning the manner in which budget statements and proposals are made in another Parliament.

At page 831 in Erskine May under the title, "Financial Statement and Budget", the following appears:-

"The consideration of the financial statement for the year made by the Chancellor of the Exchequer,"

which is the equivalent of our Financial Secretary:-

is the most important business of Ways and Means. This statement, familiarly known as 'the budget', is made when the Minister has completed his estimate of the probable income and expenditure for the financial year. In it the Chancellor of the Exchequer develops his views of the resources of the country, communicates his calculations of probable income and expenditure, and declares whether the burdens upon the people are to be increased or diminished. The economic aspect of the budget is important and taxes are imposed for their economic effects as well as for raising revenue to meet the expenditure for the year. The annual Financial Statement and Budget Report is made available immediately at the conclusion of the budget speech, as are the terms of the budget resolutions.

HON. MICHAEL J. BRADLEY (CONTINUING):

The resolutions which form the usual basis of the Chancellor's statement are the resolutions for the continuance, during the financial year, of income tax and corporation tax, and the imposition of any new duties or alteration of permanent duties necessary for the purpose of adjusting the revenue to the expenditure of the year; and upon these and any other necessary resolutions, the bill is introduced which gives legislative effect to the financial purposes of the Government.

Special procedure on budget resolutions

The procedure in respect of the budget resolutions, on which the Finance Bill is introduced, differs from the ordinary procedure on Ways and Means resolutions since the House must be at liberty to consider the resolutions proposed by the Chancellor of the Exchequer as forming together with existing taxation, a complete scheme of revenue to be debated as a whole; and must also be at liberty to consider expenditure in its relation to the burden of providing the necessary revenue. A general debate, which is on the broadest lines, is accordingly allowed, comprising all these resolutions and any financial resolutions necessary to the budget. To permit this, the debate takes place upon the first resolution proposed - generally that for the purpose of amending the fiscal law - and continues for about four days at the end of which the question is put on the first resolution and, then, under Standing Order No. 114(3) the questions are put forthwith upon all the resolutions upon which the Bill is to be brought in. The consequences of this procedure are on the one hand to permit mature consideration of the budget resolutions (which by their nature must be secret until the financial statement is made) before the House is required to pronounce upon them, but on the other hand to prevent individual consideration of the resolutions and to deny the opportunity of amending any of the resolutions save the first. If two bills are founded on the same series of resolutions, the first resolution for the second bill does not have to be put forthwith under Standing Order No. 114(3), and a special motion needs to be passed at the commencement of public business to make this obligatory.

Provisional collection of taxes

As explained above, the practice following the budget statement is for a general debate to take place on the first Ways and Means resolution (normally that entitled 'amendment of the law') and for the questions to be put on all the resolutions upon which the Finance Bill is to be founded at the end of the last day of the budget debate. Provision has first to be made, however, for giving immediate provisional validity to those proposals which are to come into force (many of them on budget day itself) before specific statutory authority can be obtained. This is done under the terms of the Provisional Collection of Taxes Act 1968, as amended by section 1(5) of the Finance Act 1972, and under section 50 of the Finance Act 1973.

Section 5 of the Provisional Collection of Taxes Act provides that provisional validity may be given to specified budget resolutions by means of a single motion. This omnibus motion is made immediately after the conclusion of the budget speech and the question is put thereon forthwith under Standing Order No. 114(2)."

HON. MICHAEL J. BRADLEY (CONTINUING): May I repeat that, Mr. President, Sir, because I think that it is vitally important:-

"This omnibus motion is made immediately after the conclusion of the budget speech and the question is put thereon forthwith under Standing Order No. 114(2). The budget resolutions thus given provisional force must be passed within the next ten days on which the House sits for their validity to be continued."

If any Member wishes to read more he is free to do so at page 833. However, the relevant portion of that and the important portion of it is that in procedures sought to be introduced to this House by this Bill before us and by an amendment of Standing Orders, is the procedure adopted in the mother country by the mother of Parliaments and the resolution which is proposed in that mother of parliaments is put immediately and forthwith, which means without debate.

Mr. President, Sir, I have no hesitation in advocating that this House, in order to prevent the invasion of duty in the future and to permit the smooth running of Government, enact this legislation and amend our Standing Orders to provide the procedure which is provided in the United Kingdom.

Thank you.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, unfortunately I cannot support this Bill in its present form. Like the Government has said in the past regarding my Private Members' Motions, I can agree with the spirit but not with the body.

I fully realise the necessity for Government's revenue measures to have immediate effect to reduce any loss of revenue to the country. However, Sir, I would be much happier with this Bill, and in fact I could support it if the resolution was put forthwith with the understanding that the revenue Bill was going to follow immediately through its three reading processes and be enacted therewith. However, Sir, when this Bill gives them four months before they have to present the revenue Bill to be enacted into legislation, I think it is too long. I believe that there are certain dangers which can occur and although the Bill in section 2(3) allows for re-compensation of people who may have been charged under the revenue resolution, that compensation is going to be very difficult to define, because even though with the people who are affected one could determine, for instance, under a customs duties amendment what duty was paid, those people were out of pocket for four months. It is not only four months, Sir, because normally it takes about four months to get a Bill enacted into Law when it goes through the normal process by the time it is assented by the Secretary of State, the Governor and everything else. So we are looking at an eight month period before Government has the Law and it can be effective for this revenue resolution.

Do you have a point of order, Sir?

If the resolution, Sir, was brought simply to make the revenue measures effective immediately, and the Standing Order was amended so that the Bill concerning those revenue measures was brought immediately following the passing of that resolution, I could support it because it would then give us the opportunity there and then to debate the merits and demerits of it.

The learned Honourable Second Official Member has just gone into great detail to explain the justification through Erskine May and I hope that I am not misquoting him, but I think that he did read that the Bill had to be presented within ten days.

HON. MICHAEL J. BRADLEY: On a point of information. Thank you, Mr. President, and I thank the Member for giving way. No, what I read out was that the omnibus resolution which incorporates all the proposed changes under all forms of legislation is voted on without debate. Thereafter there is a ten day period and within that ten day period a series of other resolutions under separate acts of Parliament must be made. Their procedure is not that they have to pass a Bill. They merely have to pass resolutions which is a much more simple procedure than ours. So what happens is ten days after the non-debated motion, debated resolutions are to be introduced. Our equivalent would be the debated Bills it is fair to say.

MR. G. HAIG BODDEN: Mr. President, may I read what it says for the information of the House because there is some confusion?

MR. PRESIDENT: I wonder if you would like to first check whether you are using the same edition of Erskine May?

MR. G. HAIG BODDEN: This is the twentieth, Sir. It says:-

"The budget resolutions thus given provisional force must be passed within the next ten days on which the House sits for their validity to be continued."

MR. PRESIDENT: I think that is what the Honourable Second Official Member just said.

MR. G. HAIG BODDEN: I do not think so.

MR. PRESIDENT: It is what I understood him to say.

MR. D. EZZARD MILLER: Anyway, Mr. President, I think that after all of the legal clarification the fact remains that in the mother of Parliaments the equivalent resolutions must be passed within ten days, and here we are asking for four months.

Because we are a smaller Parliament, and because it is easier for us to get together we do not need ten days. I think that it can be done immediately after the resolution is passed. We can then deal with the revenue Bill. The resolution can have the same effect in that the revenue measures are effective and whatever they are, the money can be collected into the Treasury.

The point I am trying to make, Sir, is that I do not think that we should be given four months. I think that it should be immediate. The ramifications of the legal terminology do not concern me.

So, Mr. President, if Government is prepared to allow that the Bill be brought immediately after the resolution and give us the chance to debate it, and the public can thereby get the information concerning the Bill, I can support Government introducing the system of enacting revenue measures by resolution. However, if they are going to have four months I cannot support it, Sir.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak?
The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, this Bill entitled the Provisional Collection of Customs Duties Bill, 1985, seeks to provide the machinery for any Bill relating to a variation or abolition of any customs duty, or the charge of customs duty upon a new item of goods to be given immediate provisional validity.

The amendment Bill goes on to say, Mr. President, that such provisional validity is contained in section 2 of the Bill. The mover of the Bill, Mr. President, must be congratulated for a very good job in his presentation, as in the case of the Honourable Second Official Member of Executive Council. What is somewhat disturbing, Mr. President, is the constant and repeated reference to what obtains in the mother country. While I realise and appreciate, Mr. President, that our Legislative Assembly, our Constitution, Standing Orders and guidelines for our Government model somewhat on the United Kingdom system, I cannot accept, Mr. President, that merely because something obtains in the United Kingdom Parliament that it is necessarily good for the Cayman Islands.

We were told that the Provisional Collection of Customs Duties Bill will assist in reducing the possibility of losing revenue. The Honourable Second Official Member, Mr. President, went on to say that the fear of Government if such a Law is not passed is that there is the possibility of merchants and others in this country with bonded goods or otherwise taking advantage of a few days grace and pulling their goods out of the warehouse and evading the due taxes on those goods. This in itself, Mr. President, would indicate to me that that Member, whether he is speaking on his own behalf or on behalf of the Government, thinks very little of the commercial and business community. I cannot support this view, Mr. President, that our merchants in this country would reduce themselves to such a situation. This, Mr. President, he stated was one of the main reasons for this Bill. Mr. President, I find this reason to be very flimsy indeed.

Mr. President, section 2(2) of the Bill states:-

"A resolution shall cease to have statutory effect under this section if the provisions giving effect to it are rejected during the passage of the bill."

Mr. President, I can hardly see this Honourable House passing a resolution after having considered the resolution, and within four months coming back to this Honourable House and rejecting it. While this is certainly a possibility, it is highly improbable.

Section 2(3) of the Bill, Mr.

President, states:-

"Where a resolution ceases to have statutory effect by virtue of subsection (2) or where the period of four months terminates before a law comes into operation providing for the charge of customs duty or, as the case may be, varying or abolishing any rate of any customs duty, any money paid in pursuance of the resolution shall be repaid or made good, and any deduction made in pursuance of the resolution shall be deemed for all purposes to be an unauthorised deduction."

Mr. President, I could see such a procedure creating utter confusion. I believe, Mr. President, as I have said in this Honourable House on many occasions, if we are going to consider the introduction of Bills or amendments to present Laws, that such considerations must be in line with consideration of the interests of the people of this country.

MR. LINFORD A. PIERSON (CONTINUING): I do not think, Mr. President, that this Bill is in any way enhancing or improving what we already have in operation. While I have much confidence in the Executive Council of this country, I do not believe that they should be given carte blanche authority to impose any form of taxation in this country without this matter receiving debate in this House. We could conceivably have a situation where direct taxation is brought about without the proper debate being given before it is brought into operation.

Unlike the Honourable Elected Member for North Side who stated that he could see the necessity for this Bill, Mr. President, I am afraid I cannot see the necessity for this Bill. While the Honourable Second Official Member was debating this Bill he took a lot of time to go into the details of what obtains in the United Kingdom. As I said, Mr. President, I have every respect for the parliamentary system of Government but do not necessarily believe that this Bill is in the best interests of our country and people.

Mr. President, I am going to create history by making this a very, very short debate. However, I would say in closing, Mr. President, that in its present form I am afraid that I am not able to support the Bill before us.

Thank you, Mr. President.

MR. PRESIDENT:
of Executive Council.

The Honourable First Elected Member

HON. BENSON O. EBANKS: Mr. President, I support the Bill shortly entitled the Provisional Collection of Customs Duties Bill, 1985. The Bill has been given many interpretations and many alternative procedures have been suggested. However, I would like to make a few points on some of those procedures, Mr. President.

The Second Elected Member for Bodden Town, for example, gave all the virtues of a Bill as opposed to a resolution. Yet, in the same breath he suggested that revenue measures could be passed by simply suspending the Standing Orders which give all of the validity to the procedures to be followed in respect of a Bill. This motion, Mr. President, as has been said by Honourable Members from this side of the House, seeks to give protection by means of a resolution which gives provisional authority for the collection of import duty. It does not stifle debate. The resolution is voted on and hopefully passed, and then the debate takes place on the Bill which gives validity to the resolution.

One Member mentioned that it would in fact take eight months to go through the normal procedure if the Bill was not brought until four months after the resolution. However, this is not what the Bill says. What the Bill says is that a resolution ceases to have effect if a Bill has not been passed giving validity to the resolution within four months. So why the time of four months has been put here is to permit a Bill to be taken through all of its stages including disallowance, in my opinion, by the United Kingdom. As the Member quite rightly said, basically that takes in the normal course of events, about four months.

It would be the practice and the intention I am sure to bring the Bill containing the amendments at the same Meeting as the resolution is brought. The Second Elected Member for Bodden Town said that the mover had not quoted any statistics to prove the necessity for this Bill. I am going to remind him of one statistic and that is that in March this year we stayed here until 9 o'clock in the evening to pass the revenue Bills, and we only succeeded in doing it then after one Member had invoked several times the closure of debate motion.

HON. BENSON O. EBANKS (CONTINUING): It has rightly been pointed out that revenue measures must have, and particularly customs measures, immediate effect, otherwise they can be abused. This is so in just about every other Parliament I can think of and it has certainly been explained how it works in the House of Commons. If more statistics or more reasons are needed, one need only refer to that same March Meeting of this year when the Member who has been most vociferous in opposing this and his colleague did not want to debate the Bills because they had not had notice of them. They said that they could not debate them intelligently. That is my recollection. Now, Mr. President, if the provisions intended to be legislated can be given provisional effect by a resolution, then the process of distributing Bills for Members to study them, and in fact distributing them to the public, can be achieved. However, without machinery such as is being proposed by this Bill, it would be impossible to ever give notice of any increases or variations suggested or contemplated in customs duty.

The Second Elected Member for Bodden Town said that the Bill did not give any indication of what the resolution would look like. Mr. President, clause 2, subsection (1) (a) and (b) say what the resolution must contain.

This Bill only bites when the Assembly passes a resolution which:-

- "(a) provides for a charge of customs duty upon a new item of goods, or for the variation (with or without modification) or for the abolition of any rate of customs duty, under the Customs Law (Second Revision); and
- (b) contains a declaration that it is expedient in the public interest that the resolution should have statutory effect under the provisions of this law."

Then the resolution shall:-

"for a period expiring at the end of four months after the date on which it is passed, have statutory effect as if contained in a law."

It is important to note that there is no provision to extend the period of four months mentioned here. In fact, under subsection (3) it ceases to have statutory effect if the Bill is not brought within the four months period.

So, it is obvious, Mr. President, that the intention is that the Bill will be brought at the same Meeting as the resolution. Members will have ample and full opportunity to debate the Bill even though they have not had an opportunity to debate the resolution.

However, Mr. President, I would also like to remind Members that there are provisions in this country for imposing fees without even coming to the Legislative Assembly, so that all measures of revenue are not debated always. There are provisions under regulations to increase fees in certain instances, and this has been done in the past and these increases have been substantial. To my knowledge, the work permit fees, liquor licensing fees, planning fees and all such fees are passed by resolution, or by regulations which never come to the Legislative Assembly for debate. So, this would not in fact be the only occasion on which charges would be imposed without debate if that were the case.

HON. BENSON O. EBANKS (CONTINUING): However, in this case a Bill must be in place within four months to give statutory effect to the increases. When the Bill is going through its passage in the House there is ample time to debate it.

So, Mr. President, there is nothing communistic or undemocratic about this process. I have no hesitation, Mr. President, in supporting this Bill. In fact, I have felt that if I have to say anything about the Bill, it is long overdue and possibly could have gone further. However, sufficient unto the day this Bill will enable the Honourable Financial Secretary or the Government to ensure that any change or increase in particular on customs duties are collected by the Government for the use and benefit of the people. The Bill will give an opportunity for debate and as I said before there is nothing undemocratic or communistic about this Bill. It is a straightforward revenue Bill as practiced in other Commonwealth democracies.

Thank you, Mr. President.

HON. VASSEL G. JOHNSON: Mr. President, I rise to support this Bill. I know that earlier in the day we listened to a long presentation of the process of a Bill into a Law. Then we were told that what was being proposed in this Bill was a communistic move and that the democratic system of process was preferred. I wish that instead of making that long kindergarten presentation of the process of a Bill into a Law the opportunity was taken to enlighten us and to tell us something about the democratic process which apparently, according to the Opposition, the Government Bench is not too aware of.

Mr. President, it is regretted when the public listens to the debate of this Honourable House on the radio and not having the benefit of seeing or knowing the contents of the Bill, that they will leave with the belief that what they heard was correct when in truth and in fact there is an attempt to distort and mislead the public as far as these presentations are concerned.

Now, Mr. President, what we are really asking in this Bill is immediate effect of certain tax matters. I believe that in order to achieve this we should come here, discuss this matter with Members and see how best we can arrange this. What course do we take to obtain that result? Mr. President, having been responsible in this Legislative Assembly for this subject for a long period of years, seventeen years, I have learned by experience some of the difficulties in moving a tax Bill to this House. In fact, we had to find a procedure which was acceptable to Members of this House and when I say Members, Mr. President, I mean more especially the Opposition because they can give us a warm time, not only in trying to put this Bill through but in all the processes which will come forward in future years under this particular legislation. So, it is good when we can sit down, discuss it and come to some reasonable understanding where people will accept the process of obtaining immediate effect for certain tax Bills.

In the past, which I referred to a while ago, the eventual procedure which we found to be most acceptable was that a fiscal committee was appointed by Executive Council. This happened, Mr. President, from the days when we brought in a fiscal advisor to advise us on these matters. The fiscal committee appointed by Executive Council would include a Member of this Honourable House. It would be chaired by the Honourable Financial Secretary. About two months before the presentation of the Budget an assessment would be made to determine the sort of new revenue which we would need to supplement the new Budget, and the committee would set to work. They would go through all the departments of Government to get recommendations.

HON. VASSEL G. JOHNSON (CONTINUING): They would sit down and they would study these. There were times when very, very confidentially the committees would discuss certain people in the private sector who were directly concerned with this subject, whom they knew revenue would affect. When there was a reasonable understanding the fiscal committee would formulate its recommendations and put them before Executive Council. Following that draft Bills would be prepared. They would be held and about a week before the Meeting of the Legislative Assembly the Honourable Financial Secretary would send these special Bills under very confidential cover to all Members of the Legislative Assembly advising them of the arrangement which was being proposed by Government to have these Bills presented immediately following the Budget Address. We found that this worked quite well, Mr. President, and in fact we had absolutely no problem with the Bills when they were presented. They received First, Second and Third Readings the same day and those which would come into immediate effect were made Law the next morning and implemented.

Mr. President, some of the reason why this procedure was eventually found to be the most acceptable is that when it comes to imposing new or increased rates of customs duty, consumers have to pay this price immediately, the new duty. If an adjustment is to be made to it later on, even four months down the line then it is going to be difficult for the importers to refund to the consumers any part of the new revenue. Had we been dealing alone with importers, then it would have been a different matter. So, this was one of the reasons why eventually it was discovered that the immediate presentation of the Bills following the Budget Address was perhaps the right process. I know that in the debate the Elected Member for North Side suggested this, that the motion should come forward but that this should be followed immediately by the Bill and be dealt with. I think that that is a procedure which we might want to look at. It has merits and we should certainly not throw it out of the window.

Mr. President, I know that as time goes by we, whether it is in the Legislature or in Government, usually look at improving methods and systems and procedure. What was good for my days might certainly not be good for the present day, and I take it that that is really the reason why we are looking at this Bill today. I have no problem in accepting what is presented here because, Mr. President, I can give the assurance that any proposals put forward for the increase of revenue, taxes or whatever they might be, that they are going to be examined very carefully before they are presented here.

So, Mr. President, as far as this Bill is concerned I support it, and as I said a while ago, I also support the views given by the Elected Member for North Side that the process as recommended in this Bill should be linked with the immediate presentation of the Bill and that this be looked at and dealt with as early as possible.

Thank you, Mr. President.

MR. PRESIDENT:

I think that it is a good deal past the time when we normally take our afternoon break. I am afraid that I should have suggested it before the Honourable Member spoke but I was distracted. I will now suspend proceedings, I suggest for about ten minutes.

AT 3.39 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4.00 P.M.

MR. PRESIDENT:

Please be seated.

The Provisional Collection of Customs Duties Bill, 1985, Second Reading. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Most Bills in this House take only a day or at the most two days to debate and pass with Government's majority, which it is always assured of. I have not heard yet, Sir, why this Bill is a must, at least I am not convinced that it is a do or die situation. We must always have revenue measures and although I support the idea behind revenue measures being effective immediately by resolution to prevent any abuse of the revenue measures or any loss of revenue, I must support the alternative as given by my colleague the Elected Member for North Side. I feel that Bills regarding revenue measures should be moved through the normal passage into Law immediately following the vote on the resolution so that all Members can have their say and the public which we are here to protect can always be informed.

I am a Member, Sir, who believes that I should have my say on any matter which is brought to this House. Some things we cannot debate but this is one I feel which should be debated. So, an amendment will be put by the Elected Member for North Side and if Government will accept his amendment I will support the Bill. I feel that if the mother country can do the same thing in ten days, why is it necessary for Government here to be allowed the latitude of four months. Even though, Sir, the Bill could be brought before that four month period the fact is that the life of that resolution without the Law is four months. Four months is too long a period so I oppose the Bill in its present form, because I feel that Members should have always a right to speak on any matter in this country which is brought to this House. I oppose it because I feel that the four month period is too long.

That is all I have to say, Sir. Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?

The First Elected Member for the Lesser Islands.

CHAIR. MABRY S. KIRKCONNELL: Mr. President, a Bill for a Law to make provisions for the Provisional Collection of Customs Duties, and matters connected therewith now before this Honourable House does not give me great concern. I have listened attentively to all the debate here today and I do not worry as long as something is passed and I as an Elected Member representing my constituency have the opportunity to cast my vote. I do not place so much emphasis on long debate. I say what I have to say in very few words. Therefore the lack of a debate on this resolution would not concern me. What concerns me is that revenue Bills which are necessary for the successful operation of our Government be passed as expeditiously as possible.

I thank the Honourable mover of the Bill, the Honourable Third Official Member for his explanation and also the Honourable Second Official Member who quoted Erskine May. I would support the motion made by the Elected Member for North Side who said that the period of four months would be too long and could be shortened.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): I feel in Committee Stage if that is possible and could be considered, it would make it more acceptable. Other than that, Mr. President, I support the Bill and I ask the other Members to give it their support as well.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes, Mr. President.

We have seen over a period of years, Mr. President, much change in the Cayman Islands, much progress, many different Private Members' motions, changes taking place, Mr. President. How we presented a Budget ten years ago is not necessarily the way we should do it this year, next year or ten years from today. The Bill which is before us seeks to streamline the process of dealing with the increase of revenue. We can only look back to the Budget Meeting in March and remember the long deliberations over debate on the Customs Bill. I also recall, Mr. President, the confusion in the minds of some of the merchants who immediately increased the customs duty on cigarettes only to hear that it does not come into effect until the Bill is assented to and gazetted.

This Bill, Mr. President, that is the Provisional Collection of Customs Duties Bill, 1985 is a Bill which seeks to set a procedure for additional revenue which is found necessary to meet the expenditure in the following year. To try to elucidate on how I see the procedure working, Mr. President, in the Budget Address there is always a section dealing with new revenue measures. If those revenue measures include increase in customs import duty or the abolition of customs import duty the resolution would be put following the Budget Address and the vote taken straight away provided we all agreed to amend the present Standing Orders.

This will give us the validity to collect customs import duty from that day onwards. The Bill which has to be brought to the House and is normally brought to the House in the same Meeting, we have no intention of changing that, Mr. President. That will remain the same. Let us stick with our example of increasing customs import duty. The amendment to the Customs Law will come in the same Budget Meeting.

The reason for various clauses of the Bill is to allow for the authority just in case a Bill is presented to this House and it is not passed, to refund the duty collected. It has been recited already, Mr. President, that the procedure is one which is taken from the United Kingdom Government where the motion is made immediately following the conclusion of the Budget Address and the question is put forthwith in accordance with United Kingdom Standing Order 114(2) which reads:-

"A Minister of the Crown may without notice make a motion for giving provisional statutory effect to any proposals in pursuance of section 5 of the Provisional Collection of Taxes Act 1968 and the question on such a motion shall be put forthwith."

There was a mention, Mr. President, about the process of dealing with Bills which come before the House and the procedure laid down in the Standing Orders. I am sure that the Member was not confused but just for the record, Mr. President, Bills dealing with increase in revenue are not circulated to the Members prior to the presentation of the Budget.

HON. THOMAS C. JEFFERSON (CONTINUING): Let me say, Mr. President, there is no attempt to railroad anything by me. The reason for the Bill is to create a smooth system of dealing with increase in customs import duties because the present situation, to my mind, creates too much time in dealing with it. First, the Bill has to be brought to the House. It is debated. Shall we say that it is passed. It has to be printed. It has to be proof-read. It may need corrections as a result of that proof-reading and then it has to be gazetted. If any process falls down along the way, Mr. President, the Bill is not law, maybe for a day, maybe for three days, maybe for a week, maybe longer. However, while all of that nonsense is taking place, Mr. President, Government is not collecting the duty which is due. We are constantly asked for more and more money to spend on services which are needed by members of the public. I would like somebody to tell me how this is going to happen if we do not have a process of dealing with revenue and safeguarding revenue and the loss thereof in the pipeline or in operation.

While we may say that one day lost of revenue does not mean anything, we may come to the conclusion one day having a factual case where it costs us a quarter of a million dollars. Then, I am sure, the person who made that statement will be convinced himself that the process of dealing with revenue which is the lifeblood of the budget must always be under scrutiny; must always be monitored; must always be seeking to improve the collection and the safeguards thereof.

Members have commented, Mr. President, concerning the life of the resolution which basically states that its life shall be four months. I am not adverse to changing or reducing that time period. It is in the British Law and it was thought that it would be nice to have it in ours. This is the result of a call which I made to the Legal Draftsman. I personally, Mr. President, cannot see any objections to reducing the period from four months to some more realistic figure or time which we during the Committee Stage of the Bill can discuss and agree.

Thank you, Mr. President.

MR. PRESIDENT: The question is that a Bill for a Law to make provision for the Provisional Collection of Customs Duties, and matters connected therewith be given a Second Reading.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Of course.

DIVISION
NO. 54/85

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
 Mrs. Daphne L. Orrett
 Capt. Mabry S. Kirkconnell

NOES

Mr. W. McKeever Bush
 Mr. Linford A. Pierson
 Mr. G. Haig Bodden
 Mr. D. Ezzard Miller

PASSED BY MAJORITY VOTE - BILL GIVEN A SECOND READING

MR. PRESIDENT: Bills. Item (2).

THE MISUSE OF DRUGS (AMENDMENT) (NO. 2) BILL, 1985

FIRST READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) (NO. 2) 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.

SECOND READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) (NO. 2) BILL, 1985.

SEN. BENSON O. EBANKS: Mr. President, I beg to move the Second Reading, Sir, of a Bill shortly entitled The Misuse of Drugs (Amendment) (No. 2) Bill, 1985.

Mr. President, this very short Bill Sir, seeks to amend what is a stumbling block in the introduction of the use of community service orders as envisaged under section 5 of the Misuse of Drugs Law (Revised). In 1982 when the Law was amended in section 12(7) the Law provided that where a court makes a community service order under subsection (5) it shall in respect of the same offence make an attendance order under subsection (6).

It is felt, Mr. President, that the community service order can be brought in quite effectively without necessarily having to concurrently have an attendance order passed. If Members refer to section 5 where reference is made to the type of person who would receive the community service order, they will see that it is intended to be used in the case of first or second offenders; in another instance, a first offender where the amount of prohibited drugs is under two ounces.

This is a very simple amendment seeking to delete the word "shall" in section 12(7), second line, and substitute therefore the words "may also". This means that in the future when we have facilities for issuing attendance orders that the intent of the Law as originally envisaged, that is attendance orders and community service orders could possibly run concurrently, would then be possible. However, it also allows for immediate implementation of the use of community service orders and it is considered both by the courts and the probation and welfare services that this is a type of punishment which more use should be made of, and that it would be beneficial to the community.

I therefore commend this Bill, this short amendment to 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. The motion is open for debate.

DEBATE ON SECOND READING

MR. G. HAIG BODDEN: Mr. President, my debate on this Bill will be brief. I cannot see the purpose of having a community order if there is no attendance order with it and I cannot understand why the Member is now so keen to put discretion in the hands of the courts when we very recently dealt with this Misuse of Drugs Law, and in vital areas discretion had been removed.

MR. G. HAIG BODDEN (CONTINUING): For example, in one area there is no discretion when a person is brought before the court for possession of drugs. He is presumed to be guilty and the court cannot....

MR. PRESIDENT: I think that the Member must speak to this Bill and not resume a debate about a Bill which has already been enacted.

MR. G. HAIG BODDEN: Yes, Mr. President, what I am saying is that this Bill amends the Misuse of Drugs Law, and the existing Misuse of Drugs Law which this Bill amends has in it two instances which I would like to mention where discretion has been removed.

MR. PRESIDENT: It was those instances which I was stopping you from mentioning in the sense that I really do not see that they are directly related to the present Bill. I think that the Member is trying to use the present Bill as a vehicle to re-debate something which has already been settled. That is out of order as the Member well knows.

MR. G. HAIG BODDEN: Yes, Mr. President. I only wanted to make the point that there are two instances....

MR. PRESIDENT: I think that you have made it about three times already. Perhaps you had better sit down now. Not a fourth time, no.

MR. G. HAIG BODDEN: No, Mr. President, I would like the Honourable Member to tell us what is the purpose of having the one order without the other.

MR. PRESIDENT: Does any other Honourable Member wish to speak? In that case does the mover wish to exercise his right of reply?

HON. BENSON O. EBANKS: Yes, Mr. President, maybe the Member was not listening or I did not succeed but I attempted to tell him the advantage when I was presenting the Bill. That is that instead of having to pronounce both an attendance order and a community services order in relation to the same offence, the amendment will make it possible to pass only a community services order, because at the moment there are no facilities in place for the attendance orders to be effective. However, the community services order, hopefully, can be implemented shortly.

With those few remarks, Mr. President, I commend the Bill to 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. G. HAIG BODDEN: Mr. President, may I have a division please?

MR. PRESIDENT: Certainly.

DIVISION
NO. 55/85

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 I. 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. G. Haig Bodden

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PASSED BY MAJORITY VOTE - BILL GIVEN A SECOND READING.

MR. PRESIDENT:

Bills. Number (3).

Reading through.

I think that we can get the First

THE PUBLIC FINANCE AND AUDIT BILL, 1985

FIRST READING

CLERK: THE PUBLIC FINANCE AND AUDIT BILL, 1985

MR. PRESIDENT:

A Bill entitled a Bill for a Law to provide for the control, management and audit of the public finances of the Cayman Islands and for incidental and connected purposes is deemed to have been read a First time and is set down for Second Reading. Before the Clerk reads the title for the Second Reading and the opening of the Second Reading debate, it is a very long Bill and I imagine that the mover will be speaking for a little time on it. It may really suit the convenience of the House, it being only about two or three minutes before we would normally adjourn if we break a moment early. So, I think let us leave it that we have done the First Reading and the Second Reading can follow tomorrow.

Before I invite the Honourable First Official Member to move the adjournment, I hope that all Members have had circulated to them copies of a memorandum from me about the Protection Law. I would suggest, if this is convenient for Members, that we might meet privately for four or five minutes maybe at the beginning of the coffee break tomorrow morning. That would give Members a chance to read it overnight if they have not had a chance to read it yet, in case any of them have questions about it, because I would like to give all Members an opportunity of understanding the background and knowing just what exactly this does imply. It is quite a complicated subject. So, if Members can be kind enough to try to read it this evening if they get the chance I will remind them tomorrow, and perhaps we can spend a few minutes discussing it.

Meanwhile, if the Honourable First Official Member would like to move the closure.

ADJOURNMENT

MR. 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. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. AT 4.26 P.M. THE HOUSE ADJOURNED UNTIL
10.00 A.M., WEDNESDAY, 4TH SEPTEMBER,
1985.

THIRD MEETING OF THE 1985 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
WEDNESDAY, 4TH SEPTEMBER, 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 RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER RESPONSIBLE 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 ELECTORAL DISTRICT OF BODDEN TOWN
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ORDER PAPER

THIRD MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY
4TH SEPTEMBER, 1985
(SECOND DAY)

1. PRAYERS

To be read by the Third Elected Member for West Bay

2. PRESENTATION OF PAPERS AND REPORTS

(i) FINANCE COMMITTEE REPORT

Report of Finance Committee meeting held 5th July, 1985.

*TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE
THIRD OFFICIAL MEMBER.*

(ii) FINANCE COMMITTEE REPORT

Report of Finance Committee meeting held 28th August, 1985.

*TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE
THIRD OFFICIAL MEMBER.*

(iii) REPORT OF THE AUDITOR-GENERAL

*Report of the Auditor-General on the accounts of the Cayman
Islands Government for the year ended 31st December, 1984.*

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER.

(iv) PUBLIC ACCOUNTS COMMITTEE REPORT

*Public Accounts Committee Report on the Auditor-General's
report on the accounts of the Cayman Islands Government
for the year ended 31st December, 1984.*

*TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE SECOND ELECTED
MEMBER FOR GEORGE TOWN.*

3. QUESTIONS TO MEMBERS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD
ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS,
WORKS AND DISTRICT ADMINISTRATION

NO. 93: (a) *WILL THE MEMBER STATE THE REASONS FOR DISCONTINUING THE
POLICY OF EMPLOYING MALE YOUTHS ON THE DOCKS DURING THEIR
SCHOOL HOLIDAYS?*

(b) WOULD THE MEMBER FURTHER STATE WHETHER THE NEW POLICY OF NOT OFFERING EMPLOYMENT TO THESE YOUTHS CAME ABOUT AS A RESULT OF THE PORT AUTHORITY'S EFFORTS TO REDUCE EXPENDITURE ON THE DOCKS OR OUT OF CONCERN FOR THE SAFETY OF THESE MEN?

NO. 94: (a) WOULD THE MEMBER STATE WHETHER THE PORT AUTHORITY'S INITIAL RELEASE OUTLINING THE NEW POLICY OF NOT EMPLOYING SCHOOL BOYS ON THE DOCKS INDICATED THAT THE REASON FOR SO DOING WAS OUT OF CONCERN FOR THE SAFETY OF THESE YOUNG MEN?

(b) WOULD THE MEMBER ALSO STATE THE AMOUNT WHICH THE PORT AUTHORITY HOPES TO SAVE AS A RESULT OF DISCONTINUING THE POLICY OF EMPLOYING SCHOOL-AGE BOYS ON THE DOCKS?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 95: WOULD THE MEMBER STATE WHAT ARRANGEMENTS HAVE BEEN MADE TO, IN FUTURE, OFFER EMPLOYMENT TO SCHOOL BOYS DURING THEIR SCHOOL HOLIDAYS?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

NO. 96: WOULD THE HONOURABLE MEMBER STATE THE COST OF SURVEYING THE PROPOSED EXTENSION TO THE BLUFF ROAD IN CAYMAN BRAC?

NO. 97: WOULD THE HONOURABLE MEMBER STATE WHY THE PROPOSED EXTENSION TO THE BLUFF ROAD FOLLOWS A CROOKED PATH?

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. 98: WOULD THE HONOURABLE MEMBER MAKE A STATEMENT ON THE PROGRESS OF THE RE-ORGANISATION OF THE COMMUNITY COLLEGE?

NO. 99: WOULD THE MEMBER SAY HOW MUCH IT HAS COST GOVERNMENT EACH YEAR SINCE 1980, FOR OVERSEAS MEDICAL TREATMENT?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 100: WOULD THE HONOURABLE MEMBER STATE WHAT STEPS ARE BEING TAKEN TO ENSURE THAT ALL AVAILABLE AND QUALIFIED CAYMANIANS ARE EMPLOYED ON THE HYATT PROJECT BEFORE WORK PERMITS ARE GRANTED FOR NON-CAYMANIAN HELP?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

NO. 101: WOULD THE HONOURABLE MEMBER STATE THE COST OF WORK DONE ON PRIVATE DRIVE-WAYS FOR PRESENT YEAR UP TO 31ST AUGUST, 1985, GIVING A BREAKDOWN IN THE COST FOR CHIP AND STRAY APPLICATIONS?

4. GOVERNMENT BUSINESS

BILLS:-

SECOND READING

- (1) THE PUBLIC FINANCE AND AUDIT BILL, 1985

FIRST AND SECOND READINGS

- (2) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
(3) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
(4) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
(5) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

COMMITTEE THEREON

- (6) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
(7) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
(8) THE PUBLIC FINANCE AND AUDIT BILL, 1985
(9) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
(10) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
(11) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
(12) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

REPORTS THEREON

- (13) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
(14) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
(15) THE PUBLIC FINANCE AND AUDIT BILL, 1985
(16) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
(17) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
(18) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
(19) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

THIRD READINGS

- (20) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
(21) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
(22) THE PUBLIC FINANCE AND AUDIT BILL, 1985

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WEDNESDAY

4TH SEPTEMBER, 1985

10.06 A.M.

MR. PRESIDENT: Prayers. To be read by the Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: 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 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.

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.

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

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Item 2.
Presentation of Papers and Reports. The Honourable Third Official Member.

PRESENTATION OF PAPERS AND REPORTS

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 5th July, 1985.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the meeting on Friday, 5th July, 1985 approved a total supplementary of \$401,557.07. A breakdown of that sum, Mr. President, is as follows:-

MR. THOMAS C. JEFFERSON (CONTINUING):

1. HEAD 02 - INTERNAL & EXTERNAL AFFAIRS APPROVED: CI\$ 22,643.25
SUB-HEAD 10-002 EMERGENCY RELIEF

To write off expenditure in refloating the M/V Rhapsody in 1984.

2. HEAD 07 - POLICE DEPARTMENT APPROVED: CI\$ 43,166.33
SUB-HEAD 08-019 OTHER TRAINING

To write off expenditure for costs incurred for training of officers on a U.K. Drug-Dog course and a British Development Division Programme in Barbados.

Mr. President, there is a slight error. It should not be "U.K. drug-dog course". It should be "U.S. Drug-Dog course".

3. HEAD 07 - POLICE DEPARTMENT APPROVED: CI\$131,947.69
SUB-HEAD 07-062 INVESTIGATIONS/POST MORTEMS

This sum is provided to write off expenditure to cover costs incurred in Bank Intercontinental Ltd.'s investigations which were done through the good services of the Scotland Yard Detectives and the sum covers the cost of accommodation and transportation, the stenographic assistance locally and also the cost (United Kingdom) of their salaries.

4. HEAD 10 - FINANCE AND DEVELOPMENT APPROVED: CI\$126,800.00
SUB-HEAD 08-039 CAYMAN TURTLE FARM

This sum includes a write off of \$26,800 and a provision of \$100,000 to cover the remaining months of the year, June to December, 1985. In a previous Finance Committee Meeting provision was made to cover the first four months of 1985.

5. HEAD 41 - CAPITAL APPROVED: CI\$ 50,000.00
SUB-HEAD - 020 PURCHASE OF LANDS

To cover deposit amount for the purchase of land adjoining the northern boundary of the Tower property. The remaining balance of \$424,810 to be paid in equal instalments over a three year period commencing in 1986 at 10 per cent.

6. HEAD 13 - LEGAL DEPARTMENT APPROVED: CI\$ 24,000.00
SUB-HEAD 07-045 MISCELLANEOUS VISITS
& ENTERTAINMENT

The sum is provided for the cost of engaging a United Kingdom legal consultant in connection with the forthcoming Law Enforcement Treaty between the United Kingdom, United States and the Cayman Islands.

HON. THOMAS C. JEFFERSON (CONTINUING):

7. HEAD 10 - FINANCE & DEVELOPMENT
SUB-HEAD 19 LOANS

SUPPLEMENTARY REQUEST OF \$20,000 DEFEATED

A request was made for \$20,000 which was to provide some assistance to the liquidators of Universal Casualty & Surety Company because it was put into liquidation and funds were not available at the time to pay all the expenses. There are said to be substantial sums somewhere and it is understood that the liquidators are trying to get hold of them. However, that request was defeated.

TOTAL SUPPLEMENTARY EXPENDITURE APPROVED: CI\$401,557.07

Thank you, Mr. President.

MR. PRESIDENT:
Official Member again.

Item 2(ii). The Honourable Third

I am so sorry. I should have said firstly that in accordance with the provisions of Standing Order 97, paragraph (4) the House is deemed to have agreed to the motion that that Finance Committee Report be accepted. I beg your pardon. I so say, and now....

FINANCE COMMITTEE REPORT

HON. THOMAS C. JEFFERSON: Thank you, Mr. President. I beg to lay on the Table of this Honourable House the Finance Committee Report of the 28th August, 1985.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the meeting on Wednesday, 28th August, 1985 dealt with a number of items including supplementary expenditure and the total supplementary expenditure approved was CI\$1,001,133.00. To give the details of this sum, Mr. President, I will set it out as follows:-

1. HEAD 5 - LEGISLATIVE DEPARTMENT APPROVED: CI\$ 200.00
SUB-HEAD 03-016 - ELECTIONS
To cover outstanding balance in respect of procurement of goods and services in connection with the 1984 General Elections.
2. HEAD 7 - POLICE DEPARTMENT APPROVED
SUB-HEAD 40-018 - VEHICLES BY MAJORITY: CI\$ 50,000.00
To cover cost of replacement of four police cars taken out of service by the Central Funding Scheme.
3. HEAD 8 - PRISON SERVICE APPROVED
SUB-HEAD 08-038 - WELFARE FUNDS/SOCIAL SECURITY BY MAJORITY: CI\$ 1,000.00
To cover purchase of drugs for prisoners which are prescribed by Government medical officers and are unavailable at the Government Pharmacy.

HON. THOMAS C. JEFFERSON (CONTINUING):

2. HEAD 18 - DEVELOPMENT & NATURAL RESOURCES APPROVED: CI\$ 300.00
SUB-HEAD 02-007 - MILEAGE
To cover excessive mileage (abnormal mileage. It is not normal that the Portfolio would have this amount of travelling during the respective year) made by the Assistant Secretary in that Portfolio in respect of visits to the Cayman Turtle Farm, and visits dealing with the marine park legislation.
5. HEAD 18 - DEVELOPMENT & NATURAL RESOURCES APPROVED
SUB-HEAD 41-020 - PURCHASE OF LANDS BY MAJORITY: CI\$ 43,900.00
To cover the purchase of six parcels of land in respect of the Gerrard Smith Airport, Cayman Brac, as recommended by Executive Council.
3. HEAD 21 - MOSQUITO RESEARCH & CONTROL UNIT APPROVED
SUB-HEAD 07-023 - INSURANCE-EQUIPMENT BY MAJORITY: CI\$ 8,376.00
To insure the MRCU Thrush aircraft. This sum provided for a 10 per cent increase in the cost of insuring that aircraft.
7. HEAD 24 - CIVIL AVIATION DEPARTMENT APPROVED
SUB-HEAD 01-005 - WAGES BY MAJORITY: CI\$ 60,000.00
To cover wages of cleaners for the new Owen Roberts Airport Terminal.
3. HEAD 24 - CIVIL AVIATION DEPARTMENT APPROVED: CI\$ 15,000.00
SUB-HEAD 07-039 - MAINTENANCE - AIRFIELD
To cover the cost of maintenance of airport property, which was under provided for in the 1985 Budget.
9. HEAD 24 - CIVIL AVIATION DEPARTMENT APPROVED
SUB-HEAD 41-001 - AIRPORT DEVELOPMENT BY MAJORITY: CI\$ 69,848.00
To cover contractual commitments for the remainder of 1985 in respect of the new Owen Roberts Airport Terminal and the Gerrard Smith Airport Terminal.
10. HEAD 10 - FINANCE AND DEVELOPMENT APPROVED
SUB-HEAD 07-014 - CONSULTANCY FEES BY MAJORITY: CI\$ 752,509.00
To cover advances made to Thompson, Zeder, Boher, Werth, Adorno and Razok the firm which represented this Government in respect of the Bank of Nova Scotia case. All Honourable Members and the public are aware of that case where Government provided amicus curiae briefs both in the District Court in Florida as well as the Appeal Court in Atlanta. This sum is not only for that case. It is many other types of assistance requested by this Government in dealing with the Narcotics Agreement and other related matters.

TOTAL SUPPLEMENTARY EXPENDITURE APPROVED: CI\$ 1,001,133.00

HON. THOMAS C. JEFFERSON (CONTINUING):

11. MISCELLANEOUS

NORTH SIDE POST OFFICE (CI\$12,000.00)

To cover an estimated amount of work to be carried out at the North Side Post Office which has become flooded with marl from the surrounding area during the recent rains.

APPROVED IN PRINCIPLE FOR EXPENDITURE UNDER ADVANCES,
PENDING A REPORT AND COSTING OF THE UNDERTAKING: CI\$12,000.00

A number of resolutions were put forward, Mr. President, and approved. One was presented yesterday dealing with the Caribbean Development Bank for the subscription of shares and the explanation was given in the movement of Government Motion No. 9/85 yesterday.

Another resolution was passed by a majority for overdraft facility of CI\$3.5 million at Barclays Bank PLC.

A third resolution was passed by a majority for the Royal Bank of Canada. It is a guarantee for the Port Authority of the Cayman Islands to borrow CI\$250,000.00 to extend the port facility which is presently under way.

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 that the Finance Committee's Report be adopted.

Item 2(iii). The Honourable Third official Member.

REPORT OF THE AUDITOR-GENERAL

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Auditor-General on the accounts of the Cayman Islands Government for the year ended 31st December, 1984. That Report, Mr. President, also has included with it the Government accounts for 1984.

MR. PRESIDENT:

So ordered.

Member for George Town.

Item 2(iv). The Second Elected

PUBLIC ACCOUNTS COMMITTEE REPORT

MR. LINFORD A. PIERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Public Accounts Committee on the Auditor-General's Report on the accounts of the Cayman Islands Government for the year ended 31st December, 1984.

MR. PRESIDENT:

So ordered.

MR. LINFORD A. PIERSON: Mr. President, the Public Accounts Committee which was established by Government Motion No. 1 of the 20th November, 1984, functions under the provisions of Standing Order 74.

MR. LINFORD A. PIERSON (CONTINUING): The membership of the Committee is comprised of:-

CHAIRMAN - Mr. Linford A. Pierson

MEMBERS - Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

The Committee held five meetings during 1985 on the following days:-

25th July, 1985
1st August, 1985
8th August, 1985
15th August, 1985
20th August, 1985

The Minutes of these meetings are attached to the Report and form an integral part thereof.

Also, Mr. President, attached is a copy of the Walker Despatch which is a report which was filed by the the Secretary of State and came out in the Secretary of State's Circular Despatch of the 25th November, 1937. This report, Mr. President, deals inter alia with procedures for the control and accounting of unallocated stores. Though issued as far back as 1937 it still contains very useful guidelines which it is hoped will be adopted in whole or in part by the Government of the Cayman Islands, and will receive comments in the Government's Minutes.

In attendance at the meeting, Mr. President, were the following administrative officers:-

AUDITOR-GENERAL - Mr. Roy Kelly
ACTING FINANCIAL SECRETARY - Mr. George McCarthy
CHIEF ACCOUNTANT - Mr. Louis Moncrieffe
FINANCIAL CONSULTANT - Mr. Ken Digby

together, Mr. President, with certain controlling officers who appeared before the Committee.

On 25th July, 1985, Mr. Eric Bergstrom, Director of Tourism appeared before the Committee. On the 1st August, 1985, Mr. Jack Newby, Hospital Administrator, Mr Peter Foye, Chief Environmental Health Officer, Mr. Randolph Dounce, Hospital Accountant, and Mr. Oswald Rankine, Senior Assistant Secretary for Health Education and Social Services, appeared.

Also on the 8th August, Mrs. Marcia Badden, Collector of Customs, Mr. G.E. Lyth, OBE, British Executive Service Overseas Executive Mr. Colford Scott, Manager - Central Funding Scheme, Mr. L.K. Ryan, Acting Chief Engineer and Mr. Leonard Dilbert, Assistant Secretary for Health Education and Social Services appeared.

On the 15th August, 1985, Mr. President, Mr. Basil Henning was summoned to the meeting and appeared.

The Committee wishes to place on record its appreciation of the cooperative approach adopted by all Controlling Officers who appeared before the Committee. Further, the Committee is also grateful for the assistance and constructive advice given throughout by the Administrative Officers.

MR. LINFORD A. PIERSON (CONTINUING): The Committee also wishes to place on record its compliments to Government on the excellent presentation of the report and accounts, and is particularly impressed that for the first time in its knowledge the accounts and the Auditor-General's report thereon have been prepared and presented within six months of the financial year end.

The Committee further wishes to place on record its appreciation to the Clerk of the Legislative Assembly and her staff for the invaluable assistance offered by them to the Committee.

Mr. President, the Committee looks forward to receiving a Government Minute as provided for in accordance with the new Standing Order 74(7) which will provide Government's written response to the Committee's recommendations as set out in the Report.

Mr. President, in view of the many recommendations made by the Committee and because the reply in the Government Minute on these recommendations will be subject to debate in three months' time it has been decided not to read through all the recommendations made in this Report. Also, Mr. President, of the nineteen or more recommendations made by the Public Accounts Committee arising from the examination of the Auditor-General's Report on the accounts of the Cayman Islands Government for the year ended 31st December, 1984, it has been decided to comment only on ten of these due to the time constraints, and to allow Members time for questions.

The first of these ten, Mr. President, which we decided to comment on has to do with the General Reserve and Surplus and Deficit Accounts. The Committee recommends that, in light of the 1984 actual deficit of CI\$3,944,992.00 as opposed to the estimated deficit of CI\$789,445.00 and in view of revenue outstanding at 31st December, 1984, of \$5,072,800.00 (Cayman Islands Dollars), Government take necessary action to ensure the prompt collection of all revenue due.

On Statements of Assets and Liabilities (Continued) the Committee noted the various shortfalls in revenue collected under import duty, stamp duty and company fees and made the following recommendation.

In view of the fragile situation of the economy and the fact that these three areas of revenue form the nucleus of the country's revenue base, the Committee recommends that Government take necessary action to focus greater attention in identifying any weakness in the revenue collection system.

On the Bank Overdraft of Government the Committee recommends that Government take action to ensure that at the end of any financial year the overdraft account does not exceed Finance Committee's authorised ceiling.

On the Imprest Accounts the Committee recommends that Government take necessary action to ensure that all Imprest Accounts are reconciled monthly with bank statements and same is made available for the Auditor-General's inspection when requested by him.

On Personal Tax, the Committee recommends that Government take necessary action to strengthen the mechanism for the collection of personal tax. The Committee submits for Government's consideration that the collection of all taxes and licence fees be done within each district, mainly to enhance efficiency in collection and convenience of residents.

On Company Fees, the Committee recommends that Government take necessary action to ensure the prompt collection of Company Fees, and that fees in arrears be brought to account as soon as possible.

MR. LINFORD A. PIERSON (CONTINUING): On Garbage Fees, the Committee recommends that Government take necessary action to ensure that all services rendered by the Public Health Department are promptly billed for and collected.

The Committee further recommends that Government carry out a survey to determine the exact number of properties receiving garbage collection services.

On Hospital Fees, the Committee recommends that Government take necessary action to ensure that hospital fees, as outlined in the Portfolio's Directives, be collected.

The Committee further recommends that such Portfolio Directives be published for the information of the public.

On purchase of land and property by the Government, the Committee recommends that Government take necessary steps to ensure that Government receives value for money in future purchases.

On recommendation number 10 which we decided to read this morning, which deals with the Central Funding Scheme, the Committee recommends that Government take necessary action to ensure that the accounts of the Central Funding Scheme are properly and timely produced, and further that the Management Board meets on a regular basis to enhance the function of the Department.

The Committee further recommends that a cost effective survey of the Central Funding Scheme be undertaken.

Mr. President, the Committee agrees that this Report be the Report of the Public Accounts Committee to be tabled at the Third Meeting of the 1985 Session of the Legislative Assembly, and accordingly I recommend that the Report to this Honourable House be accepted.

Thank you, Mr. President.

STATEMENT BY THE PRESIDENT

MR. PRESIDENT: Thank you. I am sure that it would be the wish of all Members that I should thank and congratulate the Chairman and all members of the Committee on the very timely production of a very comprehensive Report. As the Chairman has rightly said, we have agreed to adopt a new procedure and have, as a House, approved the amendment of our Standing Orders to reflect that new procedure. I have given them the assurance that as Governor I shall be approving the amendments, and an assurance that I certainly shall regard those amendments as obliging the production of a Government Minute in respect of this Report. So the discussion of the Report will come, as the Chairman rightly said, when the Government Minute comes and there will be an opportunity for the House to debate it then.

Item 3. Questions. It has once again taken us a longish time to deal with Reports and that has cut down on the time available for questions. Perhaps I can again ask Members if they will be reasonably frugal with their supplementaries. Question No. 93. The Second Elected Member for George Town.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

NO. 93: (a) Will the Member state the reasons for discontinuing the policy of employing male youths on the docks during their school holidays?

(b) Would the Member further state whether the new policy of not offering employment to these youths came about as a result of the Port Authority's efforts to reduce expenditure on the docks or out of concern for the safety of these men?

ANSWER: (a) During the course of the enquiry into the operations of the port, it was discovered that the school boys who were employed and assigned light duties in the transit shed were roaming all over the dock, playing and getting into fights instead of working at their assigned jobs. They also displayed total disregard for their personal safety and were always in dangerous and hazardous areas that they should not have been.

Although the discontinuance of the practice of hiring school boys will result in a small annual savings to the port operation, it was not the main reason for the Board of Directors' decision to stop hiring school boys. They decided that it would be prudent to stop hiring them in order to prevent any serious accident from happening to them, rather than ignore the potential dangers and hazards that are ever present on the dock.

(b) As previously stated, the main reason for the discontinuance of hiring school boys was out of concern for their safety and protection. The Board of Directors decided that no further employment would be given to school boys in order to eliminate any possibility of them becoming involved and getting injured in a major accident on the dock.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Member clarify whether the hiring of schoolboys on the dock was a policy of the Port Authority or a practice of the Port Authority?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, there was never any policy laid down for the hiring of schoolboys. It was only a practice.

MR. D. EZZARD MILLER: In the light of the answer that it was only a practice, who was then responsible for the recruitment of these schoolboys without a policy in place?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am told that some children were brought to the compound by their parents but the greater majority of them were recruited by the shed supervisor, Mr. Pierson from East End.

MR. LINFORD A. PIERSON: A most interesting supplementary and answer, Mr. President. I wonder if the Member would state whether the information as contained in the Government Information Service release in the Compass in early July is correct or not?

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, to refresh the Member's mind I will state here that this was the information given and I based my question on this Government release. It stated:-

"Another \$26,000 will be saved by the ending of the practice of employing school-children on vacation for ten weeks each year and listing them as trainees."

No mention, Mr. President, was made of the safety of these children and I would ask the Member to clarify whether this statement is correct or not, whether it was because of the reasons for cutting the cost of the dock or out of safety for the children, or both.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, there is another question exactly the same as that which follows. The answer is no. There were two concerns. When the Committee was investigating the financial position of the dock this was only one of the many measures which they suggested that we need to trim in order to make the port viable. It was either that we reduce expenditure wherever possible, or increase the fees or ask Government to subsidise the dock. So, really in truth and in fact, Sir, there was the economic side of it. However, the greatest concern was really the concern of the children; the hazardous area they were working in. I do not know of any dock area in the world, Mr. President, where children are employed on the docks.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could tell us whether at the time of employment of these children it was in order really to employ them?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, this is a question which goes through my mind. As I said, it was never a policy. It was a practice. I do not think that anyone really looked at this seriously, because had they looked at it seriously no-one would have employed children in a hazardous area, which a dock is, because there are cranes working overhead, there are trucks driving back and forth and there are also fork lift trucks. Anywhere one may turn, and particularly with children running over and under cargo being loaded or unloaded from the ships, these are the hazards which a dock has.

MR. JOHN B. McLEAN: A further supplementary, Mr. President. I wonder if the Member could say how long the children were employed before this decision was taken?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am not sure when practice started, Sir.

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. In the Member's answer a while ago he attributed a lot of responsibility to one of the shed supervisors at the dock. I wonder if the action taken by the shed supervisor was ratified or sanctioned by his immediate boss, the Director of Ports or some other senior official?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am not sure of the answer but I imagine that it would have had to have the blessing of the Port Director.

MR. LINFORD A. PIERSON: Would the Member further state, Mr. President, that it is fair and reasonable to assume that if these directives came from the Port Director that they would have been sanctioned by the Member responsible for the port?

MR. PRESIDENT: I do not think that that affords an answer. I think that it is probably out of order, because I do not think that you are allowed to ask questions which seek an expression of opinion. That is what that question was doing. Yes, Standing Order 22(1)(g). You may not ask a question which solicits an expression of opinion and you were asking the Member's opinion about whether something was fair and reasonable.

MR. LINFORD A. PIERSON: May I rephrase that, Mr. President, by asking the Member whether he is aware that this policy has been the policy of the Portfolio over the past few years, to employ young men on the dock?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I stated earlier, Sir, that there has been no policy at any time. There is nothing in the records to show that there has ever been a policy. There has been a practice but never a policy laid down by the Chairman. I was Chairman, Sir, from 1976 to 1980. The Second Elected Member for Bodden Town was the Chairman from 1980 to 1984 and there is no policy to be found in any of the Directors' Meetings. There is no policy laid down, Sir.

MR. G. HAIG BODDEN: Mr. President, I wonder if the Member can give us the average age of the boys employed at the dock?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, there were boys employed aged 9 years, 13 years, 15 years and some 16 years.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could tell us exactly what boys aged 9 years could do on the dock?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, this is a question also in my mind which I would like answered.

MR. PRESIDENT: I think let us pass on to the next question. It is not leaving the subject.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

NO. 94: (a) Would the Member state whether the Port Authority's initial release outlining the new policy of not employing school boys on the docks indicated that the reason for so doing was out of concern for the safety of these young men?

MR. LINFORD A. PIERSON: Mr. President, I think that we have had this answered.

MR. PRESIDENT: I was going to say, I think that we have had that answered.

NO. 94: (b) Would the Member also state the amount which the Port Authority hopes to save as a result of discontinuing the policy of employing school-age boys on the docks?

MR. PRESIDENT: I would suggest that the Member confines his answer to (b) because it is quite true, (a) has been answered.

ANSWER: (b) In the last year for which figures are available, a little over \$26,000 was spent by the Port Authority employing school boys. It is estimated that a similar amount will be saved in 1985.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, is it correct therefore to conclude that the only reason why the Port Authority discontinued the employment of young men on the dock was to cut expenditure, and had nothing at all to do with their safety. This only came about afterwards.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think that that is an opinion. I differ with that opinion because I stated here that the answer was no. Among other things which were investigated on the dock by the Committee this was only one of the small areas which they recommended that we correct. So I disagree with the Member's statement, Sir.

MR. G. HAIG DODDEN: Mr. President, may I ask the Member about the savings mentioned in the answer. The answer says that it is hoped or it is estimated that \$26,000 would be saved in 1985 if they do not employ the schoolboys. May I ask who would do the work which the schoolboys must have done in order to have been paid \$26,000 the previous year? Would it be a gross savings of \$26,000 or merely a few hundred dollars?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the schoolboys were not assigned any particular work. They were just working along with other people. They held no particular job. They were just working along with other people. Since they have left and we have stopped employing them on the dock, we have not had to increase the casual labour to take the place of what they were doing. I stated earlier, Sir, that most of the time they were playing around the dock instead of working.

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

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

MC. 95: Would the Member state what arrangements have been made to, in future, offer employment to school boys during their school holidays?

ANSWER: Government will continue to use its best efforts to place any students on school holidays in any temporary positions which may be open at the time.

The private sector through the Cayman Islands Chamber of Commerce has been approached and encouraged to offer employment to students during their school holidays.

The Labour Officer will endeavour to place in suitable positions, any students who are registered as seeking employment.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member what temporary positions could be given to the students on holidays?

HON. W. NORMAN BODDEN: Mr. President, I could not specifically state what temporary positions could be given because it depends on what positions would be available at the time. However, I do know that even during this past summer Government has offered positions to school leavers in, I suppose, various clerical positions and messenger positions. They have helped out in those areas. It would depend on which of those positions are open at the time.

MR. PRESIDENT: I think that we can fit in one more question. The Second Elected Member for Bodden Town. Oh, I am sorry. You have got a supplementary?

MR. LINFORD A. PIERSON: Yes. Mr. President, just an assurance required. Would the Member give the assurance that he will use his best endeavours to employ as many of these school boys as possible in the future?

HON. W. NORMAN BODDEN: Mr. President, I can give an assurance that I will use every means at my disposal, not to employ them, but to see that the Departments for which I am responsible make their best endeavours to offer employment.

MR. D. EZZARD MILLER: Mr. President, I wonder if it would be possible to suspend Standing Order 23(7) to allow for the completion of the questions.

MR. PRESIDENT: I was going to suggest that that might be the wish of the House again, because we did spend well over half an hour on Reports. Would you like to move that or shall we ask the Honourable First Official Member to move it?

SUSPENSION OF STANDING ORDER 23(7) AND (8)

HON. DENNIS H. FOSTER: Mr. President, I move the suspension of Standing Order 23(7) to enable the remainder of the questions to be answered, Sir.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 82, Standing Order 23(7) shall be suspended in order to enable the remainder of the questions standing on today's Order Paper to be asked and answered. I thought if you suspended Standing Order 23(7), Standing Order 23(8) did not apply actually. No? Alright, Standing Order 23(7) and (8) then I am advised that we had better suspend. Does any Member wish to speak. If not I will put the question.

QUESTION PUT: AGREED. THAT STANDING ORDER 23(7) AND (8) BE SUSPENDED TO ENABLE THE REMAINDER OF QUESTIONS ON THE ORDER PAPER TO BE COMPLETED.

MR. PRESIDENT: Question time will continue. The Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

NO. 96: Would the Honourable Member state the cost of surveying the proposed extension to the Bluff Road in Cayman Brac?

ANSWER: The cost of surveying the road was \$32,903.86 which included the "as built" survey for the three miles of road constructed prior to November, 1984.

MR. PRESIDENT: Question No. 97?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

NO. 97: Would the Honourable Member state why the proposed extension to the Bluff Road follows a crooked path?

ANSWER: Preliminary tracking of the proposed route encountered extremely rough terrain which required a diversion in some areas to reduce the cost in order that the road could be completed with the funds allocated for the project. Some areas that now appear crooked will not be noticeable once the road is widened to the designated 30 feet.

MR. PRESIDENT: If there is no supplementary, perhaps we can turn to question no. 98. The Second Elected Member for West Bay.

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. 98: Would the Honourable Member make a statement on the progress of the re-organisation of the Community College?

ANSWER: Under the reallocation of responsibilities in the Portfolios the Hotel School, Marine School and Building and Trade School formerly under the TAT Portfolio were placed under HESS. These small schools have now been amalgamated with the Community College to form one institution with various sections. The navigation course has been discontinued due to a lack of students. The engineering and electricity courses have been amalgamated with the Technical School section. The re-organised Community College now consists of four sections, the Hotel School based at Newlands, the Technical School on the old PWD site, the extension classes which take place on the Cayman Islands High School site during the evenings, and the Business School which is due to open in the Tower Building on 16th September.

The administrative offices of the Community College are now located in the Tower Building, under a full-time coordinator who was appointed early in March.

Government plans to engage a consultant early in 1986 who will advise on the further development of the College. To this end Dr. Jacob Bynoe an education planner in the Commonwealth Secretariat visited the Islands in June to prepare terms of reference and an interim report.

In the meantime the College has conducted two surveys of the hotel and banking industry in order to upgrade the present offerings. The Institute of Bankers course will start in September at the extension classes as well as a two year accounting course. It is hoped that both these courses can be offered full-time in the near future.

The expansion of the Hotel School awaits relocation of the school to a larger site. Plans are well advanced to offer a building trades course in January, and a course for nursery nurse assistants is under active consideration.

In the meantime, the extension courses continue to be very popular with over 400 people taking advantage of early registration for classes which start 16th September.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask when is Government going to stop doing studies on the Community College and get on with the job of building it?

HON. BENSON O. EBANKS: Mr. President, when Government is satisfied that it has received proper direction in the establishment so as not to waste money as happened in the past.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he considered the recent study by Professor Hallett as being inadequate for his starting the job of putting the College together, or is it simply because he wants to delay the project?

HON. BENSON O. EBANKS: Mr. President, the report given by Dr. Hallett is an extremely valid report, given the limited time which he spent in the Islands. However, I believe that Dr. Hallett would be the first to admit that his report is not comprehensive and all-embracing.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Could the Member say where the Hotel School will be relocated to?

HON. BENSON O. EBANKS: Mr. President, it is hoped that offices now used by the Department of Agriculture will be shifted to another site to enable the Hotel School to be sited in the compound now used by the Agricultural Department.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if his statement that Professor Hallett's report was not comprehensive is the opinion of his technical advisors in education, or is it his own personal opinion?

HON. BENSON O. EBANKS: Mr. President, it is the opinion of the technical advisors, and as I said, Dr. Hallett himself. The report indicates that it is not all-encompassing.

MR. PRESIDENT: Question no. 99.

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. 99: Would the Member say how much it has cost Government each year since 1980, for overseas medical treatment?

<u>ANSWER:</u>	<u>YEAR</u>	<u>CI\$ TOTAL</u>
	1980	115,290.69
	1981	163,315.56
	1982	452,473.60
	1983	542,310.84
	1984	947,525.48
	<u>TOTAL</u>	<u>2,220,916.17</u>

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Would the Member state whether any arrangement has been made to have any of these expenditures reimbursed by the individuals concerned?

HON. BENSON O. EBANKS: Mr. President, such amounts as are recoverable from these amounts given are being repaid, or at least pursued by the Department for repayment. Some repayments have been received.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Could the Member state whether in the light of the increasing amounts being spent for overseas medical care Government is investigating obtaining this care through the Health Maintenance Organisation or the Diagnostic Review Group or anything like that in order to reduce the amount?

HON. BENSON O. EBANKS: Mr. President, there is an ongoing study with providers of services, in Miami in particular, in an attempt to reduce the cost incurred by persons sent overseas.

MR. LINFORD A. PIERSON: Mr. President, would the Member state whether it is a policy of Government to refer cases overseas which cannot be handled locally, and whether it is normal for arrangements to be made for the reimbursement in such cases.

HON. BENSON O. EBANKS: Mr. President, I think that the first part of the question answers itself. If the doctors are unable to cope with a case they will refer it overseas. I would assume that the second part would refer to cases where Government does not have a responsibility, for example in the case of Civil Servants, because Government has a responsibility in those areas. However, it is the custom and it certainly is the policy to recover the cost from the individuals or their relatives who are sent overseas.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Could the Member say what has been spent so far for 1985?

MR. PRESIDENT: I do not really think that that is a supplementary but I will allow him to answer it if he....

MR. W. McKEEVA BUSH: Sorry, Sir?

MR. PRESIDENT: Oh, yes, I beg your pardon. The question was each year since 1980, so yes it is a perfectly fair question.

HON. BENSON O. EBANKS: Mr. President, I am afraid that I do not have that figure, Sir.

MR. PRESIDENT: I wonder whether you might undertake to get figures and circulate them to Members for their information.

HON. BENSON O. EBANKS: Yes, Sir, that can be done.

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. In order to give the correct information on this matter to the public, I wonder if the Member could state that with much of this expenditure arrangement has been made for reimbursement and that it is not a total expenditure to be written off against Government's revenue?

HON. BENSON O. EBANKS: Mr. President, I thought that I answered that question already.

MR. PRESIDENT: I think that the Member said already that in cases where Government does not have a liability to meet the cost as it has in the case of civil servants, then reimbursement will be obtained wherever possible. So, I think really your supplementary has been answered.

MR. LINFORD A. PIERSON: Mr. President, the purpose for the supplementary is that the information here gives the impression that Government has been spending a lot of money on overseas cases, which is true. However, I wanted to get it abundantly clear that most of this is already covered under Promissory Notes to be recovered.

HON. BENSON O. EBANKS: Mr. President, if it helps the Member, that is so that a great portion of this is recoverable.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Could the Member give any more details on the types of organisations which negotiations are ongoing with in the Miami area to reduce the cost of the health care.

HON. BENSON O. EBANKS: Mr. President, I am not prepared to give the specific names of the institutions. I would just say that competitive bids are being sought for the services.

MR. PRESIDENT: Question 100.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 100: Would the Honourable Member state what steps are being taken to ensure that all available and qualified Caymanians are employed on the Hyatt project before work permits are granted for non-Caymanian help?

ANSWER: Prior to the grant of any gainful occupation licences in respect of employment on the Hyatt project, representatives of the Caymanian Protection Board, together with the Chief Immigration Officer, met with the Cayman

Islands Contractors Association and subsequently with senior management of Cementation International and Hadsphaltic International. At the latter meeting, the Board stressed the point that local persons should be employed on the project whenever possible and that all available local employees should be invited to participate therein.

Thus far the Board has granted only a small number of applications for employment with the Hyatt project: in each case the post has been one requiring a professional or skilled person and the Board has been satisfied that there was no local person available to fill it.

All further applications for gainful occupation licences will be considered in consultation with the Government Labour Office and paramount importance will be placed on the protection of the local workforce and availability of suitable Caymanians to fill the posts.

SUPPLEMENTARIES:

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, may I ask the Member if he can tell us in numbers what is meant by a small amount of foreign workers being employed at the site?

HON. DENNIS H. FOSTER:

Mr. President, fifteen.

MR. G. HAIG BODDEN:

Mr. President, also can I ask the Member if he can tell us what are the exact occupations of the professional and technical workers employed from overseas?

HON. DENNIS H. FOSTER:

Yes, Mr. President, I am well prepared for these supplementaries, Sir. However, I would like to say that there are two companies involved, Cementation International and Hadsphaltic International, and therefore we might find a similar post on each one. However, there are a construction engineer, project manager, quantity surveyor, building services engineer, general engineer, another quantity surveyor, production manager, commercial manager, project manager, senior planning manager, foreman fitter, engineer and another general fitter.

MR. W. McKEEVA BUSH:

Supplementary, Mr. President. Is there not a possibility that the sub-contractors have carpenters or masons working for them when in fact they could get the same help on the Islands, that is carpenters or masons?

HON. DENNIS H. FOSTER:

I think, Mr. President, what the Member is trying to say is that a lot of the work on the project is sub-contracted out to local contractors, who in their workforce might have a few people who are on work permits.

MR. W. McKEEVA BUSH:

Mr. President, a further supplementary. I know that he already answered it but I will ask it anyway. Is there not a possibility then that the sub-contractors have people already on permits on the Islands and are using them on the job?

MR. PRESIDENT: I think that the Member is quite right. It has been answered and the answer was yes. There is that possibility.

MR. W. McKEEVA BUSH: Mr. President, a further supplementary. What then is the position? Are we saying that Caymanians are taken care of in light of this answer?

HON. DENNIS H. FOSTER: Mr. President, it is my understanding that the local contractors on the Islands have their work crews and in these work crews wherever they can get Caymanians they hire them. However, as a part of their work crew some of them have people who have been with them for years on work permits. If they get a sub-contract they will take their crew. Furthermore, we do not have anybody who has reported to the Labour Office in those categories who is out of work.

MR. W. McKEEVA BUSH: Mr. President, a further supplementary. Is the Member saying that the sub-contractors who have these people on work permits can still use them even if there are Caymanians available? I have a case in point, Mr. President, and I know that I am not going to get a chance here at question time. However, it is a fact that these things are happening and they must be checked into.

HON. DENNIS H. FOSTER: Mr. President, it is my opinion, Sir, that wherever Caymanians want to work they can go out and get it. Work is available, Sir. However, the truth is that some do not want to work but want the money.

MR. W. McKEEVA BUSH: Mr. President, that is not the case with everybody. Let us take this thing seriously. The sub-contractors, Mr. President....

MR. PRESIDENT: You may ask questions, not make statements.

MR. W. McKEEVA BUSH: That is what he just made, Sir, a statement.

MR. PRESIDENT: He was answering a question.

MR. W. McKEEVA BUSH: In my opinion it was a statement used answering my question. Anyway, I will bow to your ruling. However, it needs to be checked into, Sir.

MR. PRESIDENT: The Third Elected Member for West Bay first.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. Would the Member be able to state what steps are being taken to ensure that Caymanians are trained by local contractors to ensure that they are able to replace those non-Caymanians now on work permits within a reasonable period of time?

HON. DENNIS H. FOSTER: Mr. President, I am really not responsible for training, but I would say that where a young Caymanian is employed with a contracting firm and he shows interest and develops to where he can be a mason or plumber or carpenter, certainly the contractor would be stupid to retain any people on work permits which cost him money, where he could have a dependable Caymanian to replace them.

MRS. DAPHNE L. ORRETT: A further supplementary, Mr. President. Based on first hand knowledge of many individuals who have been on work permits for nine or ten years even, or some for less than that, although the cost of a work permit is involved, would the Member be able to state whether it takes five to six years to train a Caymanian to do certain jobs which are now being done by non-Caymanians? I realise, Mr. President, that the Member is not in charge of training. However, I would like some assurance that this will be kept in mind and I would like the Member to give me some answer as to whether something is being done to ensure that this matter is not overlooked.

MR. W. McKEEVA BUSH: Mr. President....

MR. PRESIDENT: No, no no. The Member must first have a chance to answer the question which has been asked.

HON. DENNIS H. FOSTER: Mr. President, it is difficult for me to give any such assurance, Sir, because the contractors run their own business in their own style. I cannot go dictating to them and telling them what they must do. The Board of course can refuse permits. However, then we get them saying, "Well you are keeping me down. I cannot get my work done because you are not giving me a work permit and there is no Caymanian available". I cannot give any assurance for outside firms like that, Sir.

MR. W. McKEEVA BUSH: Mr. President, a supplementary. All the answers we have received this morning came out of the question:-

"What steps are being taken to ensure that all available and qualified Caymanians are employed on the Hyatt project."

The fact is that the Hyatt project, the contractors of the Hyatt project....

MR. PRESIDENT: Is the Member asking a question?

MR. W. McKEEVA BUSH: Yes, Sir, I am asking a question. Let me get to it, Sir.

MR. PRESIDENT: As long as you get to it reasonably soon.

MR. W. McKEEVA BUSH: Yes, Sir. The fact is that the contractors for the Hyatt project have sub-contractors. In the light of my question and the answers given, I still am not satisfied that my question is answered. I am asking what steps are being taken for Caymanians to be hired on the job. The fact is that the sub-contractors are the ones who are causing the problems. However, according to the Member's answer the Protection Board is doing nothing about it. If that is what he is saying, then he should confirm it.

HON. DENNIS H. FOSTER: Mr. President, the answer gives the Member clearly the steps which were taken prior to the commencement of the job. The Caymanian Protection Board did everything possible to see that Caymanians got preferences on the job. However, Mr. President, the Protection Board has no control over sub-contracts. We cannot say to the project management that they cannot give out a sub-contract and neither can we control who the sub-contractors have working with them over the past years.

MR. W. McKEEVA BUSH:

Mr. President, I think that the Member is....

MR. PRESIDENT:

No, I did not call you. Please sit down. We must take turns. The Elected Member for North Side was the next one who caught my eye.

MR. D. EZZARD MILLER:

Mr. President, I wonder if the Member could give the House the assurance that the Protection Board will review work permits being held by the sub-contractors and in places where there are qualified Caymanians, have such work permits revoked?

HON. DENNIS H. FOSTER:

Mr. President, this is a constant policy. If a firm or contractor applies for the renewal of a work permit for a person employed there, the Board goes into the facts and sees whether it is necessary to renew that permit or not, similarly with the application for new permits. Of course, Mr. President, the minute we turn one down we get a great big hullabaloo. This comes every day to me.

MR. PRESIDENT:

No, the Second Elected Member for George Town next. You will get your turn.

MR. LINFORD A. PIERSON:

Thank you, Mr. President. The Member stated that he is well prepared for supplementaries. I think if I may say, Mr. President, arising from the supplementaries the question is not here whether the contractor can have the authority to use the people under his employment. The question is that there are many Caymanians available for the jobs which are being filled by people on work permits. I wonder whether the Member would state whether these contractors should be allowed to employ individuals on work permits when there are local qualified Caymanians available and what is being done to remedy this problem?

MR. PRESIDENT:

I really think that this has been answered already. It has been said that the Caymanian Protection Board takes steps to ensure that each application for a non-Caymanian whether new or renewed is scrutinised. So, unless you can explain to me why that has not been answered? Alright, you tell me.

MR. LINFORD A. PIERSON:

Yes, Sir, I would be happy to. The Caymanian Protection Board comes into play when an application is made to it. I am here speaking of where a contractor has already received a permit for someone and the job for which that individual was employed has been completed. Yet, that person may have six months to seven months to run on that permit, and rather than sending that individual back after that particular job has been completed, that person is held and the qualified Caymanian is deprived of filling the position in another job. That person is just transferred and the Protection Board would hardly be aware of this unless this is brought to their attention.

HON. DENNIS H. FOSTER:

Mr. President, I think that I got the point but we have to bear in mind that these sub-contractors are local people and they do not stay at one job all the time. If they have a sub-contract down at the Hyatt to do a particular job, when that is finished they probably have two or three other jobs lined up and they take their workforce there. However, Mr. President, I am aware that any Caymanian who has gone to that project looking for work recently has got it, Sir.

HON. DENNIS H. FOSTER (CONTINUING): At least fifteen people from Cayman Brac, because there is nothing going on over there, have applied to them for jobs and got them right away. I think that if these people who are out of jobs here in Grand Cayman went there, they might get a job themselves.

MR. PRESIDENT: The Second Elected Member for West Bay next. He has been waiting a long time.

MR. W. McKEEVA BUSH: Yes, I waited long enough because it was my question and I should have preference anyway. Anyway, Mr. President, it seems that my question is not going to be answered. My question is, will Caymanians get preference or words to that effect? It seems that the sub-contractors are the culprits and the Member is saying that they have no control over sub-contractors. So, my question is not going to be answered but some hot water will come out of it, Sir.

MR. PRESIDENT: I see, you are making a statement. You are not asking a question now, it seems to me. The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. What I would like to ask of the Member, Sir, is how does the Caymanian Protection Board ensure that when a local sub-contractor applies for the renewal of a work permit for a non-Caymanian employee, that the Caymanian Protection Board readily knows that that contractor has followed the rules? Does he present the applications from the local people, or how is it that the Caymanian Protection Board is assured that there is no local person available for that position, since with most positions, say for instance the Hyatt project, I see no advertisements in the paper for many of the jobs which would be available on that site? Would the Member be able to state how the Caymanian Protection Board....

MR. PRESIDENT: I think that the Member has asked the question. You do not have to ask it three times even with different words.

MRS. DAPHNE L. ORRETT: Alright, thank you.

HON. DENNIS H. FOSTER: Mr. President, in most cases they make them advertise and a strict liaison with the Labour Office is kept, so that if a garage is applying for a body man and the Labour Office has a Caymanian with that qualification on their list, the applicant is told to go and hire that person. That is how it is done, Sir, and the Labour Officer, without any votes attends the Caymanian Protection Board meetings.

MR. PRESIDENT: I am told that the tape is running out and I do not think that Members would wish to waste their questions without a tape. I think we should take our morning break. We are a little bit late. It is a question though of whether, having finished our morning break we should then complete the rest of the questions. I suppose so. We have suspended Standing Orders to do so. Those were the terms of the suspension. So let us suspend proceedings for about ten minutes, and we will continue questions thereafter. We have not finished with the supplementaries to this question yet, you may rest assured.

MR. PRESIDENT (CONTINUING): I did invite Members, or I intended to invite Members to come and discuss one paper which I distributed copies of. If Members would care to come now just for two minutes to the Committee Room before having coffee and refreshments, I would be grateful.

AT 11.40 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12.09 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
Questions. Are there any further supplementary questions to question no. 100? The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Thank you, Mr. President. This question is also being asked with the knowledge that the Member is well equipped for these supplementaries and it arises out of the substantive question. Would the Member state why were the heavy equipment and the heavy equipment operators allowed into the Islands to do the necessary work on the Hyatt Hotel when there are locally qualified operators and heavy equipment available?

HON. DENNIS H. FOSTER: Mr. President, I can see now that I made a mistake in saying that I was well prepared. Really, I do not even know that they have heavy equipment here so I am not in a position to answer that one at all.

MR. PRESIDENT: I think that the supplementary really should be limited to the operators, but if you do not know whether there are any operators getting work permits....

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the Caymanian Protection Board has physically visited the site or had some investigation made to determine whether the fifteen people which the Member mentioned are carrying out the jobs compatible with the high sounding titles which he gave us, such as fitter, project manager and construction engineer, and to find out whether these people are actually doing jobs which local craftsmen could do?

HON. DENNIS H. FOSTER: Mr. President, I really do not think that the Caymanian Protection Board has visited the site, Sir.

MR. D. EZZARD MILLER: Mr. President, I wonder if the Member would give the House an undertaking that if it is possible in the future, work permits granted to people in the fields of common labour such as masonry and carpentry could be limited to the specific building. I think part of the problem is that Caymanians get out of work when they give out a work permit for a year. When the application may be made there are no Caymanians available. However, in the interim period before the year expires when they have moved on to another building, there are Caymanians who are out of work who could fill the posts.

HON. DENNIS H. FOSTER: No, Mr. President, I cannot give that undertaking, Sir. This is a matter for the Board. I just cannot give that undertaking like that and I will say again, Sir, every local contracting firm has, as I understand it, its crew of men and they move from one job to another as it is finished. It would be difficult as some jobs might only be a week or two weeks, for a contracting firm to get a permit for a person, use them for two weeks and send them back. These permits cost money.

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. Would the Member give the undertaking that he will look into the problem of sub-contractors or contractors bringing in heavy equipment operators when there are available Caymanians?

HON. DENNIS H. FOSTER: Yes, Sir, I will inform the Caymanian Protection Board to be most careful and cautious on these heavy equipment operators. Again, there is at present a recourse for an operator who is out of a job. He can go to the Labour Office and say that he is out of a job and there are plenty of foreigners there. He can make a complaint.

MR. PRESIDENT: The next question. The Elected Member for North Side.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

NO. 101: Would the Honourable Member state the cost of work done on private drive-ways for present year up to 31st August, 1985, giving a breakdown in the cost for chip and spray applications?

ANSWER: The Public Works Department has in recent years upgraded residential roads falling into three categories:

- (i) Public roads, in sub-divisions and traditional residential areas;
- (ii) Private roads, in sub-divisions; and
- (iii) Private roads in traditional residential areas.

The necessity to upgrade private roads in sub-divisions arose from the absence of adequate regulation of sub-divisions until only a few years ago. There remains a substantial inventory of this work to be done.

Private roads in traditional residential areas are done sparingly. All such roads serve more than one household. While the Department does not keep ongoing records of the expenditure on each of the individual categories, total expenditure on residential roads from 1st January to 31st August, 1985, was \$214,552. Of this amount, \$2,260 was expended on the upgrading of three (3) roads in blocks 53A and 57E, North Side, falling under category (iii). The estimated cost of the spray and chip element of these projects was \$1,340.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary, Mr. President. Does Government hope to recover the cost of any of these private roads? Is there going to be any attempt made to recover any of the cost?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the cost of the spray and chip element as mentioned in the last part of the question, we are going to try to recover this from the people whose driveways were paved.

MR. W. McKEEVA BUSH: Mr. President, a supplementary, Sir. Could the Member say what does Government determine to be a private drive-way or a private road?

HON. CAPT. CHARLES L. KIRKCONNELL: I think that the Member asked what does Government determine is a private road?

MR. W. McKEEVA BUSH: What does Government determine is a private road or a private drive-way?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, a private road is one which is owned by an individual and a private drive-way is one which is owned by a private individual and the Government has not taken over the private road. Until it is upgraded to a certain standard this is what was referred to in the answer here. Government laid down guidelines some years ago that before they would take over any private road it had to be brought up to a certain standard as specified by the Chief Engineer of Public Works Department. Until that is done it remains a private road.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: In the answer from the Member here it says that private roads in traditional residential areas are done sparingly, and all such roads serve more than one household. Would the Member be able to say, although I am not aware of what blocks 53A and 57E North Side are, whether or not those particular roads did in fact serve more than one household?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President my information is that it did not serve more than one individual household. It was two households for which the drive-way was paved. This was done, Mr. President, as I understand it, as a breakdown in communication between the supervisor of roads and his immediate boss.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could state exactly, although I know that he has pointed out the block numbers here, what part of North Side is it? Is it Old Man Bay, North Side or what part?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, Old Man Bay.

MRS. DAPHNE L. ORRETT: Just one more supplementary, Mr. President. I wonder whether the Member would be able to say at this time whether in fact attempts will be made to recover the amounts expended on those three roads, even although there might have been a breakdown in communication between the road supervisor and his boss.

MR. PRESIDENT: I think that the Member has answered that already. He said that an attempt to recover the money would be made. Perhaps you did not hear him but he said that.

MRS. DAPHNE L. ORRETT: Thank you.

MR. PRESIDENT: If there is no further supplementary we can move on to Item 4. Bills. Second Reading. I think that there is probably time to make a start on this now.

BILLS

THE PUBLIC FINANCE AND AUDIT BILL, 1985

SECOND READING

CLERK: THE PUBLIC FINANCE AND AUDIT BILL, 1985.

MR. PRESIDENT: The Honourable Third Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to provide for the control, management and audit of the public finances of the Cayman Islands and for incidental and connected purposes.

Mr. President, as I said yesterday in winding up on the Provisional Collection of Customs Duties Bill, 1985, change is certainly taking place in the Cayman Islands, and we must adjust not only our minds, but our actions towards that change.

When I joined the Service, Mr. President, just as an example, in 1971, the Budget for that year was approximately \$4.3 million (Jamaican). The revenue in that Budget was approximately \$3 million, the difference being made up of loans and development aid from the United Kingdom. There were approximately 140 Civil Servants and the Treasury staff in those days was comprised of 11 officers. The audit of Government accounts was conducted by the Auditor-General of Jamaica. Additionally, Mr. President, Her Majesty's representative at that time was His Honour the Administrator, and the legal tender in the Cayman Islands was Jamaican Dollars.

To make a comparison between that time and the present, Mr. President, it is quite obvious to all that Her Majesty's representative is His Excellency, the Governor and he appointed our own Auditor-General in 1983, paid for from the funds provided by the public. The Cayman Islands Dollar is now legal tender and have been since May, 1972.

The current Budget is approximately \$60.2 million and there are now approximately 1,379 Civil Servants. The Treasury staff is now comprised of 15 officers.

Revenue, Mr. President, has increased more than nineteen times from \$3 million to \$58 million, while the Treasury manpower dealing with the collection of revenue, processing of payments and posting and maintaining of accounts has only increased by four officers.

Mr. President, shortly after I entered the Service there were talks of the need to enact legislation to deal with the control and management of public finances. Today, Mr. President, it is as the old maid said in the gloom when she saw a man in her room, "Better late than never".

Mr. President, the control of public finance and accounting in the Cayman Islands is presently prescribed in Colonial Regulations. These regulations are guidelines issued by the Crown through the Secretary of State for the Foreign and Commonwealth Office.

HON. THOMAS C. JEFFERSON (CONTINUING): What I hold in my hand, Mr. President, is the 1951 version and I know that it has been revised in 1977. However, Mr. President, these guidelines, however good in 1951, however better in 1977, have proved inadequate many years ago for the Cayman Islands. Certainly in Islands which boast about being a financial centre, and we are all quoting different figures, whether it is number one in the world or whether it is number three, we certainly need to have legislation which controls and manages the finances of this country. No longer can we commit things to our mind. No longer can we wait and say that we are going to document it tomorrow because no-one is sure that he is going to be awake tomorrow morning.

Therefore, Mr. President, it was with the kind assistance of His Excellency the Governor in consultation with the Auditor-General that we all agreed that it was best, since none of us seemed to have spare time any more, to seek the assistance of an advisor to write finance legislation and the accompanying regulations.

I would like to place on record, Mr. President, my appreciation of the job done by Mr. Gordon Lyth, former Auditor-General of Hong Kong. I think that the Bill which I hold in my hand is an excellent piece of work and this country will be indebted to him for many years.

The purpose of the Bill, Mr. President, is to make local provisions for the control of public finance. Most countries of the world have legislation dealing with the subject, Mr. President, and we want to be on a similar footing. The Bill, Mr. President, if we deal with it as briefly as we can, although it has 59 clauses, is divided into seven parts.

Part I deals with the preliminary. That is the short title and commencement, interpretation, revenue and charges on revenue.

Part II deals with the estimates of revenue and expenditure and appropriation.

Part III deals with the control and management, and Part IV deals with receipts, payment and custody of public moneys.

Part V deals with audit, Part VI surcharge, and Part VII miscellaneous provisions.

Mr. President, as mentioned earlier there are 59 clauses and I do not propose to deal in detail with each one, but to give a general outline of the objectives of each clause. Perhaps in the process, Mr. President, I will deal more specifically with some than others, because in my view it may not be clear what the objective of a particular clause is.

Clause 1, Mr. President, reads:-

"This Law may be cited as the Public Finance and Audit Law, 1985, and shall come into operation on a day to be appointed by the Governor by publication in the Gazette."

The reason, Mr. President, for waiting to bring the Law into effect is that this piece of legislation, together with the regulations which will be forthcoming, will create or cause us to do a tremendous amount of training, not only in the Treasury Department but throughout the whole Service. We in our wisdom have made arrangements to have Mr. Lyth return. Because of his commitments he is unable to return until March of next year. During the period from March to December, 1986, the majority of the training necessary will be done, not to say, Mr. President, that training will not begin immediately.

HON. THOMAS C. JEFFERSON (CONTINUING): In the meantime, Mr. President, during 1986, while the Law is not in effect, certainly the clauses can be used as guidelines when decisions are being made. It will also cause us to look at the structure of the Treasury and to ensure that it has adequate manpower, not only in numbers but also in quality, to ensure a smooth implementation of this piece of legislation which we are considering today. We will be seeking also, Mr. President, to establish an Internal Audit Section in the Treasury. This will allow the Auditor-General to get on, as I am sure he wants to, with a more serious audit where we consider is Government getting a dollar's value for a dollar spent, rather than the exercise which an internal auditor usually carries out, which is making sure that payments are properly made and properly documented, and revenue properly documented, posted and accounts prepared correctly.

Clause 3, Mr. President, seeks to provide that, except where otherwise provided by Law, any money's received or raised for the purposes of the Government shall form part of revenue.

Clause 4 seeks to provide that no expenditure shall be charged to revenue except by or under Law.

Clause 5, Mr. President, deals with annual estimates, that is the Budget, and with the presentation of the Budget to the Legislative Assembly, and the following clause 6 also deals with the Appropriation Law which we all know is presented together with the Budget during what is now commonly known as the Budget Session.

Clause 7 contains provisions for the authorisation if necessary of expenditure in advance of the Appropriation Law. This is a clause to give authority to deal with urgent matters where Government needs to make payments before the Appropriation Law can be brought to the House.

Clauses 8 and 9 respectively seek to prescribe the manner in which changes may be made to the approved estimates of expenditure and, in the event of any excess expenditure arising from those changes, for the presentation to the Legislative Assembly of a Supplementary Appropriation Bill. This is traditional, Mr. President, but it is certainly necessary to have it in these clauses.

Clause 10 seeks to provide that subject to Law, the Financial Secretary shall have the management, supervision, control and direction of the Government's financial affairs.

Clause 11. It is sought here to confer on the Financial Secretary the power to make administrative regulations and to give administrative directions and instructions for the better carrying out of those responsibilities.

Clauses 12 through 15 seek to make provision for the powers, duties, responsibilities and accountability of Controlling Officers in relation to expenditure and the public moneys and public property under their control.

Clause 16, Mr. President, provides for the duties and responsibilities of the Accountant General. We will be seeking in due course, Mr. President, a new designation from Chief Accountant to Accountant General. The reason for this is because the force will also be responsible for the Internal Audit Section as well as a small training section dealing with finance. This is not to say, Mr. President, that we are going to have a training section in addition to the Government training section, but someone in Finance Department needs to be responsible for training.

HON. THOMAS C. JEFFERSON (CONTINUING): Clauses 20 through 22 seek to give power to the Financial Secretary to make advances and to issue imprests from public moneys. Clause 23 seeks to govern the taking of deposits by the Government and clause 24 the disposal of donations and grants made to the Government.

Clauses 25, 26, 27 and 28, Mr. President, deal with the banking and investment of public funds and seek to govern the borrowing of moneys and the giving of guarantees by the Government. All Honourable Members are aware of what takes place in these matters.

Clauses 29 and 30 seek to provide for the establishment by the Legislative Assembly, if required, of funds and special suspense accounts.

Clause 31, Mr. President, prescribes that all authorities for expenditure given in respect of a financial year lapse at the close of that financial year, which most of the people of this country, if not all, realise. The funds provided in the 1985 Budget will lapse at the end of that year and will go on the 1986 Budget which is due for presentation in the latter part of November, this year.

Clause 32. Provision is sought for the appointment of an Auditor-General and by clauses 33 and 34 to give him security of tenure and of salary in order to enable him to exercise freely the duties and powers of his Office. Clause 35 continues to deal with the Auditor-General to be employed subject to the conditions applicable to other public officers and clauses 36 and 37 make provision for the filling of a vacancy of his respective office, that is the Auditor-General's post itself.

Clauses 38 and 39 prescribe the duties and powers of the Auditor-General and clause 40 provides for the appointment of staff to assist him in those duties and the exercise of those respective powers.

Clauses 40 to 42, Mr. President, seek to provide for the submission of annual accounts by the Accountant General to the Auditor-General within a specified period of time for the Auditor-General to conduct his audit. Clause 42 also seeks to provide for the submission of those annual accounts and special reports by the Auditor-General to the Legislative Assembly and for these reports to be considered by the Public Accounts Committee of the Legislative Assembly. Clause 43 requires the Auditor-General to report to the Legislative Assembly any matter which in his opinion constitutes a serious irregularity in the accounting for public funds or public property.

Clauses 44 through 46 seek to make certain provisions requiring the audit and examination by the Auditor-General under Law or on the authority of the Governor, of certain persons, bodies corporate or other bodies. Clause 47 would enable fees to be charged by the Government in respect of outside audits undertaken by the Auditor-General or to be paid by the Government in respect of audits undertaken by outside parties on his behalf. In the latter case, Mr. President, the Financial Secretary determines the fees. So we will see that throughout the legislation there are checks and balances on the system.

Clauses 48 through 53 seek to make provision in certain circumstances for the surcharging of public officers, for the appeal by public officers against their being surcharged and for the collection of surcharges.

HON. THOMAS C. JEFFERSON (CONTINUING): Clause 54, Mr. President, authorises the Financial Secretary to abandon claims and to write-off public funds and public property, subject to such conditions, exceptions or limitations as may be specified by the Finance Committee of the Legislative Assembly. Clause 55 would give similar conditional authority to the Financial Secretary to dispose of Government stores and moveable property.

Clauses 56, 57 and 58, Mr. President, seek to give power to the Governor to issue directives to public officers under the Law, to clarify the operation of the Law in relation to Trusts, and to make certain transitional provisions.

Lastly, clause 59, Mr. President, will repeal the existing Audit Law (Revised).

If you will allow me to retrack a bit, Mr. President, clause 45 which basically reads:-

"(1) Notwithstanding that he is not empowered by any Law to audit, examine or inquire into the accounts of a person, body corporate or other body, the Auditor General may audit, examine or inquire into the records and accounts of any person, body corporate or other body if -

- (a) he is authorized in writing to do so by the Governor in the public interest; and
- (b) in the opinion of the Auditor General, such audit, examination or inquiry will not interfere with the due performance of his duties and the due exercise of his powers under this Law."

Subsection (2) of that same section 45, Mr. President, reads:-

"(2) Where the Auditor General undertakes under subsection (1) the audit, examination of, or inquiry into the records and accounts of any person, body corporate or other body, he -

- (a) shall have in relation to such person, body corporate or other body, its members, officers and employees the same discretion and powers as are conferred on him by sections 38 and 39 in relation to public moneys, stamps, securities, stores and any other public property;"

Clauses 38 and 39, Mr. President. Clause 38 deals with the duties of the Auditor-General and clause 39 deals with the powers of the Auditor-General. Leading on to clause 45(2)(b), Mr. President, it says:-

"may authorise in writing any qualified accountant or any public officer to audit, examine or inquire into the records and accounts of such person, body corporate or other body and require the authorized accountant or public officer to report thereon to the Auditor General in such manner as the Auditor General may determine;"

and the proviso, Mr. President:-

"PROVIDED that any such authority to a public officer shall be subject to the concurrence of the Head of the Government Department or office in which the public officer is employed."

HON. THOMAS C. JEFFERSON (CONTINUING): I realise, Mr. President, that clause 45 could be misunderstood; could be misconstrued. So let me try to illustrate why it is here. Clause 45 gives power or causes the Auditor-General in his respective duties, and let us for example say that we are dealing with Cayman Airways, as Auditor-General he has a supervisory function and he carries out this function by asking questions of the auditors of Cayman Airways about its financial affairs, if necessary going into detail on the accounts themselves. It is the power of the Law which gives him that authority to do so. I think that without that section he will be seriously short changed.

Government also enters into contracts, Mr. President, with persons. Clause 45 gives the Auditor-General the authority, when it is deemed to be necessary and in the public interest, to audit the charges of the respective persons. I have a live example, Mr. President, but I do not want to use it in this particular case.

Let us deal with subventions. As we know, Government gives many grants. Government has recently made many loans especially to schools. It gives the Auditor-General the power to go in and examine the books, even if it is a cheque book, of the respective school or sporting organisation as we give many grants to those as well. Or perhaps it might be Pirates' Week Committee where Government gives lots of money from time to time, that is a sum of \$35,000 to \$40,000 every year. To me that is lots of money.

It can also be, Mr. President, that a controlling officer, let us say one who perhaps has not used due diligence, or we can take it further and say one who is mischievous and has somehow used Government funds which wind up in his personal account. This section gives the Auditor-General the authority to enquire into that person's account.

Perhaps with those brief illustrations of clause 45, Mr. President, it may become more clear to some Members. Maybe I am misreading it. Maybe they understand the whole thing.

Under section 53 which deals with surcharge in respect of deceased persons, which is an emotional point, Mr. President, but in my view it needs to be here, an illustration of this is where a Government officer is mischievous; he defrauds the Government or he commits theft, and before we can recover the funds the person dies, we want the ability to get our money back, nothing more, nothing less. So, Mr. President, it is the reason for clause 53 and I support this clause.

Thank you very much.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to provide for the control, management and audit of the public finances of the Cayman Islands and for incidental and connected purposes be given a Second Reading. The motion is open for debate. However, before we debate it I will suspend proceedings. We are a little bit late in suspending them today, so I suggest that we suspend them until rather later than 2.15 p.m., perhaps a little bit before 2.30 p.m. We do not want to cut the afternoon too short.

HOUSE RESUMED AT 2.39 P.M.

MR. PRESIDENT:

Please be seated.

Second Reading of the Public Finance and Audit Bill, 1985. Does any Member wish to speak? The Second Elected Member for George Town. Do you mean that you are going to be speaking out of the side of your mouth? (LAUGHTER)

DEBATE ON SECOND READING

MR. LINFORD A. PIERSON:

Not before it is time, Sir. Mr. President, it gives me much pleasure to support this Bill. As a past member of Her Majesty's Civil Service, and having filled a number of positions in the financial sections of the Service I can, more than many, appreciate the necessity for this Bill.

For many years, Mr. President, we depended on the Jamaican Government to assist us, which they did in a very good manner. However, as the mover of the Bill said this morning, Mr. President, we are a growing country and what was good for us twenty years ago is perhaps not adequate today. Since the initial coming into effect of the relevant sections of the Colonial Regulations applicable to our audit and finance, our revenue and expenditures have grown tremendously. Mr. President, the arrangements under which the public finances of this country were controlled as contained in the Colonial Regulations were somewhat inadequate, as were also the guidelines contained in the Audit Law (Revised). However, Mr. President, I would not go as far as to say that they were totally outmoded.

If a little time is taken, Mr. President to compare the contents of the old Audit Law with those of the Bill before us it can easily be seen that much of the new Bill is lifted from the old Audit Law (Revised).

Notwithstanding those remarks, Mr. President, with the exception of a few points which I will raise, I feel that the Public Finance and Audit Bill is very comprehensively prepared, and it was very well presented by the mover, the Honourable Third Official Member of Executive Council.

I would also wish, Mr. President, to place on record my congratulations to Mr. Gordon Lyth, OBE for the invaluable assistance which he gave in the preparation of the Public Finance and Audit Bill, 1985, which is before us. Of course, Mr. President, it goes without saying that the Financial Secretary and the Auditor-General were very, very much involved in this exercise.

Mr. President, the mover of the Bill went through in sections, each section of the Memorandum of Objects and Reasons very carefully and it would be an unnecessary repetition to go over these sections again. As I said, Mr. President, with the exception of one or two remarks I feel that we have a very, very good Bill before us.

One of the sections, Mr. President, which gives me not a great deal of concern, but which I have made note of, is section 32. I believe, Mr. President, that this is no doubt in line with Government, but now exists within the Government personnel area and under the Personnel Regulations and Administrative Manual. However, section 32 which is appointing the Auditor-General and sections 33 and 34 seek to give security of tenure, whatever that means. I believe that in the section of the Bill that it is meant that the public officer who holds that post will enjoy the benefits which accrue within the position of Auditor-General.

MR. LINFORD A. PIERSON (CONTINUING): It does not elaborate on this particular point, but section 33 reads:-

"(1) A person who is appointed under section 32 as the Auditor-General -

(a) shall hold that Office during good behaviour."

This is the only mention, Mr. President, of security of tenure and I imagine that this is what is meant here.

Mr. President, clauses 38 and 39 are quite straightforward as these sections prescribe the duties and powers of the Auditor-General. It should be noted, Mr. President, however for clarity that this relates specifically to the Auditor-General of the Cayman Islands Government, and not to auditing generally, because within the private sector, Mr. President, the audit firms operate under their own standards and principles as laid down through their institute and by the particular body which they are associated with. Invariably, Mr. President, these do not conflict with the laws of the land.

Mr. President, throughout this Bill it states that whatever is done with regard to the Auditor General has to be with the prior approval of the Secretary of State. Section 32(1) states:-

"The Governor, with the prior approval of the Secretary of State, shall appoint a person to be the Auditor General."

In another number of cases, for instance in section 33(1)(b)(iii), it also states that whatever is done by order in writing by the Governor must be made with the prior approval of the Secretary of State. Perhaps this is the procedure in the matter to do with the Auditor-General but it would seem that it is giving the Auditor-General a very unique position indeed, and that whatever order which the Governor may care to impose would need to be done with the approval of the Secretary of State. Perhaps, Mr. President, the mover of the Bill would clarify those points.

Mr. President, before I reach clause 44 I would like to comment on clause 42 which seeks to provide for the submission to the Legislative Assembly of annual and special reports by the Auditor-General and a report by the Public Accounts Committee of the Legislative Assembly. For clarity, Mr. President, I would wish to point out that the guidelines, terms of reference and procedures of the Public Accounts Committee are specifically outlined in Standing Order 74. This is just for clarity.

Sections 44 through 46, Mr. President, were clarified in detail by the mover of the Bill. These sections did give me some concern, but the mover of the Bill took time off this morning, in particular to go over the contents of section 45. Section 44, Mr. President, deals with audit examination or enquiry into accounts of bodies corporate, etcetera, authorised by Law. However, in discussing this matter with the mover of the Bill I was assured that this was not necessarily applying to the private sector in the ordinary course of events, but only under, if ever, special conditions. It would normally apply in cases where Government has offered or given subventions to various bodies or individuals.

It must be known and understood, Mr. President, that the Auditor-General would not normally walk into the offices of a company registered in these Islands and audit the books of that company, unless there were very good grounds and reasons to do so.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, this Bill as I said, is very, very long awaited. It is a very, very good Bill and I have no hesitation or reservation in supporting it. I would join the mover, however, in saying in the example he gave this morning of what this old maid said. I do not know where he got this phrase from. However, he did say that an old maid said in the gloom when she saw a man in her room, "Better late than never". I would support the mover in saying that even though this Bill has taken a very long time to come to this House, that it is better late than never.

Mr. President, I give this Bill my one hundred per cent support.

Thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak?
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I would like to congratulate the mover of the Bill on the presentation and also the composition of this Bill. My feeling is that the Bill simply puts into Law what has been customary here over the years, although some of that custom had already been covered by an ancient Law.

There are several provisions in which I find too much power is given to the Financial Secretary, and too much power is given to the Auditor-General. However, I will only use one example of each case. In section 53 the Member himself pointed out the power given to the Financial Secretary to surcharge the estate of a person who has died; to surcharge the personal representatives of such a person. I think that the section is far too wide. This should not be in the hands of the Financial Secretary. It should only be done through a court because, in some instances, the personal representatives may be simply minor children. If parents die and leave minor children I do not think that the Financial Secretary should step in and say, "Because your father owes this money and we had surcharged him, you must pay", and take away the funds from these children in that manner. It should be done through the court in the normal process when the will is probated, or if there is no will, when the letters of administration are taken out.

The second case which I want to mention is the powers given to the Auditor-General under clause 39(3). Clause 39(3) says:-

"In the performance of his duties and the exercise of his powers under this Law the Auditor General shall not be subject to the direction or control of any other person or authority."

I think that that power should only be given to Almighty God. We know that power corrupts and absolute power corrupts absolutely. Like everybody else, the Auditor-General must be answerable to somebody, because what happens if we have a bad Auditor-General. As Auditor-Generals are usually human, we will find some bad ones. The first part of subsection (3) of section 39 says:-

"The Auditor General shall not be subject to the direction or control of any other person or authority."

Now, how can he function at all if he is not subject to direction from somebody?

MR. G. HAIG BODDEN (CONTINUING): Let us take the case of private auditors in the private sector. If a business goes out to hire Price Waterhouse or one of the other international firms, the business must not only say, "I want you to audit my books". They must say, "These are the books. This is the company I want you to audit". If there is any specific reason for the audit it should be pointed out in the terms of reference given to the auditor. In the case of the Government auditor, there must be some direction from somewhere so that he knows what he has to do; who he has to work for. This gives him unlimited power without even any directions as to what he is to do.

In fact, it would seem to me that this section would even exclude him from this Bill, because this Bill is an authority. This section seems to give him unlimited powers not subject to the directions of anybody or any authority. Also, the second part of subsection (3) of section 39 says that the Auditor-General shall not be subject to the control of any other person or authority. Here again, this could never be right. He must be subject to somebody's control, if it is even the Queen's or the Secretary of State's. He cannot have these unlimited powers.

I know, not being an auditor myself, that auditors need to have their independence. They ought to be able to function independently without any political harassment; without any bureaucracy from the Civil Service. They need to be able to operate independently or the work of examining the books would be hampered. So, I feel that this section is far too wide, particularly when it says that he cannot be subject to directions. I understand the need for his independence, but I feel that it is wrong to give to any mortal man the absolute powers which are given under this section.

While I have spoken on another area I have only done so to point out what I think is a deficiency in the Bill. Subsection (3) of section 39 will not get any support from me because I believe that it is wrong.

Apart from those two points, I would commend again the Member for bringing the Bill, which as the two speakers have said, come better late than never.

MR. PRESIDENT:

Does any other Member wish to speak?
The Honourable Fourth Elected Member

of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I too would like to give this Bill my wholehearted support. In fact it is a Bill which has been long due. In 1951, because the British Government saw the need to provide finance regulations for certain territories, Her Majesty's Government produced what is commonly known to us as Colonial Finance Regulations. These regulations were made applicable to a number of countries which included the Cayman Islands.

In those days, those Finance Regulations were seen to be very useful for our limited use here in these Islands. However, as was pointed out by the mover of this Bill, time has dictated otherwise today.

Since 1951 and the years which followed, we began looking at the need for a specific Law to control finances in this Government. It was largely because many other Departments and Services in Government were controlled by local legislation. For instance, Customs, Post Office, Medical, Education and other Departments. We began to ask the question why is finance not controlled by a local Law?

HON. VASSEL G. JOHNSON (CONTINUING): Well, Mr. President, five years ago the Government decided to move to study the possibility of introducing appropriate Laws. The past Auditor-General of Jamaica was commissioned by this Government to carry out a study and in 1981 the Governor instructed the Legal Department to move on to prepare the legislation.

In the meantime the Government also saw the need to look at the external audit of this Government because that was being performed by the Auditor-General of Jamaica. It was thought that because of confidentiality and other reasons that this Government should now establish its own audit, and appoint an Auditor-General. The Auditor-General of Jamaica was advised of the thinking of Government and after we had clearance that there was no objection on the part of Jamaica, this Government prepared an indent late 1981 for the recruiting of an Auditor-General.

Mr. President, the Law was never completed by the Legal Department. Actually, I would not say that it was never completed but it was not produced in time to meet the schedules of Government and thus the reason for the delay, and the reason for the Bill for a similar Law coming to the Legislative Assembly at this time.

There is absolutely no doubt in my mind that there is a need for this particular piece of legislation in Government. The financial affairs of this Government have reached quite a size today where we are talking about a budget of \$60 to \$70 million, and because of that it is necessary for the safeguard of the Legislative Assembly, Executive Council, Civil Service and the Financial Secretary himself, that there be legislation which controls all the aspects of financing in Government.

The audit being included in this Bill is perhaps a wise thing although in many countries, or in most countries the Audit Law is a separate Law. The Second Elected Member for Bodden Town queried a while ago the power which the Auditor-General is given under section 39, subsection (3) where he is given unlimited power. Mr. President, there are two posts in any Government, to my knowledge, which should have no interference in the performance of their duties. A great deal was said about the last part of that subsection (3) but little mention was made of what the first part of it read:-

"In the performance of his duties and the exercise of his powers."

The Bill lays down certain powers which are exercised only by the Auditor-General. In a position like that, Mr. President, if the Auditor-General was subject to being directed by anyone else within the Service, one could really not place too much reliability on the recommendations which are made by him. In every country to my knowledge the Auditor-General sticks out there as the man who is the authority in that subject and is not to be interfered with by anyone else.

Now, as far as disciplinary action is concerned and other matters relating to his terms of service, that is altogether a different matter. That is the responsibility of the Governor and the Governor certainly exercises his authority in dealing with the Auditor-General in that manner. However, in the exercise of his duty the Auditor-General has the sole authority in dealing with the audit of Government. Another position which is similar to that, Mr. President, is of course the Chief Justice, and in fact any judge who sits on the Bench.

HON. VASSEL G. JOHNSON (CONTINUING): The Bill, Mr. President, contains in my opinion, what is necessary in such legislation to control all the aspects of finance. As was said, the days of colonial finance regulations are passed. The sophistication which we see today; the varying circumstances in all aspects of financial control, all require a bit more than what we find in Colonial Finance Regulations and that is what this Bill is about. However, as far as I am concerned, Mr. President, the most important aspect of it is that we have local legislation approved by the Legislative Assembly to control all aspects of financial administration in Government.

I support the Bill, Mr. President.

MR. PRESIDENT:
Bay.

The Second Elected Member for West

MR. W. McKEEVA BUSH:

Mr. President, I rise to support this Bill for a Law to provide for the control, management and audit of the public finances of the Cayman Islands and for incidental and connected purposes.

Sir, while I say that I support this Bill which for brevity, I guess, I will call the Audit Bill, I have some reservations on certain sections of it which may need to be further explained to me in Committee stage or in the Member's winding up.

I believe that this Bill, as he said, is long overdue and I believe also that the Cayman Islands would today be in better shape if we had had this Law a few years ago.

Looking at clause 9, Mr. President, and remembering the previous administrations, I am not entirely pleased with the phrase "as soon as practicable" as it appears towards the end of clause 9. We do know, Sir, that we will always have supplementary Bills but I can see no reason why such Bills cannot be brought to this Assembly within six months of the end of the financial year. As far as I am concerned, "as soon as is practicable" leaves the door open for such Bills to show up in this Assembly two years or longer after the money has been spent.

Clause 21 of the Bill I also have some trouble with. That is, to be precise, Sir, clause 21(a)(i) where it reads:-

(a) to meet expenditure -

(i) for which no provision or insufficient provision is shown in the approved estimates of expenditure,"

etcetera. I have no hesitation in giving the Financial Secretary the power specified where there is insufficient provision in the estimates. However, I must question this where there is no provision in the estimates at all. Haste as we all know sometimes makes waste. The Finance Committee which is comprised of all the Elected Members of this Honourable House is the body charged with the control of Government spending. Except for the First Elected Member for the Lesser Islands none of us live more than twenty miles away from this Chamber, and there is hardly anything which could arise so urgently, Sir, other than a national disaster, which could not be dealt with by the normal route.

I do not believe that as Legislators we should delegate this power to the Financial Secretary, or anyone else for that matter. I am not throwing any aspersion on him, Sir.

MR. W. McKEEVA BUSH (CONTINUING): Now, I come to the duties of the Auditor-General. I believe that it is clause 38 of the Bill. I support this section generally, but again I have some questions on it and I have circulated my amendment to specifically cover something which has bothered me since the sale of the McGregor property during the last administration. I feel, Sir, that provision should be made in this Bill to charge the Government to seek the advice and consent of the Legislature for the sale of any Crown property. I know that a few years ago the lady Member for George Town brought a motion which was defeated. However, I feel that this can be inserted in this Bill and I feel that we as Legislators would be doing the right thing. I trust that the Government would see fit to accept my amendment.

I give my support to clause 39. This section, Sir, requires any person whom the Auditor-General thinks should do so to explain any action of his in relation to his dealing with any public property. Again, perhaps if we had had any such power before, maybe we would not have had the McGregor incident which I referred to. We also may have avoided the more recent incident during the previous administration of the purchase of the swamp land adjoining the dump. I do not want to go into specifics but everybody knows what I am talking about. I trust that no more in this country would there be such an abuse of public money.

If I am correct in understanding clause 39 of the Bill it will help to eliminate such things from happening again.

Now, Mr. President, I turn to clauses 44 and 45. I support these two clauses in principle as far as they relate to public servants. However, again clause 45(1)(a) and (b) give me some trouble, and I have sought some clarification from the Member. I also have had some legal advice on it and it does give me reason to think that what the Government is trying to accomplish in this section, and what could actually happen is something which we would not want to see. I believe that where there is enough suspicion of a person other than a public servant to warrant an investigation or enquiry into that person's record, that that order should come from the Chief Justice of this country and not from the Governor-in-Council. I also believe that the report on any such examinations or enquiry should be made to the Attorney-General of this country. That is, Sir, providing that something is found which in the opinion of the Auditor-General would warrant reporting.

Now, Mr. President, if this section 45 could be used to look into the affairs or what went on, and in my opinion is still going on with the Interbank case and the handling of the matter by the liquidators, then by all means I could support it, because that situation is something which needs looking into. I am sure that many other Legislators here today and in the past have been approached by members of the public on the Interbank ongoing loan situation. We have been asked to look into the situation but as we all know in this House, when we question anyone all we hear is that the courts have it in hand and we cannot trifle with the courts, which is true. However, it would seem that it is the liquidators, Sir, of the Interbank case who have everything in hand and people are upset at the loan situation. If this section 45 could in any way mean that these are the kind of situations which would be taken in hand or examined, then I would give it my full support. Not only the Interbank case, Mr. President, but also the Intercontinental Bank, I think it was called, it is cases such as these that this clause will be able to look into those matters. Well then it has my full support. Otherwise I believe that there could be some danger in that clause, unless of course that person or body corporate, or other body which the Bill speaks about is doing business directly with the Government.

MR. W. McKEEVA BUSH:

I hope, Sir, and trust that the Member bringing the Bill will specifically address my questions on the probability of enquiry into the Interbank loan situation. I trust that he will shed some light on it when he comes to wind up.

Sir, I agree with the sections dealing with the surcharging of public servants who are, or might be negligent in their duties. The collection of this surcharge is mainly at the discretion of the Financial Secretary. However, it is within the ambit of this Bill. I feel, Sir, that no public servant will be unduly penalised. Mr. President, I am no auditor. I am not even good on finances. However, I see the need for such a Bill.

Let us not feel, Sir, that people did not look at this Bill while there was not much opposition to it because I had many members of the public come to me and question these sections. So people are watching us. They are looking at the things we are doing and we must not forget this. A lot of people have said to me to oppose it. We must oppose, Mr. President, and I have opposed where opposition is needed and I will continue to do that. However, when something is good for the country we, all of us in this House must put politics aside and do what the people put us here to do. That is to see that they are never harmed.

The Cayman Islands today are under attack. There is no getting away from that fact. We are under attack and we here who are the captains of the ship must be vigilant. We must be wise and we must work together hand in hand to see that our ship never flounders on the rocks, or else a House divided cannot stand.

I feel that the Bill is needed and I trust that in the end we make a good Law which I hope will enhance the smoother running of the public finances in this country. I applaud the Government and the Member on the Bill's presentation.

MR. PRESIDENT:

I think that it may be convenient if we take our usual afternoon break before any further Member speaks. So I will suspend proceedings for approximately ten minutes.

AT 3.29 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.52 P.M.

MR. PRESIDENT:

Please be seated.
The Public Finance and Audit Bill,
1985. Second Reading. The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I too would like to offer my support for this Bill and to commend the Government on bringing forward this timely and badly needed piece of legislation. I believe that under this Bill what happened to the Public Accounts Committee, for instance, over the last eight years will not be allowed to happen again.

MR. D. EZZARD MILLER CONTINUING: This Bill, I think, Sir, will give needed clarity and direction. It will identify responsibility of officers involved in the financial sections of Government. It will introduce some responsibility accounting by defining areas of responsibility and authority and the accountability of the officers who are involved in the handling of the Government's funds in either the areas of revenue or the areas of expenditure.

I support the mover's comments that the time has passed in Cayman where the Colonial Regulations were adequate to handle all the ramifications of the finances of this Government. Times change, Mr. President, and we must change to suit the times. We as legislators must orchestrate these changes to obtain the maximum benefits for the people whom we represent.

There are a few sections of this Bill however, Mr. President, with which I have some difficulty. Section 5(2), Sir, is a section which I support fully and I hope that the Honourable Financial Secretary will soon see fit to change some of the Government Department's sections into programme budgeting rather than the present line item system which is being used, because under the programme mode, Sir, I think that it will be easier for us to monitor the effectiveness and efficiency, and to ensure that Government is getting value for its money.

Section 8(8) is a good section. It will be very beneficial to us ordinary Members in the Legislature if we have quarterly reports from the Financial Secretary of what changes have taken place in the Appropriation Bill which was passed into Law.

Section 11 gives power to make regulations and directions. I feel, Sir, that all these regulations made under this section should be subject to the approval of Finance Committee.

Again, likewise in section 27(2) I would like to see that loans taken under this should not exceed limits which were approved by Finance Committee.

Concerning section 38, I would like to see a new section added there. While I support all of the areas of section 2 I think that in keeping with the mover's hope that if he can establish an internal audit department, the Auditor-General will be able to spend his time auditing for efficiency and effectiveness and value for money. It may be convenient at this time to include that kind of evaluation in powers given to the Auditor-General in conducting his audit.

As I said, Sir, this Bill is a timely piece of legislation. It has my support. Section 41 prevents the reoccurrence of things like Public Accounts Committee not meeting for eight years, because it lays out time frames under which the Accountant-General must present the accounts and finances etcetera to the Auditor-General for his auditing. However, Mr. President, I have some difficulty with section 48, the power to surcharge. I would be much happier, Sir, if this section allowed the Financial Secretary to submit findings of his investigations to the normal disciplinary body in Government, that is the Governor with the advice of the Public Service Commission. I think that if any disciplinary procedure, surcharge or otherwise, is going to be laid on public officers, it should follow the normal and established procedure and have that surcharge laid by the Governor on the advice of the Public Service Commission. I realise that there are safeguards there of appeal to the Governor, etcetera. However, I just think that we should keep it in context with the disciplinary procedures which are already there.

MR. D. EZZARD MILLER (CONTINUING): I support the Bill, Sir, and I commend Government on its timely introduction. I think that this is the kind of progressive legislation which this country needs and with the exception of those few areas mentioned I offer the Bill my full support, Sir.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes, Mr. President, thank you. I would only reply Mr. President, by thanking Members for their support of the Bill and will try to the best of my ability to give explanations to some of the points raised, perhaps not all.

There was one question on clause 9 where the Honourable Member did not think that "as soon as practicable" was adequate, and that it more or less left it up in the air. I think, Mr. President, if we reflect on what took place this morning, the fact that the Auditor-General's report and the accounts were tabled in August for 1984, we will see the difficulty of saying anything different from what we have here, because it may be a case where the accounts, never mind if there is a specified period of time, but the accounts are late and as a result we will not be able to do the Appropriation Law before the Auditor-General finalises his certification on the 1984 accounts which will show the need to have a Supplementary Appropriation Law. However, I can assure the Member, Mr. President, that it will not take years. It will happen as quickly as possible following the Auditor-General's completion of his account for the previous year.

Under section 21(a), I think that the reason for this, Mr. President, is that we are talking about unusual situations. The wording used is "exceptional circumstances in which an urgent need has arisen for payment". We are talking about, as the Member did mention, national disasters. I think that it is where it is so urgent that payment has to be made otherwise one runs the risk of not taking the action which is necessary to save Government from further expenditure if one takes no action, such as in the case of hurricanes.

In relation to the purchase of land which was raised, Mr. President, I think that the matter is adequately covered under the Royal Instructions 12(1) and (2) as well as section 52 of the Constitution. So I am not sure that adding anything in this Bill will assist or do anything differently than what we have been doing in the past.

In relation to the Second Elected Member for West Bay and the Interbank situation. I think that all of us are unhappy about the time which has been taken in finalising the matter. We can only say to the Member that we will exercise whatever influence which we have in trying to bring the matter to a speedy conclusion.

Some point was made on clause 53 as well, Mr. President, and I am not sure that I have my notes correctly. It dealt with the estate and the fact that it may be hard to surcharge. It may deprive children of funds. We are not trying to deprive anyone here of any funds, Mr. President, to which they are entitled. The clause is here to retrieve from the estate funds which are due to Government. It would be a case where the funds did not legally belong to the person therefore we would wish a surcharge to the personal estate and have the funds returned to Government.

HON. THOMAS C. JEFFERSON (CONTINUING): If or whether the Financial Secretary acts unduly harshly, there is power under another section for appeal to be made to His Excellency the Governor, who after investigating the matter can issue a direction that a surcharge ought to be rescinded.

The power to surcharge under section 48, Mr. President, is not unlike what is in place at the present time, because if we research these Colonial Regulations which we are talking about and which have been in existence for many years and which have served us well in the past, Mr. President, I am not trying to say anything different, regulation 210 reads:-

"If at any time public revenue sustains a loss by reason of the neglect or fault of an officer he will be liable to be surcharged with the amount."

I think that is more or less what section 48 is all about in the present Bill before us, and I have no personal reasons to be harsh with anyone. Neither do I have any personal reasons to want to exercise power unless it is justified, and unless I can convince other people that it is fair and equitable to Government and to the public whose money we are dealing with.

I would also like to go on record in the winding up, Mr. President, as I mentioned this morning when I gave the comparison of 1971 and what was taking place in those days as compared to today, I did not mention that in those days in that year and even years beyond until 1982, the Auditor-General of Jamaica conducted the external audit here. I would like to place on record this Government's gratitude for the exercise done over the years, the way in which it was conducted, the personal relationships which developed over the years between the Finance Department and the Auditor-General of Jamaica's Department, and also to say that I have never had any difficulty at all with any of those persons whom I came across. We certainly will be indebted to them in the history books of the Cayman Islands for as long as this world goes on.

On section 39(3), Mr. President, dealing with the powers of the Auditor-General, I was asked to try to clarify this matter. Perhaps it is something which we in the Cayman Islands are not accustomed to, aware of, or not able to compare it to other countries simply because we do not have the public finance legislation of many different Commonwealth countries within our means of research. However, section 39(3) really says that in the performance of the Auditor-General's duties and the exercise of his powers under this Bill, the Auditor-General shall not be subject to the direction or control of any other person or authority. I think that that is right, Mr. President. If the officer is carrying out the performance of his duties auditing any particular matter, he must be left to his discretion as to how to complete that exercise and should not be given instructions by any other person as to how to complete it, what to say in his report, etcetera.

If he misbehaves, Mr. President, and if he is not in keeping with the clause which says that he will remain in office on good behaviour; if he does not maintain that then he is subject to be dismissed. All Members have read that particular clause and we know what it says.

Mr. President, in closing I thank all Honourable Members for their support and I am sure that we have again this day marked history in the books of this Legislature with this present Bill.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to provide for the control, management and audit of the public finances of the Cayman Islands and for incidental and connected purposes, be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Bills. First Reading.

THE PUBLIC LOANS (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE PUBLIC LOANS (AMENDMENT) BILL, 1985.

MR. PRESIDENT: A Bill for a Law to amend the Public Loans Law is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE PUBLIC LOANS (AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Public Loans Law (Law 10 of 1976).

This Bill, Mr. President, is a short one. The purpose of the amendment is to substitute the "Cayman Islands Currency Board" under section 13 of the Public Loans Law for the "Government Savings Bank" in the first line of section 13, and also in the marginal note, and the "Board", which is the Cayman Islands Currency Board for "Bank" in the third line of section 13. So, Mr. President, if we were to read the amendment, assuming that the Bill is passed, to section 13, the new section 13 would read:-

"The Governor may appoint the Cayman Islands Currency Board as its official broker for the issue and management of public loans and as manager of the sinking fund and the Board as broker may issue and purchase Government securities in the open market."

The Public Loans Law, Mr. President, gives authority for borrowing. It sets out the requirement of setting up sinking funds. It provides for the Government to issue treasury bills and in this case the Currency Board is being substituted as broker for the Government, instead of the Government Savings Bank which has been wound up.

Thank you, Mr. President.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Public Loans Law 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.

THE COURT OF APPEAL (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE COURT OF APPEAL (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Court of Appeal Law is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE COURT OF APPEAL (AMENDMENT) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, as all Members of this Honourable Assembly are aware, under the 1972 Constitution, the Court of Appeal for these Islands was the Court of Appeal for Jamaica. That situation continued until among the amendments made to that 1972 Constitution in 1984 by the Cayman Islands Constitution Amendment Order, 1984, there was established by the insertion into our Constitution of a new Part V which consisted of sections 49 to 49(g), complete provisions for the establishment of our own Court of Appeal for the Cayman Islands. That Constitutional amendment and those parts establishing the Court of Appeal came into force and effect a year ago.

It was considered at that time that it was appropriate that we in the Cayman Islands look closely at the Law pertaining to the Court of Appeal which was the 1975 Court of Appeal Law (Law 9 of 1975), which was enacted at a time when our Court of Appeal was the Court of Appeal for Jamaica. Various consultations took place with the view to the drafting and preparation of a complete and comprehensive new Court of Appeal Law for these Islands. Consultations have commenced and are presently ongoing between myself, the members of my Chambers, the President of the Court of Appeal and the Judges of our own Grand Court as well as the representatives in the legal private sector, with a view to getting their views, and in due course next year bringing before this House for its approval a fully comprehensive new Bill.

That being said, Mr. President, nevertheless it was felt that there were several matters which necessitated action to be taken somewhat in advance of that Bill, and it is for this reason that there is before this Honourable Assembly today this short six clause Bill which seeks to amend our present Law in three certain limited areas. I will propose to deal with these three certain areas in the order in which they appear in the Bill.

As Members of this House will know, in the last Session there was enacted an amendment to the Summary Jurisdiction Law and also an amendment to the Grand Court Law, both of which provided for certain powers to be given to Court marshals who will have the duties of looking after and protecting, and keeping order in the Court buildings and precincts within these Islands in which Courts sit. Those two amendments and the amendment contained in clause 3 of this Court of Appeal (Amendment) Bill, 1985, follow upon the recommendations made and accepted for the reorganisation and increase in efficiency of our own Royal Cayman Islands Police Force by removing the responsibility for control and the keeping of order in such buildings from the police force, and the establishment of a system of marshals to do so instead of the police.

HON. MICHAEL J. BRADLEY (CONTINUING): So, in clause 3 of this Bill before the House it is sought to amend clause 2B of the principal Law by inserting a new subsection. That new subsection reads:-

"(5) An officer attached to the Court as a marshal under subsection (4) shall, in addition to the powers and duties conferred on or to be performed by him as directed by the Court or a Judge or as may be provided by any rules of court, have -

- (a) the power to administer oaths to witnesses in all matters before the Court or in connection with any proceedings pending before the Court;
- (b) within the precincts of the Court and on the order or direction of the Court or a Judge, the power without warrant to take into custody and detain any person until the rising of the Court".

This is the third and final leg of the provision of powers for those marshals, and these powers are analogous to the powers which this Honourable Assembly has seen fit to grant earlier this year in the amendments to the Summary Jurisdiction Law and the Grand Court Law.

The second amendment which it is sought to make to the principal Law is contained in clause 4 of this Bill which seeks to provide a new section 6, subsection (1) into the principal Law. Section 6, subsection (1) at present in our Law says, and I quote:-

"Subject to the provisions of section 9, the Court on any such appeal against conviction shall allow the appeal if the Court considers that the verdict should be set aside on the ground that it is unreasonable, or cannot be supported in regard to the evidence or that the judgement of the Court before which the appellant was convicted should be set aside on the ground of a wrong decision in any court of law or that on any ground there was a miscarriage of justice, and in any other case shall dismiss the appeal with or without mitigation of sentence."

It has been sought and proposed by the Judges of our Grand Court, with the support and concurrence of our own new Court of Appeal, and is supported by myself and my Chambers that the powers of the Court in relation to allowing appeals should be enlarged and brought into line with the United Kingdom powers under the 1968 Criminal Judicature Law. It is sought therefore to substitute for the subsection which I have just read, the following new subsection which as Honourable Members will see is the giving of a greater power to the Court in relation to the allowance of appeals, and is a further safeguard to the appellant who appears before them appealing against a criminal conviction. The proposed new subsection says:-

"Subject to the provisions of section 9, the Court shall allow an appeal against conviction if it thinks -

- (a) that the verdict of the jury should be set aside on the ground that under all the circumstances of the case it is unsafe or unsatisfactory;

HON. MICHAEL J. BRADLEY (CONTINUING):

- (b) that the judgement of the Court before which the appellant was convicted should be set aside on the ground of a wrong decision on any question of law; or
- (c) that there was a material irregularity in the course of the trial,

and in any other case shall dismiss the appeal:."

That second proposed amendment to our Law I also commend to the Members of this Assembly.

The third amendment which it is proposed to make is contained in clauses 2, 5 and 6 and before I proceed to go in detail into the provisions of these, it may perhaps be appropriate that I explain the necessity for them. They are all provisions which set out the power in the Court of Appeal of a single Judge. As Honourable Members are aware, when our Court of Appeal sits and considers appeals, it is a Court of three Justices of Appeal. Whilst our Court of Appeal was the Court of Appeal for Jamaica, because of the proximity of that country; because of the fact that the Court of Appeal for Jamaica was in continuous session for all practical purposes, or when not could be quickly and expeditiously summoned, and because of the quick moves of access to that Court from here by reason of our excellent communications, it was not thought under the old Law and until this time that we should have a system whereby in certain circumstances a single Judge could determine certain minor, ancillary and urgent matters which do not relate to the trial of an appeal itself or the hearing of an appeal, but relate to certain interlocutory or procedural matters.

Our new Court of Appeal is a Court of Appeal established for these Islands. It is a Court in which we have drawn upon the wealth and experience of Judges from various jurisdictions who come from different countries in the world to sit here as our Court of Appeal, but who because of that very fact cannot be quickly and urgently summoned without delays of time and large outlays of costs.

For that reason, Mr. President, there is a provision put in in clause 5 which is an exemplification and enlargement of the very small mention which was made of the powers of a single Judge in relation to hearing interlocutory applications which were contained in clause 2A(2) of our old Court of Appeal Law which said:-

"PROVIDED that if so prescribed by rules of court one Judge may hear and determine an interlocutory matter."

That proviso is repealed and in section 26 a new enlarged but very similar proviso is put in which says:-

"(1A) Any jurisdiction exercisable in any proceedings incidental to any civil case and not involving the hearing or determination of an appeal may, so far as may be prescribed by rules of court, be exercised by a single Judge in the same manner as it may be exercised by the Court and subject to the same provisions."

HON. MICHAEL J. BRADLEY (CONTINUING): In relation to that it was thought that it was necessary and desirable to provide for a system of appeal for the determinations of a single Judge and at the same time to provide in order that such interlocutory applications and similar matters could be heard expeditiously, in the new sections 26A and 26B which are sought to be inserted by this Bill, that the powers exercisable by a single Judge in this Law may be exercised by a Judge of the Grand Court. The point of that is that the Judge of the Grand Court will always be present here. However, as a safeguard against any person thinking that there was no recourse from such determination of a single Judge, there is now sought to be included a specific power of appeal from any such decision of a single Judge to the full Court of Appeal. Again, if the Honourable Members of this Assembly will bear with me I will read them, because I think that it is important that it is clear in the minds of all who are listening, what the new sections say.

Section 26A reads:-

"Appeal from 26A on the application of a party aggrieved
single Judge by a decision of a single Judge made in the
exercise of any of the powers conferred by
this Law, any other law or rules of court, the Court as duly
constituted for the hearing and determination of appeals under
this Law may review and discharge or vary that decision."

Section 26B reads:-

"Powers exer- 26B. All the powers conferred by this Law,
cisable by a any other law or rules of court on a single
judge of Judge may for all purposes be exercised by a
Grand Court judge of the Grand Court in the same manner
as they may be exercised by a single Judge
and subject to the same provisions, and such exercise shall for
all purposes be as valid as if that power had been exercised
by a single Judge:

PROVIDED that, on the application of a party aggrieved by it,
the Court as duly constituted for the hearing and determination
of appeals under this Law may review and discharge or vary
any exercise of any of such powers by a judge of the Grand
Court under this section."

Mr. President, Sir, I commend these three short amendments which it is sought to make to the Court of Appeal Law of 1975 to the Members of this Legislative Assembly. As I said when I started, next year after careful thought and after consultation with all parties it is my intention to bring before this House a new Court of Appeal Law. In the meantime, with our own Court of Appeal of the Cayman Islands firmly established and working in a manner which is seen to be fair to all, it is thought fit and proper that we should bring in suitable provisions to enable it to be seen by the public at large and by all persons who are affected by it, that justice shall not be delayed, because justice delayed is justice denied. These provisions will seek to clear off interlocutory matters and minor matters but will still keep a right of appeal to the full Court against such determinations which are normally not controversial, and will enable a Court of Appeal when it comes here to get to the meat, to the substance and to the hearing of the appeals themselves.

Mr. President, Sir, I commend the provisions of this Bill to the House.

MR. PRESIDENT: *The question is that a Bill entitled a Bill for a Law to amend the Court of Appeal Law be given a Second Reading. The motion is open for debate. If any Member wished to speak I think that we would hold the debate over until another day. If no Member does wish to speak, then I can put the question now. Nobody catches my eye. I will put the question.*

QUESTION PUT: AGREED. BILL GIVEN A 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 question is that this House do now adjourn until 10.00 a.m. tomorrow. I will put the question.*

QUESTION PUT: AGREED. AT 4.35 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., THURSDAY, 5TH SEPTEMBER, 1985.

THIRD MEETING OF THE 1985 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
THURSDAY, 5TH SEPTEMBER, 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 RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER RESPONSIBLE 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 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

ABSENT

MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
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ORDER PAPER

THIRD MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

THURSDAY

5TH SEPTEMBER, 1985

(THIRD DAY)

1. PRAYERS

To be read by the Honourable Fourth Elected Member of Executive Council.

2. QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

- NO. 102: (a) WOULD THE MEMBER STATE WHEN THE CAYMAN ISLANDS BUILDING CODE WILL BE COMPLETED?
(b) WOULD THE MEMBER STATE WHICH BUILDING CODE HAS IN THE PAST BEEN USED IN THE CAYMAN ISLANDS?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

- NO. 103: WOULD THE HONOURABLE MEMBER SAY WHEN GOVERNMENT WILL INSTALL TRAFFIC LIGHTS AT THE BY-RITE JUNCTION IN WEST BAY?
NO. 104: WOULD THE HONOURABLE MEMBER SAY WHAT TIME THE PUBLIC WORKS DEPARTMENT IS EXPECTED TO BE BACK IN THE WEST BAY DISTRICT AND WHICH ROADS ARE SCHEDULED TO BE WORKED ON?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

- NO. 105: WOULD THE HONOURABLE MEMBER STATE GOVERNMENT'S REVENUE AND EXPENDITURE FOR 1985, UP TO 31ST JULY, 1985?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

- NO. 106: WOULD THE HONOURABLE MEMBER STATE THE COST OF KITCHEN SHELVING (CABINETS) OF THE NEW KITCHEN COMPLEX OF THE GEORGE TOWN HOSPITAL?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 107: WOULD THE HONOURABLE MEMBER STATE THE TOTAL COST OF THE GEORGE TOWN HOSPITAL'S NEW KITCHEN COMPLEX TO DATE?

NO. 108: WOULD THE HONOURABLE MEMBER STATE WHAT PROGRESS HAS BEEN MADE TOWARDS HAVING A DOCTOR ON THE HOSPITAL COMPOUND 24 HOURS A DAY?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION

NO. 109: WOULD THE HONOURABLE MEMBER MAKE A STATEMENT ABOUT THE LEGAL PUBLIC RELATIONS OR OTHER CONSULTANTS RETAINED BY GOVERNMENT IN LONDON/WASHINGTON/NEW YORK?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 110: WOULD THE HONOURABLE MEMBER STATE HOW MANY APPLICATIONS FOR THE GRANT OF CAYMANIAN STATUS HAVE BEEN RECEIVED BY THE CAYMANIAN PROTECTION BOARD FOR THE YEAR 1985, THROUGH 31ST AUGUST, 1985?

3. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE FIRST OFFICIAL MEMBER - LEADER OF GOVERNMENT BUSINESS.

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

(1) PRIVATE MEMBER'S MOTION NO.14
CONTRIBUTORY PENSION SCHEME

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.15
GOVERNMENT SPONSORED DRUG REHABILITATION FACILITY

STANDING ORDER 24(14)

THE SECONDED ELECTED MEMBER FOR WEST BAY TO MOVE, IN ACCORDANCE WITH STANDING ORDER 24(14), THAT PRIVATE MEMBER'S MOTION NO.15 BE WITHDRAWN WITH LEAVE OF THE HOUSE.
TO BE SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

- (3) PRIVATE MEMBER'S MOTION NO.16
PUBLICATION OF GOVERNMENT NOTICE & ENACTED LEGISLATION
IN NEWSPAPER(S)

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.17
LICENSING OF SPEARGUNS

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.18
ESTABLISHMENT OF RADIO CAYMAN AS A GOVERNMENT CORPORATION

TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND
SECONDED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

5. GOVERNMENT BUSINESS

BILLS:-

FIRST AND SECOND READINGS

- (1) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
(2) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

COMMITTEE THEREON

- (3) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
(4) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
(5) THE PUBLIC FINANCE AND AUDIT BILL, 1985
(6) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
(7) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
(8) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
(9) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

REPORTS THEREON

- (10) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
(11) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
(12) THE PUBLIC FINANCE AND AUDIT BILL, 1985
(13) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
(14) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
(15) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
(16) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

THIRD READINGS

- (17) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
(18) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
(19) THE PUBLIC FINANCE AND AUDIT BILL, 1985
(20) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
(21) THE COURT OF APPEAL (AMENDMENT) BILL, 1985

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THURSDAY

5TH SEPTEMBER, 1985

10:00 A.M.

MR. PRESIDENT: I invite the Honourable Fourth Elected Member of Executive Council to say prayers.

PRAYERS

HON. VASSEL G. JOHNSON: 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 offices.

All this we ask for Thy great Name's sake. Amen.

Our Father, which art in Heaven, Hallowed by 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.

The Lord bless us and keep us: the Lord make His face shine upon us and be gracious unto us: the Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.
Item 2 - questions. The Second Elected Member for George Town.

QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 102: (a) WOULD THE MEMBER STATE WHEN THE CAYMAN ISLANDS BUILDING CODE WILL BE COMPLETED?

(b) WOULD THE MEMBER STATE WHICH BUILDING CODE HAS IN THE PAST BEEN USED IN THE CAYMAN ISLANDS?

ANSWER: (a) THE PRESENT PROGRAMME OF THE BUILDING CODE COMMITTEE INDICATES THAT THE CAYMAN ISLANDS BUILDING CODE WOULD BE COMPLETED IN EARLY 1986.

(b) NEITHER THE DEVELOPMENT AND PLANNING LAW NOR THE REGULATIONS MADE THEREUNDER STIPULATE THE USE OF A BUILDING CODE. HOWEVER, THE CENTRAL PLANNING AUTHORITY IN DEALING WITH APPLICATIONS FOR CONSTRUCTION, USE AS A GUIDE, AND WHERE APPROPRIATE, THE SOUTH FLORIDA BUILDING CODE.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Would the Honourable Member state whether the South Florida Building Code is used normally in hotel and condominium developments?

HON. VASSEL G. JOHNSON: Mr. President, I just said that the South Florida Building Code is being used by the Central Planning Authority in dealing with applications for construction, only as a guide and where appropriate.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Would the Honourable Member state whether (even though the use of the South Florida Building Code is not provided for under law) this has been used as a policy of the Central Planning Authority over the past years in the absence of a local building code?

HON. VASSEL G. JOHNSON: Mr. President, the Central Planning Authority must use as its guideline in dealing with applications for construction, the Development and Planning Law or the Regulations made thereunder. As far as I am concerned there is no policy set outside of the Law and Regulations for dealing with construction applications.

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. Would the Member state then whether the use of the South Florida Building Code was done just on the authority of the Central Planning Authority or with the concurrence and blessing of the Portfolio?

HON. VASSEL G. JOHNSON: I am confused over that supplementary, Mr. President, because I have already stated what the position is with the Central Planning Authority which is responsible, and solely responsible for construction applications in this Government. The Portfolio has nothing to do with it. All applications go to the Central Planning Authority and the Authority is established under the provisions of the Law to deal with these matters.

MR. LINFORD A. PIERSON: Mr. President, without wanting to prolong this question, I feel that there is certain information that we should get and I ask this question as one who served as Chairman of the Central Planning Authority for one year, and I was aware then, Mr. President, that we got all our instructions from the Portfolio. Mr. President, I would like to know whether the policy that I found when I went there as Chairman, where the South Florida Building Code had been used in the absence of a local building code, has been changed in any way or whether this policy still exists.

HON. VASSEL G. JOHNSON: Mr. President, it is difficult for me to tell you what policy was adopted by the Central Planning Authority under the former Government.

MR. PRESIDENT: I think it is quite true; the Honourable Member has no responsibility for what went on and maybe even no knowledge of precisely what went on in the former administration.

MR. LINFORD A. PIERSON: Thank you, Mr. President, but surely the Honourable Member should know what exists now.

MR. PRESIDENT: The Honourable Member has told you what exists now. It may not have been the answer that you wanted or hoped for, but he has given you an answer and I do not think we can really prolong the question further.

The Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 103: WOULD THE HONOURABLE MEMBER SAY WHEN GOVERNMENT WILL INSTALL TRAFFIC LIGHTS AT THE BY-RITE JUNCTION IN WEST BAY?

ANSWER: TRAFFIC MOVEMENTS AT THIS INTERSECTION WERE EXAMINED EARLIER THIS YEAR. IT WAS DETERMINED THAT THERE IS A MARGINAL NEED FOR SIGNALIZATION, DUE MORE TO THE GEOMETRICS OF THE INTERSECTION THAN THE ACTUAL TRAFFIC VOLUME. SUBJECT TO THE PROVISION OF FUNDS IN THE 1986 CAPITAL BUDGET, THE INSTALLATION CAN BE DONE IN 1986.

MR. PRESIDENT: If there is no supplementary, perhaps the Member would like to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 104: WOULD THE HONOURABLE MEMBER SAY WHAT TIME THE PUBLIC WORKS DEPARTMENT IS EXPECTED TO BE BACK IN THE WEST BAY DISTRICT AND WHICH ROADS ARE SCHEDULED TO BE WORKED ON?

ANSWER: THE PUBLIC WORKS DEPARTMENT ROADS SECTION EXPECTS TO RESUME WORK IN THE WEST BAY DISTRICT THE SECOND WEEK IN OCTOBER.

SCHEDULED ROAD WORKS ARE:

(A) NEW CONSTRUCTION

MT. PLEASANT TO CONCH PT. ROAD

(B) PHASED CONSTRUCTION

1. MABLE SMITH/ELIA HABIB ROAD
2. SHELLY POWER ROAD
3. MIRIAM EBANKS/ERVA JANE EBANKS ROAD
4. VARIAN EBANKS/CONNIE EBANKS ROAD
5. ELEANOR EBANKS ROAD
6. VERDON EBANKS/JERRY SMITH ROAD
7. SHERLON EBANKS/JERRY SMITH ROAD
8. CHARLIE FARRINGTON/JOE POWELL TO DENNIE EBANKS ROAD

9. RILEY EBANKS ROAD
10. CLEARSTEME BROOKS ROAD
11. LOGWOOD ROAD
12. HILARY EBANKS ROAD
13. SAM BUSH/IVA POWERY ROAD
14. PEARL BUSH ROAD
15. BOYIE WELDS ROAD

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask if this work in West Bay will be done before or after the roadworks in Bodden Town? (LAUGHTER)

HON. CHARLES L. KIRKCONNELL: Mr. President, it looks as though it will be, but I have not spoken to the Chief Engineer of Public Works. We had intended originally to go from North Side to East End and then Bodden Town, but I do not know if they have re-scheduled this work and go to West Bay next and then go back to East End and Bodden Town. I am not clear on this, Sir.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Honourable Member could say how many of these roads are private?

HON. CHARLES L. KIRKCONNELL: Mr. President, I am not certain, Sir, but I can get this information and give it to the Member in writing.

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if he can tell us how many houses are on each road?

HON. CHARLES L. KIRKCONNELL: Mr. President, I cannot say, Sir. There are quite a number of roads here. I do not have that information, but I can try to provide the information as soon as possible.

MR. G. HAIG BODDEN: Mr. President, can I ask the Honourable Member if it is correct that in the work done in West Bay earlier, one of the roads only had one house on it and one only had three houses?

MR. PRESIDENT: I do not think that really arises out of the answer to the original question here.

MR. W. McKEEVA BUSH: That is not true though, Mr. President. (LAUGHTER)

MR. PRESIDENT: Never mind (LAUGHTER)..... if the question is not to be asked, you are not to answer it. (LAUGHTER)

MR. W. McKEEVA BUSH: Well you see, Mr. President,

MR. PRESIDENT: Did you want to ask a question? You rose earlier.

MR. W. McKEEVA BUSH: I rose earlier, Mr. President, but it seems that some Members got ahead of me. The last Member ought to know you see. He was the Member before

MR. PRESIDENT: Well, are you asking a question - no
....

MR. W. McKEEVA BUSH: If you would give me a chance, Sir ...
(LAUGHTER) ...

MR. PRESIDENT: Well, that is what I am doing, but you are not taking it. (LAUGHTER)
The Member for East End.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Honourable Member would be in a position to say whether this list produced to us in his answer is as a result of a survey done by the Public Works Department or a private request?

HON. CHARLES L. KIRKCONNELL: Mr. President, this list of roads was done by the Chief Engineer of the Public Works Department and the Roads Supervisor who visited West Bay and, together with the Elected Members for West Bay, went through the district; looked at the different roads and determined which roads needed repairs the most. It was from two tours they had that the list was produced and is before the House today. The roads listed are the ones which needed attention.

MR. PRESIDENT: If there is no

MR. W. McKEEVA BUSH: Mr. President, looking at the list and knowing the list which we turned in, there are still some roads missing that we checked into, Sir, and I am wondering whether the Honourable Member will have another look with me or other Members from the district at the list?

HON. CHARLES L. KIRKCONNELL: Mr. President, the Member is quite aware that we have always tried to work with the Members of the Legislative Assembly in every district and have gone with them and have tried to meet their requests in every respect.

MR. G. HAIG BODDEN: Mr. President, may I ask if this list is political or is it a list of priority?

MR. PRESIDENT: I did not quite hear is it in priority, is that what you said?

MR. G. HAIG BODDEN: In relation to the repairs of these roads, did Government use the criterion of politics or the criterion of priority since there is no work on the main roads from Bodden Town to East End and North Side? Is this political or is it priority? (LAUGHTER)

MR. W. McKEEVA BUSH: It is needs. (LAUGHTER)

HON. CHARLES L. KIRKCONNELL: Mr. President, I think we are doing no more than the former Government. We are following their policy. We are giving roads to the supporters of this Government, like they did in the previous Government. (LAUGHTER)

MR. JOHN B. McLEAN: Mr. President, is the Honourable Member saying that our policies were very good? (LAUGHTER)

MR. PRESIDENT: Did the Third Elected Member for West Bay have a supplementary?

MRS. DAPHNE L. ORRETT: Mr. President, although there are a number of roads that needed attention in West Bay, are the roads listed in the answer which he just gave to us the roads that needed urgent attention.

HON. CHARLES L. KIRKCONNELL: Yes, Mr. President, this is the list handed in to me by the Roads Supervisor.

MR. PRESIDENT: Perhaps the Member will ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 105: WOULD THE HONOURABLE MEMBER STATE GOVERNMENT'S REVENUE AND EXPENDITURE FOR 1985, UP TO 31ST JULY, 1985?

ANSWER: THE REVENUE AND EXPENDITURE FOR 1ST JANUARY TO 31ST JULY, 1985, IS \$34,770,390 AND \$31,245,807 RESPECTIVELY.

MR. PRESIDENT: The Elected Member for North Side - 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. 106: WOULD THE HONOURABLE MEMBER STATE THE COST OF KITCHEN SHELVING (CABINETS) OF THE NEW KITCHEN COMPLEX OF THE GEORGE TOWN HOSPITAL?

ANSWER: THE COST OF THE SHELVING (CABINETS) FOR THE NEW KITCHEN COMPLEX OF THE GEORGE TOWN HOSPITAL WAS C1\$5,409.37.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Honourable Member state if this is just the purchase price or does this include installation as well?

HON. BENSON O. EBANKS: Mr. President, this is the cost of the shelving delivered on the site as I understand it. It has not yet been installed.

MR. W. MCKEEVA BUSH: A supplementary, Mr. President. Can the Honourable Member say when the shelving will be installed?

HON. BENSON O. EBANKS: Mr. President, I imagine when it is reached in this scheme of the construction schedule. I do not understand there to be any technical or other problems why it has not been installed.

MR. PRESIDENT: The next question. The Elected Member for North Side.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 107: WOULD THE HONOURABLE MEMBER STATE THE TOTAL COST OF THE GEORGE TOWN HOSPITAL'S NEW KITCHEN COMPLEX TO DATE?

ANSWER: THE TOTAL COST OF THE GEORGE TOWN HOSPITAL'S NEW KITCHEN COMPLEX TO DATE IS \$607,926.79.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary, Mr. President, The Honourable Member mentioned in answer to a supplementary a while ago about reaching a certain time frame in the scheme of things. How much more of this scheme is left to be completed or does the Honourable Member envisage a great addition to this figure just given here?

HON. BENSON O. EBANKS: Mr. President, the anticipated completed cost of the complex is \$612,000 which includes a small amount for last minute contingencies. So it appears that the complex is nigh completed.

MR. LINFORD A. PIERSON: Mr. President, just a matter of clarification. I know we have gotten this answer on the cost of the George Town hospital's new kitchen in writing of \$607,926.79, but I wonder if the Honourable Member may have made a mistake. Is this figure quite correct? This could have built the whole hospital.

HON. BENSON O. EBANKS: Mr. President, I would tend to agree with the Member, but I think the figure I have given him is correct. However, I would remind him that the plan for this kitchen was not of my making.

MR. PRESIDENT: The next question. The Elected Member for North Side.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 108: WOULD THE HONOURABLE MEMBER STATE WHAT PROGRESS HAS BEEN MADE TOWARDS HAVING A DOCTOR ON THE HOSPITAL COMPOUND 24 HOURS A DAY?

ANSWER: PROGRESS HAS BEEN MADE TO THE EXTENT THAT IT HAS BEEN ASCERTAINED THAT IT WOULD REQUIRE AN ADDITIONAL TWO DOCTORS IN ORDER TO PROVIDE THIS COVER WITHOUT THE LOSS OF SOME EXISTING SERVICES.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Mr. President, a supplementary, Sir. Can the Honourable Member identify what services would be lost if the present doctors were used rather than to have them supplemented by two more doctors?

HON. BENSON O. EBANKS: Mr. President, it would be difficult to identify specific services that would be lost, but it has been established that it is impossible for the existing staff to work the number of hours that would be required to give this service without a breakdown in existing services.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Would the Honourable Member state what the present complement of doctors at the George Town hospital is?

HON. BENSON O. EBANKS: Mr. President, I think the total is ten.

MR. D. EZZARD MILLER: Is the Honourable Member referring only to the ten who are working full-time, or does that include visiting specialists?

HON. BENSON O. EBANKS: Mr. President, the visiting specialists are not part of the complement of doctors at the hospital, nor are their visits, as I understand it, on a fixed regular basis. They come as and when required or as and when they can fit it in to their other schedules.

MRS. DAPHNE L. ORRETT: Mr. President, I would like to ask the Honourable Member whether or not, inferring to ascertain, the number of doctors presently at the hospital could accomplish the 24 hour a day, round the clock, duty roster if consideration has been given to the services which are offered by outside doctors and clinics in coming to this conclusion?

HON. BENSON O. EBANKS: Mr. President, it certainly has, Sir, and the information I have is that those doctors in the private sector who have been contacted and have agreed to, shall I say, assist in after hour work, have restricted their offer to their respective specialities. In other words they are not prepared to practise generally, so one could not say that we have cover at the hospital; if somebody is a specialist in gynecology, then that is all he is prepared to practise.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Could the Honourable Member state what time it is expected to have these two additional doctors recruited?

HON. BENSON O. EBANKS: Mr. President, providing that this Honourable House will approve the post in the Estimates for 1986, recruitment will take place as quickly as the money or the posts have been approved.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Is it the intention that these two doctors be general practitioners or specialists who can once again claim that they do not want to do their general duties?

HON. BENSON O. EBANKS: Mr. President, these will be general practitioners to increase the all around breadth of the service.

MR. D. EZZARD MILLER: Mr. President, can the Honourable Member state how many of the present ten doctors are general practitioners?

HON. BENSON O. EBANKS: Mr. President, I think I answered that question earlier this year. Most of them are general practitioners, but in addition they have specialities which they tend to practise.

MR. D. EZZARD MILLER: With respect, Mr. President, there are general practitioners and there are specialists. There is no such thing in between.

HON. BENSON O. EBANKS: That is a statement, Mr. President, but it could only be a matter of opinion.

MR. D. EZZARD MILLER: Yes, Sir, that is my opinion.

MR. PRESIDENT: Order! Order! Statements cannot be If there is no further supplementary, the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION

NO. 109: WOULD THE HONOURABLE MEMBER MAKE A STATEMENT ABOUT THE LEGAL PUBLIC RELATIONS OR OTHER CONSULTANTS RETAINED BY GOVERNMENT IN LONDON/WASHINGTON/NEW YORK?

ANSWER: YES, BUT INSTEAD OF MAKING A STATEMENT LATER UNDER THE PROVISIONS OF STANDING ORDER 14(1)(g), I AM TAKING THIS OPPORTUNITY TO MAKE THIS STATEMENT AS THE SUBSTANTIVE REPLY TO THE MEMBER'S QUESTION.

IT IS FROM TIME TO TIME NECESSARY IN THE BEST INTERESTS OF THE CAYMAN ISLANDS TO OBTAIN ASSISTANCE FROM OUTSIDE SOURCES WHENEVER THE GOVERNMENT OF THE CAYMAN ISLANDS WISHES TO OBTAIN CLARIFICATION ON THE MEANING AND EFFECT OF FOREIGN LAWS AND TO TAKE LEGAL ACTION IN OTHER JURISDICTIONS AND ON OTHER OCCASIONS WHEN IT IS DEEMED IN THE BEST INTERESTS OF THE CAYMAN ISLANDS THAT THE ATTITUDE OF THE GOVERNMENT AND PEOPLE ON VARIOUS MATTERS, BE CLEARLY AND FORCEFULLY PRESENTED TO THE GOVERNMENT, LEGISLATORS AND PEOPLE OF OTHER JURISDICTIONS.

ON THIS BASIS AND IN ACCORDANCE WITH THIS POLICY THERE ARE THREE MAIN FIRMS OR PERSONS RETAINED ON A CONSULTANCY BASIS AT PRESENT BY THIS GOVERNMENT. THE FIRST OF THESE IS THE FIRM OF GRAY AND COMPANY WHICH IS ONE OF THE MOST WELL KNOWN AND INFLUENTIAL FIRMS OF PUBLIC RELATIONS CONSULTANTS AND LOBBYISTS IN WASHINGTON, D.C. THIS FIRM WAS EMPLOYED IN APRIL, 1985, FOR A TERM OF SIX MONTHS FOR THE PURPOSE OF IDENTIFYING IN THE MINDS OF THE MEMBERS OF THE U.S. LEGISLATURE AND PUBLIC THE ATTITUDE OF THE CAYMAN ISLANDS' GOVERNMENT AND PEOPLE TO NARCOTICS' ACTIVITIES, THE LEGAL, ADMINISTRATIVE AND OTHER STEPS WHICH HAVE, ARE AND WILL BE TAKEN BY THIS GOVERNMENT AGAINST DRUGS AND THE CO-OPERATION AND FACILITIES WE ACCORD IN THE INTERNATIONAL FIELD.

THE SECOND CONSULTANT EMPLOYED IS BASED IN LONDON. HE IS SIR IAN PERCIVAL, QC, MP, A FORMER SOLICITOR GENERAL IN THE U.K. GOVERNMENT. HE WAS ENGAGED IN MAY, 1985, FOR A SIX MONTHS PERIOD IN CONNECTION WITH THE FORTHCOMING LAW ENFORCEMENT TREATY NEGOTIATIONS TO HELP SECURE FOR THESE ISLANDS THE AGREEMENT OF BOTH THE U.K. AND THE U.S. TO SUCH PROVISIONS AS WILL BEST BE OF USE AND BENEFIT TO THE ISLANDS AND TO THE OFFSHORE FINANCIAL INDUSTRY.

THE THIRD FIRM EMPLOYED IS THE LEGAL FIRM OF SIDLEY & AUSTIN WHO ARE BASED IN WASHINGTON, D.C. THIS FIRM IS EMPLOYED AS LEGAL ADVISORS ON U.S. STATUTE AND COMMON LAW IN CONNECTION WITH ANY CRIMINAL OFFENCES UNDER U.S. LAW WHICH MIGHT BE CONSIDERED FOR INCLUSION WITHIN THE AMBIT OF THE U.K./CAYMAN/U.S. LAW ENFORCEMENT TREATY.

IT HAS BEEN, IS AND WILL CONTINUE TO BE THE POLICY OF THIS GOVERNMENT TO SEEK EXPERT ASSISTANCE AND ADVICE BOTH WITHIN AND WITHOUT THE CAYMAN ISLANDS ON ANY OCCASION ON WHICH IT IS CONSIDERED THAT SUCH AN ASSISTANCE AND ADVICE WILL BE TO THE BENEFIT OF THESE ISLANDS.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, could the Honourable Member give a breakdown of costs to Government to retain the various public relations mentioned?

HON. MICHAEL J. BRADLEY: Mr. President, Sir, as these are on-going consultancies, the final total cost is not yet known. However, if I can explain to Honourable Members that initially in respect of Messrs Gray and Company the consultancy agreement reached with them was that they be engaged for six months on the basis of a monthly retainer of US\$15,000 per month which is to be used up on an hour-working-costing basis against that retainer fee up to that limit, plus out-of-pocket expenses.

In relation to Sir Ian Percival, his initial brief retainer was for the sum of US\$10,000 which brief fee and consultancy fee was to include the first actual 25 hours of work engaged by him upon and solely devoted to our negotiations.

The third firm of Messrs Sidley & Austin are employed purely on a time costing basis in relation to the employment of the various professional members of that firm; and in accordance with the general practice in the United States, the costing of a particular lawyer in a firm depends upon the seniority of that lawyer and is normally within the range of US\$200 to US\$250 an hour down to to US\$100 to US\$120 an hour.

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if the two firms of Sidley & Austin and Gray and Company are doing any work in connection with the lifting of the ban on the turtles?

HON. MICHAEL J. BRADLEY: I understand that the firm of Gray and Company have been asked to do certain work recently in connection with the efforts to lift the ban on turtles.

MR. G. HAIG BODDEN: Mr. President, may I ask if the firm of Gray and Company has replaced the work that was done the former Caymanian attorney who had been employed in Washington in connection with the Turtle Farm?

HON. MICHAEL J. BRADLEY: My understanding is that there were employed, in connection with the CITES negotiations (meeting) earlier this year, a firm of attorneys in the United States who were engaged for the purpose of that consultancy. It is my understanding that there has not been any contractual relationship, apart from that firm, by the Portfolio responsible on behalf of Government, but any other attorneys in this present year.

MR. PRESIDENT: Would the Member for East End like to ask the next question?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 110: WOULD THE HONOURABLE MEMBER STATE HOW MANY APPLICATIONS FOR THE GRANT OF CAYMANIAN STATUS HAVE BEEN RECEIVED BY THE CAYMANIAN PROTECTION BOARD FOR THE YEAR 1985, THROUGH 31ST AUGUST, 1986?

ANSWER: ONE HUNDRED AND SIXTY-FIVE (165) APPLICATIONS HAVE BEEN RECEIVED BY THE CAYMANIAN PROTECTION BOARD FOR 1985.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, I wonder if the Honourable Member would be able to give us a breakdown as to where the applicants are from?

HON. DENNIS H. FOSTER: Yes, Mr. President, I was being cautious to tell him that I was prepared today. (LAUGHTER)

Mr. President, the answer, Sir. Perhaps I had better explain that there are various sections of the Caymanian Protection Law which one can apply under; mainly section 18(1), (2), (3), (5) and so on.

Under section 18(1), we have from Jamaica 45 males, 18 females; United Kingdom - 18 males, 5 females; Canada - 4 males, 1 female; United States - 2 males; Guyana - 1 male; Barbados - 4 males, 1 female; Trinidad - 1 female; Saint Lucia - 1 female; Belize - 2 males, 1 female; New Zealand - 1 male; Australia - 1 male -- making a total of 106.

Under section 18(2), we have 2 males from Jamaica and 1 female from the United Kingdom -- making a total of 3.

Under section 18(3), we have 5 males and 3 females from Jamaica; 1 male and 1 female from the United Kingdom; 3 females from the United States; 1 male, 2 females from Honduras -- making a total of 16.

Does the Member have enough or does he wish me to go on?..... All right.

Under section 18(5), we have from Jamaica 13 males; United Kingdom - 2 males; Canada - 1 male; United States - 5 males and 1 female; Barbados - 1 male; Saint Lucia - 1 male; Belize - 2 males; Turks and Caicos - 1 male -- making a total of 33.

Under section 18(6), we have from Jamaica 1 female.

Under section 18(11), we have from Jamaica 4 females; United Kingdom - 1 female; Canada - 1 female -- making a total of 6.

Grand total 165.

MR. LINFORD A. PIERSON: Mr. President, since the Honourable Member is so well prepared, I wonder if under section 18(1) he may be in a position to tell us the aging number of years that some of these, especially the Jamaicans, applications extend to?

HON. DENNIS H. FOSTER: No, Sir, I do not have their ages at all.

MR. LINFORD A. PIERSON: Mr. President, not the ages of the applicants, but the number of years that they have spent here as residents of the Cayman Islands.

HON. DENNIS H. FOSTER: No, Sir, I have not got that detail but I think that under the Law they would have had to be here for a period of seven years immediately preceding their applications.

MR. LINFORD A. PIERSON: Mr. President, I know that that was a difficult question. However, I wonder if the Member is aware, Sir, that certain applicants who are making application under section 18(1) have been resident in the Islands for twenty years and upwards?

HON. DENNIS H. FOSTER: No, Sir, I was sort of aware that there were one or two there who have been here for around ten to twelve years, but not that long.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say if there is an estimated time to have the applications dealt with by the Board?

HON. DENNIS H. FOSTER: Yes, Sir, I think it is either under the regulations or the directives that they are supposed to look at those applications somewhere around now if I am not mistaken.

MR. LINFORD A. PIERSON: Mr. President, I am quite aware of the directives from yourself to the Protection Board. I have copies in front of me. However, I wonder if the Member could state whether the applicants will be given priority in order of the number of years that they have been here on the Islands, or what priority will be given to these applications?

HON. DENNIS H. FOSTER: Mr. President, it is difficult for me to determine the answer. However, the Board does have criteria laid down, again either in regulations or directives. We cleared up all the backlog earlier on so these are really new applications. There would not be much time difference between their coming in, but I think that they will be treated according to the criteria laid down.

MR. G. HAIG BODDEN: Mr. President, could the Member say how many of the 165 applications have been processed since January of this year?

HON. DENNIS H. FOSTER: Mr. President, these are new applications, Sir, and have not been processed at all as far as I know. Oh, did the Member say since January? Yes, right after the new Law I think they processed some 400 odd and granted so many, about twenty. That was under the old Law though, but this year. Then we have started off afresh and these are new applications which I have given the Member here.

MR. LINFORD A. PIERSON: Mr. President, could the Member state whether he is aware that on examination and grant of status of the last applications made to the Protection Board, the last grants made, that there were applicants well in excess of ten years who fulfilled all the requirements of the Protection Board directive who were not granted status? Yet there were those who had barely fulfilled the minimum number of years who were granted it instead.

HON. DENNIS H. FOSTER: Yes, Sir, I am aware of that.

MR. LINFORD A. PIERSON: Mr. President, another supplementary, Sir. Would the Member state whether this anomaly will be allowed to continue?

HON. DENNIS H. FOSTER: Mr. President, I do not think that it is an anomaly at all, Sir. It is not the number of years of being here which convinces the Board to give somebody status. I think that the Board looks carefully at every applicant and then determines the best.

MR. LINFORD A. PIERSON: Mr. President, I did say that the applicants had complied in all respects with the directives given under the Protection Board, so it is not the number of years which I am most interested in. I am more interested in the consideration being given to the applications all things being equal, whether, with all things being equal the applicants will be treated equally.

HON. DENNIS H. FOSTER: Mr. President, the Board has the Law, regulations and directives to work under. I do not interfere with them, Sir, and I am afraid that we will just have to leave it. I think that it is a good Board and I think we will have to leave these decisions to the Board.

MR. PRESIDENT: If there is no further supplementary that concludes questions. Item 3. Statements. The Honourable First Official Member.

STATEMENT BY THE HONOURABLE FIRST OFFICIAL MEMBER

HON. DENNIS H. FOSTER: Mr. President, a new Caymanian Protection Law was enacted last year as the result of recommendations made by a Select Committee of the previous Legislative Assembly. Before it was enacted the Foreign and Commonwealth Office commented on those recommendations. They suggested a number of changes should be made to ensure that it would comply with the provisions of the British Nationality Act of 1981. Unfortunately, however, their suggestions might have given a large number of people rights to come here. Since it was enacted there has been further correspondence about the matter. As a result, agreement has been reached that the Cayman Islands will admit any British Dependent Territory citizen who has a connection with the Islands under the terms of the British Nationality Act, 1981, but does not enjoy Cayman status and has no right of admission to any other country.

This will suffice to satisfy the provisions of the Convention on the status of stateless persons to which the United Kingdom is a party. However, it should not have unacceptable consequences. Nobody is known to be in the category described, so few if any, people are in future likely to be found who fall within it.

MR. PRESIDENT: Item 4. Private Member's Motion No. 14/85. The Second Elected Member for West Bay.

MOTIONS

PRIVATE MEMBER'S MOTION NO. 14/85

CONTRIBUTORY PENSION SCHEME

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No. 14/85 standing in my name, which reads:-

MR. W. McKEEVA BUSH (CONTINUING):

"WHEREAS in a few short years a large number of Caymanians will reach unproductive or retirement age, and become a burden to our social programme;

BE IT RESOLVED that the Government of the Cayman Islands draft legislation for the introduction of a contributory pension scheme and that Government have the power to co-opt outside expertise.

AND BE IT THEREFORE RESOLVED that the Legislative Assembly do appoint a Select Committee of the whole House to consider such draft legislation.

AND BE IT FURTHER RESOLVED that Government do bring such draft legislation to the Select Committee within six months for its consideration.

MR. D. EZZARD MILLER:

Mr. President, I beg to second the motion.

MR. W. McKEEVA BUSH:

Mr. President, the intention and purpose of this motion is not something which is new or radical in parliamentary procedure. It is not even new to the Cayman Islands Parliament. Its intention and purpose, Sir, is to make it lawful and mandatory for Government to proceed with the difficult task of establishing a national pension scheme in this country.

Sir, I might as well say here and now, any Member, and this is how I feel, who is not in this Chamber to vote on this motion, I count it as a vote of no. Anyone abstaining, I count it as a vote against establishing this contributory pension scheme in this country.

Sir, it is my belief that there are few democratic countries or territories in the world without some kind of national pension scheme for their people. That is, Sir, some kind of security for its workers when they have reached their non-working and unproductive years because of age, injury or disease. This subject, Sir, because you are new to this country, has been thrown around the political arena of the Cayman Islands for as long as I can remember and I started looking at politics from the year 1972, not to say that I did not attend political meetings.

The promise, Sir, graced a political election manifesto as early as 1972 and even before that year as I understand it, Government had acquired the services of a Mr. Prosser for a feasibility study of the matter. This Mr. A.R.G. Prosser was an experienced Social Development Advisor on loan from London. In his report Mr. Prosser strongly recommended the setting up of some kind of a national pension scheme, which because of our small population at that time, he suggested a simple provident fund scheme which later on could be upgraded into a national social securities scheme.

Sir, in the year 1972 the promise of a national pension scheme was embodied in the election manifesto of what we had round here called Help Society. Four years later in 1976 the majority of that group was elected to Government as the Unity Team, again promising a national pension scheme from the political platform. As we all know, that group governed this country for the next eight years, Mr. President, eight of the country's most prosperous years, without establishing such a needed scheme.

MR. W. McKEEVA BUSH (CONTINUING): This is so, Mr. President, despite the fact that on 24th October, 1973, a motion such as the one before the House today was debated here, twelve years ago and nothing has been done all this time to help our people put away something for their old age.

Sir, my Honourable colleague on the other side, the First Elected Member for West Bay was the first Member to hold responsibility under the present Constitution, holding responsibility for the Portfolio of Social Services under which a national pension scheme will fall. The present Constitution as we all know came into effect in, I believe, August 1972.

In 1974, Mr. President, the Government again acquired the services of a Social Development expert, a Mr. H.H. Jenkins from the International Labour Organisation. Mr. Jenkins, I understand spent a week on the Islands and tendered a recommendation to the Government, upon which it seemed little was done before the change of Government in 1976. It is interesting to note, Sir, that other Caribbean territories including the Bahamas, Jamaica, St. Kitts, Guyana, Antigua and Trinidad and Tobago, which were advised by Mr. Jenkins, all today have workable pension schemes for their people. Of course, they also have parliamentary pension schemes too.

In 1977, Mr. President, the previous Government acquired the services of another expert, a Mr. Michael Longford on loan from the British Government Ministry of Overseas Development. Again, Sir, it is interesting to note that most of the other Caribbean territories which used Mr. Longford such as Barbados, Dominica and the Virgin Islands all now have workable pension schemes for their people. However, Sir, one of the most prosperous countries in the Caribbean, the Cayman Islands whom we all represent, has nothing. We are still talking about it and scheming to defeat this motion.

Mr. President, the situation of studies and promises and experts has reached the stage where it much reminds me of some of the tales I have heard of the old days in the Cayman Islands, tales, Mr. President, of the days when extreme poverty and hopelessness gripped our people; of the days when the only hope for a young man was to get off the Islands and seek his future in another land, and the only hope of a young woman was that one of these young men would come back and marry her. In those days, Sir, if a young man had a girl he loved and would one day like to marry once he got himself established, and if he wanted that girl to wait for him he wrote a letter to her parents seeking their consent. If consent was given although, Sir, this may not have been written down, it was understood that the girl would keep herself for him and that she would stay away from all other suitors and their offers. If in the end the man failed to marry the girl for whom he had consent, she could be sued for damages for breach of promise and justly so, Sir, for in the time that the poor girl waited for him she would have rejected all other offers of what would have been security to her.

Sir, the motion if passed and I do not only hope but I do pray that it will be passed, will represent to our restless people the security for the future which that letter of consent represented to that girl in yesteryear. It will say to our people that this Government is working towards bringing them security in their non-productive years. It will act, Sir, as a lawful committal to our people to do something as quickly as possible, not twelve years down the line.

MR. W. McKEEVA BUSH (CONTINUING): It will say to them, "Have patience. We are not just talking as has been done before". It will give them something to look forward to.

This motion, if passed, will take this matter of a national pension scheme one step beyond a campaign promise, one step beyond a feasibility study by experts and it requires the appropriate legislation to begin the exercise.

Mr. President, no one and I have talked to many people on this matter, is expecting that this is an easy or simple thing to do. None of our people will expect that this motion will start paying benefits next week or next month, or even next year. The motion when passed is but, as I said, the lawful authority for Government to go ahead with all speed with a task, Sir, which I am sure it is confident of doing, especially with my Honourable colleague leading the way who has recently stated in the press that he is looking into it.

Mr. President, while I do not want to say too much on details, as I will leave that for the Government Bench and the Committee to deal with, I would like to draw attention to the fact that the motion calls for a contributory pension scheme. This means that employers and employees alike will be required to contribute to this. Now, Sir, to the employee that will mean a little less take home pay which will be set aside and paid back to him at a later date when he is unable to work.

Sir, according to the last census taken, if there is any time in this country to start such a scheme, today is the best time to start a contributory pension scheme because the majority of the population are working people. The census shows that below the age of 15 we have 4,854 people or 29.2 per cent of the population. That is, Mr. President, non-working people, people who are not working.

Between the age of 16 and 64, the working people, Mr. President, are 10,660 people or 63.8 per cent of the population who would be contributors to a pension scheme. Mr. President, this is the good part. Above the age of 65 there are 1,163 people or 7 per cent of the population who would be eligible to receive pension payments. Sir, if we assume that most people will not live beyond the age of 75, there would be only 738 people eligible to receive pensions.

If the scheme, Sir, was to start next year we would have 8 people contributing for every one person receiving. I will say that again. If the scheme was to start next year we would have 8 people contributing for every one person receiving. That is according to the census figures. I do not know what the experts will say. We have so many of them.

However, Mr. President, who can dare say that according to the census figures of the Cayman Islands which were done in 1979, that this ratio is not a good one. There are no ifs, ands or buts about it. These figures are taken directly from the census. However, for the sake of argument, Sir, suppose \$200 per month was paid to those who are entitled now according to the census, these 738 people. This would amount to \$1,771,200 paid out for the year. Now, Mr. President, if the worker in this country, again according to the census, paid \$15 per month and his employer paid \$15 per month, a total of \$30, the scheme's revenue in the first year would amount to \$3,837,600. I will repeat that again also. If the worker paid \$15 per month and his employer paid \$15 per month, a total of \$30 collected for the month, the scheme's revenue in the first year would amount to \$3,837,600, more, Sir, than two times the amount paid out. This is still using the census figures.

MR. W. McKEEVA BUSH (CONTINUING): Another thing was revealed when I looked at the census figure for the year 1960, that is a nineteen year difference between 1960 and 1979. It shows that the recipients in 1960 would have been 645 people and the contributors would have been 7,356. So these census figures show that the longer we wait to introduce the scheme, the ratio of people paying to people receiving will be lower, therefore, Mr. President, making the operation of the scheme more difficult.

MR. PRESIDENT: Does the Honourable Member plan to speak for some further period?

MR. W. McKEEVA BUSH: Yes, Sir.

MR. PRESIDENT: Well, perhaps it would be convenient then if we interrupted you for....

MR. W. McKEEVA BUSH: Yes, Sir, I was getting hungry and thirsty.

MR. PRESIDENT: Maybe it would be better if we did not allow you to assuage your thirst. You might finish quicker. I will suspend proceedings for approximately fifteen minutes.

AT 11.21 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.53 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, when we took the break I was saying what I felt would make the operation of the scheme more difficult, and that I felt that a longer delay would make it more difficult.

Mr. President, we will hear the experts debating this motion. They will tell us all sorts of reasons why it needs a longer period of time to get this motion's requirements in action. Mr. President, if that is what they are concerned about, the six months' requirement which I gave them can be altered. However, let us wait to hear what they have to say. I know that we are going to hear all kinds of amancy stories but I believe that I am on solid ground in dealing with this. I believe that it can be done and as I look around, Mr. President, our community and see those poor people still working well beyond the age of 70 just to keep their life going in some form of dignified manner, I realise today it must be done. It must be done now, not tomorrow, not twelve years away, not another four or five studies. It can be done and if their conscience so dictates, it can be done in a reasonable period of time.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, a pension means work. It means labour. One must relate to the other, no work no contribution and, Mr. President, while I do not want a war in this House between the leader of Government business and myself, and I do not feel that I am straying from the motion but I would leave that up to you, I want to sound a warning bell in this House. This motion, as I said, is not a motion or debate on labour but a contributory pension scheme means work, means labour. The too often term which is used about Caymanians not wanting to work, Mr. President, must stop being used so derogatively. If it is so, let us not as representatives of the people help to degrade them. We need to encourage the ones who for one reason or the other do not have the incentive to work any more. We know some of the reasons. I will not go into them but our affluent society is pervaded with many evils and our people have been subject to them. The term Caymanians do not want to work is discouraging to those Caymanians who definitely need the jobs and, Mr. President, the first time they are turned down when they seek a job they are discouraged. This, Mr. President, is prevalent among our young school leavers who are looking for jobs today.

As I said, it is not a debate on labour but it is calling for a contributory pension scheme and some of the things which are happening in the labour market today should be stopped. I believe, Sir, that I see as many people in my capacity as a Member of this House as those on the Government Bench and, Mr. President, they can say, "McKeeva you are young. You are a novice in politics. You must be patient". They can say that if they want. It is true to an extent. However, Mr. President, I believe that I know what is happening in this country and I feel strong under currents, and I feel that the winds of change are blowing in this land. The Caymanian who was patient, kind and gentle in 1965 is not so today. Our changing affluent society has put too much strain on him. He has bills to pay, although he always did have them. He has teenage children to cope with and other problems which he is just unable to handle. I have talked with many and, Mr. President, I can feel their anger. There is something building up in the Cayman Islands today and my warning bell is saying that we have to move faster and faster. We as Representatives are only human, yes. However, we are elected to get things done and our people are expecting us to straighten out the labour problems for them. Let us be careful where we walk. We as representatives, Sir, must do everything in our being not to encourage insurrection in this country. Who needs that? There is a strong wind of change blowing in this country. Let us not fool ourselves.

Mr. President, in proposing this motion I am thinking of all those people who work in the shops, in the stores, in the supermarkets, or have been working in those places for ten to fifteen years. When they leave, what do they get? Some of them when they leave for the month, they have to hold their hands behind their backs to get what little is coming to them, much less after ten to fifteen years. They are not thought about. I am thinking, Mr. President, of all those men and women working for hotels and condominiums for ten, twelve, fifteen or twenty years at the end of the day. What will they take home, a plaque saying what a good boy he was or what a good maid she was? That cannot fill anybody's belly.

I am thinking, Mr. President, of all these men working in the construction industry in the hot, broiling sun lifting cement, mixing cement and going home in the afternoon with sore shoulders, sore hands and pains all over. At the end of the day what will they have? Mr. President, if some sub-contractors in this country have their way now, they will not even have a job.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, I am thinking of all those labourers on the dock and at public works who Government puts out to pasture at the end of the day. When are we going to do something about these situations, Mr. President. Are we going to stop talking about experts and experts? These are the people about whom I am concerned. These are my people; the people I love; the people I want to see taken care of in their old age. When are we going to stop looking and looking? Are we going to be experted to death? Let us awake, Mr. President, as Representatives of the people and shake off our dull sloth. Yet we spend time putting a pension Bill together to pension ourselves. Yet this thing is such a difficult thing is it? "Aah", Mr. President, like the monkey said, "my people". Let me remind them though that national injustice is the surest road to national downfall. Mr. President, we must stop having these ~~convincing~~ stories told to us about what it is going to cost. The people need to be hired and I know Government always hires them.

Mr. President, I am sick of hearing these stories of the "cow dead and the horse fat". Time is winding on. There is a change blowing in this land. Mr. President, as I see it, the purpose of a pension scheme is to provide a basic pension for all wage earners in this country, having in mind in particular the vast majority who do not have a scheme to contribute to presently. In any scheme, Sir, I would hope to see a provision made for those few people in the banks and other companies who already have some form of pension and are now paying their contribution to those schemes which they have now. As time goes on, Sir, and as living costs go up, something which we all experience, and as living standards go up, these people will realise that the pensions which they thought would be adequate for them will not at all be anything much in the great percentage of the cases. When those same people retire on their pension, I feel that they would wish they had a little more coming to them and I believe that they should contribute to such a scheme as the Government might devise.

Mr. President, I heard some conflicting stories during the break, who was responsible for what. Who was responsible for pensions. Who was responsible for Civil Servant's pensions. Mr. President, there are many old retired Civil Servants who are getting very little today from the Government by way of pensions. In my District there are two nurses who I know contributed well to this country, a Miss Leila Yates and a Miss Ivelyn Smith. I also know in the other Districts there are many others who did great work for this country and we should be thinking about them. I do not think that the pittance which they get is sufficient and as I understand it, whenever they get a raise it is just a few dollars.

Mr. President, all I am asking is that we have a conscience. The proposition being a contributory pension scheme, it is not to say that other benefits cannot be embodied in it.

Mr. President, in closing this part of the debate let us not delude ourselves into thinking that there is not a strong opposition to a national pension scheme in this country. Mr. President, that is evident by the fact that we are here today still talking about it. I believe that those people in this country who are opposed to labour legislation being brought to this Honourable House will oppose a pension Law. I can tell by the cut of their jibs. They will oppose it. You see, Mr. President, for a long time in this country there has been this attitude, "So long as I get, me and my family, I do not care whether you sink". That is what has happened. However, we are our brothers' keepers and we have to change our way of thinking. However, Mr. President, I do not expect that any Member will be brave enough to stand up here today and say that they oppose this motion.

MR. W. McKEEVA BUSH (CONTINUING): I believe that we will have to count the ayes for the motion to determine who is really in favour of and count the noes to know who really opposes such a scheme. There will be all kinds of excuses. I will leave that up to them. I have asked myself and I have asked other Honourable Members to ask themselves what are the alternatives to this pension scheme now. Let us forget about the little time frame I put in the motion. That is no excuse, Mr. President. That is not a justified excuse because the motion can be amended with your permission and a seconder.

Let us ask ourselves what are the alternatives. Sir, all of the alternatives which I can think of are too degrading to think of. I heard it mentioned on the break, we hear a lot when we go to eat, that Government takes care of them. Mr. President, that is not an alternative. We know that what the Government can afford to give is very little. \$50 a month cannot help anybody. That cannot give them what they need to buy the protein and the vitamins to keep them going in their old age. What do they expect people to live off, sea grapes?

Mr. President, I hear the seat of Government business muttering. If he wants me to give way I will because I am prepared to take them on today.

Mr. President, we can discount voluntary savings for in this country today, only the very rich can have any hope of saving anything. We all know this. I am only telling the Members but this is something which they know as well as I know. As I said, we cannot depend on our dole from the Government. The Government do not have it. As I see it we have no worthwhile alternatives worth considering. However, there is one dark alternative which Members who are thinking of voting against this motion must consider. They must consider the social chaos which will be heaped upon us in the near future when a large enough part of our population find themselves unable to work and with no means of support.

Mr. President, what Caymanians had years ago they do not have today. We know that it is a fact that they do not have the little piece of land which some Members of the last administration always referred. That too is gone forever. Mr. President, I could go on until I reduce myself to tears, begging support for this motion. However, I am wondering, Sir, if even that would get enough support to pass it.

Sir, I have likened this motion to the letter of consent which was customary in this country in years gone by. I believe, Sir, that is a fair comparison. By the end of this session, every one of us in here who will pass judgement on this motion will be entitled to a pension financed by the tax payers and, Mr. President, a lot of the people opposing the Parliamentary Pensions Bill last year stated that the Parliamentary Pensions Bill should be put simultaneously with a Bill for the people of this country. They have a change of heart. They say that it is only a fool who cannot change his mind. That is true. However, can we stand here and by a no vote on this motion, tell those same tax payers that we do not believe that they should also have some security. Can we? I am begging for support, Mr. President.

The motion does not ask for a dole for our people. It is barely asking us to set up the machinery whereby they can save something for their difficult days as they go along.

MR. W. McKEEVA BUSH (CONTINUING): I will once again ask all Honourable Members to think of the girl who may have been dumped after waiting all those years for her lover to get established. How angry and hurt she must have felt after waiting all those years and encouraging her lover as he established himself, and at the very end she found herself left out with nothing to depend on. Do the Members not think that our people have felt the same hurt these many, many years, some thirteen years now since the first study had been done. They have been waiting and waiting and waiting but their lover will not show up.

I will close now, Mr. President. I am begging for support. However, whatever is to be, let it be. It was Shakespeare who said, "Men at some time are masters of their fate. To force their Brutus is not in our stars but in ourselves". We owe it to ourselves. We owe it to our people to see to it that these things are done, Mr. President, if not now, when; if not us, who?

Mr. President, I again beg Members to consider the motion and if they want an amendment to the motion, with your permission it can be done. That is all. I can say no more, Mr. President. I ask all Members to support it and in closing I ask you as President of the House to let this motion be a conscience vote or a vote between the Elected Members elected by the people.

I thank you, Sir.

MR. PRESIDENT: The motion before the House is Private Member's Motion No. 14/85. I will not read the terms of it out again because they have been read already. The motion is open for debate. Does any Member wish to speak? The Honourable First Member of Executive Council.

DEBATE ON PRIVATE MEMBER'S MOTION NO. 14/85

HON. BENSON O. EBANKS: Mr. President, having listened to the presentation of the motion I am wondering whether the Member should have really called it a letter of consent or a marriage licence, that is the motion. I am sure that the motion is well intentioned, Mr. President. However, as far as I am concerned no legislation is required to begin the exercise of providing a contributory pension scheme for the country as has been suggested by the Member. Certainly, Mr. President, the introduction of legislation is not the first step towards the provision of a universal contributory pension scheme for the benefit of the people of these Islands.

This motion, in my opinion, is a classic example of seeking to put the cart before the horse. The legislation to implement the pension scheme is the last thing to come. When the legislation implementing the pension scheme comes it will have all of the ingredients of the pension scheme embodied into it.

No one feels more strongly than I do, Mr. President, about the necessity of putting the question of whether or not a contributory pension scheme is feasible in these Islands and I am resolved to do my best to have it settled once and for all shortly. There have been, as the Member said, several studies made on the subject before but I can find no study, Mr. President, which makes it abundantly clear that a pension scheme is feasible in this country. It is my intention, Mr. President, as soon as is humanly possible after this Meeting to sit down with the Honourable Financial Secretary to request through British Executive Services Overseas a suitable person to advise us once and for all whether a contributory pension scheme is feasible in these Islands, and if so, to implement it.

HON. BENSON O. EBANKS (CONTINUING): Such a person would most likely be, Mr. President, a Fellow of the Institute of Actuaries of the Faculty of Actuaries of Great Britain, or someone with comparable qualification or experience. The matter, Mr. President, is not quite as simple as the Member tried to make it in his presentation. He quoted statistics from the Census and said how many people would be recipients of awards at this time, and how many would be paying contributions. Mr. President, it is not just a straightforward example like that. For example, I would hope, Mr. President, that any scheme introduced in this country would cover widowers and possibly orphans. When those factors are taken into consideration the apparent simplicity of the exercise goes out of the window.

Now, it becomes even more complicated when one realises that the greatest single employer in this country, the Government already has a non-contributory pension scheme which is part of the, what I call, contract between Civil Servants and the Government. There are other firms which also have people who are parties to pension schemes. If those persons are taken out of the pool then, Mr. President, we see a completely different picture. So, some enlightened form of negotiation will possibly have to go on in order to see whether those persons can be brought into the system, or people in similar positions in the future can be brought into a system, if introduced.

Nothing short of a proper actuarial study, Mr. President, of this whole situation can tell us with any certainty whether a pension scheme is in fact feasible for the country at large, as desirable as we all feel it is. This motion, Mr. President, as I see it does not ask for any study. This motion says to institute legislation.

Mr. President, the motion is to draft legislation and then to study the legislation, not to study the question of whether a contributory pension scheme is possible or viable. It is my contention that that is what first has to be tackled.

We must consider, Mr. President, that we cannot just take other countries as examples. The number of the population is important and as I said the number of people available to pay into such a scheme is also all important. We cannot say that because Barbados has a successful system that it is necessarily possible to work here.

Mr. President, the Member indicated or suggested that a vote against this motion was a vote against the establishing of a contributory pension scheme in this country. I might as well advise him now that I will be voting against this motion and I will not be voting against a contributory pension scheme for the country. I endorse the introduction of a scheme if it is possible but we must first, Mr. President, determine whether this is feasible. I do not see any form, Mr. President, in which this motion can be amended to meet requirements unless it is withdrawn and substituted by a completely different motion in which this objective of study can be met. This calls for the drafting of the legislation.

Mr. President, I do not know what the Member means because when he was debating the Bill he decried the use of experts. He said that he was sick of being experted to death. I believe that was his phrase. However, Mr. President, an expert is only a term used to describe someone who might be more familiar with a particular subject at hand than one might be oneself, or a Government. Unless individuals and Governments are prepared to seek advice in areas where they themselves do not have the expertise, then calamity is going to befall that individual or country.

HON. BENSON O. EBANKS (CONTINUING): I have done some preliminary work, Mr. President, on this question of a contributory pension scheme for the country. It is obvious to me that it is not a simple straightforward matter to be answered. As I said, I am convinced that the next step for me is to ask for an expert, an actuary or someone experienced in the field to come in, make a thorough study of the situation and tell us once and for all whether this matter of a contributory pension scheme is possible in these Islands with our limited population.

I have heard all sorts of suggestions made, Mr. President, and I have also noticed in particular the development of one scheme in one particular territory. It is encouraging to see how that particular scheme worked. However, Mr. President, it is obvious that it was not done by novices and it has been and is reviewed actuarially every two years. This is part of the Law. It is stated in the Law. Mr. President, I do not know why the question of labour legislation and parliamentary pensions have been inter-twined in this motion. However, I am dealing strictly with the motion before us. I will deal with the labour legislation as and when the Committees meet and hopefully we will eventually bring a suitable bit of legislation before this House.

The Parliamentary Pensions Bill as revised is going to be dealt with later today and I will deal with that when I get to it. However, to summarise, Mr. President, what I am saying is that I support 100 per cent the concept of pension schemes for the masses in this country. However, Mr. President, it has to be done in an organised and sensible way, and it is my contention that we do not need legislation to commence the study and that the legislation comes as a result of the study if it is found that the scheme is feasible in our particular and unique setting.

I trust that it will be found so and it will be my greatest pleasure to have this House debate the meat of a pension scheme for these Islands. However, Mr. President, I cannot support a motion which in my opinion seeks to put the cart before the horse.

Thank you.

MR. PRESIDENT:
Bay.

The Third Elected Member for West

MRS. DAPHNE L. ORRETT:

Mr. President, the motion before us as I am sure most Members are aware, I was to have been the original seconder of that motion. I decided against that having learned that Government was already in the process of looking into this matter seriously. I enquired and was told that this was not something which was being pushed under the carpet but Government was in fact seriously looking into the matter.

I need not remind Members that we have been in here just, I guess, around nine months approximately. There are many things which need to be done. Some are very urgent. There are many things which we promised in our election campaign which I for one hope to see accomplished. However, when one considers the pros and cons of the matter and that it takes money and time and expertise, and personnel to get this particular scheme under way, then I felt that a motion asking Government to bring this about within six months was being a little bit hasty. I want to commend the Second Elected Member for West Bay for his fine presentation. I do not necessarily agree with every word of it but I can honestly say that I feel that his intentions are good, as are mine.

MRS. DAPHNE L. ORRETT (CONTINUING): However, at this particular time I cannot support the motion as it stands. I would hope to see within these Islands in the not too distant future such a scheme. I realise that years ago when older people were looked after by their children things were different. It is not as it was even ten years ago. It seems that most children have too much to take care of on their own and some parents and older people do suffer as a result of not being properly looked after. It is a shame really that this would have to be, but it does exist. However, we can only do so much in so short a time. When I think of the money which this present Government has had to find and pay out for commitments made by the former Government, that in itself causes us not to have all that we need to have been doing this year. However, there are many things which I hope to see accomplished and I hope that this particular scheme will be one of those.

I feel that every effort should be made. I do not want to look into this and say that it is not possible; it cannot be done. I feel that if it can be done then it ought to be done. However, taking statistics as to how many people can contribute as a ratio against how many people would have to be paid is not necessarily all that one has to consider.

Taking for example, and of course this is a big country but when bureaucracy is involved one finds that a lot of money can go down the drain, and as I understand it some 82 cents out of every dollar which is contributed towards social security in the United States goes towards the administration costs of working that particular scheme. So when one considers what will be taken in, there are many factors which have to be considered in what will actually be paid out of the money which would have been collected as a contribution from our people.

I think that something can be done. I certainly hope that as the study goes on we will find that it will not take too long to do so. However, I can assure Members of this House that it is my strong feeling that a pension scheme is something which is needed and the sooner we get to it the better. However, we can do so only when we are in a position financially and otherwise to accomplish it.

Again, I wish to commend the Second Elected Member for West Bay for his concern and his presentation. I also wish to endorse what the Honourable First Elected Member of Executive Council has said and I do feel that this House working together can come up with something which is workable and right for our people. I wish that I could say that I supported my colleague. In this case, under the circumstances I cannot support the motion. However, as far as a contributory pension scheme is concerned I wholeheartedly agree that the matter should be dealt with, looked into and hopefully we will find that it will be feasible and workable, and it will be instituted in the not too distant future.

Thank you, Mr. President.

MR. PRESIDENT:

I think that it may be convenient if we now break for lunch, so I will suspend proceedings until approximately 2.15 p.m.

AT 12.42 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.41 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The debate on Private Member's Motion No. 14/85. Does any other Member wish to speak? The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, ever since November it has been quite evident that I control the debate in the House. For if I do not speak, there is seldom any debate. When I do speak the debate is much prolonged.

I am looking, Sir, at the Private Member's Motion which is before the House. The motion seeks to provide retirement or pension benefits for old people. This idea as the Member mentioned in his introduction, has been around a long time in the Cayman Islands and in some countries, but when I say it has been around a long time it really has not been to any great extent, because it is only since the end of World War II that we have seen, even in the industrialised countries any major provision for substantial benefits.

However, speaking as someone with experience in providing benefits for old people through insurance saving and through group pension plans, I am a big believer in these schemes. However, the first thing which must be considered is the finding of the scheme. Where is the money going to come from to provide the benefits? One writer said about old age, "You just wake up one morning and you have got it". However, this really is not so. One takes a long time to get old but the sad fact is that even in countries like the United States and the United Kingdom, people reach old age and find themselves at 65 with no more money in their pockets than they had when they were 25. The reason for this is that although a man or woman has 40 years to provide for his or her old age, the young man spends the old man's money and most people normally spend as they go. This is true worldwide. The more money that one has the more money one spends. Particularly in recent years there never seems to be any margin for savings. It takes a person who is well disciplined to put aside money for his old age. It also takes a person with good money management to provide an investment on which he can live when he no longer works.

The reasons I believe why people fail to save are firstly there seems to be not enough money for the necessities. Many things compete for the money. Taxation for one thing is one of the reasons why there is nothing left to save. Of course, without taxation there would be no Government. The Government would have no money if it did not raise it by taxes. However, I know that even since November last year the amount of money which the Caymanian people can save has been greatly reduced by the increase in Government fees, the increase in Government taxes, a little bit here and a little bit there, but it does eat into it. Every dollar which is taken out of circulation by the Government from the private sector is a dollar which cannot be invested, but the need for old age security continues to grow.

We have a tendency towards smaller homes. Now most homes only contain two generations, the parents and the children. In the old days, particularly in the Cayman Islands, there were large homes with grandparents, parents and children and sometimes there were even a number of the children with their own children. So, there were a lot of people in the home and it was thought a blessing to have a grandmother or a grandfather living in the home to take care of the children and to help with the homework.

MR. G. HAIG BODDEN (CONTINUING): However, this whole family structure has changed in the Cayman Islands so that there are no old people in the home and the old people are no longer wanted in the home. Whereas in the old days we looked upon them as a blessing in the home, we now consider them a liability. Then there is perhaps the lack of filial responsibility where there is not the same concern caring for an aged relative, particularly if the relative is not an immediate one like, for example, a parent or a grandparent.

All of these pressures of modern life tend to highlight the need for some form of old age security. Mark Twain once wrote that Methuselah lived to be 969 years old, but the boys and girls of today see more, or will see more in the next fifty years than Methuselah saw in his entire lifetime. This is quite true. The modern inventions which we have to deal with were unknown say 50 years ago. The whole family life has been changed to where old people really are at a disadvantage. We know that it is not easy for old people to find employment. For example even the Government, I understand now, is putting off some of their aged people who were working as security officers at the airport. I hear that they are being put out to pasture. It is the same everywhere around. Employers just do not want people when their strength is beginning to fail when they are getting on in age. All of this highlights the need for some scheme to provide what the man provided had he worked, because there are only two sources of money in the world and those are man at work or money at work. Unless we have money invested which brings us an income, we will have to find money by man at work, and man at work is not often found amongst the aged.

There is also the inability to save caused by rising prices, by inflation. There is, particularly in the Cayman Islands since November, I hear, a scarcity of jobs. This is another reason why people cannot save. It is one of the reasons why people who had saved are now using up their savings. I believe that the situation will get worse.

On the other hand, since the forties many companies have provided private pensions for their workers and the more of this that we get, the more people will be clamouring for a universal pension. The good sign of the coin is that it is now easier to provide these benefits than it was in the past because as far as the private sector is concerned, business profits are higher. Government therefore has the opportunity to provide extra benefits. There seems to be also amongst the private companies, that desire to provide something for a worker, and perhaps Government itself gets the same feeling that a person who has lived a long time and lived a good life might need to be, as it were, rewarded for having lived so long.

The motion before us is seeking a pension for people who, it is expected will be in need, for whatever reason. A pension is as I said in this House before only a deferred pay. It is a right which perhaps the person has been denied the enjoyment of during his working lifetime.

To start a new scheme we would find that people would be coming under it who had not contributed before, but there is no way to avoid this. After the scheme is in existence for a number of years, most of the beneficiaries would be the people who have made some contribution to the scheme.

I have no delusions about this scheme. I believe that it can work. I know that it cannot be implemented hastily by the present Government. The motion seeks to have legislation within six months and the Member may or may not want to change six months to a longer period.

MR. G. HAIG BODDEN (CONTINUING): Of course, we heard here yesterday that it will take two years to get somebody to advise on the Community College. This was the Member's answer that some time in 1986 they would be taking some further actions on the advice of somebody who came in 1985. He would be bringing in somebody in 1986 to probably say that we need somebody in 1987. However, nevertheless it does seem to take a long time to get a consultant if Government does not want the consultant. If they want the consultant they can bring him in with the stroke of a pen or with a telephone call. So, there could be delays.

The biggest stumbling block to this plan is how is it going to be funded? The motion itself recommends that we have a contributory pension scheme, which I imagine would be a scheme whereby most working people would put some money into it. However, I do not believe that this in itself would be sufficient to fund the scheme, because in ordinary private pension plans where the money will be invested by large multi-national corporations, it takes roughly ten per cent of a person's salary to provide an adequate pension, a pension of about two thirds of his average working pay. So, if we are going to provide a scheme for all the people who will reach the age of 65, we are going to need more than a mere contribution, even if the working population puts, say five per cent or whatever is suggested and this is matched by his employer. If we are going to care for those other people who are not working like, say, housewives and whoever, and people who are not skilled to work, it is going to take funding from outside. I believe, without having done any research into it, that the sum of money which we would need in the future if we started this scheme, would probably be a sum of money equal to about half of the present customs revenue to provide the type of scheme which I expect would be provided.

Now, it is true that in some of the other Caribbean islands they have these National Insurance schemes and I would say that we had better not do anything rather than to get into some of the schemes which they have, because they are not worth the money Governments spend on them to collect the funds and to pay out the benefits. If we are going to have anything at all; if we are going to have anything to meet the expectations of the people in the Cayman Islands, it will have to be modelled on the North American system, probably the United States or Canada. However, I would like to warn that nobody should expect that this country can support a scheme with all the benefits which are now provided under the United States social security system or the Canada pension plan. It would be impossible to do it.

However, nevertheless, I believe that our scheme could be modelled on theirs with perhaps providing only a single benefit initially. Everyone knows that the United States scheme or the Canada scheme provides many benefits outside of the pension. They provide not only the pension for the old person. They provide pensions for orphans and widows. They provide payments for unemployment. They provide death benefits and so on. So, I do not think that anyone would expect this to be a fully fledged scheme initially.

I know a little about the history of some of the plans provided by Governments in the industrial nations, and I would perhaps like to give an outline of the Canada pension plan. When that plan was started, the first thing they did was to find out how they were going to fund it. It started out originally by collecting a three per cent sales tax on all goods and a four per cent old age security tax on income. In other words they increased the income tax and they also imposed a three per cent tax on corporations.

MR. G. HAIG BODDEN (CONTINUING): Now, we have a smaller unit here so probably we would have to be looking at increasing Government's revenue in some way by at least another ten per cent, even if we take into it contributions from those people who work, because I believe that if we start this scheme it would not be right to put all workers under it. For example, those workers who are below the poverty line, that is those workers who are not earning very much may not be able to contribute anything at all. Those workers who maybe work on their own like, say, people who are not employed by companies but who work on their own may not come under this system. It would probably happen that where companies already provide pension benefits they might not be asked to contribute. However, even if we got contributions from the workers, I think that the Government if they are going to put it forward will have to find out where the money is coming from.

What I would like to see if the Government decides to go into it is that they bring in a person who is knowledgeable in the structure of these plans; knowledgeable in telling the Government how they can fund it, because I think that this is the key to it. If the public agrees that they are willing for the tax to go up on this item, or the import duty to go up on that item, and if they can find out how to raise the money, perhaps we can institute some new tax from some area yet untaxed. However, if we are going to make payments in cash we have to provide the cash first. So, perhaps the start would be to find out what we will need and to impose the tax, and perhaps get some money into the till before we start paying out.

We saw, just a few years ago that the United States social security system was on the brink of bankruptcy because the payments had got to where the recipients of the plan, the recipients of the benefits had grown to such enormous proportions that they had outweighed the few people who were working to support it. If we are not to get in trouble from the very start we will have to collect the cash which is needed, because we have to remember that our population here is getting older every day, that it is living longer every year. Now, we might have heard of the odd cases where some of the old people lived beyond the age of 100. However, the fact is that in the Cayman Islands as well as in other countries around the world, the life span of the individual is much longer today than it was at the beginning of the century.

The Member did mention that if we started paying the benefits, say to people aged 65 we would probably have to pay on the average until they are 75. This may be correct but I believe that payments would have to be made to many of those people much longer, because at birth today if we use any of the existing mortality tables, we will find that the life expectancy of a baby is now from 72 to 75 years of age. If a person reaches the age of 65 and is in good health, that person can well expect to be 80. So, it is hoped that all of these people will die at the age of 100. However, there is still the odd case which exceeds the 100th mark, but in any mortality table we will find that the projections are that they will be born at age zero and they will die at age 100. Due to the improvements in medicine and due to the improvements in sanitation and the keeping down of communicable diseases, man is living much longer. This is what created the problems with the system in the United States. The people are just living longer, and of course naturally if they have these benefits to provide some of the basic necessities, this alone will enhance the length of life for these people.

MR. G. HAIG BODDEN (CONTINUING): So, if we think about providing a monthly benefit, and this is what I meant by modelled on the North American system, of "x" amount of dollars we will have to find out how we are going to have those monthly cheques to mail out, because with the Government it is going to need quite a large administrative staff to deal with this new matter.

We have found out from a question this week in the House that roughly 50 per cent of the money spent on social services goes as payment to people in need. The rest of the money goes to pay staff and to do other things like carrying out studies, counselling and that sort of thing.

The Member need not make much of it when I use the word 50 per cent. I was speaking roughly in case he wants to speak on it. However, the fact is that any payments of this sort which have to be monitored where we have to do an exercise to see who is eligible to receive. If we have to do an exercise to simply mail out the cheques or to see that the payments are made, it is going to take quite a bit of administration, and this has to be catered for.

So, the scheme is not beyond the ability of the Government to implement. My one concern is, that if this scheme is put forward by the present Government, no notice will be taken of the ideas of the Opposition. They will just be voted down. Certainly if I have any idea on it I will pass it on to another Member so they can support it, because no matter how good it is, I know that my ideas are never acceptable to the present administration. However, I guess they have a right to cast their votes as they like. That is their business.

The Canadian pension scheme was started with the idea that they could not provide everything for everybody initially. This was one of the reasons why their scheme got off the ground. The way they worked it was that in the first year of its administration after they had put the funding in place, they made the benefits payable to all those people over the age of 70. The second year they made it payable to all the people over the age of 69 and then the next year to those over the age of 68, until they brought it down to 65. So, in the first year they were not paying the benefits to too many people. They kept increasing it every year. Then they also did not start out to try to provide every benefit. They dealt first with just the pension aspect of it. Strangely enough their scheme started at \$75 per month which was in the forties just after World War II.

Now, one of the alarming things about a scheme like this is that it becomes political from the very start and what happens in a situation like this is that once the scheme is introduced we may find that the platform of new candidates in the next election would be that they were going to increase the benefits. It then becomes highly inflationary and in many instances we find that the benefits rise on politics rather than on common sense, like I spoke about the roads this morning being built on a political basis rather than a priority basis.

The motion is one which if accepted by the House, must be studied in all its aspects. We must not only look at the benefit to the recipient. We have to look at the people who are going to put up the cash year after year to pay for these benefits. This is especially true during the early stages, probably the first 25 to 50 years of the plan. Once it has gone into operation for a long time we will find that the people who will receive the benefits are the people who have contributed the cash.

MR. G. HAIG BODDEN (CONTINUING): If this motion is to be accepted and if this is what the public wants, the public itself will realise that they will have to make sacrifices. They will have to make sacrifices to provide the cash which they could well spend on other things; perhaps spend even more profitably. They will have to deny themselves of some benefit today so that they may receive a better benefit tomorrow.

The motion is seeking that the Legislative Assembly appoint a Select Committee of the whole House to consider the draft legislation, or perhaps the draft plans. It also recommends that we co-opt outside expertise. I would suggest that if we are going to get outside expertise that we get perhaps two people from different areas. I would like to see a pension expert from one of the large insurance companies like Metropolitan or Prudential, men who are trained in the actuarial sciences; who understand the projections into the future using the comparisons of the past, and that we also get someone with some local knowledge from this area, and perhaps that we do not exclude local people because this scheme can be either a millstone around the neck of people or it can be a scheme which does in fact provide benefits for people in their declining years. I happen to know quite a few people in the Cayman Islands who are now recipients of the social security benefits from the United States. I happen to know people here who are recipients of Government pensions; people who are receiving pensions from private companies, and if we talk to these people they will all tell us that each month they look forward to the pension cheque, no matter how small it is.

The great dilemma is with those people who receive nothing. I think that this is what the motion is seeking to remedy. I must say that the Member, in presenting the motion did a very good job in putting forward the reasons and he also did a good job on his research which was pretty accurate. He even discovered that in 1973 the two Bodden Town Members at that time had put forward a similar motion. If he read those Hansards he will know that the Government reply by the Member who spoke today, in essence was the same as in 1973 and that his attitude has not changed substantially towards this scheme.

My attitude has not changed either. I believed in it then and I believe in it now. It is only that this seems to be the most inopportune time in the history of these Islands to think about this additional burden. It is a fact whether Government admits it or not that things are not well. In fact, before things can be well they must go out and raise money to put back the Reserves which they have spent since November, 1984. They must go back and put this Government back on a sound financial footing; get the country back on a viable economic system where we do not hear about falling revenue at Customs; where we do not hear about a lowering in the importation of goods at the dock; where we do not hear stories like the one I heard a couple of weeks ago from a member of the Planning Board who said, "We met and the only thing we passed was one plan for somebody to put up a television dish in his yard". We have to get planning and construction going in this country.

The time to put this in is really the time when the Government can afford it. I have a question today. Can the Government afford it? I believe that the Government can afford it if they will change their minds and adopt some of the policies of an administration which brought this Government from its lowest ebb economically in 1976 to one of prosperity where we had seven years of plenty.

MR. G. HAIG BODDEN (CONTINUING): We have to get out of this era. We are in the seven years of famine or at least I think that we are in four years of famine. Unless there is a change in the policy making of people in Government we probably will be in for the seven years of famine.

Putting all that aside, I still have faith in this country. I still have hope for the future but if we are going to put this into operation we are going to have to put the country back in a viable, financial position. We will have to put it back in the glorious state which existed prior to the 1984 elections. If this can be done, and if I can be shown by proposals how this can be funded; how it can be administered; how it can be paid for, I certainly will support it. I must say that I commend the Member for having brought this motion to the House. I must say that he sort of pre-empted me but I was waiting for my seconder to come back.

The motion is worthy of study. Unfortunately, I was not here to hear the debate of the Government as to their reaction to it. Perhaps it was a good thing that I was not here but I went off just before lunch. Nevertheless, it is my intention to support the motion and I trust that when the motion is passed we will take out the time limit of within six months; just change that to read:-

"BE IT FURTHER RESOLVED that Government do bring such draft legislation to the Select Committee."

I recall the story of the Ford Motor Company when one of their managers commissioned the building of the Edsel motor car. They put a time limit on it and the engineers went to work, and the car was produced on time. However, the car was a failure and very few Edsels were sold and they were taken off the market. On the other hand, when the new manager Henry Ford III commissioned the building of the Mustang, he told them that there would be no time limit on this job but he wanted them to build a car which would outsell and outrun any car sold on the market. This is exactly what was produced. The Mustang made more money for Ford than even the prestigious Corvette, and it made more money than the Model T or the Model A Fords and pulled Ford Motor Car Company out of a slump. It is all because the engineers could sit down and work out the plan, and try to get what was best into it.

I believe that this can be done if it is not hurried. I hope that it will not become the subject of the Provisional Collection of Taxes Bill and come under one of those resolutions which will be dealt with without notice and forthwith without debate. I trust that this will be managed in a manner in which not only the Legislators who are privileged to sit here, but sensible business people around the Islands and sensible people on the outside not in business can have a look at it and can say, "Well, we believe this will work and that it will be done not on an emotional basis or on a political basis, but on a sound actuarial system where not only the benefits will be considered, but where the funding which is perhaps the most important part will be considered in great detail".

I am in sympathy with the Government Members, having the many problems they have today having to deal with this new problem which has been dumped in their laps. However, perhaps this new problem which was not of their own creating as many of the other problems were, will shock them back into existence and they will sit down as sensible Members of Government and study in detail this motion, which although it could stand with a few amendments, is a motion which deserves the attention of Government

MR. G. HAIG BODDEN (CONTINUING): and is a motion which perhaps deserves to be dealt with as speedily as Government can deal with it.

Thank you, Sir.

MR. PRESIDENT: I think that it may be convenient if we now suspend proceedings for approximately ten minutes.

AT 3.30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.51 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Private Member's motion No. 14/85. Does any other Member wish to speak? The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I too hope that in voting on Private Member's Motion No. 14/85 relating to a contributory pension scheme, that the Government Bench will vote their conscience and not be held under their collective responsibility, because this matter, Mr. President, is a very serious matter indeed. I congratulate the mover of this motion for the details and the statistics and the obvious amount of hard work which he put into the preparation of his presentation. I cannot associate myself with the remarks of the Honourable First Elected Member of Executive Council by stating that his presentation appeared to be that of a letter of consent, or a marriage licence. To me, Mr. President, that is simplifying and poking fun at a very serious matter.

I should like also, Mr. President, to make it quite clear to this Assembly for those who may not remember that in the first Meeting of this Assembly in December after the General Elections, that I brought a question to this House which in substance covered the same matters which are being asked for in this Private Member's Motion. For the records, Mr. President, I would like to state that that question was question no. 5 which I asked in this House on the 12th December, 1984. That question, Mr. President, was asked to the Honourable First Elected Member of Executive Council responsible for Health Education and Social Services and it stated:-

"Would the Member state what, if any plans are being made to introduce legislation in the near future to provide for a contributory pension scheme for employees in the private sector and those not already covered in the Government Service?"

Mr. President, the answer which I got from the Member does not seem to change very much from his present feelings. His answer was:-

MR. LINFORD A. PIERSON (CONTINUING):

"The introduction of enabling legislation of the kind referred to in the question will depend upon the outcome of a feasibility study which Government will consider undertaking in the near future."

In reply to the answer, Mr. President, I asked two supplementaries and these requested the Member to try to give me a little better idea of what he meant by in the near future. I asked him to give me a time frame of what he meant by in the near future and I believe, Mr. President, that the answer I got was "as soon as possible".

Mr. President, nine months afterwards we are still getting the same answer in this Honourable House. Mr. President, nine months after a feasibility study has not even been undertaken. We have been told in this House that it is planned to recruit or to employ the services of an actuary. Mr. President, the road to Hell is paved with good intentions. Procrastination, Mr. President, is the thief of time. The Government Bench has to cease from simplifying matters brought by this other side of the House. I sit here, Mr. President, and see too much of this happening. A Member from this side of the House will get up and he is made to look ridiculous regardless of how important the matter is. The problem, Mr. President, is that under section 9 of the Constitution they have normally to vote collectively.

The mover of this motion gave us examples of the many experts who gave reports in this matter, Mr. Prosser back in 1972, a Mr. Jenkins in 1974 and others. Dating back to 1972 we are talking about 12 to 13 years. I wonder, Mr. President, if this is the time frame which the Member is considering when he says "in the near future"?

Is it the intention, Mr. President, of Government to look into this matter seriously? I heard mention made of putting the cart before the horse and that the people listening to these debates would think that we are asking for too much. However, Mr. President, it is my view that the Members are giving the impression that the listeners to our debates are a bunch of idiots. The people who listen to these debates are very intelligent people. They realise that no enabling legislation can be brought to this Assembly unless there is substance on which to base that legislation. This is understood. We do not need to spell everything out for people.

So when the Member asked that draft legislation for the introduction of a contributory pension scheme be brought to this Honourable House, it should be understood by the most elementary mind that a feasibility study would be necessary before we could bring enabling legislation for this matter. This to me, Mr. President, is just another attempt to simplify and joke away a serious matter. "The matter will be looked into shortly". That is a classic phrase in this House. "In due course". "In the near future". We cannot put a time frame in the near future. I am not suggesting, Mr. President, that this matter as intricate as it is can be accomplished in six months. I am not suggesting that. Neither am I agreeable that the mover of this motion should change the contents of the motion. I am glad that he withdrew the second motion which he had in mind because it would have made a mockery of his substantive motion. As far as I can see, Mr. President, all that would be necessary is to take off the "six months". The motion should stand as it is otherwise.

MR. LINFORD A. PIERSON (CONTINUING): Why was not a move made, action taken to bring in the necessary expertise since December, 1984? Why is it that we are just hearing that attempts will be made to bring in the necessary expertise to look into this matter? How do we view the people whom we represent in this country? Mr. President, we should never lose sight of the fact that we are here to represent the people of this country. We are not here to praise ourselves or to build little castles for ourselves. We are here to look at the interests of the people whom we represent. I wonder how many of us will be jumping on the political platform in 1988 singing about the pension scheme again? Will we have the face to face our constituents and keep promising them that something will be done? It is thirteen years since the Prosser report and nothing has been done.

We realise, Mr. President, that this contributory pension scheme will cost the employee some money, but we also know that the employer will have to contribute likewise. This cannot be compared to an ordinary pension scheme or to a life pension. This is something which is gone into as a mutual contract. It is as the word says, contributory. I wonder, Mr. President, if the lack of interest in this scheme comes about as a result of the reluctance of would be employers to participate in this scheme? Why do we not let the people decide whether they want this scheme or not? Why do we sit in here and try to decide for them that they will not want this scheme? Let us do the feasibility study and then we can decide whether we can afford the scheme or whether it is good for the country. However, Mr. President, the attempt has not even been made to look into the matter.

Mr. President, too often we get up on this side of the House and we bring forward matters which are of crucial interest to this country, but unfortunately they are brushed under the carpet. I hold no brief for the mover of this Bill, Mr. President. He is a very capable young man. He does not need my support in that respect. I speak my conscience. I speak for what I think is in the best interests of this country.

We have been shown, Mr. President, that this pension scheme will cost money. We know this. However, we have also been given statistics to show that if an employee and an employer paid \$15 a month each, a total of \$30 a month, that the scheme could within one year generate \$3.8 million. Procrastination, Mr. President, the longer we wait the more it will cost this country.

Unless the Caymanian working force are fortunate to be members of Her Majesty's Civil Service or of some other company which provides a pension, then they are completely out of luck. Mr. President, I know as a fact that there are a lot of people in this country, old people over 65 who cannot find two pennies to knock together, and that they are dependent on the poor relief handed out through the Social Services Department. Unfortunately, Mr. President, there are Members of this House who do not know that those people exist. I have heard Members of the Executive Council get up in this House and ask, "where are the little people in this country". I wonder if they would have asked that question on the 15th November, 1984, just before the elections? They knew a lot of the little people then. However, since the elections they have forgotten them.

Mr. President, I like many in this House appreciate that a lot of study will have to go into the ramifications of a contributory pension scheme. However, we want to see a show of good faith. The matter should not be laughed aside.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I cannot understand the Honourable First Elected Member of Executive Council saying that he is voting against the motion, but supports a contributory pension scheme, when the sub-stratum of the motion deals with a contributory pension scheme. What is he voting against? It seems to me that the confusion is emanating elsewhere.

Mr. President, within our Islands community and I am speaking not only of Grand Cayman but of Cayman Brac and Little Cayman, we have a lot of needy people. I am not going to stand here and suggest that a contributory pension scheme is the panacea for their ills. However, I am going to suggest that it will help them to maintain their pride and dignity. Caymanians are not a people who like to let their wants and their poor condition known to the world. We do not find them on the street begging. They are a very proud people, Mr. President, and our Government should endeavour to help them to maintain that status.

We have heard, Mr. President, that in other Commonwealth countries even worse off than the Cayman Islands financially, that such a scheme has worked. We have heard that it has worked in Bermuda with certain conditions, in Barbados, in the British Virgin Islands and in other countries. Before I am misquoted, Mr. President, I am not here pre-empting the outcome of a feasibility study. I am saying, Mr. President, that such a study should be given top priority. "In the near future", what is "in the near future"? We heard that back in 1972. This is 1985 and we are still hearing "in the near future".

We do not want to lose sight of the possible cost implications, but we cannot stand here and give any correct information unless that information is based on proper studies. We must stop pushing this matter aside and deal with it promptly.

Mr. President, Private Member's Motion No. 14/85 states:-

"WHEREAS in a few short years a large number of Caymanians will reach unproductive or retirement age, and become a burden to our social programme."

I submit, Mr. President, that unfortunately this motion has been overcome by events. We have reached those years. We are within those years but it is difficult, Mr. President, if we are not in that position to appreciate what the little people feel. There is too much complacency. There are too many of our representatives who lose sight of their real responsibilities. It is not enough, Mr. President, to go round to cocktail parties and live in the high society. 80 per cent of our community are people below the middle income level of our societal strata and there are many of our people who are on the subsistence level. There are people, Mr. President, who retire or are forced to retire at the age of 50, 55 and 60 who are not able to save a penny because of the amount of commitments which they have. We are helping our people. We are trying to assist them by looking into matters such as the possible introduction of a contributory pension scheme.

Mr. President, my support of this Private Member's Motion is not the support of an individual in this House. I am supporting an issue which I think is in the best interests of our people and I am not stating here either, Mr. President, that this matter should be finalised within six months. I am saying, Mr. President, that in support of this Private Member's Motion that I would like to see this matter treated as a priority item.

MR. LINFORD A. PIERSON (CONTINUING): I understand, in support of the Honourable First Elected Member of Executive Council, that he has looked at what obtains in another country and I commend him for this. However, this does not take the place of a proper study being done. As the Second Elected Member for Bodden Town stated, why not bring in people who are qualified in pensions, or the actuarial sciences? We should bring them in here and let them see what obtains in this country. It is not enough to go off to another country and just see what obtains there. We can hardly compare the system in a country with 80,000 to 250,000 people and feel that it can work in the Cayman Islands with 18,000 people unless it is properly monitored and amended to the needs of the people of this country.

Mr. President, I am also appealing to the social conscience of the people in this House. But for the grace of God we could be one of those poor people who depend each day on poor relief. We could be in the same position but God has helped us to come here and try to help those people. What are we doing with the privilege and opportunity which have been given to us by the people of the Cayman Islands to represent them? Are we throwing this down the drain?

Mr. President, I hope that each Member of this Honourable House will have another look at this motion. As I said, Mr. President, with the exception of the time frame in this motion I cannot see how this can conflict with what the Honourable First Elected Member of Executive Council has stated that he is not doing. In my opinion, Mr. President, this is complimenting his efforts. He has stated that efforts are being made. He has stated that a feasibility study will be done. Therefore, if all this ground-work is being done then there should be no problem for him to understand that enabling legislation will have to follow.

Mr. President, again I wish to congratulate the mover of this motion and I thank you, Sir.

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 would like to give support to the Member who introduced the motion for a contributory pension scheme and I share his concern for our people. However, Mr. President, there is a right and wrong way to do everything in life, and I do not agree with the mover that we can establish a contributory pension scheme as contained in his motion.

One cannot over simplify a complex scheme as this motion seeks to establish here before a proper feasibility study has been made by experts in this field. The Honourable First Elected Member of Executive Council said that we cannot put the cart before the horse. One does not commence to build a house by starting with the roof trusses first. One must first lay a sound foundation and build from the ground up.

Furthermore, Mr. President, there is no such thing as instant Government. We all know that the wheels of Government turn slow but sure. We must have a feasibility study made and build from that point onwards. We will have to determine first and foremost how we are to fund such a scheme before raising the hopes of our people, otherwise everyone in this Legislative Assembly will be accused of misleading the public. The Second Elected Member for Bodden Town stressed this point very much that the important thing in this scheme is money. Where is the money coming from?

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): We must put aside our emotions and all Members of this Honourable House accept full responsibility and work together for the good of our people.

The need for old age assistance is very evident and is increasing daily, and at a more rapid rate than we realise. It was pointed out by the mover of this motion that in former days Caymanians had their land which they could fall back on. However, today most of them have sold off their land and they have no fall back position.

It was pointed out, Mr. President, that any scheme must be assessed every two years, because within two years that study is outdated. Today in Bermuda, every two years it is compulsory by law to examine their pension scheme and update it. So, whatever Government may have now, will before making any move have to be studied and updated, and this is the intent of the Member.

Mr. President, it is the intent of Government to have a pension scheme introduced for our people but as has been stated earlier, it takes time, knowledge and money to bring this complex problem to a reality. Let us as responsible Members of this Honourable House work together, and not get up here and try to make political hay. This is too serious a problem which we all have to face. Let us work together and if we work together we can accomplish a lot for our people.

I thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak?

HON. VASSEL G. JOHNSON:

Mr. President, I would like to speak but time is running out and so I would move for the adjournment.

MR. PRESIDENT:

I am in the hands of the House. It is quite true that there are only about five or six minutes to go before the adjournment and if you are proposing to speak at some length, I am sure that it would be more convenient for you to....

MR. JOHN B. McLEAN:

Mr. President, I can assure you that I will not be as long winded as previous speakers and I can wind up what I have to say in the time allotted.

Mr. President, I have sat here and listened to previous speakers and although in their deliberations they have taken time to present their case differently, the truth of the matter is that we are all saying the same thing. We support a contributory pension scheme. However, Mr. President, I too must state that the intent of the motion before us is very good. It is a very excellent idea and I too join with other Members in congratulating the Member who presented this motion. However, Mr. President, what I cannot agree with is the fact that we have in this motion a time frame which to me is very binding. This is a very serious matter, Mr. President, and I would like to see, first of all, as has been mentioned here, a proper feasibility study into this matter. I would like to see the input of our people and at that time I can find myself in a position whereby I can fully support the issue.

Mr. President, quite recently through hurriedly taking matters through this House, and I refer to the matter with spearguns, seines and nets, we presently have our people upset and it should have never happened. I agree that this pension scheme should have been in place before but if it has taken from 1972 as we have been told, why cannot it wait at least another year and be done the right way?

MR. JOHN B. McLEAN (CONTINUING): Like I said, Mr. President, the intent of this motion is very good. As the Second Elected Member for George Town mentioned I should hope that the Honourable First Elected Member of Executive Council will not take this motion lightly, but will endeavour to work towards having a feasibility study done in a very short time.

Again, like I said, I am not expecting it within six months but I do hope that he will try to get the wheels turning. It is unfortunate, Mr. President, that so much time has had to be spent in this House today, or I should say wasted on a debate such as this one, because in truth and in fact each Member whom I have listened to has said the same thing.

I thank you, Mr. President.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until tomorrow morning at 10.00, Sir.

MR. PRESIDENT: The motion is that this House do now adjourn until 10.00 tomorrow morning.

QUESTION PUT: AGREED. AT 4.30 P.M. THE HOUSE ADJOURNED
UNTIL 10.00 A.M., FRIDAY 6TH SEPTEMBER,
1985.

THIRD MEETING OF THE 1985 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
FRIDAY, 6TH SEPTEMBER, 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 RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

HON. W. NORMAN BODDEN, MBE. MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

HON. CAPT. CHARLES L. KIRKCONNELL MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

HON. VASSEL G. JOHNSON, CBE., JP. MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR. W. McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY

MRS. DAPHNE I. 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. MARRY S. KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LITTLE 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 ELECTORAL DISTRICT OF BODDEN TOWN

ORDER PAPER

THIRD MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

FRIDAY
6TH SEPTEMBER, 1985
(FOURTH DAY)

1. PRAYERS

To be read by the Second Elected Member for George Town.

2. QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 111: WOULD THE MEMBER STATE WHETHER THE PROPOSED EXPLORATION FOR OIL IN THE CAYMAN ISLANDS HAS RECEIVED FINAL APPROVAL BY GOVERNMENT AND IF SO, WHAT GUIDELINES HAVE BEEN SET TO PROTECT THE ENVIRONMENT FROM POSSIBLE POLLUTION?

NO. 112: WOULD THE MEMBER STATE THE NUMBER OF LICENCES ISSUED TO SPEARGUN USERS SINCE THE COMING INTO EFFECT OF THE RESTRICTIONS IMPOSED ON THE USE OF SPEARGUNS UNDER THE MARINE CONSERVATION (AMENDMENT) LAW, 1985?

NO. 113: WOULD THE MEMBER STATE WHAT CRITERIA IS BEING ADOPTED TO DETERMINE WHO WILL BE ISSUED SPEARGUN LICENCES AND WHETHER THERE WILL BE ANY QUOTA RESTRICTIONS ON THE NUMBER OF LICENCES ISSUED?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

NO. 114: WOULD THE MEMBER STATE HOW MANY SCHOOL CHILDREN WERE EMPLOYED BY THE PORT AUTHORITY AT THE TIME THE HIRING PRACTICE WAS DISCONTINUED, GIVING THE NUMBER OF CHILDREN FROM EACH DISTRICT?

NO. 115: WOULD THE HONOURABLE MEMBER STATE WHETHER THE PORT AUTHORITY INTENDS TO REINSTATE THE HIRING POLICY AT A LATER DATE?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 116: WOULD THE HONOURABLE MEMBER STATE THE NUMBER OF WORK PERMITS ISSUED UNDER THE FOLLOWING CATEGORIES, AND SAY WHETHER THESE PERMITS WERE NEW OR RENEWALS -

- | | |
|----------------------------|----------------------------|
| (a) Domestic workers; | (h) Chartered Accountants; |
| (b) Secretarial personnel; | (i) Bankers; |
| (c) Carpenters; | (j) Surveyors; |
| (d) Masons; | (k) Architects; |
| (e) Ministers of Religion; | (l) Doctors; |
| (f) Nurses; | (m) Engineers; and |
| (g) Teachers; | (n) Lawyers? |

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION

NO. 117: WOULD THE HONOURABLE MEMBER STATE THE EXPECTED COMPLETION DATE OF THE REMAINDER OF THE NEW ROAD WHICH WILL CONNECT CREWE ROAD AND SMITH'S ROAD?

NO. 118: WOULD THE HONOURABLE MEMBER STATE THE COST, TO DATE, OF CONSTRUCTION OF THE NEW ROAD WHICH IS BEING BUILT TO CONNECT SMITH'S ROAD AND ELGIN AVENUE?

3. GOVERNMENT BUSINESS

(i) BILLS:-

FIRST AND SECOND READINGS

- (1) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
- (2) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

COMMITTEE THEREON

- (3) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
- (4) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
- (5) THE PUBLIC FINANCE AND AUDIT BILL, 1985
- (6) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
- (7) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
- (8) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
- (9) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

REPORTS THEREON

- (10) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
- (11) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
- (12) THE PUBLIC FINANCE AND AUDIT BILL, 1985
- (13) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
- (14) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
- (15) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
- (16) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

THIRD READINGS

- (17) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
- (18) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
- (19) THE PUBLIC FINANCE AND AUDIT BILL, 1985
- (20) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
- (21) THE COURT OF APPEAL (AMENDMENT) BILL, 1985

(ii) MOTIONS:-

GOVERNMENT MOTION NO.8/85
LEGISLATIVE ASSEMBLY STANDING ORDERS, 1976

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER - LEADER
OF GOVERNMENT BUSINESS.

4. OTHER BUSINESS:

PRIVATE MEMBERS' MOTIONS

- (1) PRIVATE MEMBER'S MOTION NO.14/85
CONTRIBUTORY PENSION SCHEME
CONTINUATION OF DEBATE THEREON.
- (2) PRIVATE MEMBER'S MOTION NO.15/85
GOVERNMENT SPONSORED DRUG REHABILITATION FACILITY

STANDING ORDER 24(14)

THE SECOND ELECTED MEMBER FOR WEST BAY TO MOVE, IN
ACCORDANCE WITH STANDING ORDER 24(14), THAT PRIVATE
MEMBER'S MOTION NO.15/85 BE WITHDRAWN WITH LEAVE OF
THE HOUSE.

TO BE SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

- (3) PRIVATE MEMBER'S MOTION NO.16/85
PUBLICATION OF GOVERNMENT NOTICE & ENACTED LEGISLATION
IN NEWSPAPER(S)

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.17/85
LICENSING OF SPEARGUNS

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.18/85
ESTABLISHMENT OF RADIO CAYMAN AS A GOVERNMENT CORPORATION

TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND
SECONDED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

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FRIDAY

6TH SEPTEMBER, 1985

10.00 A.M.

MR. PRESIDENT: I invite the Second Elected Member for George Town to say prayers.

MR. LINFORD A. PIERSON: 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.

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.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.
Questions. The Second Elected Member for George Town.

QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 111: Would the Member state whether the proposed exploration for oil in the Cayman Islands has received final approval by Government and if so, what guidelines have been set to protect the environment from possible pollution?

ANSWER: Yes. An agreement which gives the exploration firm drilling rights over Grand Cayman has had the final approval of this Government. Regarding the second part of the question, both the petroleum agreement and the petroleum regulations provide every possible precaution against pollution.

ANSWER: One of the important controlling factors is that all plans
(CONTIN- have to be reviewed and accepted by a joint management
UED) committee and the drilling plan finally approved by the
Governor in Council. The joint management committee is
made up of three persons appointed by the exploration firm
and three persons and the secretary appointed by this
Government: each side can co-opt advisors when necessary.

HON. VASSEL G. JOHNSON: In addition to this answer, Mr.
President, I should say that Executive Council first approved this
proposal in 1978 and the agreement and the licence were signed only
this year by the new Government.

SUPPLEMENTARIES:

MR. PRESIDENT: The First Elected Member for the
Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Would
the Member state whether when in his answer he said Grand Cayman
that included in this agreement were Cayman Brac and Little Cayman?

HON. VASSEL G. JOHNSON: Mr. President, I do not believe that
the smaller Islands of Cayman Brac and Little Cayman are included.
It is my understanding that the results of the survey done in the
smaller Islands did not give prospects to drilling possibilities in
those areas.

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

MR. LINFORD A. PIERSON: A supplementary, Mr. President. In
the answer to the question regarding the second part of the question,
the Member said here that both the petroleum agreement and the
petroleum regulations provide for every possible precaution against
pollution. In perusing the Petroleum Regulation, 1984 I found a
mention of possible pollution within our three mile limit. I wonder
if the Member could state whether any permission will be given for
drilling within the three mile limit offshore?

HON. VASSEL G. JOHNSON: Mr. President, the firm has expressed
their view that drilling offshore is not going to be done. They are
only interested in drilling onshore.

MR. PRESIDENT: If there is no further supplementary...
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I had a supplementary
but I did not seem to find what the Member said at the end in the
answer. I was just trying to see if it was there. He mentioned
something about the agreement being signed back in 1978 and the licence
was just given now. I am wondering if he can tell the House the reasons
why the licence was not given over the years from 1978 until now?

HON. VASSEL G. JOHNSON: What I said was that Executive Council
first gave approval to this application back in 1978. The reason why
the agreement and the licence were not finalised until now is a matter
which the Member himself who asked the supplementary can better tell
us.

MR. G. HAIG BODDEN: May I ask the Member if it is strange that they have picked up at this time an agreement which is nine years old and issued a licence on that same agreement?

HON. VASSEL G. JOHNSON: Mr. President, in January this year this new Government reviewed, examined and eventually accepted an agreement which was prepared and submitted to it. The contents of that agreement and the licence were all acceptable to this new Government.

MR. G. HAIG BODDEN: In other words is the Member saying, Mr. President, and I am asking the question to him, that what he has just said in the last answer is not what he said when he read the answer. He is saying that they took an agreement and gave a licence now and it is not word for word the same agreement which he said had been agreed to in 1978?

HON. VASSEL G. JOHNSON: You know, Mr. President, that supplementary is somewhat confusing to me. I think that it is confusing to the Member himself. The agreement which was signed by the applicants just a month or so ago is one which has been put together by a consultant appointed by the United Nations and put on the job not very long ago. I understand that during the period in which this agreement was being prepared that there were about three consultants who were involved in the preparation of this document. I am not too sure what happened to the first two but I happen to know who the last one was. He came to the Islands. He sat down and discussed the matter with us around the table and we had a fair understanding of what was being proposed, and we eventually accepted it. In 1978, I think that it was the time that the Law and the Regulation governing this subject were prepared and approved by the Government of the time and eventually Executive Council gave approval to the application which we are speaking about today. So, there are two separate and distinct functions in the final approval of this application.

MR. G. HAIG BODDEN: Mr. President, in other words, by his mentioning the Law he now knows the reason why the agreement was not signed, and will he agree that the reason why no licence was given was because the former Government intended to change the Law to vest the rights, not in the Crown, but in the landowners and to make provision for royalties to be paid to the landowners rather than to the Crown? Will he admit that that is the reason why no licence was granted?

HON. VASSEL G. JOHNSON: Mr. President, whatever the intention of the former Government might have been, the Law was prepared, yes, and had Legislative approval. However, the Government sat on the Law which had no provisions in it to implement the proposal which was submitted to it for exploration rights. It was not until in 1984, six years afterwards that the Regulations were made. So, Mr. President, why the six year delay between the Law and the Regulations is beyond me. It was the same Government which did the Law and the Regulations.

MR. G. HAIG BODDEN: Mr. President, may I ask if the Member is now prepared to do what it seems that the former Government would have done, which is bring an amendment to the Law to change the vested rights so that royalties may go to the landowners rather than to Government, with of course Government getting a portion. Or is he prepared to leave the entire vested rights in the Government as it was set out in the original Law?

HON. VASSEL G. JOHNSON: Mr. President, this seems to be an afterthought and as far as royalties being awarded to the private landowners that is a matter which the Government might want to look at, because I think that the private landowners would have a right to certain royalties or whatever which might derive from this process, provided oil is struck.

MR. G. HAIG BODDEN: Mr. President, will the Member admit that under the existing Law the landowner has no right other than probably the right to rent or lease if the producer enters on his land? Will he be prepared to take the steps to amend the Law so that the rights of the landowner can be protected and to make it in line, say, with the situation in the United States, just in case there is oil discovery?

HON. MICHAEL J. BRADLEY: Mr. President, Sir, with respect could I have your interpretation as to whether this supplementary comes within the ambit of Standing Order 22(1)(xii)?

MR. G. HAIG BODDEN: Mr. President, why does he not leave this to the Chair. This is the business of the Chair. Why is this Member....

MR. PRESIDENT: With respect, he is leaving it to the Chair. He is bringing it to the notice of the Chair. It would seem to me that the Second Elected Member for Bodden Town must be nervous that his question is going to be ruled out of order.

MR. G. HAIG BODDEN: No, I think that the Government is nervous that the question will be answered.

MR. PRESIDENT: It seems to me that part of the question might have been ruled out by Standing Order 22(1)(g). The question went on a long time. The first part of it seemed to me to be soliciting the solution of an abstract legal question, which is out of order. The second part of it, I thought probably was in order. That was the part about whether the Member would give an assurance that the Law would be amended. I am afraid that I have forgotten the precise wording of the supplementary now, but I think that the end of it is something to the effect that would the Member give his assurance that the Law would be amended to give the landowner certain rights. Am I correct? I do not think that that really is ruled out by Standing Order 22(1)(f)(xii). However, I do think that the first part which I have forgotten, was ruled out of order by Standing Order 22(1)(g).

HON. VASSEL G. JOHNSON: Mr. President, what really worries me is that after the Law went on the Statute Books from 1978 and the former Government had six years left in office, that they did not see fit to amend or adjust or rectify the anomalies which he is pointing out today.

MR. G. HAIG BODDEN: Mr. President, will the Member admit that the Petroleum Production Law, although on the books, has no effect at all unless a licence is granted under it? So, it is only then and will he admit that now that they are prepared to grant a licence, that he will amend the Law to bring it in order?

MR. PRESIDENT: I think really that we have strayed an awful long way from the original question, and we are straying further and further. I think that I must put a stop to supplementaries which go so far from the original question. If it is a supplementary which goes back to the original answer then I will allow a further one.

I saw the Second Elected Member for West Bay got up. If your supplementary is to do with the answer to the first, original question that is alright. If it is pursuing the line along which we are now going, I think that we must put a stop to that.

MR. W. McKEEVA BUSH: Mr. President, I have a supplementary, Sir, and as you are in the Chair you can determine whether it is in order or not. Could the Member say whether the location of the exploration has been yet determined?

MR. PRESIDENT: That is alright.

HON. VASSEL G. JOHNSON: Mr. President, the answer is no. The exploration sites have to be determined and then they have to be placed before the joint management committee and if the joint management committee agrees with the proposals, then these must go to Executive Council for final approval.

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

MR. G. HAIG BODDEN: Mr. President, may I ask the Member what is the policy of Government regarding the exploration sites? That is if it would mean tearing up the West Bay beach or the capital city of George Town, would Government still be prepared to go ahead with the exploration?

HON. VASSEL G. JOHNSON: Mr. President, I cannot pre-empt any decisions which Executive Council might make on this matter.

MR. PRESIDENT: I think that that question in any case was probably out of order by Standing Order 22(1)(g).
I think that we should pass on to the next question. The Second Elected Member for George Town.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 112: Would the Member state the number of licences issued to speargun users since the coming into effect of the restrictions imposed on the use of spearguns under the Marine Conservation (Amendment) Law, 1985?

ANSWER: Six.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask to whom these six licences were granted?

HON. VASSEL G. JOHNSON: The answer, Mr. President. These licences were granted to four tour boat operators.

MR. D. EZZARD MILLER: Mr. President, a supplementary. Will the Member say whether there were other applications for licences besides those granted?

HON. VASSEL G. JOHNSON: Yes, Mr. President, there are many applications before the Board now which have not yet been dealt with.

MR. G. HAIG BODDEN: Mr. President, may I ask if any of these licences were granted to people in Bodden Town or East End?

HON. VASSEL G. JOHNSON: Mr. President, the Marine Conservation Board deals with applications as they are received. I am not too sure whether Bodden Town or East End have made application to the Board as yet.

MR. G. HAIG BODDEN: Mr. President, will the Member admit that a statement was made in the press which appeared to have been a Government statement to the effect that licences would only be granted to tour boat operators?

HON. VASSEL G. JOHNSON: Yes, Mr. President, that was in keeping with the approval of the Legislative Assembly regarding the amendment to the Marine Conservation Law, which recommended in the first instance a ban on spearguns. However, the Legislative Assembly decided that the ban should be replaced by restrictions in order that people like the tour boat operators could continue to use spearguns.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if it is correct that neither the Law nor the Regulations mention that only tour boat operators could get a licence, or if this was something of a policy nature by Executive Council handed down to the Marine Conservation Board?

HON. VASSEL G. JOHNSON: Mr. President, the Marine Conservation Board used as a guideline the views expressed here in the Legislative Assembly in passing the amendment Law providing for restrictions on spearguns.

MR. G. HAIG BODDEN: Is the Member saying that the actions of the Marine Conservation Board were ultra vires the Law and the Regulations, and did not follow to the letter the Regulations as passed by Executive Council and the Law as passed by the Legislative Assembly?

MR. PRESIDENT: I do not really think that that is in order under Standing Order 22(1)(g).

Let us pass on to the next question which has in large part been answered actually. However, let the Member ask it if he wishes.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT
AND NATURAL RESOURCES

NO. 113: Would the Member state what criteria is being adopted to determine who will be issued speargun licences and whether there will be any quota restrictions on the number of licences issued?

ANSWER: Criteria for the licencing of spearguns have not yet been finalised. Moratorium on the effective date of restrictions imposed by the Marine Conservation Law has been extended to the end of November, 1985, to allow the Marine Conservation Board to deal with the matter appropriately.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask if the moratorium means that the owners of the spearguns can borrow them from Government and use them for a couple of months more?

HON. VASSEL G. JOHNSON: Mr. President, I thought that the Member read especially the front page of the issue of the Caymanian Compass newspaper, because the issue of Thursday, 29th August, 1985, had a press release entitled "Spearguns Moratorium extended", and in that article we dealt with the subject of the supplementary question which the Member posed a while ago. Yes, all owners of spearguns will have the privilege of using them until such time that the restrictions are known, or the guidelines are known.

MR. G. HAIG BODDEN: Mr. President, since the article is not available to me I wonder if the Member would read it so that we can hear what is in it?

HON. VASSEL G. JOHNSON: With pleasure, Mr. President:-

"SPEARGUNS MORATORIUM EXTENDED

The moratorium on speargun licencing which was to have ended on August 31st has been extended for three months until the end of November. Making this announcement the Honourable Vassel Johnson, ExCo Member for Development and Natural Resources said the decision had been taken as a result of reactions to the proposed arrangement for the licencing of spearguns. During the extended period Mr. Johnson said thought would be given to the possibility of adopting slightly more liberal criteria for the granting of licences. In considering the new policy the Member said restriction on the importation of spearguns would be one of the options to be considered. Discussions would be held with the Marine Conservation Board before the Executive Council were asked to approve the guidelines he added. As a result of the extension of the moratorium no prosecutions for the possession and use of spearguns will be instituted during the period. Those who have responded to the previous announcement and handed in their spearguns to the police may retrieve them and continue to use them until the new guidelines are introduced. GIS."

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. Would the Member state whether or not the same criteria is used for determining those tour operators who are issued licences, irrespective of their district of abode, be it West Bay, East End, Bodden Town or otherwise?

HON. VASSEL G. JOHNSON: Mr. President, as I said before, the criteria for licencing of spearguns are still being discussed by the Marine Conservation Board. At this particular time I cannot foretell what the proposals will be. So it is difficult for me to give a direct answer to the supplementary posed by the Third Elected Member for West Bay.

MR. PRESIDENT: I think that the Third Elected Member for West Bay has a further question.

MRS. DAPHNE L. ORRETT: Yes, Mr. President. What I am seeking from the Member is an assurance that no special treatment is given to tour operators in the district of West Bay. So, I would hope that the Member can assure us here that everyone will be treated equally as far as tour operators are concerned.

HON. VASSEL G. JOHNSON: Mr. President, I can assure the Member posing that supplementary that that was the very reason why there was an extension of the moratorium, because it was stated to Government that this was an area which the public questioned, why licences were only given to tour boat operators.

MR. PRESIDENT: There are two or three of you trying. The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, a supplementary. I wonder if the Member could say whether the extended moratorium is as a result of certain pressures from the public?

HON. VASSEL G. JOHNSON: Mr. President, the public did not make any direct representation to Government, except on one occasion the Chamber of Commerce spoke to Government about this. However, what really prompted Government to extend the moratorium were discussions which were held with Members of this Legislative Assembly.

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

MR. G. HAIG BODDEN: Mr. President, may I ask which discussions with the Legislative Assembly he is now referring to?

HON. VASSEL G. JOHNSON: Mr. President, the Elected Member for North Side and the Second Elected Member for West Bay.

MR. G. HAIG BODDEN: Mr. President, may I ask why all other Members were excluded from this important discussion since the criteria for the licensing seems to have been based and the moratorium seems to have been based on this discussion? Why were not all the Members privy to this matter?

HON. VASSEL G. JOHNSON: Mr. President, my office is open to any Member of this Legislative Assembly. I knew that there was dissatisfaction in the public, largely because it appeared to them that it was discrimination to issue licences only to tour boat operators. It was on this basis that the Members whom I referred to approached me and asked me to pass this on to the Marine Conservation Board. The action which was taken was not action which I took. It was the action of the Marine Conservation Board.

MR. G. HAIG BODDEN: Mr. President, may I ask what is Government's policy with regard to taking into account the fact that all studies have shown that the North Sound is an area where fish breed and the aim of the Law is to conserve fish life? Why is it that they are granting licences for spearguns to be used in the North Sound and in no other area? Are they trying to destroy the breeding grounds of the fish life?

MR. PRESIDENT: I think that we are again going rather far from the original answer and we have also had a lot of supplementaries on this particular question. I think that we should pass on to others. There are several more questions on the Order Paper and we have already taken nearly forty minutes on the first three. I think in fairness to other Members who have got questions down they should be given their chance.

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I believe that these two questions were answered yesterday in the course of question time.

MR. PRESIDENT: I think that they were really.

MR. W. McKEEVA BUSH: However, for the record, Mr. President, I would still like them answered. (LAUGHTER). They are still my questions you see.

MR. PRESIDENT: Well....

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 114: Would the Member state how many school children were employed by the Port Authority at the time the hiring practice was discontinued, giving the number of children from each District?

ANSWER: There were twenty (20) school children employed by the Port Authority on 27th December, 1984, when it was decided to discontinue employing them. The following is a breakdown according to Districts:

East End	10
George Town	8
North Side	2
Bodden Town	NIL
West Bay	NIL

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Did West Bay not get some preference this time, Mr. President?

MR. PRESIDENT: Order, Order.
Would you like to ask your next question?

MR. D. EZZARD MILLER: Supplementary, Mr. President. I see that the figures given are fairly secured to certain Districts although North Side got its little bit in. However, I wonder if there was any advertisement placed for these vacancies which would have given children from the Districts opportunities to apply?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, there was no advertisement placed for schoolboys to be employed on the dock. As I stated in one of the previous answers, the Shed Supervisor, Mr. Pierson had the assignment to recruit these schoolboys.

MR. LINFORD A. PIERSON: Mr. President, it is the second time that I have heard an outright attempt made here to implicate the Shed Supervisor, or to give him responsibilities which he does not have. Would the Member state whether this was with the directions of the Port Authority, or whether the Shed Supervisor took it on his own head to do this?

MR. PRESIDENT: I think that question was answered the other day was it not?

MR. LINFORD A. PIERSON: This same question which is now being asked, Mr. President, was answered yesterday, but you allowed it again.

MR. PRESIDENT: I do not think that the number of school-children was asked before was it, with a breakdown by Districts?

MR. CAPT. CHARLES L. KIRKCONNELL: No, Mr. President.

MR. PRESIDENT: I do not recall there having been a question which actually asked for a breakdown by Districts. However, I do recall, I think, a supplementary. So, you have had the answer once and it is on record. The next question.

MR. W. McKEEVA BUSH: Mr. President, on a point of explanation, Sir. I am asking my questions. I am not trying to implicate anybody, Sir. I was just doing my duty as people asked me to do.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 115: Would the Honourable Member state whether the Port Authority intends to reinstate the hiring policy at a later date?

MR. W. McKEEVA BUSH: Maybe this was again answered in the course of....

MR. PRESIDENT: I do not think that has been asked before so I think that it is in order.

ANSWER: The answer is no. The Board of Directors of the Port Authority have decided that it is not in the best interest of either the port or the school boys to employ them. The dock area is considered too unsafe and hazardous for school boys. Furthermore, we have had several accidents on the dock involving these school boys who are difficult to control once on the premises.

It is also doubtful whether or not the Port Authority would be covered by insurance in the event of a serious accident to one of these boys.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary, Mr. President, could the Member give the assurance that any hiring or any vacancies which occur at the port in the future will be advertised?

MR. CAPT. CHARLES L. KIRKCONNELL: Yes, Mr. President.

MR. JOHN B. McLEAN: Mr. President, will the Member say whether the \$23,000 or whatever the figure may be which was reported as a saving by the Port Authority will be used to recruit schoolboys who have graduated? I should say school leavers.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, whenever the port requires people to work they will certainly advertise and recruit new members. However, the Port Authority has not got any training facilities but if a boy who has graduated from school is interested in working on the dock he may apply, and it will be considered.

MR. PRESIDENT: The Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 116: Would the Honourable Member state the number of work permits issued under the following categories, and say whether these permits were new or renewals -

- | | |
|----------------------------|----------------------------|
| (a) Domestic workers; | (h) Chartered Accountants; |
| (b) Secretarial personnel; | (i) Bankers; |
| (c) Carpenters; | (j) Surveyors; |
| (d) Masons; | (k) Architects; |
| (e) Ministers of Religion; | (l) Doctors; |
| (f) Nurses | (m) Engineers; and |
| (g) Teachers | (n) Lawyers? |

ANSWER: The number of work permits issued under the categories specified in the question are as follows:

<u>CATEGORY</u>	<u>NEW</u>	<u>RENEWALS</u>
(a) Domestic workers	459	400
(b) Secretarial personnel	56	60
(c) Carpenters	37	97
(d) Masons	28	78
(e) Ministers of Religion	9	23
(f) Nurses	16	7
(g) Teachers	39	47
(h) Chartered Accountants	40	98
(i) Bankers	42	113
(j) Surveyors	4	10
(k) Architects	4	9
(l) Doctors	14	4
(m) Engineers	37	9
(n) Lawyers	6	24

making a grand total of 791 new permits and 979 renewals.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Could the Member say whether the category of domestic workers includes construction common labourers?

HON. DENNIS H. FOSTER: No, Mr. President.

MR. W. McKEEVA BUSH: No what, Mr. President?
I do not understand that answer.

MR. PRESIDENT: Well, I think that it is perfectly comprehensible. The answer was no. It was quite clear. You asked a quite straightforward question.

MR. W. McKEEVA BUSH: Does the Member mean that in addition to these domestic workers consisting of 459 new ones and 400 renewals, that we have common labourers working on construction sites?

HON. DENNIS H. FOSTER: Yes, Mr. President.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Does the Member have to hand what that number is, how many common labourers have been given work permits in the same category of "New" and "Renewals"?

HON. DENNIS H. FOSTER: No, Mr. President.

MR. D. EZZARD MILLER: Could he undertake to provide it to the Members in writing, Sir?

HON. DENNIS H. FOSTER: Mr. President, I had three members of the Immigration staff work the whole weekend to get me these answers, Sir, and I answered what they have asked. If they want anything more, Sir, let them ask another question.

MR. W. McKEEVA BUSH: Mr. President, we are asking questions in this House for information. Under the Standing Orders of this House the Member is obliged to answer us. I agree, Mr. President, if you should permit, that this question took some work. However, as we can see here there are a lot of problems in this country. The Member is obliged to answer us or get us the information.

HON. DENNIS H. FOSTER: Definitely so, Sir, and this is what I have done.

MR. PRESIDENT: He has got you the precise information which you sought. If you had wanted different information you should have asked a different question.

MR. W. McKEEVA BUSH: But, Mr....

MR. PRESIDENT: I dare say that the Member might, without difficulty be able to get you the total number of work permits and the total number of renewals issued during the year. He might be able to do that.

MR. W. McKEEVA BUSH: For the construction labourers whom we were talking about?

MR. PRESIDENT: The total number, I am saying.

MR. D. EZZARD MILLER: For clarity, Mr. President, I do not think that we have accepted under all the Standing Orders which were amended, so if you have not accepted that five days is required to put a question, I would like to table such a question for Business Paper No. 3.

MR. PRESIDENT: It is up to you to table any question and we will see whether it is in time and acceptable. I mean, I am not giving you permission now. However, you are entitled to do what Standing Orders entitle you to do, and it is quite true that the Standing Orders have not yet been amended.

MR. W. McKEEVA BUSH: Mr. President, could the Member say whether domestic workers are what the Government determines as being domestic workers?

HON. DENNIS H. FOSTER: Mr. President, could I ask the Member to repeat the question, Sir? Does he want me to define what a domestic worker is?

MR. PRESIDENT: He said not what you... I think I can repeat it for you. Are domestic workers what the Government defines as domestic workers? I would have thought the answer was self evident, quite honestly. However, it is in order and you may answer it. I think that if the Elected Member for East End is going to get his questions in we should pass on to question number....

MR. W. McKEEVA BUSH: Mr. President, with respect, Sir, I have another supplementary.

MR. PRESIDENT: Well, one more. However, if you...

MR. W. McKEEVA BUSH: Yes, Mr. President, could the Member say what period these figures cover?

HON. DENNIS H. FOSTER: 31st July, 1984 to 31st July, 1985, Sir.

MR. PRESIDENT: 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. 117: Would the Honourable Member state the expected completion date of the remainder of the new road which will connect Crewe Road and Smith's Road?

ANSWER: The said road should be completed in April of 1986, pending approval of the required funds in the 1986 capital budget.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if it is correct that the funds which were approved in the Budget Session for 1985 were insufficient to complete this road, and that is the reason why it will not be completed until 1986?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, that is absolutely correct. In the 1985 Budget in Capital Expenditure, a sum of \$125,000 was voted for new construction. This initial estimate for the entire project at that time was \$125,000. However, they found that the actual ground conditions of the road made it impossible for this money to complete the project. They ran into swamps as deep as eight and nine feet. It was merely a guesstimate. No road engineering work was done to determine the terrain which they had to go over. That is the reason why the funds are insufficient. The entire project cost for the Smith Road and the Sheddon Road has now been revised to a figure of \$400,000. We have used \$160,000 for the road from Smith Road to Elgin Avenue and we still need about \$40,000 more to complete this link of the road.

MR. JOHN B. McLEAN: Mr. President, a supplementary. Is it correct that at least quarter of the cost is attributed to this road being laid out incorrectly?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I was informed that the section of the road from Smith Road was incorrectly laid out and I was informed by the Chief Engineer that this error cost \$5,000.

MR. LINFORD A. PIERSON: Mr. President, in view of the answer given by the Member, is he admitting ultimate responsibility for not conducting the proper engineering tests prior to doing the actual work on that road?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Road Engineer in Public Works Department and the Chief Engineer at Public Works Department are experts and if they put forward a sum of money to do a road, who am I as the Member without their training or knowledge, to tell them what their roads are going to cost? I must be guided by their expertise and their knowledge.

MR. PRESIDENT: I think that in fact your next question got answered in the course of the supplementary. So, perhaps we can take it as dealt with because it is now just 11.00.

That ends Question Time. Item 3.
Government Business. Bills.

BILLS

THE PORT AUTHORITY (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE PORT AUTHORITY (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Port Authority Law is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE PORT AUTHORITY (AMENDMENT) BILL, 1985.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Port Authority Law (Law 15 of 1976). This short Bill seeks to increase from \$50,000 to \$100,000 the amount which may be carried forward in the accounts of the Port Authority of the Cayman Islands from the end of one financial year to the following year. This is a straightforward Bill and should cause no controversy.

The main reasons for requesting an additional amount to be carried forward in the accounts of the Port Authority, are its increased financial obligations brought about by the addition of a new port facility at Cayman Brae in 1981, and secondly the ever increasing cost of operating the two facilities. In 1977 when the port facility at George Town was put into operation, the monthly expenses averaged approximately \$42,000. The sum of \$50,000 at that time was more than adequate to meet the Authority's monthly recurrent expenditure.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): The total annual operating expenses of the port in 1984 were approximately \$1,360,000 which includes the annual payments on the loans from Caribbean Development Bank and Government.

The monthly required expenditure is now approximately \$113,000. It is therefore desirable that a sum more appropriate to the monthly recurrent expenditure be carried forward to the next financial year.

I am sure that Members of this Honourable House will agree that the increase sought by this amendment is justified and prudent.

I ask that all Members of this Honourable House support this Bill.

MR. PRESIDENT:

The question is that a Bill for a Law to amend the Port Authority Law be read a Second time.

The motion is open for debate.

If no Member wishes to speak I shall put the Question.

QUESTION PUT:

AGREED.

BILL GIVEN A SECOND READING.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985.

MR. PRESIDENT:

The Bill entitled a Bill for a Law to amend the Parliamentary Pensions Law, 1984 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985.

HON. DENNIS H. FOSTER:

Mr. President, I move the Second Reading of a Bill for a Law to amend the Parliamentary Pensions Law, 1984.

Mr. President, when the freeze was put on the Parliamentary Pensions Law at a recent Meeting of this House, I promised to bring the matter back to the House once the new Government had had time to examine the Law and make any amendments which it thought necessary.

Mr. President, there were a few controversial points in the Law, the first being that all those Members who had served the House as Members of the Vestry prior to 1959 were excluded from the benefits. It was thought, Mr. President, that these people should receive some of the benefits. The second point was that there were very generous awards for relatively short service in Executive Council. Thirdly, there was no provision for years of service completed between nine and for example twelve years, nor part years completed.

Mr. President, the Government has now had an opportunity of going through the provisions of the Law in considerable detail and has sought advice on the various controversial points raised.

HON. DENNIS H. FOSTER (CONTINUING): Persons who served as Vestrymen prior to the 1st October, 1959 will now be able to receive a pension. The difficulty was finding the length of their service but this has been overcome, Mr. President, by paying a fixed rate to all quid pro quo for our inability from our records to prove the period of service. Mr. President, in case Members have done some calculations and think that the figure in there is wrong, it is not so. It is only that we have rounded the figure off so that it is divisible by twelve.

Mr. President, under the Law as it stands the Governor has discretionary powers to declare Parliamentary salaries, which he usually does at the time of salary reviews in the Civil Service, which in turn affect Parliamentary pensions. However, it is considered that pensions should be increased as in other Laws by the Executive Council with the prior approval of the Finance Committee of this House.

Mr. President, as mentioned in my opening lines, there is no provision in the present Law for part years or part periods served to be taken into account. This is now achieved by the introduction of a calculation based on each month's month of appropriate service. Executive Council pensions will be earned at the same rate as Parliamentary pensions.

Mr. President, this new formula is in favour of the pensions. The provisions for one quarter of a pension to be commuted for a gratuity have also been removed, the main reason being that the Government cash flow at present would find this extra payment difficult to bear. In any case, it may be to the advantage of the Member anyhow should he live more than 19.5 years after he starts to draw his pension.

Another provision seeks to suspend pensions in the case of imprisonment or bankruptcy.

Mr. President, we heard yesterday about the many territories which have contributory pension schemes. I would just like to say that the majority of the Caribbean territories also have Parliamentary pension schemes.

Mr. President, it is no surprise to me that a number of the Members are not going to support this Bill. However, I would like to remind those Members, Mr. President, that they do not know what life holds for them. One of these days if they stay in this House long enough, they might be glad of the pension from this Parliamentary pension scheme.

Mr. President, I feel, Sir, that Members serving in this House and serving their country have done just the same as I have been doing, Sir. Of course, I have got paid and they are getting paid, but I think that they deserve a pension just the same as a Civil Servant.

We have, Mr. President, a lot of long-standing Parliamentarians who have taken a lot of their time to serve their country. They have taken a lot of licking, a lot of scandalous remarks about them and everything, and what better gift it could be when they come to the end of the line to get some little thing in appreciation.

Mr. President, I would ask Members to think seriously. I think that the amendments which the present Government have made are adequate and fair to everyone. The Bill will have the same coming into effect of the 1st January, 1985 and I think, Mr. President, the cost of this is something which the Government could live with.

I think, Mr. President, that Members will agree that this is more equitable now and I recommend that they give this Bill their wholehearted support.

Thank you, Mr. President.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Parliamentary Pensions Law, 1984 be given a Second Reading. The motion is open for debate but I suggest that before we begin the debate we take our customary morning break for about fifteen minutes, and I will suspend proceedings accordingly.

AT 11.13 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.50 A.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Second Reading debate on a Bill for a Law to amend the Parliamentary Pensions Law, 1984. Does any Member wish to speak? The Elected Member for North Side.

DEBATE ON SECOND READING

MR. D. EZZARD MILLER:

Mr. President, while I supported the pamphlet as I think my Honourable colleague the Second Elected Member for Bodden Town called it in December, which extended the effective date of the Parliamentary Pensions Bill, I hoped then that I would never see it come back to this Honourable House. However, since it has come back I will stick to my principles and I am not going to support it now.

I do not see that the Bill has been substantially changed, at least not enough to suit any justification of my supporting it. Mr. President, we heard a lot yesterday about actuarial studies, time frames needed, surveys needed, and experts needed to study pension schemes and while, Sir, I would concede that since this scheme is non-contributory and it is a straightforward deduction from Government's revenue and from the tax-payers' coffers of this country, it might be a little simpler to implement the system. However, Sir, I have seen in my packet which I received which contained a Bill for a Law to amend the Parliamentary Pensions Law, 1984 that there were no surveys to show the need, the justification, not even the desire of these people who are entitled to parliamentary pensions that they wanted it. In fact, Sir, I have been contacted by one family and I know that they have sought legal advice about taking legal action, because their father's needs were branded about in here in some feeble attempt by some Members to justify a pension for Parliamentarians. They are very much insulted. They look after their father very well and to the best of their ability. Of course, Sir, I had to tell them that what is said in here is protected by privilege and they have no legal recourse. I have suffered the same fate for many years.

Mr. President, the mover of this Bill has not told us how many people are going to be entitled to this pension. There has been no indication as to what it is going to cost Government for this pension and like I said, Mr. President, the changes from what we postponed in December to what they have brought back here today are not that substantial.

MR. D. EZZARD MILLER (CONTINUING): I do not think, Sir, that the only way we can show gratitude, appreciation and respect to Parliamentarians who no longer serve is by paying them money. There are many things in life which money cannot buy and I think that these people whom I certainly respect, hold a position of honour in society which in many cases they could not have commanded had they not been past Legislators in this House. I will not repeat the example which my colleague the Second Elected Member for Bodden Town used about the girl and the many ways that she could say no if she was asked on a date. However, there are almost as many ways in which we can show appreciation, gratitude and respect to these people without paying them out of the Treasury of this country which are supposed to be down. There is no money for anything else. Yet we are going here today to legislate pensions for Parliamentarians without the cost to this country and to the people of this country being quantified and identified.

Mr. President if no-one else in this Assembly votes and stands and speaks against this Bill, I am prepared to fight it until the final vote to try to stop it. I think that it should be withdrawn.

I asked the mover of this Bill up until 3.30 on the afternoon break on Wednesday how many people are going to be entitled to a pension under this Law and he told me that he did not know. Nor did he know what it was going to cost the tax-payers of this country. There are many needs in this country, Mr. President, which are more pressing than a parliamentary pension. However, what surprises me most is that yesterday we heard so much about the need for experts, the need for study of pension schemes; not because we had it in other countries we should have it in the Cayman Islands, but the mover has used that as one of his justifications. We should have a parliamentary pension in the Cayman Islands because all of the other territories have it.

Even, Mr. President, if the Government spent the last nine months studying the Law, as I said they have made very few changes and even those changes which were made are cleverly disguised.

Let us look at section 2 of the Bill. They are deleting from the Law the fact that the section which used to read:-

"Executive Council salary means the sum of \$21,696 or such greater sum as the Governor, acting in his discretion, may by Notice published in the Gazette determine."

will have the words deleted:-

"or such greater sum as the Governor acting in his discretion, may by Notice published in the Gazette determine."

from both definitions of Executive Council salary and Legislative Assembly salary, parliamentary salary rather as in the Law.

So, the people might believe that this salary is fixed and that it cannot be increased. However, if we go a little further into the Bill, Mr. President, we will see that they have created a new section 9A which reads:-

MR. D. EZZARD MILLER (CONTINUING):

"Where -

- (a) the salary payable to a member exceeds thirteen thousand, two hundred and sixty dollars; or
- (b) the salary payable to an elected member of the Executive Council exceeds twenty thousand, six hundred and ninety-six dollars,

a pension or an Executive Council pension (as the case may be) may be increased once in any calendar year by an order of the Executive Council with the prior approval of the Finance Committee of the Legislative Assembly."

So, Mr. President, I know that we have a conservative Government and I am going to say that they would only conservatively give themselves a ten per cent increase in salary for the term of their present four years in office. By the end of that four years, Sir, they will be paying themselves \$45,194.78. If young Members like myself continue to serve, by the time we get to the age of 55 when we are entitled to pensions under the Law, the Executive Council salary, considering the increases which will have occurred over the last ten to twelve years, will probably be in the region of hundreds of thousands of dollars.

So, we are not fooling anybody, Sir. They can increase their salary or their pension if they want to. Now, Mr. President, section 3 of the Bill which seeks to amend to take us back to the 1st October, 1959. Mr. President, there may be one or two people in this category, that is people who served prior to 1959 who need some financial help. I do not know of any who do. However, if they do, Sir, there is a mechanism in place in the Social Services Department welfare so that we can help them if we so desire without creating a parliamentary pension which is going to become an increasing burden to the tax-payers of this country.

Section 5 of the Bill, Sir, is the cutest section of all. They are talking using fractions of one-two hundred and sixteenth of the salary for each month:-

"Subject to section 9A, the pension payable under subsection (1) of section 3 shall be at an annual rate of one-two hundred and sixteenth of the parliamentary salary for each completed month that has been served as a member."

Now, two hundred and sixteenth a month, Mr. President, is eighteen years. All of us are elected for a term of four years. Assuming good health we will serve those four years. So in the first term of office we are going to be entitled to two-ninths of our salary. Why mask it in such great numbers as one-two hundred and sixteenth?

"(1A) Subject to section 9A the pension payable under subsection (1A) of section 3 shall be at an annual rate of four thousand, four hundred and twenty-eight dollars.

(1B) In no case shall a pension or pensions payable under this section exceed in the aggregate two-thirds of the parliamentary salary."

Further on they use figures. Two terms would give us ninety-six-two hundred and sixteenths or four-ninths of our salary.

MR. D. EZZARD MILLER (CONTINUING): After twelve years we are going to get the same maximum benefits allowed under the old Law, two-thirds. However, they do not say two-thirds. They say one hundred and forty-four-two hundred and sixteenths.

They have removed section 6 of the Law which allowed a gratuity. This is what I consider one of the good things which they have done but I am concerned by the words used by the Honourable mover of the motion when he says that it was removed because the cash flow in Government today does not allow it. Is there intention to bring back this section into the Law when the cash flow of Government allows it? I hope not, Mr. President, but that was the inference which I drew from what he said. I am sure that there are many in the public who will draw the same inference.

Now, Mr. President, I serve notice for an amendment to this Bill because I fully realise that I cannot stop it from being passed into Law unless I take the Mace and run to North Side with it. Then I will have the whole police force chasing me and I do not want to create any problems for the country. However, I have filed an amendment, Sir, which says that clause 7 of the Bill should be deleted and substituted therefor by the following, that:-

"Section 9 of the principal Law is repealed."

because, Mr. President, in all sincerity it is one thing to receive a parliamentary pension as a Member of the Legislative Assembly. However, then to sit here in this Honourable House and vote ourselves two pensions from one job, I think is carrying a privilege a little too far. Now, I know that they are going to say, "Well, we get two different salaries so we are doing two different jobs". We are here in this Honourable House at the pleasure and the privilege of the people of this country to serve them, whether it be in Executive Council or it be on this side of the House. That is our job. Executive Council is well paid for its additional duties and I really, Sir, cannot support an additional pension for Executive Council Members as well.

Although, Mr. President, I believe that section 12 of the principal Law, that is, Sir, the Parliamentary Pensions Law, 1984 (Law 9 of 1984) was a red herring, it was only put in there politically to tempt the Members and see how much guts they had when they opposed the Bill. However, this Government has removed it. I am prepared though, Sir, and I have delivered to you a letter which reads:-

"I, Denison Ezzard Miller, being of sound mind and body by this instrument do irrevocably renounce and waive any rights, privileges or any benefits to me or any members of my family who may have any benefits under the Parliamentary Pensions Law, 1984 (Law 9 of 1984) or any amendments thereto or any Law repealing or replacing the same."

So, I am putting my money where my mouth is, Sir, and I want this to remain on record, Sir, to make sure that I never, ever nor any of my family receive any benefits under this Law.

Mr. President, I sat here yesterday and listened to a lot of argument. It was very difficult at times for me to remain in my seat and not get up and counter argue. However, I let discretion take its course and the debate has not finished yet. I will have my say on the contributory pension scheme.

MR. D. EZZARD MILLER (CONTINUING): However, I find it difficult, Sir, to understand why there is so much time needed, why there are so many studies which have to be done, when so many studies have already been done which are gathering cobwebs and dust and occupying valuable storage space in the Government Administration Building cellar. None of this seems to have been necessary under the Parliamentary Pensions Law. They do not even know who is entitled to it. Certainly if they had known the mover should have indicated it because I told him. I asked him and he knew that I was going to raise the issue. Now, they probably went and made some calculations after I asked the Member that question. However, I wonder, Sir, if they really know how many people and what this is going to cost this country. I would like to see the surveys. I would like to see that the people who are going to get the benefits under this Law really want them and really desire them, and really need them, because I do not believe that there are that many out there who do. I think that we are going to be accused by the public of feathering our own nests, and without that information in hand, Mr. President, I cannot contradict the public who say that we are feathering our own nests.

Under the old Law for Executive Council salary they got their maximum after five years of \$14,464. Under the new Bill they have to wait twelve years to get the \$14,464, a change in the Law but is it significant? It is not significant enough for me to offer my support because I want the Executive Council pension thrown out of the window altogether. They cannot have their cake and eat it too.

Mr. President, I cannot with a clear conscience support this Bill. I can remember distinctly Members saying in the debate that a contributory pension scheme for the masses of this country should be presented along with the Parliamentary Pensions Law. We fought here all day yesterday about studies and experts and actuaries, and any other thing we could think about such as time frames. However, today we are presented with a Bill to pay a pension to Parliamentarians and we are not told what it is going to cost this year; what it is expected to cost next year; how many people are going to benefit; do these people really need it; do these people want it. I know of some people who do not want it who are entitled to it.

So, Mr. President, I cannot support this Bill, Sir.

Thank you.

MR. W. McKEEVA BUSH:

Mr. President, I was going to give some of the Government Bench a chance. However, if we are going to lick them and try to knock them down, we might as well do it one blow after the next.

Mr. President, I rise to oppose a Bill for a Law to amend the Parliamentary Pensions Law, 1984. Mr. President, yesterday we heard in the long debate in this House about politics being played; about the cart before the horse; about novices not drafting legislation from other countries. Mr. President, I wonder whether the Government Bench has really studied this thing, because up until a few days ago they did not know what the figures were and they did not know that certain people who they had tried to get benefits for in this Bill would not get them. They did not even know that someone was dead.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, there have been politics played with this Bill and I am against it. I love politics, Mr. President, God knows that, because we are all politicians, at least twelve of us in this House, maybe even fifteen and who knows, maybe even sixteen. We did not promise anybody church in this building. I go to church on Sunday. This House is for politicians and politics, and politics have been played with this Bill. I know how much they have tried to tell me that I would be defeated at the polls because I am not supporting this Bill. That is what my good friend behind me keeps reminding me.

However, I have the Hansards, Mr. President, and I am going to do some referring to those Hansards. Mr. President, I oppose the Bill. However, I must support the section of this Bill where it gives a pension to the old Vestrymen or a pension to the widows, though small it may be. It is just red herrings, just politics.

The big share as we all know, is going to the big guys. Mr. President, the old Vestrymen should have been given something a long time ago. They should have been given something a long time ago. Today my opposition and my attack will be directed against the other sections of the Bill.

Mr. President, if this Bill could have been divided, and I searched through Erskine May and our Standing Orders but I could not find anything where it could have been divided, but if it could have been divided into sections I would have asked that section 4 be a separate Bill or a separate part all by itself. I will leave them guessing at what I mean.

Mr. President, we have had representative Government now for 150 odd years, the first Meeting of the Vestrymen being held on the 31st December, 1831. If we look back, Mr. President, on the old Vestrymen we must pay tribute to them. We must say today a thank you which truly comes from our hearts. Those old men did much good. They were vigilant. They were wise. They were watchful, and they left us a heritage which we must always be proud of. Mr. President, some noble actions taken by those forefathers of ours were, to name a few, Sir, in 1937 the Hotel Aids Law was approved to give assistance for construction of hotels. Yes, that was in 1937. In 1940 construction of a road for the Town Hall in West Bay took place. In 1953 they completed the Owen Roberts airfield. They built our Town Hall. They did great work, Mr. President. On 3rd July, 1959 the Assembly of Justices and Vestrymen sat for the last time. Our country has made great strides since then and we have become a very affluent society. It is a great pity, as I said that something was not done before today, when many of the Vestrymen were alive and needed the help.

Going through the great books of this House I see several names I recognise, and knowing those people who have passed on to glory, I know their humble positions. I knew the help which they would have needed when they were alive. They served this country at a time when there was nothing, they worked for nothing. However, they did a great deal and that is why I say today pay the remaining few something. As I said, I have a very odd way of voting on Bills in this House. I will give my support to section 4 which makes it possible to pay those people who were Members before 1959. If I do not applaud the Government for doing anything else in this Bill, I will give them three cheers for putting this section in the Bill.

MR. W. McKEEVA BUSH (CONTINUING): Now, Sir, having said that I support section 4, and having said that I applaud the Government for bringing the section, I now have to kick them up for having the audacity to bring this Bill to this Honourable House to pension people who at this time in their life do not need it, and especially before doing anything in the line of a pension for the masses in this country. My question here is why? Why did it come? Mr. President, what really is the spirit of this Bill. I will try to deal with the body last.

The spirit of this Bill as I see it is that the Government of the Cayman Islands have set out at a time when the country is in poor economic straits, to vote a pension for its Members, present, past and future. They are proposing to do this at a time when a simple request for a service to our people is met by, "There are no funds" or "We will put it in the next year's Budget" or some other vague answer.

They are proposing to pay out these pensions even when Government has just asked us to increase its overdraft at the bank, for what reason? Because of the shortfall in revenue this year. Sir, I respect the facts that the economy of this country is in a decline and I am not trying to fool anybody. We all know the reason why it is. We also know that we found it that way. Until such things are straightened out in this country it will continue, in my opinion, to decline. However, Sir, can we tell that to our people? Can we tell them that there is no money to do the things they ask for when we bring a Law to enable pensions to be paid to some people who have already lived off the cream of the country? Can we tell them to wait? We know not what the sum may be under this Bill and I am suggesting that it will still be a sizeable amount. I say shame on the Government. They should withdraw the Bill. The Bill should be withdrawn and something else put forward for those poor Vestrymen, not for those people who have two cars and about two or three bathrooms in their houses. I will come to that later too.

Sir, it is the principle we are talking about here. This country is being held up as one of the most forward countries in the Caribbean, not that I believe that any more than I believe some of the reasons put forward as justifiable for this Bill. I have begun to doubt, Mr. President, and be annoyed. How can we be so forward looking when we do not have a pension plan for our people; when we do not even have a national health insurance plan, indeed not even a Labour Law yet? I suppose I will be told that these things will come in their time, but when? When will these things come which, Mr. President, we all campaigned on and promised and know full well what is needed for our people today? When will they even start to be looked at seriously instead of being put on the back burner? I am not a fool. Promises, Sir, are only comfort to a fool and our people are tired of being fooled and are sick of unfulfilled promises.

The majority of us who formed the Government all got elected, Mr. President, mostly because we all promised to cure some of the ills, especially the social ills of this country. Are we doing it? Are we doing it? We are supposed to be the social reform Government. I understand, Sir, that they intend to defeat my motion for a contributory pension scheme for our people because they will bring one when they see fit. How shallow can people be? No matter how much I amend that pension motion, Mr. President, we will never see the Government Bench today accept it unless, Mr. President, you in your capacity as President of this House, in your capacity as the Chairman of Executive Council and in your capacity as a Governor of this country, unless you ask the Members for a conscience vote.

MR. PRESIDENT:

I must remind the Member that he is talking about the Parliamentary Pensions Law, not about his own motion. We shall come back to his own motion and he will have a chance to talk about that later.

MR. W. McKEEVA BUSH:

Yes, Sir, I will bow to your ruling. It was just a small reminder though.

Mr. President, what makes this House or any previous House in recent years deserving attention is that not only the present Members but all previous Members failed miserably to provide the basic social necessities which our people need, and this is a new Government. Time is still needed, I guess. We should not be too harsh on them.

Mr. President, Sir, I am not such a fool as not to desire to have some form of comfort if and when I reach the age of 55. However, Sir, I have a conscience you see and I cannot bear the thought that I would have a pension and my people would have none. It is not what I was put here to do. That is my conscience, Mr. President, speaking from the bottom of my heart.

Let me say for a minute what I feel my duty is. I feel, Sir, that I must give the Government fair play, any Government, and not stand in the way of legislation unless it must be defeated on its merits. My task here, I feel, is to see that each piece of legislation passed in this House is a work well done, something which will not put my people in danger or is not fair to them. That is my task and, Mr. President, this Bill before us is certainly not fair to Caymanians. There is no way in which anybody can reconcile this inequity or rationalise it and say that it is fair in our prosperous and wealthy Caymanian society to pension ourselves while the poor people have none.

Mr. President, one of the reasons why I oppose this Bill is that it is entirely something which Members are going to give themselves. In all the other pension schemes which I could gather any information on this is the only one where Members will not pay in. They will not pay a percentage of their salary. I am not saying every pension law in the world. I am saying every pension law which I could gather information on. However, Mr. President, I am going to test them today. I am going to give them a test. Although I am not supporting this Bill I am going to offer an amendment to it.

That amendment will call for a 5 per cent contribution from our parliamentary salaries. Mr. President, that will surely let the populace see how much these benevolent people care for them or how they use their money. Mr. President, there are many people, and I would say a majority of people in this country who feel that what we are doing here today is wrong. They are saying that if we have the audacity to give ourselves a pension at least we should make a contribution. So, the amendment which I have already tabled will make us pay out a part of our salary.

Basically, Sir, and I do not know whether I am in order in speaking about the amendment, but basically this amendment is calling for Members who served after 1959 and who will receive a pension which I contend will still amount to a good lump sum because of the Bill being retroactive, to pay 5 per cent out of that lump sum. This, I feel is as it should be. I am not saying that some of those Members might not be in dire need but at least they should not mind paying out a one time 5 per cent towards the pension which they will receive for their lifetime. This 5 per cent will be required to be taken out from those Members who served after 1959 so that they pay a percentage.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, another thing which I disagree with is section 7 which deals with Executive Council pensions. The qualifying period it seems is increased from one year to three years. Mr. President, what is this? Do you see the politics, Mr. President? This is hogwash. An Executive Council term is the same as the regular Member of the Assembly, four years according to our Constitution. So, at least, Mr. President, it should be four years. It is on their conscience anyway. Mr. President, I do not want to belabour the points which I made on the public platform and in this House in the debate of December of last year because I know too well that the Bill will be passed anyway. However, this Bill hurts me. It goes deep. It goes against anything and everything I stand for. I want to remind the Members again of some of the social ills of this country which need urgent attention, and that the money which will be paid out to Members could do very well in helping.

Mr. President, I am going to be very blunt. They can say that I am callous or whatever other high-faluting word they want to say. However, I am going to be very blunt today. There is still a housing problem. There are still people who have no decent place to sleep. Rain is still beating down on them and some of them still have to slip their beds to and fro when it is raining. However, some people do not know that, Mr. President. They do not feel it. They have never felt it. So they do not care. That is my opinion, Mr. President.

There are still people who have to go to the bushes with a slop pail in these rainy months because they have no proper toilet facilities. What am I told? "They will have to wait. They cannot expect everything now. You are a novice in politics. You are still young, full of exuberance, wanting things done". This is the stuff we hear. That may be so, Mr. President. It may be so but my heart is in the right place. What is being done today here is not right and they know it from the bottom of their hearts. However, of course the dog has for a long time eaten some people's consciences.

Mr. President, I may be straying again but I will bow to your ruling. The other day I had a mother of two children come to me. She is divorced. Further to that the man she was married to is in jail and she now has no help for her two children. Anyway, they had started a home before they got separated. Now the woman is left alone to pay school fees for the two children, pay rent, pay all the other bills, plus try to get her house finished. This means trying to hold down two jobs and having to work at night and leave the two children, two girls at that one of whom is in the teenage bracket now. However, let us look at the part which really stinks in this country today. She is trying to finish the home. She is paying \$350 a month rent. She went to the commercial banks but for the amount she would need which is in the region of \$30,000 she would have to pay \$700 or more per month. She could not afford that. She was turned down. She went to the Housing Corporation but she was unsuccessful because when the house would have been finished it would have been valued at more than what the Housing Corporation is now saying that they will give although she would only have to pay the same \$350 per month to the Housing Corporation which she is now paying for rent.

Mr. President, we are telling that mother of two that the Government whom she helped to elect cannot help her. The rules are not in the book. They cannot help her, Mr. President, but they can certainly well afford to pay themselves a pension. I am saying that that kind of situation could evolve into more social problems. Surely we do not need any more than we now have.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, the Government cannot do everything. We know that. However, these are the cases which must have priority. There is such a thing as priority but of course some people have their priorities in the wrong place. There are still people who are walking through mud holes because their roads need to be fixed and, Mr. President, some of them are in my constituency and in other constituencies although they have started doing something down there. Not that I am satisfied. I am never satisfied when it comes to doing what my people need. I guess they have found that out.

What happened, Mr. President? Where is our social conscience? Yes, they give themselves a big pension and it is going to be big for some people, but they are going to give pensions to people who have two and a half bathrooms in their houses or a big flashy car to drive on probably a black top road, to their house. Oh, for Representatives with a conscience. Oh, for people with some soul, Mr. President. The dog got away with it though.

Mr. President, the Executive Council has changed some of the Law. It seems also that they have changed their minds entirely on the question of whether Parliamentarians should have a pension before they give one to the people.

I want to read what some Members of Executive Council and some other Members of the House had to say on the debate in May, 1984 and in December, 1984.

MR. PRESIDENT: I think that perhaps before the Member starts reading as it seems as if he will be some considerable time, this may be a convenient point to interrupt him and to break for lunch. In that case I suggest that we suspend proceedings until approximately 2.15 p.m.

AT 12.46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.23 P.M.

MR. PRESIDENT: Please be seated.
Second Reading Debate on the Parliamentary Pensions (Amendment) Bill, 1984. The Second Elected Member for West Bay was speaking.

MR. W. McKEEVA BUSH: Mr. President, when we took the lunch break I was going to read from some Minutes of the Hansard some of the speeches made by some Members of the House. Before I get into that Mr. President, I do have an apology to make to you. I begged you on several occasions to release some Members on a conscience vote because I felt that we could defeat the Bill. I realise that the Bill will not be defeated and I have to back-track a little bit because I quite remember in a Meeting a few weeks ago, the mover of the Bill when I asked him what was happening, trying to get a little information, I was told that they were going to bring back the Pensions Bill. He had had a rough time trying to get the Pensions Bill brought back to the Honourable House because some Members did not want it. However, he had promised it in his remarks in December last year and he was going to bring the Bill back.

MR. W. McKEEVA BUSH (CONTINUING): So, I guess that there is no use in trying to work on your conscience to let them vote a conscience vote. There have been too many roundabout stories about it; who wants it and who does not want it. However, in any event, Mr. President, the Bill before the House to amend the Parliamentary Pensions Law comes from a Bill which was brought here last year by the previous administration and everybody knew my position on it. The words which I said here today I said in December and, Mr. President, some people's feelings might be hurt in thinking that I have cast aspersions on them. However, Mr. President, I am here to do my duty and the words which I used here today are the same words more or less that I used in December of last year in strict opposition to the Bill. I can do no more than that.

I will carry on with my debate, winding up now, Sir. I read from the Hansard of a speech given, the debate of the Honourable First Elected Member of Executive Council in May, 1984. He said:-

"Mr. President, the plea has been made that Members search their consciences when dealing or when voting on this Bill, and I would like to do the same to Government and ask them to consider the effects of putting into Law such a Bill as is proposed here today, especially as I said, when we have not as Legislators made any provision for any old age pensions for the masses in the country. This is something that I can remember vividly goes back to manifestos published as far back as 1972, if not further, and I think in view of that people would look on us very unfavourably if we were to today agree to pension ourselves without having made any attempt to work out some system for those persons who were on the outside without any form of pension."

He said:-

"I would venture further to say, that if we pass this Bill as a priority to some form of old age pension system for the masses of this territory that the electorate are not going to take kindly to our actions."

and he said that under this Bill an Executive Council Member:-

"would have an entitlement to four sixths or two thirds of his salary which is the maximum that is payable under the Law after only four years of service, and therefore this gives the Executive Council Member an advantage over the Member of the Legislative Assembly who must serve two terms or six years before he qualifies, and in fact cannot qualify for his full Legislative salary until after he has served for nine years."

Well, we know that this has been changed a little bit. However, the Member's debate still remains the same. That was in May, 1984. Now, on the 13th December, 1984, the Honourable First Elected Member of Executive Council said:-

"I share the view too, Mr. President, that while parliamentarians may be entitled to a pension there are many on the outside who are in need, and in my opinion should have been taken care of simultaneously, or before parliamentarians sought to vote themselves a pension."

MR. W. McKEEVA BUSH (CONTINUING): This is very interesting, maybe not for this debate but for something further to come. He said:-

"I would hope, Mr. President, that we can find a quick solution to the desire of Members and of the public of finding a way to introduce some form of retirement benefit for our people. I am heartened that there might be something to be found in the Government Administration Building on this, but I understand from the Member who mentioned this that it is a monumental task to implement it."

I will repeat that:-

"I understand from the Member who mentioned this that it is a monumental task to implement it. In fact I was given the impression that it was nigh impossible. I do not share that view but I am left to wonder, Mr. President, if that is the case why in just about each successive Throne Speech since 1977, such a scheme was mentioned as being planned to be implemented in that year."

Mr. President, we know that the Law was brought by the previous administration and that it had been promised and promised. They were full of promises you know. It had been promised and promised and nothing ever materialised. However, the Member whose speech in the Hansard I just read should pay careful attention to what he said and why he said it.

Mr. President, this is not evolving from something which they brought into being. It was brought into being by the previous administration. My argument with the Government today is that they should not bring it back now. There is nothing to say that it had to be brought back now. If we had a second Chamber in this country what could happen is that the Bill would go to the second Chamber and could be buried. However, I am asking the Executive Council to be that second Chamber. Until such time that something is put, using the words of my Honourable colleague the First Elected Member of Executive Council, something could be put simultaneously for the people of this country.

I trust though that they will remember that in voting on the motion, Private Member's Motion No. 14/85.

Mr. President, there were other Members and these are just reminders, who although knowing that this is not their Law, it is their Bill. I do not blame them for the Law. I blame them for the Bill. My Honourable friend behind me in 1984 said, Mr. President, reading from the Hansard:-

"I cannot support this Bill as it is presented to us here today."

He made that very clear. That was in May, 1984:-

"I stand here representing the Third Electoral District which comprises of Cayman Brac and Little Cayman and I was elected by telling the people that I would serve their interests to the best of my ability and to vote for a pension for myself of this amount of money, if and when I do qualify I should add, would not be doing what I intended to do when I stood for election."

MR. W. McKEEVA BUSH (CONTINUING):

"Therefore, Mr. President,"

he is now closing:-

"I cannot support it as it is presented. I would have liked to have had more time. After receiving it,"

This is the crucial part of his debate. He is pointing out, Sir, that he did not support it then as it was presented, and we know what a bad, horrible Bill it was. However, this is the crucial part of what he said. He said:-

"I did take it to the different districts within my constituency and I could not find one member of the Lesser Islands who was in agreement with it. Therefore, assuming my responsibility as a representative, Mr. President, I cannot support this Bill as presented."

That was in May, 1984. In December, last year after we had put a thrashing on the previous Government, the same Member, the First Elected Member for the Lesser Islands said, and this is very interesting, Mr. President, very, very interesting:-

"I feel it is our responsibility as legislators to provide for the people of our community first, and ourselves second."

I trust that he remembers that also. I will give him the Hansard. Mr. President, the Honourable Second Elected Member of Executive Council said:-

"This Bill certainly conveys a distinct impression that I truly find unacceptable at this time and that is that it gives the distinct appearance that Legislators are in fact paving the way for a financially healthy and secure retirement plan for themselves and their dependents before providing some similar, and I dare say much needed, security programme for particularly the elderly people of this country; people who have voted us into this Honourable House as their representatives and as their representatives expect us to protect their interests. And I cannot truly say that I believe that is being served fully in this case."

I believe that that was the part which I wished to read, from May of last year. However, again I am begging the Member to remember those words when he comes to vote on this Bill, and at a specific further date remember it and keep it close to his heart.

In December of last year, the Honourable Member said:-

"Mr. President, when the Bill for this Law was being debated in the House in May of this year I opposed it at that time, and nothing has happened since then to cause me to change my mind; not even the fact that I was re-elected on 14th November. I opposed it because it conveyed the distinct impression that legislators

MR. W. McKEEVA BUSH (CONTINUING):

were in fact paving the way for a financially healthy and secure retirement plan for themselves and their dependents before making some form of social security plan for the public who elected us to serve and protect their interests before our own. I believed then as I do now, that while we do not wish to create a welfare state, we need first of all to carefully examine the state of our welfare. If our priorities are to be placed in order, emphasis must be placed firstly on tackling in an effective manner our rapidly growing social needs and problems in this country."

Mr. President, I wish and trust that the Honourable Member would also remember this when he comes to vote on this Bill, and at a specific further date down the line he may have some reason to change his mind.

Mr. President, in May of last year the Honourable Third Elected Member of Executive Council said:-

"I know there are many pressing needs in our Islands that should be dealt with before any Legislator here thinks of a pension for his or herself.

We were put here by our people to represent them and to attend to the needs of our country. We were not put here to provide for ourselves and our families."

Mr. President, I am trusting that the Member will also remember this.

Mr. President, on 13th December, 1984 the same Member, the Honourable Third Elected Member of Executive Council said:-

"I stated before in this House that there were, and are, many more pressing needs in our Islands which should have been dealt with before Legislators considered a Pension Bill for themselves."

Mr. President, all I am asking the Members today is to take into consideration what they have said. I have been asked to take into consideration the things which I have said and I might have been harsh on a lot of things which have been taken the wrong way. However, the fact remains that they said those words. I am asking them now to withdraw this Bill and bring it simultaneously with a Bill for a motion to pension the people in this country. The people will accept that. They had no obligation to bring it back. There is nothing in the Law to say that they must bring it back. The only thing which binds them is the mover of the Bill. He said that he was pressing them to bring it back.

Mr. President, I believe that my debate here has served its purpose. It shows again that I stand against this Bill; that I am taking no excuse, Mr. President, regardless of what they might say about me, that they had to bring it back. They can withdraw the Bill. I am taking no excuse. If they want to say that I am unfair, I am mean or whatever, they can.

Mr. President, the Honourable First Official Member in his opening remarks said, "What better gift to give them", meaning a pension. I tell you, he is the one really pushing for this thing.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, I want to remind this House again of the old retired Civil Servants, the old nurses or even the widows of the old Civil Servants who have passed on to glory, people who did much work in this country, lower work I would say. They did not have fabulous offices to work in. They did not get any big amount of salary. When I think, Mr. President, of some of the old nurses and the work which they have accomplished. They scrubbed floors. They went from district to district in the mosquitoes and the rain and carried out their work. I believe that the maximum pension that any one of them is getting today is somewhere in the region of way under \$200. I do not believe that one is even receiving a pension.

All I am asking is for us to have a conscience. When I am talking about a conscience this is the conscience of our country. These are the things which we must take into consideration.

One other point I would make is that I have not yet been told how many people would be paid. I do not believe that any study was conducted and I put it to you at this stage, Mr. President, that not even the Honourable Financial Secretary, the figure man in this country, knows what the amount will be.

Mr. President, there is going to be an amendment with your leave, which was not put in here. I will hand my letter of renunciation to the Serjeant-at-Arms and he can give it to you. It is the exact thing which the Elected Member for North Side had and I am going to see that the amendment is put if you allow this. It is my way of saying that I am entirely in disagreement with what has gone on here and nothing can take away the fact that we are now doing something for ourselves and our people have nothing.

Mr. President, the Cayman Islands have 18,000 people, not a few people in this House, not a few past legislators and, Mr. President, some of those past legislators as I say are well off. There is no doubt about it. When I referred to two and a half bathrooms and two cars, and a boat and a truck I meant some of our past legislators from 1959 to the last elections. They are well off. There are only two whom I would say are in need. It still is a fact. Nobody can take that away. They can call me an idiot. They can call me what they like but it is a fact. The Cayman Islands have 18,000 people and not just a few past legislators. Until we as representatives go where our people toil and sweat and see with our own eyes their lot in life we will never, never represent the Cayman Islands.

Yes, it is an honour to be elected to any public office. However, to accept that honour as an honour alone is to harm oneself and his fellow man rather than do any good. Mr. President, I will close my debate by saying that this Bill should be withdrawn. Government should withdraw it, put it on a back burner; take its time; figure out what it is going to cost. I guess that they might have done that by now because a few days ago we jogged their memory. They did not know. We asked them and they did not know. I do not know what the figure man will tell us now, but I know that a few days ago they did not know. All I am asking is that they withdraw this Bill until such time that something can be put together for this country. This is what we are here for. We are here for them. They are not here for us.

Mr. President, the Bill before us does not need to be here now. It came because the previous administration brought a Bill last year and the Government feels committed to do so. Well, I think differently from them. I would have kicked that so far in one of the shelves up in the Government Administration Building that it would have been a long time before it came back here.

MR. W. McKEVA BUSH (CONTINUING): I thank you very much, Mr. President, and I trust that the Members will give serious thought to the things I have pointed out, whether they feel that I have done them wrong or whatever.

I thank you, Sir.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, first of all let me commend the Honourable First Official Member on his presentation of what I consider a fairly good Bill.

Mr. President, I have no problem with the amendments posed here, with the exception of two sections of this Bill. First of all I would just like to put the records right. The previous speaker on two occasions referred to the Hansard and read it as coming from the Honourable First Elected Member of Executive Council in May, 1984. Of course, I know that he was referring to the Honourable First Official Member, but I just thought that I would put it on record as a correction.

Secondly, Mr. President, when I first supported this Law, let me say that it was not with self in mind. I supported it because I felt then as I feel now that there were politicians who had worked hard to lay the groundwork for this country, and I feel today as I felt then, that this is only a small part of what is due to them.

Mr. President, some of us know today that there are still certain past politicians who are still alive and are just about, I would say, very close to being bedridden. There is nothing wrong, Mr. President, with us offering something in gratitude for the hard work they have done for their country.

I have heard much here today and I expect that I will hear more as to why this Bill should never have returned to this House. However, Mr. President, I believe that if the present Government has done anything right since they have been elected, this is one of the things.

Mr. President, like I started to say, there are two sections which I am not satisfied with. In clause 4, Mr. President, I feel that nominated Members should have also been included here because it is my understanding that prior to October, 1959, nominated Members did the same work as Legislative Members. I hope, Mr. President, that when this Bill goes into Committee stage the Government will see fit to bring an amendment to include those persons who are still alive. I am certain that this will be no added burden to the Government, or to the country because I am sure we could count those who are still alive on our hand and we would still have three fingers.

The other section which I am not satisfied with, Mr. President, is clause 6. I feel that this clause should have never been repealed. It should have been left in here even if an amendment had to be added to it, something to say perhaps that the Governor in his discretion could act where he would be satisfied that it was a genuine payment. However, let us face it, I do not believe, Mr. President, that every person who would be eligible under this section would find themselves within the next few months placing a claim to have their gratuity paid. I honestly do not think that it would work that way. Even if it happened that way and we had an amending clause there, I am certain that this could be overcome. It should be granted if it is needed and I can see certain past politicians who we may term as close to the steps of death, may need to claim their gratuity.

MR. JOHN B. McLEAN (CONTINUING): I cannot see why we should in any way do anything to hinder this. Perhaps I have interpreted that section incorrectly and if I have, I would appreciate if the Honourable mover of this Bill would put me right on it.

However, Mr. President, as I said in the beginning, I can support this amending Bill and I trust that when we go to Committee stage Government will see fit to offer the amendments which will put this Bill fully in order.

I thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. The Bill before us undoubtedly is not nearly as controversial as the original Law which we dealt with later last year. However, I would like to say here that for the record I oppose the Law as originally drafted and passed. During the 1984 election campaign I mentioned in several of our meetings that I was not happy with it.

There is a lot that perhaps I could say here but I promise you that I will not be long. However, in reading my Proverbs today I came across a verse, verse 23 of chapter 15 which said:-

"A word spoken in due season, how good is it!"

I am hoping that perhaps that what I have to say here now will prove to be just that.

At that time I did not support the Bill for many reasons, primarily because I thought that it was being over generous in many instances, and secondly because I thought that there were many people who should have been taken into consideration, in particular those who served prior to 1959 who should also have been included.

Now, it is commonly said that only a fool cannot change his mind. Not because I disagreed with the Law back during the elections and even late last year after we were in the House, but since the amendments have been made and since it has been studied in depth as it has, that I would come back here in the same frame of mind with the same thoughts as then. It is said that in the presence of many counsellors that is where wisdom is found. Now, one might say to me, "How is it so easy for you to change your mind when you stood against this last year? Was it only an election tactic?". No it was not. I felt exactly what I said, that at that time, in fact I think that I said this in one of my meetings, a pension for legislators should come forward when a national contributory pension scheme would be brought forward for the people of these Islands.

At that time, Mr. President, I have to make a confession, I had not then realised all that would be required to put together a national contributory pension scheme. I do not claim to know everything but my mother has told us ever since I was a child that one must never get too old to take the advice of someone who knows. In studying and going through the contributory pension scheme for the Cayman Islands I was made to realise that it was not in fact as easy to put this together as I had originally thought. I still hope to see this brought forward I do not know whether it will be within a year, or two or three years. Hopefully it will be very soon. However, I would like to say here that the Bill which is before us today I support except for one particular detail which I opposed last year and I still do.

MRS. DAPHNE L. ORRETT (CONTINUING): I do not feel that the clause 5 which says:-

"Notwithstanding subsection (1) a female child who marries while under the age of eighteen years shall cease to be entitled to a children's pension."

is right. Years ago that might have applied. However in today's day and age in the Cayman Islands there are few homes in these Islands which would thrive without the help which is received from the female member in that household, the wife. In many cases she contributes more and I feel that this ought to be taken into consideration. If it is going to be withdrawn when the girl marries then the same must apply for the man. If not, then what applies to one should apply to the other.

Apart from that I feel that this Bill has been gone into in depth and what is proposed here is a fair Bill. In going over this with a number of people I realised that it might have appeared that many sitting within this House would benefit from the pension, and because of that this might have been the reason why at that time we were supporting it. Mr. President, that is not the case. I wish to state here and now that I for one will take a little while before I would be able to collect it. So, I certainly would not be voting for it for any immediate benefit for myself. However, there are those who if this particular Bill was shelved and put on the back burner or whatever, those people would continue to be in need. There are many here who may have certain ideas about who is worthy of a pension and who is not, but that is not the way in which it should be considered.

I feel that those past legislators did their jobs. Most of those who would benefit at the present time would be in an age bracket where they are not able to look after themselves at this time. Many others, of course, I think are still working. However, be that as it may I think that it is unfair to stand in this House and say that we as legislators or anyone in the past who went forward to serve their country not knowing that they were going to get a pension, this is sufficient enough reason to deprive them of it at this time. In fact, if one would look at it in a different light, because they went into it not knowing that they were going to get it, certainly they should be rewarded very well at this time.

I can think right now, and I hope that the Honourable House will bear with me for making personal references, of Mr. Craddock Ebanks from North Side who spent years in this House. I cannot at this point in time see where a man at his age should be deprived of a pension. I can think of others in West Bay who served prior to 1959. If we are not going to help them now, when do we intend to help them? Mr. President, I think that it is easy enough to say that our people need help. That is correct. I heard two references made here this morning about women and being in need. The difference between one woman as I think it was, who went to the Housing Corporation for help is that it did not fall within the guidelines which the Housing Corporation have at the present time. This lady is building a very big home. Mind you, I understand her circumstances. However, Mr. President, this lady has the nerve, the stamina and the ambition to get ahead and in fact she is now holding a second job which hopefully will put her in a position of being able to get the loan which she needs to finish her home, and she is going to get it. I am grateful that I was able to assist her in locating a second position which fell right in with her.

MRS. DAPHNE L. ORRETT (CONTINUING): A second case was put forward of people who were living in a house with rain pouring in. That is sad, Mr. President. However, I would like to remind this Honourable House that some people want to get ahead if we will make all the effort for them. There are others who do not care to make it. This particular individual whom I believe was being referred to, I took....

MR. W. McKEEVA BUSH: On a point of order, Mr. President.

MR. PRESIDENT: What is the point of order?

MR. W. McKEEVA BUSH: I think that the Member is misleading the House.

MR. PRESIDENT: Under what Standing Order are you bringing the point of order? If you do not know then you must sit down until you find out.

MR. W. McKEEVA BUSH: Mr. President, would you give me a chance to find it though?

MR. PRESIDENT: Sit down. The Member may continue and if you find a point of order you can get up.

MRS. DAPHNE L. ORRETT: Mr. President, this particular lady, I went and checked out a job for her, secured the job at the hospital kitchen and they were waiting for this lady to report to work. When I was called and asked, "Where is Miss So and So. You said she would appear at such and such a time?"...

MR. W. McKEEVA BUSH: Mr. President, I am ready for my point of order now, Sir.

MR. PRESIDENT: Yes.

MR. W. McKEEVA BUSH: Standing Order 34(1)(b).

MR. PRESIDENT: That is not a point of order. That is elucidating a matter. So....

MR. W. McKEEVA BUSH: Well, are you going to give me the chance, Sir?

MR. PRESIDENT: That is up to the Member who was speaking. It is not up to me. Read Standing Order 34(1)(b). If the Member speaking is willing to give way and resume his or her seat, then you may continue. It is up to the Member.

MRS. DAPHNE L. ORRETT: Mr. President, I would like to continue with my speech.

MR. W. McKEEVA BUSH: Mr. President, I want to reserve my rights then under Standing Order 34(2).

MR. PRESIDENT: Yes, that is alright.

MRS. DAPHNE L. ORRETT: This lady did not appear at the hospital and when I asked her she gave me a flimsy excuse of not being able to get transportation into George Town. Mr. President, if one wants to leave West Bay and get to George Town at 2 o'clock in the morning one would not have a problem. There are means of transportation.

MRS. DAPHNE L. ORRETT (CONTINUING): However, it is well known that some people are not too interested in getting ahead.

Mr. President, we have serious cases in our District in these Islands. I realise that. What I am saying is this. We are endeavouring to try to get those situations rectified in as best a manner and as quickly as we can. I would like to stand here to say, Mr. President, that last year I put forth quite a bit of effort during the election campaign. I was able to secure a seat and I am thankful for it. I am not here, Mr. President, with my eyes on 1988 and overlooking what has to be done today. This is a matter which needs to be done today. I am aware that there are certain people in the public who do not approve of this Pensions Bill. They did not approve of it in its original form, but as it comes here today, Mr. President, there are many changes in it. In fact, I understand where it might have cost Government over half a million dollars a year it now might be less than \$200,000. I am not sure of the figure but believe me, just going through the changes which have been made it would not take too much of a mathematician to understand that there has to be a substantial savings.

Mr. President, I heard remarks made here in this Honourable House today about Government not having a conscience. They were made time and again. I look over at the Government side at the Elected Members and the Official Members of Executive Council and, Mr. President, I have no hesitation whatsoever in saying that I put complete confidence in the Members sitting on the other side of this House. I have no reason to doubt their integrity, their wisdom or their deep down consideration for the people of these Islands. In looking over at the seven Members sitting over there does one know that there are not many who would even qualify for this pension because the three Honourable Official Members would be covered by a pension automatically because of their time in the Civil Service? The Honourable Fourth Elected Member of Executive Council is covered by the pension which he derives from Government. I do not think that the Honourable Third Elected Member of Executive Council is sitting here wondering when his first pension cheque is going to come in. From what I understand he pays what he has out plus more. I do not think that the Honourable Second Elected Member of Executive Council is waiting for that pension, nor is the Honourable First Elected Member of Executive Council. I do not believe that those people are overlooking the masses out there. I have no deep down feeling like that whatsoever. Why should I come here in this House with a debate which is going over the air to try to impress upon our people something which is an outright untruth?

Mr. President, we are here to work together. It is not everything that we might agree with. However, certainly the majority rules. This Bill came to us, I think that it was almost two months ago and we were asked to make our input and to say what we would like done about it.

Mr. President, I said what I had to say. However, I would like to add that within this Honourable House we can give the public the impression that the only thing we are here for is to make war. Nobody rules when everything is divided and split in two. I am no extension cord. When I sit in Committee Meetings or otherwise I say my piece. I let it be known where I stand and if it goes against Executive Council, then it goes against Executive Council. However, on this particular matter today I am not going to vote against this simply because in the elections last year I said that I was against the Pensions Law as it stood then. The Pensions Law has had some dramatic changes and it is for this reason that I am looking at it in this light and supporting the Bill.

MRS. DAPHNE L. ORRETT (CONTINUING): However, for me to say that I could look over there and agree with anyone. Now, there were quotes from the Hansard but I took note that the Members were saying that they could not agree with it in the present form. So, that makes a lot of difference. What we are dealing with here today is a Bill which has changed a lot concerning the original Law.

Mr. President, I am going to sit down very soon. However, I would like to say this. I do not believe that there is any Member of Government, Executive Council, who would want to know that they were secure with a pension and the masses out there had nothing. Believe me, I have found this out. This particular role has its rewards, but it also has its disappointments. It can often be a thankless position. Some Members who have served in this House have done so for a long period of time and if this House decides to vote today that they should receive a pension I have nothing against it. I hope that I live long enough to collect mine. I am not going to renounce anything, but it will not be today or the next day that I will be in that position. However, I will say that if it was not voted upon I try to act with a little sense and prepare for the future myself. I do not think that there is any Member here who is sitting down waiting for a pension for his old age in order to cope. However, I would like to say this. It takes more than voting for or against a pension to run this Government right. Last year I stood with a group of people whom I felt had just that in mind, and today I stand here and give them my wholehearted support, because the people in the District of West Bay at least know the people who are sitting there. They know me. They know every one of us and they are expecting that we are going to come here and work together to see this Government go in the right direction. It cannot be done when we are tearing one another apart.

Mr. President, I give the Bill my support and when members of my community choose to speak to me on it I can look them in their face and tell them exactly my reasons for doing so.

Thank you, Mr. President, and I support the Bill.

MR. PRESIDENT: Before I call on the Second Elected Member for West Bay to rise to offer his explanation which he is entitled to do, and may do now, may I just call his attention to the proviso at the end of Standing Order 34(2), because I do not want to have to stop him in the middle of his explanation. He must just understand what he is allowed to say and what he is not allowed to say. Very well, the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, the lady Member who just sat down referred to a couple of things in my debate, and I was misquoted. I used an example of a woman coming to me - do I need to repeat the whole story, Mr. President?

MR. PRESIDENT: Hopefully not, hopefully not.

MR. W. McKEEVA BUSH: I used the example of a woman coming to me. I told the House her position, and I know that the woman is a smart woman. I still live in West Bay, you see. I said that she had applied to the Housing Corporation but was turned down and I used it as a reference that that kind of situation could evolve in social problems. That was the first woman I talked about.

MR. W. MCKEEVA BUSH (CONTINUING): I told the House that she had two children and her whole situation. It is in the records and the place where the world will hear of it. I referred to no second woman, Mr. President. The Third Elected Member for West Bay quoted me as referring to a second woman. I referred to no second woman. What I said was that there were still people in the country who are sleeping in houses with holes with the rain pouring down on them, or words to that effect, and there were still people who had to use the bushes because they had no proper toilet facilities.

I referred to no second woman who this Member claims had come to her, and she had got a job for her. I believe that she is correct but I just want to make my position clear. I referred to no second woman.

The Member misquoted me, Sir, but the woman who she is referring to we all know is a mental case. It is a good thing she is not up at the hospital. We have enough there already.

However, I still live in my district, Mr. President, and that is why I know the problems.

MR. PRESIDENT: I think that this will be a convenient moment to take our afternoon break and I will suspend proceedings for approximately ten minutes.

AT 3.22 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.42 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The Second Reading Debate on the Parliamentary Pensions (Amendment) Bill, 1985. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, I rise in support of a Bill for a Law to amend the Parliamentary Pensions Law, 1984. However, Mr. President, before dealing with the content of this Bill I would like to make it abundantly clear again as I did in my inaugural speech in this House in December, 1984, that I will support the Government Bench in matters which I feel are correct and in matters which I can live with.

Whenever I rise in this House in disagreement with any matter before the House it is done objectively and in the best interests, hopefully, of this country. I do not believe, Mr. President, in opposing for opposition's sake. This, Mr. President, is a most regressive action.

Mr. President, I have seen too much emotionalism displayed in these Chambers for the sake of the gallery and I feel that Members should bear in mind that whatever is said in this Honourable House is being reported verbatim on the radio.

MR. LINEFORD A. PIERSON (CONTINUING): I would take this opportunity to commend the Honourable First Official Member of Executive Council for the courage in bringing this Bill back to the House. I would not, Mr. President, lose sight of the fact that the architects of this Bill were the last Government and they should also receive some credit and commendation.

Mr. President, just after the 1984 elections we were asked to sit in certain order in this House. The reason why this was done, Mr. President, as I understand was that it was felt that the four Members on this side were birds of a feather. I wonder, Mr. President, whether we will at this time be asked again to play musical chairs. I heard mention made of a wind of change. There indeed seems to be a wind of change blowing in this House. It appears, Mr. President, that two of the Back Benchers on this side of the House would tend to give the impression that this Bill before the House is the worst thing that could happen to this country.

Mr. President, the Honours so far in this House will show that I am one who stands here and speaks my conscience. If I felt that this Parliamentary Pensions Bill was disastrous for this country and the people of this country, my vote would be no. I would not support this Bill, Mr. President. However, I am not going to join the dissenters or those who decide that they are not going to support the Bill because of some political promise they may have made during their political campaign. We are not, Mr. President, going through a political campaign at this stage. The elections were finished back on the 14th November, 1984. While I am sure that there are those of us who may have our eyes on 1988, I believe that it would be most unproductive if our only thought was on getting back into the House in 1988. We are now in 1985, Mr. President, and we have three more years to go. I believe that those three years should be spent as productively as possible in the best interests of our people.

Mr. President, I have heard Members today stand in this House and renounce their rights to a parliamentary pension. My only thought at the time was how impulsive especially, Mr. President, when this comes from a youngster who has not even had the privilege to see his fortieth birthday. He has a long time to go and life can be very twisting indeed.

If there are those of us who feel so strongly about renouncing their right to their pension I will sit, Mr. President, and give way for them to renounce their right to their salary, their parliamentary salary. Let us see how much they are interested in the people. Let us stop talking to the gallery, Mr. President, and making political speeches in this House. When I speak on an issue, Mr. President, it comes from the heart. I am not just saying what I said during the political campaign even though I tried to be as consistent as possible.

Mr. President, when I stood here yesterday and defended the contributory pension scheme it was not just a political speech. I did it because I feel strongly in this matter. Mr. President, I am satisfied with the assurance which I have received from the Government Bench that they will look into this matter and that a feasibility study will indeed be done. I feel, Mr. President, that if the results of that feasibility study show that it is possible and that it can be done in this country, that it will be done. Mr. President, I will continue to fight for the interests of my people.

MR. LINFORD A. PIERSON (CONTINUING): The question, Mr. President, of a pension scheme is not a new concept to me. My manifesto, Mr. President, will show that this was one of the major issues on my political platform. I said in this manifesto that I will endeavour to establish an insurance or a pension scheme which will provide benefits for all classes of workers and an opportunity for self-employed persons to be covered within the general scheme. It is not a new issue for me, Mr. President. It is something which I sincerely and genuinely believe in. However, it does not mean, Mr. President, that if I cannot get this happening at the moment, that I must close my eyes to all other things.

I criticise the Government when I feel that this is due as I did yesterday, Mr. President, because I felt that more effort could have been made in bringing this to the forefront a little faster.

Mr. President, we must also have a heart. I have heard a lot here about having a social conscience or that we should vote according to our conscience. We are intelligent Members of this House, Mr. President, and we need no coercion to tell us how to vote; perhaps a bit of persuasion. However, Members will in the long run decide how they will vote on this issue. Mr. President, with the assurance which I have received from the Honourable First Elected Member of Executive Council, I can in all good conscience support this Bill. If it had not, Mr. President, been for the good work of our legislators and our Vestrymen in years gone by, we would not have what we have here today.

Mr. President, when I think of those old people I think of them with a lot of respect. Many of our forefathers, Mr. President who filled these Chambers did it out of love for their country without remuneration. However, Mr. President, which Member of this House can say that he is not to one extent or the other receiving remuneration for his time? Why do not the Members of this House tell the people the parliamentary salary which they receive each month?

Mr. President, these declarations or renunciations which I have heard in this House are just political promises. It is easy to say that one will renounce something when one is only in his thirties and one has twenty odd years to go.

Mr. President, regardless of how we feel politically or whether we get our desires fulfilled in this House, we must remember that we have a Government to run. Mr. President, I have heard excuses for behaviour in this House. However, we are reaching the stage in our sophistication where there is no room for some of the behaviour which I am seeing exhibited in this House. There is no room for some of the unorthodox approach which I see in this House. Nobody can claim ignorance of the procedure in this House. We have our Standing Orders. We have our Constitution and we have other Government instruments to be guided by. Mr. President, I have also heard of amendments being circulated to request the recipients of the pensions to pay five per cent back to Government. I wonder if Members of this House would also agree to put in five per cent of their salaries toward it.

Mr. President, it is not enough to stand in this House and say that the only reason for objecting to this Bill is because one objected to it on one's political platform months ago. It is only a fool who cannot change his mind. I agree, Mr. President, with the Third Elected Member for West Bay that this is the reason why we have been given our god given intelligence.

MR. LINEFORD A. PIERSON (CONTINUING): Mr. President, with the exceptions of a few areas of the Bill I give this Bill my support. There are a few things, Mr. President, which I feel that attention should be given to and I will seek in Committee stage to have these amendments made, if possible.

Clause 4, Mr. President. In clause 4 provision is sought to be made for Members elected to the Legislature on or prior to the 1st October, 1959 to be eligible for pensions in the same way as those elected after that date. This is very good indeed, but I would like to see added to this as was intimated by the Elected Member for East End, that the nominated Members also be included in this. During those days, Mr. President, the nominated Members acted almost in the same capacity as Elected Members and I would like to see something done to assist them.

Mr. President, I would also congratulate the Government on the improvements which they have brought about to the Law in the method of calculating pensions for Members who have served since the 1st October, 1959. I am happy to see that the old timers were not forgotten, the Lincoln Boddens of this world, the Claude Hills and I could go on and on; Mr. Craddock Ebanks from North Side as was mentioned earlier. Some of the youngsters, Mr. President, do not understand the difficulty which those old legislators had to go through. They are the people who were responsible for the foundations of this country. They are the people who were responsible for what we enjoy today.

Also, Mr. President, I wish to comment on section 6 of the Bill. I do not feel, Mr. President, that it is in the best interests of this country or the people of this country that section 6 of the principal Law should be repealed.

Section 6 of the principal Law reads,

Mr. President:-

"Any person who is entitled to a pension under this Law may at his option exercisable in accordance with subsection (2) be paid instead of a pension at the rate provided for in section 4, a pension at the rate of three fourths of such amount, together with a gratuity."

Mr. President, I realise that there have been changes in the methods of calculating pensions. My main point, Mr. President, has to do with the gratuity. There are many, many of our past legislators who are very, very old, Mr. President. It would be an injustice to them as it would be to our retiring Civil Servants to keep the gratuity away from them. Many of them are on their death bed and they need this little gratuity.

Mr. President, I believe that this Government and this country would be doing a justice if we consider this section.

Mr. President, I also feel that the Executive Council of this country should be given somewhat more consideration than the ordinary Members of the House, because their responsibilities are greater. I feel that they should be remunerated accordingly, even though I join with the lady Member, the Third Elected Member for West Bay in her sentiments in saying that she does not believe that any Member of the Executive Council is hungering for this pension. Be that as it may, Mr. President, as I said earlier, nobody can predict what the future will be. We can be up today. We can be down tomorrow.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, section 9 of the Bill which is the insertion of the new section 10A, gave me some concern. However, my mind has been put to rest on the meaning of this section. This has to do with the words:-

"to cease on conviction or bankruptcy".

My main concern, Mr. President, had to do with the restoration of the pension if somebody was declared bankrupt or convicted and was cleared later. However, the proviso, Mr. President, reads:-

"PROVIDED that where a person whose award has so ceased or not been so paid completed his sentence of imprisonment or obtains his discharge from bankruptcy (as the case may be) it shall be lawful for the Governor in Council to direct that the award be restored."

Mr. President, I think that that is very fair indeed.

Mr. President, again I wish to take this opportunity to congratulate the mover of the Bill and the Executive Council for the input they have made into the Bill.

Mr. President, I give this Bill my support. Thank you, Sir.

MR. PRESIDENT:

of Executive Council.

The Honourable Third Elected Member

HON. CAPT. CHARLES E. KIRKCONNELL: Mr. President, the Parliamentary Pensions (Amendment) Bill, 1985 before this Honourable House has my support and I consider it to be a good Bill.

Last year when the Parliamentary Pensions Bill, 1984 was brought to this Honourable House I opposed it, but I did not condemn it. I felt that a pension for Legislative Assembly Members was justified. However, there were certain sections which I found unacceptable and could not support them.

Before I go into the meat of this Bill in my debate, Mr. President, I would like to comment on a few of the things said in this House. I would like to say publicly here, Sir, and have it recorded, that it has been refreshing to hear the last three speakers who have spoken on this Bill. Members hearing the earlier debate this morning undoubtedly would have the impression that Members of the Executive Council are here only for one purpose, and that is to line their own pockets.

We were accused by the Elected Member for North Side. He said that he did not think that we had studied the Bill. Mr. President, I think that this is true about himself because we sent out to every Member of the Legislative Assembly a letter and the Bill, requesting them to come back and let us have their comments on the Bill and whatever amendments they had, to submit them. Every Member was given this chance. However, the two Members this morning who railed up in this House, said that they were not going to look at it and they were not going to support it, a negative attitude, Mr. President, and it was displayed in this House this morning in a disgraceful manner.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Thank God, Mr. President, that we still have sanity within this Chamber.

MR. D. EZZARD MILLER: On a point of order, Mr. President, under Standing Order 35(4), I think that I am a fairly sane person. I think that the Member is using improper motives.

MR. PRESIDENT: I do not think that he was imputing any improper motives....

MR. D. EZZARD MILLER: Standing Order 35(3) to me is insulting language as well, Sir.

MR. PRESIDENT: I did not understand him to be saying that anybody was insane. He was glad that some of the Members said sane things.

HON. CAPT. CHARLES L. KIRKCONNELL: Thank you, Mr. President, that same Member, Sir, the Elected Member for North Side said that there was no change in the original Law. This Bill would bring no changes to the original Law. Therefore, I am positive that he did not even take the time to look at the new Bill and compare it with the former Pensions Law.

He went on to say that he did not agree that Members of Executive Council should receive a second pension, a pension as a Member of the Legislative Assembly and a pension as a Member of Executive Council. Mr. President, this was decided before we became the elected Government of this country in November, 1984. This Bill was passed in May, 1984. So, we are now seeking to alter some of those objectionable clauses which we could not agree with then.

One must agree, Mr. President, that there are two distinct positions. A Member of the Legislative Assembly meets in this Chamber four times a year, an average I would say, of about a week and the longest ten days, and there is the Executive Council position which takes the Member every day of the year. That includes Sundays because they do not let him rest even on Sundays in his house. So, there is no reason why Executive Council Members should not be given extra consideration.

I heard the same Elected Member for North Side, Mr. President, get up and read a letter renouncing his claim or his right to any pension. As was pointed out by the Second Elected Member for George Town this is a youth. This is his first time in this Legislative Assembly, the first time he has been elected here. He is not even wet good.

Mr. President, I throw out the same challenge as the Second Elected Member for George Town threw out to him. If he is so concerned for the people, let him renounce his Legislative Assembly salary now. He has not got to wait for twenty-five years. He can do it now.

MR. D. EZZARD MILLER: If the Member leads the way I will follow.

HON. CAPT. CHARLES L. KIRKCONNELL: I would like to say further, Mr. President that I will challenge any Member in this Legislative Assembly to do what I have done from 1976. That is my entire salary has gone to the less fortunate people of the Lesser Islands and some in Grand Cayman, that plus, Sir. If I live to draw any money from this parliamentary pension, this is where my money would go, to the less fortunate in our community.

HON. CAPT. CHARLES L. KIRKCONNELL: I have heard a lot about the poor in our community, Mr. President. I have heard criticism about people having two and a half bathrooms in their house, two cars. What is wrong with this? I think that we should say thank God we have people who have raised themselves up to this standard. They should not try to decry or debase these people and bring them down to the level of the very poor. The Bible tells us that we have the poor with us always. Let us give them our hand and lift them up, not take those who have worked hard and pull them down.

Mr. President, no family in the Cayman Islands has ever suffered the pangs of poverty any more than the Kirkconnell family. How did we cure it? There is only one cure, Mr. President, hard work. I am suggesting today that instead of trying to be a Robin Hood in this community, let us start out to work for ourselves.

Mr. President, I was quoted in my debate as saying certain things. I did say them but they were taken out of context. What I said here in December, one section was quoted but there are many other sections which indicated that I supported or would support a Pension Law if the proper amendments were made. I said in December when we introduced the Bill to delay the coming into operation of that Law:-

"The Bill seeks to delay the coming into operation on 1st January, 1985, of a Law which was hastily introduced and passed in this Legislature earlier this year."

I went on to say:-

"I feel that the delay of the coming into effect of this Bill will give the legislators the opportunity to study it, consult their constituents and make whatever amendments are necessary to make it fair and acceptable to the people who have put us here to represent and serve them."

I went on, Mr. President, and said:-

"I opposed the Parliamentary Pensions Bill and voted against it when it was introduced. I did not condemn it then neither am I condemning it today."

Then I further said:-

"It is not the intention of the present administration to deny anyone what they are justly due."

Mr. President, the impression was given that Members serving today on Executive Council are now eligible, if this Bill goes into Law, to draw a pension from Government. There are many qualifications in this Bill, Sir. In the Law it says that a Member has to attain the age of 55 years or not having attained the age of 55 years has produced medical evidence to the satisfaction of the Financial Secretary that he is incapable by reason of infirmity of mind or body of discharging the duties of a Member, and that such infirmity is likely to be permanent. So, Mr. President, we are serving here. There is no way that we can draw a pension when this Bill passes. There is no way in the world.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, Members serving today have greater demands on their time than in years past. Every Member now has to spend a considerable time trying to satisfy the people who elected them.

I said earlier that I was aware that some of the former Members needed assistance and it was not my intention to deprive them of a pension. I opposed many sections of the Parliamentary Pensions Bill which became a Law in 1984 and we have sought to correct them by adding new sections and making amendments where necessary. I am satisfied, Mr. President, that this Bill will go a long way to make the Parliamentary Pensions Law, 1984 fair, equitable and more acceptable to everyone concerned.

Mr. President, clause 2 of this Bill seeks to declare the 1st January, 1985 as the date on which the principal Law was deemed to have come into operation. All eligible Members will receive their pensions as of the 1st January, 1985 when this Bill becomes Law.

Clause 4 of the Bill seeks to give Elected Members who served in the Legislative Assembly prior to the 1st October, 1959 the same right to a pension as those who were elected after that date. There is no provision in the Parliamentary Pensions Law, 1984 which allows pensions to be paid to those former Members. However, this Bill, when passed into Law will correct this serious omission. The new clause will provide a pension for the past Members who were overlooked. They are the people who are in the greatest need of a pension. There are some legislators who have reached old age and find themselves without the means or family to take care of them. In their day they contributed their time free and served our Islands faithfully. They deserve to be treated better and given every consideration.

Mr. President, the Jamaicans have a saying that:-

"Rock stones on a river bottom don't know hot sun."

One of the Members who spoke against this Bill is well off and he does not know the want of extra money. However, why, Mr. President, should that Member try to deprive the people who have worked for this country free of charge when they need some help today? I cry shame, Mr. President. That is a shame, not shame on us, shame on him.

My strongest objection last year to the Parliamentary Pensions Bill was the fact that no-one could tell us what the cost would be and whether or not the country could afford it. The new clauses and amendments in the Bill before this Honourable House will substantially reduce the annual amount payable to Members. I was told last year, Mr. President, that it would cost Government in the vicinity of about \$250,000 per year. It was also estimated that the lump sum payments would have been in the region of \$550,000. Well, the figure which has been given to us suggests that the pensions which Members will get yearly will amount to about \$187,000 per annum. Mr. President, that is not excessive and it is within reason, and the country can afford it.

Clause 5 seeks to change the method of calculating pensions for Members who have served since 1st October, 1959, and at the same time provide a pension of \$4,428 per annum for those Members who served prior to that date and were unfortunately overlooked.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): The new method of calculating pensions will pay Members according to the time they actually served.

Clause 6 seeks to repeal section 6 of the principal Law which gave the Members the option to receive a lump sum settlement instead of monthly pension. This is a very important amendment and it will not cause an instant financial burden on the country. Under the old Law Government would have had to find a substantial sum of money, as I named before, about \$550,000 to pay past Members, as most of them would have applied for a lump sum settlement.

In clause 7 two amendments were sought to be made to the qualification for an Executive Council pension and provision is also sought to be made for a different method of calculating such pension.

The first amendment will change the date from the 1st October, 1959 to the 22nd August, 1972 and the minimum qualifying period of service from twelve months to three years. I feel that this amendment will remove one of the most controversial parts of the Law because Members of Executive Council will only be paid an Executive Council pension if they have served in Executive Council since the 2nd August, 1972 for a continuous period of three years. I think that the new date of the 22nd August, 1972 and the increase in the time from twelve months to three years continuous service which Members will have to serve on Executive Council to qualify for a pension will remove one of the most offensive and iniquitous sections of the Pensions Law.

Clause 8 seeks to make provision for the increase of pensions payable under the principal Law should the salaries of Elected Members of the Legislative Assembly and of the Executive Council be increased. This increase can only be made once in any calendar year by an order of the Executive Council with the prior approval of the Finance Committee of the Legislative Assembly.

In clause 9 provision is sought for an award to cease or not become payable in the case of certain convictions or bankruptcy. I feel that with the passing of this Bill our people will be satisfied that I have lived up to my commitment to remove iniquities of the Law and to see that all past legislators are given a fair deal.

I feel, Mr. President, that there should be a pension scheme for everyone, and some people may wonder why we dealt with pensions for Legislative Assembly Members first. This administration inherited the Parliamentary Pensions Law. It was already enacted. We had no choice and the best we could do was to correct the anomalies in the Law. It is, nevertheless, Government's intention to have a feasibility study made with the view of introducing a contributory pension scheme for our people. However, as was stated in my debate yesterday, it takes time, knowledge and money to make this scheme a reality.

Mr. President, in winding up I have received an amendment put in by the Elected Member for North Side that clause 10 of the Bill be deleted.

MR. PRESIDENT:

I told him that that amendment was out of order. You cannot amend...

HON. CAPT. CHARLES L. KIRKCONNELL: However, I would just like to say, Mr. President, that I would like to have seconded it for him because it would give him the opportunity to put his signature where he has put his mouth.

Thank you, Mr. President.

MR. PRESIDENT: Just on a point of information for the House because other Members will not know. Standing Order 52(?) I think it is, in effect provides that one cannot amend a clause by negating it because that is precisely the same as voting against it, and therefore no amendment is necessary. So, although the amendment was circulated before I had seen it, I have already told the Member that....

MR. D. EZZARD MILLER: No problem, Mr. President. Any time anybody else up in here is ready to renounce and lead the way with their salary I will follow.

MR. PRESIDENT: I think that we have now reached half past four and perhaps the Honourable First Official Member might like to move the adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 Monday morning.

MR. PRESIDENT: The question before the House is that this House do now adjourn until 10.00 on Monday morning, that is Monday, 9th September. I will put the question.

QUESTION PUT: AGREED. AT 4.31 P.M. THE HOUSE ADJOURNED
UNTIL 10.00 A.M., MONDAY, 9TH
SEPTEMBER, 1985.

THIRD MEETING OF THE 1985 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
MONDAY, 9TH SEPTEMBER, 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 RESPONSIBLE FOR HEALTH EDUCATION
AND SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER RESPONSIBLE FOR TOURISM AVIATION
AND TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER RESPONSIBLE FOR COMMUNICATIONS
WORKS AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER RESPONSIBLE 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

ABSENT

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
(apologies received) DISTRICT OF EAST END

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
(apologies received) ELECTORAL DISTRICT OF BODDEN TOWN

ORDER PAPER

THIRD MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

MONDAY
9TH SEPTEMBER, 1985
(FIFTH DAY)

1. PRAYERS

To be read by the First Elected Member for the Lesser Islands.

2. QUESTIONS TO MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 119: WOULD THE HONOURABLE MEMBER STATE WHETHER THERE HAVE BEEN PROBLEMS WITH THE FURNITURE AT THE NEW OWEN ROBERTS AIRPORT AND IF SO WHAT WAS DONE TO CORRECT THEM?

NO. 120: WOULD THE HONOURABLE MEMBER SAY WHAT OPERATIONAL PROBLEMS EXIST AT THE NEW AIRPORT TERMINAL AND WHAT STEPS ARE BEING TAKEN TO CORRECT THEM?

NO. 121: WOULD THE MEMBER STATE WHETHER THERE IS A CONTRACTORS' GUARANTEE ON THE NEW OWEN ROBERTS AIRPORT TERMINAL AND IF SO WHEN DOES IT EXPIRE?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 122: WOULD THE HONOURABLE MEMBER UNDERTAKE TO ARRANGE FOR GREATER PUBLICITY TO BE GIVEN TO THE SOCIAL POLICIES AND GUIDELINES RELATING TO FREE MEDICAL AID?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 123: WILL THE HONOURABLE MEMBER STATE THE SCHEDULE OF PLANS FOR THE COMMENCEMENT OF THE WATER AUTHORITY PROJECTS IN CAYMAN BRAC AND LITTLE CAYMAN?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 124: WILL THE HONOURABLE MEMBER STATE WHETHER GOVERNMENT HAS CONSIDERED PRESSING CAYMAN AIRWAYS TO TAKE STEPS TO INTRODUCE AN AIR SHUTTLE SERVICE BETWEEN GRAND CAYMAN/ CAYMAN BRAC/LITTLE CAYMAN USING THE TRILANDER?

3. GOVERNMENT BUSINESS

(i) BILLS:-

CONTINUATION OF SECOND READING DEBATE

(1) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

COMMITTEE THEREON

- (2) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
- (4) THE PUBLIC FINANCE AND AUDIT BILL, 1985
- (5) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
- (6) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
- (7) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
- (8) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

REPORTS THEREON

- (9) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
- (10) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
- (11) THE PUBLIC FINANCE AND AUDIT BILL, 1985
- (12) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
- (13) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
- (14) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
- (15) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

THIRD READINGS

- (16) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
- (17) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
- (18) THE PUBLIC FINANCE AND AUDIT BILL, 1985
- (19) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
- (20) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
- (21) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
- (22) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

(ii) MOTIONS:-

GOVERNMENT MOTION NO. 8/85

LEGISLATIVE ASSEMBLY STANDING ORDERS, 1976

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER -
LEADER OF GOVERNMENT BUSINESS.

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

(1) PRIVATE MEMBER'S MOTION NO. 14/85
CONTRIBUTORY PENSION SCHEME

CONTINUATION OF DEBATE THEREON.

- (2) PRIVATE MEMBER'S MOTION NO.15/85
GOVERNMENT SPONSORED DRUG REHABILITATION FACILITY

STANDING ORDER 24(14)

THE SECOND ELECTED MEMBER FOR WEST BAY TO MOVE,
IN ACCORDANCE WITH STANDING ORDER 24(14), THAT
PRIVATE MEMBER'S MOTION NO.15/85 BE WITHDRAWN
WITH LEAVE OF THE HOUSE.

TO BE SECONDED BY THE ELECTED MEMBER FOR NORTH
SIDE.

- (3) PRIVATE MEMBER'S MOTION NO.16/85
PUBLICATION OF GOVERNMENT NOTICE & ENACTED LEGISLATION
IN NEWSPAPERS(S)

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.17/85
LICENSING OF SPEARGUNS

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.18/85
ESTABLISHMENT OF RADIO CAYMAN AS A GOVERNMENT CORPORATION

TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND
SECONDED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

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MONDAY

9TH SEPTEMBER, 1985

10.10 A.M.

MR. PRESIDENT: I invite the First Elected Member for the Lesser Islands to say prayers for us.

CAPT. MABRY S. KIRKCONNELL: 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.

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.

The Lord bless us and keep us. The Lord make His face to shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.
I must apologise to Members for delaying proceedings slightly. I got unexpectedly detained and I am sorry that as a result we are a few moments late in starting. Questions. The Second Elected Member for West Bay.

QUESTIONS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 119: Would the Honourable Member state whether there have been problems with the furniture at the new Owen Roberts Airport and if so what was done to correct them?

ANSWER: Seat-backs of furniture in the departure lounge have sagged. This defect has been brought to the attention of the supplier through the main contractor. The supplier has informed Government that the sags have been caused by a manufacturer's defect and have undertaken to replace the seats. One new unit has been installed on a trial basis, and if proven satisfactory all other units will be replaced by the new models at no cost to Government.

MR. PRESIDENT: If there is no supplementary, perhaps the Member will 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. 120: Would the Honourable Member say what operational problems exist at the new airport terminal and what steps are being taken to correct them?

ANSWER: Problems have been experienced with the electronic gates installed in the car-parks as well as minor problems with air conditioning at the new airport terminal.

Ongoing inspections and repairs have been carried out by the supplier under the supervision of airport maintenance personnel and initially through the Public Works Department. The gate equipment is very sophisticated and spares are not readily available locally.

MR. PRESIDENT: If there is no supplementary will the Member 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. 121: Would the Member state whether there is a contractor's guarantee on the new Owen Roberts Airport Terminal and if so when does it expire?

ANSWER: In accordance with the terms of the contract, an amount equivalent to 2½% of the contractual costs has been withheld as a retention fee - \$138,905.39.

This amount is intended to cover any defects in the structure, equipment and finishes on work carried out under the main contract.

The retention period will expire on the 13th December, 1985.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 122: Would the Honourable Member undertake to arrange for greater publicity to be given to the social policies and guidelines relating to free medical aid?

ANSWER: Yes.

SUPPLEMENTARY:

MR. D. EZZARD MILLER: A supplementary, Mr. President. Will the Member undertake to publish the latest guidelines concerning free medical care at the hospital?

MR. PRESIDENT: I think that is what the Member has just undertaken to do. I do not think that I can allow the supplementary unless you can explain to me how the supplementary varies from the original question?

MR. D. EZZARD MILLER: We will let it pass, Sir. We will see what comes out in the press. There are other forums.

MR. PRESIDENT: The next question. The First Elected Member for the Lesser Islands again.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 123: Will the Honourable Member state the schedule of plans for the commencement of the Water Authority projects in Cayman Brac and Little Cayman?

ANSWER: Since 1980, when Richards and Dumbleton carried out a preliminary ground water investigation in Cayman Brac, the Water Authority has carried out other studies to better determine the ground water resources on that Island.

The Authority proposes that towards the end of this year and early next year more conclusive investigations will be carried out, incorporating a borehole programme, utilizing the new Bluff Road.

It is then hoped that it will be possible to construct a well field reservoir and treatment facility similar to that at Lower Valley and East End, thus providing Cayman Brac with a reliable source of water to be used in times of need.

It is hoped that funding for this development will be made available in 1987, at which time all the necessary investigation will be complete and designs finalised. Funding for this investigation is available this year and further funds are being requested for next year.

At this time, no work is envisaged on Little Cayman. Should the Island develop in any significant way to justify the provision of a public supply then the Water Authority will carry out investigation similar to that proposed for Cayman Brac.

MR. PRESIDENT: If there is no supplementary will the Member ask the next question?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 124: Will the Honourable Member state whether Government has considered pressing Cayman Airways to take steps to introduce an air shuttle service between Grand Cayman/ Cayman Brac/Little Cayman using the Trilander?

ANSWER: The "air shuttle" concept of air service is normally only applied on routes where there are high density markets. With the volume of traffic on the inter-Island service the introduction of an air shuttle could have adverse economic effects, and result in numerous flight cancellations due to insufficient traffic, thereby creating considerable inconvenience to the travelling public.

For these reasons it is considered best not to press Cayman Airways to introduce such a service at this time.

SUPPLEMENTARY:

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. In view of difficulties being experienced by some residents and visitors in obtaining advance reservations on the local service Grand Cayman/Cayman Brac/Little Cayman, would Government consider recommending to Cayman Airways the need for reservations on the local services to be eliminated, passengers being accommodated on a first come first served basis, taking into consideration passengers connecting with arriving and departing international flights? Also could additional flights be provided as required to move the daily traffic?

HON. W. NORMAN BODDEN: Mr. President, Government would be prepared to discuss these possibilities with Cayman Airways with a view to establish the necessity of such an operation. I think that if there is a means of making an arrangement on the inter-Island service which would tend to improve the services which are presently operated, then I believe that the company would be receptive to this and Government would be prepared to push for it or discuss it with them as early as possible.

MR. PRESIDENT: If there is no further supplementary we can pass to Item 3. Government Business. Bills. Continuation of the Second Reading Debate on the Parliamentary Pensions (Amendment) Bill, 1985. The Second Elected Member for Bodden Town.

GOVERNMENT BUSINESS

BILLS

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

CONTINUATION OF SECOND READING DEBATE

MR. G. HAIG BODDEN: Mr. President, there is an old Caribbean proverb which says:-

"Cockroach has no business in a rooster fight."

I do not know what I am doing in this fight between the Government Members and their supporters on this side of the House. Nevertheless a very important principle is involved in this Bill. It is the principle of whether there should be parliamentary pensions or not.

The fact is that throughout the Commonwealth it has been established that a parliamentary pension is not only necessary and desirable, but also it has been accepted.

I have here with me a copy of the Parliamentarian of April, 1984, which is the magazine of Commonwealth countries. It says in an article:-

MR. G. HAIG BODDEN (CONTINUING):

"The need to provide some sort of retirement benefit to Members of Parliament is now by and large recognised in Commonwealth countries, though the shape and amount of such benefits may not be the same everywhere."

It is an indisputable fact that a pension is simply a part of a pay package and is usually a right which has been deferred.

The question is, is the job of a parliamentarian worthy of a pension? When we consider that every messenger boy in Government and every clerical officer is pensionable, why should it be thought a crime to provide a pension for the Members of Parliament because they have needs, and we are talking about money?

However, people have different ideas about money depending on who receives it and what they tend to do with it. No matter what we do about money we will be criticised. I would like to use a quotation on money by Vic Oliver and it says:-

"If a man runs after money he is money mad. If he keeps it he is a capitalist. If he spends it he is a playboy. If he does not get it he is a ne'er-do-well. If he does not try to get it he lacks ambition. If he gets it without working for it he is a parasite, and if he accumulates it after a lifetime of hard work people call him a fool who never got anything out of life."

So, no matter what we do with this Pensions Bill or with any money matter there is going to be a certain amount of criticism.

I was one of the architects perhaps of the original Bill which was passed in 1984. That Bill was amended so that it did not go into operation on the 1st January, 1985. The new Government has brought the Bill back in substantially the same form providing almost identical benefits to the original Bill. I know that there are a few variations but in essence the Bill is the same. As I supported the Bill in its original form I will have to continue to support it today in order to be consistent.

I support some of the changes made in the amendment Bill, and even the amendments with which I do not agree 100 per cent I find to be reasonable. For example, I do not agree with the removal of the right to take a gratuity in clause 6 of the Bill. However, I understand the Government's reasoning for it since there are many past Members who could well take advantage of this clause, and if this were done it would cause the Government to have to put out a substantial sum of money during the first year. It is a reasonable amendment. However, I feel that there should have been some provision left so that maybe in future years the pension could be commuted if the recipient decided to commute the pension on grounds of disability or severe financial hardship, or whatever the reason may be. Although I will not propose an amendment, it is a thought which I think should be kept in mind.

An important provision of the Bill is that it takes care of the old Vestrymen who served prior to 1959. This too is laudable and worthy of commendation from this House. I think that the reasoning behind the original Bill and perhaps the reason which now exists in the minds of the new Government is that it is only fair to provide a pension for the old Members who helped to build this country. I am thinking of people like Miss Annie Huldah Bodden who is now disabled and who has been in a rest home for many months with no income at all.

MR. G. HAIG BODDEN (CONTINUING): If time permitted I could cite at least a dozen such instances of people in their declining years who have now been put out to pasture with no hay in the field for them to eat. I think that it would be a crime against humanity to deprive these people of their pensions.

Some remark was made in opposition to this Bill that Members were seeking to line their own pockets. I take strong objection to this because although I do sometimes criticise the Elected Members of Executive Council, I must say that the four men there are very prosperous people, and amongst them we find one of the Islands' only millionaires. So, I do not think that these men are looking for a couple of hundred dollars a month when they reach retirement age. However, it is always good to have money. One writer said that rich men are only poor men with money, and it is better to have it and not need it than to need it and not have it. It is better to be hot and bothered than satisfied and worried. So whether the Members need it or not I think that it is a right which they have since the Government itself for many years has had a pension programme for its Government services. To my mind, the Elected Members of this House are important to the Government because they are the policy makers. They are the people who are blamed when anything goes wrong. They are sometimes even cursed if it goes well.

While Civil Servants in the Cayman Islands over the years have been very substantial people; they have been honest, hard working, working under difficult circumstances, since 1972 we have had a new breed of people created by the 1972 Constitution which gave to the Elected Members of Executive Council responsibility for running the Government of these Islands. If we are to accept responsibility and if we are to accept all the things which go with it, we must also accept the cost. We must accept the price which must be paid.

An attempt has been made to confuse this Bill with that of a social security system. However, I would like to say that this particular Bill will provide a pension for a handful of people who have worked for it, while a social security scheme would be a scheme which would provide benefits on a national level irrespective of the contributions made by the beneficiaries of the plan. Also, the cost of this plan is like a drop in the bucket when compared to a social security system.

I believe that one Member even said that we do not know the precise cost. I do not think that that statement is correct. The Honourable Financial Secretary knows full well the cost of providing this pension plan. He knows full well what it will take within a few dollars. In fact, even from last year I saw figures which had been prepared by his Department showing the estimated cost. In this Meeting I have heard that it would be in the vicinity of \$100,000 per year. So, he knows the cost.

It has been said that we do not even know who is eligible for this pension. Here again this is not correct. We know full well and we know that it is limited. We know who the past Members were and we will find out pretty soon who they are. Already the Honourable Third Official Member has a list which is very comprehensive. So, he knows the cost and he knows the burden it will put on the Government, if we consider such a small sum a burden when we are looking at a \$60 million Budget.

So, I cannot understand the attitude of Members who are saying that we can afford a whole cistern full of water when we cannot afford one cupful. I intend to support this Bill. I received an amendment tabled by one of the Members which I will not support. I hope that I have the correct one because I have seen so many amendments that I am not sure which is which any more.

MR. G. HAIG BODDEN (CONTINUING): However, one amendment which I received said:-

"excluding those Members serving prior to the 1st October, 1959 receiving a pension, shall contribute 5 per cent of their monthly salary towards the scheme."

I take it to mean that anyone now in the House receiving a parliamentary salary would contribute 5 per cent. I object to that on the grounds that the Government's pension for Civil Servants is not a contributory pension. However, as I mentioned at the start, contributory pensions are known to Parliaments. When I made that statement, when I made the broad statement that the amount and the diversity of the schemes are almost unlimited as set out here in the Parliamentarian, the fact that one gets a pension is accepted, but the pensions take different forms and different methods of funding and so on.

So, I object to it on the grounds that this goes against the grain of pensions because this 5 per cent contribution is actually a punishment of the Members. If the 5 per cent was necessary for the funding of the pension I could understand it. Many private schemes are funded by a contribution from the employer, plus a contribution from the employee. If the Government had a method of funding whereby contributions were made to pension plans and this was a part of that particular method of funding, I could go along with it. However, we do not have such a funding and to set it up under this Bill would create, as the Honourable Third Official Member will tell us, havoc with his Department because they would have to set up a whole new line of administrative, financial procedures in order to collect this 5 per cent; in order to invest this 5 per cent and in order to incorporate this 5 per cent into.....

MR. PRESIDENT: I have allowed the Member to make his point. I am not sure that it is strictly in order because what he is really speaking to is an amendment to the Bill which has not been moved, not the Bill itself.

MR. G. HAIG BODDEN: Yes, Mr. President, I agree but....

MR. PRESIDENT: Well, I think that I have let you make your point. I do not think that it should go on too long.

MR. G. HAIG BODDEN: Yes, I agree with you, Sir. I think that I have made the point that this would be a punishment rather than an integral part of the pension scheme, and we should not tack warts on to a beautiful face.

The Members, or anyone who look on receiving a pension as some criminal act should look at where we have come from, because the further back we can look the further ahead we will see. There was a time when the Members of this House did not receive a salary. If Members feel that they should have no pension, why not give up their present salaries? If Members feel that the Government cannot afford to pay this pension, why not reduce their salaries to 50 per cent of what it is so that the money can be available? Because I dare say today that the Members of this House and any other retired Members of Parliament need the money in their old age much more than they need it today. So why are we saying that we need a salary because we are saying that? We take it every month. We spend it or like one Member says, he gives it away. However, by accepting it we are saying that we need it.

MR. G. HAIG BODDEN (CONTINUING): Why not do away with the salary which puts a greater burden on the Government than the pension? Why not do away with the parliamentary salary? There was a time when the Members of this House did not have a decent building in which to meet. However, thanks to the efforts of parliamentarians in the past we have a fine Parliament building today. There was a time when we did not have the facilities for recording the procedures of the House. We did not have staff large enough to cope with all the administrative matters. However, like the advertisement for Virginia Slims, "we have come a long way, baby".

Up until quite recently we did not have offices for the Members of the Legislative Assembly and now I understand that there is quite a sumptuous one in North Side for the Member who opposes the parliamentary pensions. So, how can we really compare then and now? Are we going to live in the past or are we going to be progressive?

Finally, if there is anyone who on religious grounds believes that it is wrong to receive a pension, I would ask them to read I Tim. chapter 5, verse 8, which says:-

"If a man provides not for his own especially those of his own house, he has lost the faith and is worse than an infidel."

MR. PRESIDENT:
of Executive Council.

The Honourable Second Elected Member

HON. W. NORMAN BODDEN:

Mr. President, I rise to support this Bill, a Bill for a Law to amend the Parliamentary Pensions Law, 1984.

I would like to thank the Third Elected Member for West Bay for her contribution to this debate last Friday. I can truthfully say, Sir, that it has restored my faith in humanity, and especially in West Bay.

As regards my debate on the Parliamentary Pensions Law in May and December, 1984 as referred to by the Second Elected Member for West Bay, I am fully aware, Sir, and always keep it before me continuously that words once spoken can never be recalled, and that our past can come back to haunt us. I think, Sir, that it would be well for that Member to remember that as well. I am not adverse to criticism, to constructive criticism, but there is an old Indian proverb which says:-

"Never criticise your neighbour until you have walked a mile in his mocassins."

One day the Second Elected Member for West Bay may have to face some of the things which he said and some of the promises which he has made. He might one day be on this side of the House and I hope that in his first nine months of office he will be no more negligent to the needs and cares and concerns of his people than this present Executive Council has tried to be.

I have noticed, Mr. President, that he quoted the excerpts from my debate last year which were convenient to him and likewise, Mr. President, I will quote those which are convenient to me and which were obviously omitted by him. In my debate last year, Mr. President, my opening remarks were:-

"I am not adverse in principle to the scheme that this Bill seeks to establish as I fully realise and appreciate the fact that there are several outstanding citizens who have served and are still serving this country well with little or no compensation."

HON. W. NORMAN BODDEN (CONTINUING): I went on, Mr. President, and expressed concern about the cost. I also made the point that I thought that more research should have been done. I went on and spoke about the need for a security programme, call it social security or what have you for the elderly and I closed my debate on the timing, which I considered was off. I said:-

"Finally, Mr. President, I share the view that a Bill of this nature should have been introduced at a more appropriate time, like at the beginning of a new Session when the reaction from constituents has been fully aired and its effects fully studied in detail.

I therefore do not support this Bill at this time."

To me that indicates that there would come a time hopefully when I would be able to offer the Bill my support.

I feel that that time has come, Mr. President. Regardless of what is said about this Bill, the cost has been gone into. The research has been carried out to my satisfaction and a security programme for the elderly is being actively pursued by the Honourable Member. The timing is correct. I feel that in the first year of the business of this new House we should introduce such a Bill.

So, Mr. President, to be quite honest, I have no regrets for my stand at that time. However, as the Hansards will record, the Bill was passed and became Law in any event.

Let me say here, Mr. President, that I feel today that my reasons for supporting this Bill are just as valid as my reasons were for not fully supporting it in May, 1984. As I said, many of my past concerns have been met in this Bill, which when passed will give this country a better Parliamentary Pensions Law.

Mr. President, last December this House met and postponed the operative date of this Law until a further study could be undertaken. Due consideration has been given to this Law and so we have today this Bill before this Honourable House to be dealt with. Mr. President, it is my considered opinion that it would have been morally wrong for a new Government to repeal or shelve this Law indefinitely out of political spite and vindictiveness, simply because it had been introduced and passed by a previous administration. It is true, Sir, that I can think of some Governments which would have done just that. However, this Government does not operate in this manner and our integrity must never be placed in doubt.

It is also true, Mr. President, that there are some persons who are not in dire need who will benefit from this. However, those who are genuinely in need should not be forced to suffer because of the good fortune of others.

Additionally, Mr. President, some of those like the Second Elected Member for West Bay and the Elected Member for North Side, some of those who are pushing for instantaneous results, should support this Bill as a step in the right direction, as one step towards helping some of those who are in need.

It is also true, Mr. President, that some of those who are considered well off today, and I do not put myself in that category, but it is true that those persons when they served as Representatives of this Honourable House that they were not necessarily always in that same financial position, and I do not believe that a man should be penalised for being successful, especially if that success has been gained through hard work.

HON. W. NORMAN BODDEN (CONTINUING): I know, Mr. President, that many unfair statements have been made against the present Government, not the least by some who have perhaps reaped immediate benefits from this Law. However, be that as it may, we cannot be a people who will render evil for evil. Based on the manner in which this Law was dealt with in the past, it is my view and I repeat here that this Government has a responsibility and a commitment to have the Parliamentary Pensions Law properly dealt with at this time, Mr. President, that I strongly object to the insinuation that Executive Council has resorted to trickery or even to deception in dealing with increases in salaries and pensions through the amendment in section 3, when in fact section 3 seeks to remove the Governor's power to increase parliamentary and Executive Council salaries.

In the event that salaries of Legislative Assembly Members or Executive Council Members are increased then any increase in pensions must be approved by Finance Committee, or in other words with the approval of the twelve Elected Members, not just Executive Council and the Governor at their whim and fancies.

The salary and pension figures which were used by the Elected Member for North Side pre-suppose that there will always be an annual increase of 10 per cent. However, certainly this is purely a hypothetical case and not a fact.

Mr. President, the present salaries being paid were not set by the present Executive Council and the policy of setting one salary for ordinary Members of the Legislative Assembly and one for Members of Executive Council was not our idea. When we were elected in November last year this arrangement was found in place, and it remains the same until this day. I maintain in this regard, Sir, that whenever a pension is paid it must be based on whatever total salary is earned. This is the only method or practice of which I am aware which is used in the private sector or in Government to calculate pensions. It is calculated on what a man has earned.

It must also be pointed out that no parliamentary pensions are paid to present Members of Executive Council and I say this on a point of clarification, because on Friday, or during the debate last week, any person listening to this debate could very well get the impression that Executive Council Members are being paid a fat pension at the present time, and that they are paying themselves whatever salaries they deem fit. The pension, Mr. President, which will be paid to any Member of Executive Council, past, present or future will only be paid if and when they qualify, and this is clearly set out in subsection (1) of section 3.

Mr. President, it is the right of any Member to exercise his or her privilege in this Honourable House. However, I cannot accept the picture which has been painted of Executive Council as Members paying themselves this amount and that amount with no concern for the less fortunate as regards a national pension scheme. Nothing could be further from the truth and the point which was made on Thursday must be repeated here again. That is that Government is actively pursuing the setting up of such a scheme. However, the feasibility must be established before the legislation is enacted. This is logical and reasonable, and can only be expected.

Mr. President, I do not feel that anyone is more deserving of a pension than those who have worked long and hard hours representing this country under many adverse conditions. As far as I am concerned, there are no more deserving persons to start with.

HON. W. NORMAN BODDEN (CONTINUING): We talk about the success of this man and the wealth of the next man. How is it known what a man's personal finances or financial needs are? It is true that we may have first hand knowledge of certain cases, but no-one knows them all. There is an old saying that everyone knows their own know best. So, let us not jump to conclusions and pre-judge every man's case. A man could be worse off than we think he is.

Yes, Mr. President, this is truly a democracy and everyone has his rights. I trust that this will always be the case. I do not doubt for one minute the sincerity of some Members of this House, but I do not intend to sit by and hear Members hold the Government Bench up to ridicule in such a disparaging and unnecessary manner. This is uncalled for, in my view, and it distracts from conducting the business of this House in the dignified manner in which it should be conducted.

As the First Elected Member for George Town and the Honourable Second Elected Member of Executive Council, it is my intention to speak out against any injustice, whether it involves Members inside or outside this House; whether it involves the little man or the big man. Mr. President, I cannot help but believe that the strong objections to this Bill and the severe criticisms which have been lanced at Executive Council are being used as a means of settling some old political bad feelings, some old political grudges I should have said.

Sometimes, Mr. President, in this Honourable House the fate of the little man is used as a vehicle with an ear to the radio and an eye to the polls of 1988. Many times the little man is only used as an excuse.

Mr. President, section 4 of the Bill sets out a fixed pension of \$4,428 to be paid annually for Members who served prior to October, 1959. To me this was a big oversight in the Bill which was passed into Law last year, and one of the good things which this Government has put forward, because certainly those are the people who worked for nothing. Those are the persons who worked under adverse circumstances and if there are any group who should be considered it is that group of persons who served prior to 1959. It is significant to note that no term of service has been stipulated for those persons falling within this category, and this was clearly explained by the mover.

A new formula for calculating the pensions which to my mind is more equitable in as much as it relates to each completed month of service, has provided for the part year of service, as was once again explained by the mover, whereas the other calculation dealt with full years of service. Nevertheless, it still limits the maximum amount payable to two thirds.

The generous provisions which had been previously made for Executive Council Members have also been corrected. If this Executive Council was looking to and trying to line their pockets, they would have left that they could have been eligible after one year of service in that section. However, this has been increased to three years instead of twelve months and it also sets August, 1972 as the date for calculation purposes. So, I feel that this new formula is very fair and sets this the way it should be.

The payment of gratuity has been eliminated. Here again this would have meant Government having to put out a large amount of money, because there is no doubt that the majority of persons would have claimed a gratuity. However, I think as again was pointed out by the mover, if this is spread over a reasonable period of time, the person or individual has a fixed amount every month to look forward to and will not blow it all at one time.

HON. W. NORMAN BODDEN (CONTINUING): There is also provision for the pension payment to cease if a pensioner has been sentenced to twelve months or becomes bankrupt. This is fair. This is the same as for Civil Servants and I do not feel that parliamentarians should be treated any more fairly than Civil Servants. However, provision has also been made for this to be restored under certain conditions.

The section dealing with renunciation has been repealed and rightly so, Mr. President, because in the original Bill this was actually only window dressing, because very few would renounce their rights to a pension regardless of how prosperous they are accused of being. I think that they would lay their claim for it regardless of what is said.

As regards costs, Mr. President, it is my understanding that this will cost Government approximately \$195,000 per annum, and this covers 33 persons. I know that this is a large amount, Mr. President, and the point has been made about the economy being in bad shape. It is true that 1984 ended up with approximately a \$4 million deficit as compared to revenue and expenditure for the year 1984. Nevertheless, I feel that surely taking all things into consideration, that this is not a prohibitive amount and I feel that Government can afford this now as well as at any time.

Mr. President, this Bill might not be perfect. I know that several amendments at Committee stage are being proposed. I support the one which makes provision for a widow's pension and I believe that in thrashing out the details at Committee stage we can come up with a Bill which will make a Parliamentary Pensions Law acceptable to all sectors of our community.

I support the Bill, Mr. President, and I thank you for your attention.

MR. PRESIDENT: I think that it may be convenient before any further Member speaks to take our customary morning break. I will therefore suspend proceedings for approximately fifteen minutes.

AT 11.20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.43 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Second Reading Debate on a Bill for a Law to amend the Parliamentary Pensions Law, 1984. Does any other Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I feel too that I am in somewhat of a difficult position here as the Second Elected Member for Bodden Town likened himself unto a cockroach which had no business in a rooster's fight. I, Mr. President, although an Elected Member of the Legislative Assembly will not be eligible to any benefits under the Parliamentary Pensions Law because I am now a pensioner under the Civil Service Pensions Law.

HON. VASSEL G. JOHNSON (CONTINUING): I should say, Mr. President, that it was quite a redeeming thing to see how boldly the Opposition came to the support of this Bill, and one need not go any further to ask the reason why.

Mr. President, during 1984 when the Parliamentary Pensions Bill was dealt with by this Legislative Assembly there was quite a lot of opposition to it in the public. Being a member of the public at that time, I too made my comments. The comments appeared as a letter to the Editor of the Caymanian Compass newspaper which appeared in May, 1984. Mr. President, in that letter I mentioned the fact that I was not condemning the proposal. The principal of a parliamentary pension I saw as a reasonable thing because I realised that the demand on Members' time today is far greater than very many years ago, ten years ago or more, and that secondly while many Members are financially well off and able to give pure voluntary service without remuneration, there are others who are not in a similar fortunate position, and therefore we would expect that a pension scheme would be quite a good thing to have. There was no question at all, Mr. President.

However, in the letter I also spoke out against Executive Council Members who would receive benefit under the Law dating back to 1959, because I was aware, Mr. President, that Portfolio responsibility came into the system of Government with the new Constitution in 1972. Therefore, it would be fair to consider Executive Council pensions as from that date. What happened before, Mr. President, is that Executive Councillors attended a weekly meeting, or any special meeting for which they were paid subsistence and travelling. Later on towards the end of the decade Executive Council Members were given an office in the Governor's office building. They were given desks and their files were put there where they could look at various subjects. They could prepare their comments and whatever else in preparation for the debate in Executive Council. However, sitting in an office and having responsibility for Portfolio matters only came into effect at the end of 1972.

Mr. President, the letter which was written also said that Legislative Assembly and Executive Council Elected Members retained the right to be gainfully employed outside of Government, and that sometimes this even affected their attendance at Meetings. So, it was thought that a pension along with a salary in the circumstances was quite generous.

Mr. President, what perhaps prompted me to write that letter was that while the matter was being debated in this Legislative Assembly in May, 1984, while politicians were providing themselves with a generous pension, they referred to the gratuity and pension which I drew on retirement. They did not refer to anyone else and I suppose that it was from those times that I was the target. Mr. President, the pension to which I became entitled on retirement was the same scheme and the same benefit which all Civil Servants received. They spoke as though I was given special treatment. They did not refer to the fact that I had served thirty-seven and a half years in the Civil Service before I decided to draw my pension. Thirty-seven and a half years, Mr. President, to the one year which they were planning for themselves when they would become eligible for a pension.

Mr. President, they did not mention that my right to that pension was the same right afforded all other Civil Servants. They even mentioned, Mr. President, my one year pre-retirement leave. They did not say that this was a compensation for the many years of vacation leave which I surrendered to Government in order to better manage and administer the affairs of my office.

HON. VASSEL G. JOHNSON (CONTINUING): They did not mention either that the one year pre-retirement leave concession was also extended to four or five other officers of the Service.

Well, a lot of things are said in this House, Mr. President, and they seem to get away with it. Mr. President, the amendment Bill which is brought before the House and which is now being debated, a Bill for a Law to amend the Parliamentary Pensions Law, 1984, appears to have removed some of the concerns which were expressed when the Parliamentary Pensions Law, 1984 came into effect.

Mr. President, there are quite a number of amendments to the Law and these have been debated by Members who have spoken already. One or two areas which I would like to mention, Mr. President, are firstly that section 4 of the Bill extends benefits to Members who served in the Parliament of these Islands prior to 1959. The Law itself had limited qualification of service beginning from 1959. This, Mr. President, is something which the present Government supports very much, for we know of people who are still in the Islands who would be very grateful for any benefit which would be extended to them under this Law. I know one especially very well, for he was my next door neighbour for a long time until I moved away from that area. He is now bed-ridden. Mention was made somewhere that he would not perhaps take a pension because his relatives were able to take care of him. However, Mr. President, I can assure you that that is not so and the person who I am referring to is Mr. Claude Hill. As I said, I mentioned his name because I know his personal circumstances and I would hope that the benefit would extend to him.

Mr. President, as far as the repealing of section 6 is concerned so that the pension is paid to Members and not the pension gratuity, that is a matter of depriving the Members of receiving a lump sum gratuity when pension is awarded. Most people, or everybody who I know of, Mr. President, opt for the gratuity because it gives them a lump sum of money which they can use to their benefit. At the same time, it reduces the amount of pension which they receive annually. Really by repealing this particular section to deprive the Members of the gratuity aspect of the payment, is not really depriving them of any benefit under the Law. They will still draw their full pension.

Mr. President, section 7 of the Bill also sets the qualifying period for Executive Council's pension. The calculation would begin from August, 1972 and not from 1979 as has originally been proposed in the Law. I think, Mr. President, that this is quite right from what I have said already, which is that Portfolio responsibility started really at the end of 1972, and that Members of Executive Council would therefore properly be eligible for pension as from that date.

Mr. President, another amendment which was done in section 7 of the Bill is to increase the Executive Council Members' eligibility to qualify for a pension from the one year stated in the original Law to three years as proposed in the present amendment. That meant, Mr. President, that a Member could serve in Executive Council for one year, resign after one year and then become eligible for a pension under the original Parliamentary Pensions Law. However, with this amendment, it would require them to serve at least three years before they would be eligible for that benefit. So, there has been this improvement in the Law.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, in the case of Civil Servants, they have to spend ten years in the Service before they can be qualified to draw a pension, although the pension is only paid at age 55 to 60. That meant, Mr. President, that if one joined the Civil Service at age 45, at 55 when he could retire then he would be paid a pension. Similarly with the Executive Council Member, he would have to serve three years and then at age 55 he would be eligible for a pension too.

Mr. President, as I see it there was really no need for the extent to which Members opposed this Bill. Whether they like it or not, this Government was under a responsibility to do one thing or the other with that Law, the Parliamentary Pensions Law, 1984. Either we repealed the Law or we amended it suitably so that it would satisfy those who would receive benefits thereunder. I think, Mr. President, that if we are going to retain the credit of a reliable Government, and I am glad that the Opposition stated that today; they spoke about the wealthy people over here although I do not know where their information came from, but I think that there is one on this side who could very well be... (LAUGHTER). I did not call any names, but the rest of us, Mr. President, are really not wealthy people. However, regardless, Mr. President, as a reliable Government we know the circumstances and the need of some of the people who have served this country over the years, people who have given valuable time to the administration of this country for without their interest, their service and their effort to ensure that all business which came to this Legislative Assembly was dealt with in a manner which would be beneficial to the country, these Islands certainly could not have developed and grown to where we see them today.

The Cayman Islands are looked upon, especially in recent times, as the envy of the Caribbean. We have much to be proud of here. I am sure that many of the other smaller countries of the Caribbean would like to follow our footsteps. In fact they have indicated this. Many of them have come here to study our way of life and what we do here to be so successful in everything, and I am sure that if they had the ability and the capacity to follow us that they would. We are still moving on. Everything which is done here is done to the best of our ability. We have recently completed a terminal building which again is as nice as any terminal one will find in any of the Caribbean Islands. This is how the Islands are moving. We go from strength to strength and we deal with matters in the best interests of the people and the country itself. All this credit, Mr. President, must go to the Members of this Legislative Assembly, past and present. The wee bit of pension which we are considering here is really a small price, a small reward for their service which they have contributed to this country.

Because of that, Mr. President; I have no hesitation at all in supporting the Bill before us.
Thank you, Sir.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I support the Bill before us, Sir, a Bill for a Law to amend the Parliamentary Pensions Law, 1984. I do not think that I need to be reminded, or does anyone else need to be reminded that in May, 1984 when the Parliamentary Pensions Bill was brought before this Honourable House, that I opposed the Bill and that I said that I thought that the Bill should have been presented simultaneously with some provision for the masses of the people, or at least an indication as to whether that was possible.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, having opposed the Bill in May, 1984, it was passed and in a democracy one has to accept the majority decision. In December when the Bill was brought back for postponement of the effective date of the Law, it was made clear that it was the intention of the Government to bring the Law back after studying it. To now say that there was no need or reason to bring the Law back would be to say that one is not a person of honour. The Government would have been losing its integrity if it had not brought this Bill back in the amended form once it had studied it.

Mr. President, this Bill, I am sure is still contentious to the public. For that reason there is no time at which this Bill could have been brought which would make it less contentious. There is no ideal time for bringing unpopular legislation, but bring it this Government was committed to do. I believe, Mr. President, that the Bill before us today has succeeded in removing many of the areas of dissatisfaction which were expressed with the Bill when it was brought in May, 1984.

For example, Mr. President, the over generous provision which exists in the Law as it is where a Member of Executive Council qualifies for an Executive Council pension after one year has been removed. That is now three years. Secondly, where the Executive Council Member could have qualified for a full Executive Council pension in only one term of four years, it has now been stretched over the same period as the Assembly Member. In other words, an Executive Council Member can now only reach the two-thirds of his salary after having been in Executive Council office for twelve years. That is a significant change, Mr. President. Also, as Members have said, the date for counting the qualifying period has been moved from 1959 to 1972, the difference being that from 1959 to 1972 the Executive Council was basically in an advisory capacity with not too much responsibility although, Mr. President, I can certainly say that from 1969 Executive Council Members took quite a bit of stick.

Mr. President, since the change has been made that Executive Councillors are, shall I say, feathering their own nests, I think that it would be well if Members take note of the points which I have just raised. That is where the amendment before us puts the qualifying period from one to three years, and it now takes a minimum of twelve years to achieve the maximum pension, whereas it could have been achieved in four years. There is also the fact that the qualifying period now begins from August, 1972 as opposed to October, 1959. Mr. President, certainly in my own case, that means lopping off three years of Executive Council service. So, if I was feathering my own nest maybe those three years would not have been lopped off at least.

Mr. President, in 1984 I also mentioned the fact that I thought that some provision should have been made to cater to those people who may have been in need but did not meet the minimum qualifications for a pension. Mr. President, this has been basically met by the amendment which is being placed to section 3 of the principal Law which provides for a fixed pension to be paid to those persons who served before 1959. The amendment which is before us will complete what was always the intention that widows of those persons, whether the persons who served have died before this date or die subsequently, will receive the widow's pension in that instance as well.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, another significant change in this Bill is that as has been mentioned, both Executive Council Members and Legislative Assembly Members will be paid, in fact, in respect of the time actually spent in the House. The old Law had dates which changed one's rate of pension at 6 years, 8 years and 12 years. A person who served 8 years actually got no more than the person who served 6 years. With this formula which has been devised into the Bill now, once a person qualified he then becomes eligible for payment based on the actual time of each completed month that he has served in the Assembly or Executive Council, except of course that in neither case does he draw more than two-thirds of his salary as a pension.

It is significant also, Mr. President, that the pension of the Members must now be done with the approval of the Finance Committee of the Legislative Assembly, and it is done after the salary has been increased of serving Members. That tightens the Law and I think that it is desirable and it removes any possible abuse which could have been attributed to that section.

The new clause 9 of the Bill which will be 10A of the Law will make it mandatory that people would cease to receive their pension if they were convicted of certain crimes or were bankrupt. However, then it provides that once they have served their sentence or have been discharged as a bankrupt, then their pension is restored. This, Mr. President, as I understand it is in keeping with the Civil Service pension and I know that it is in keeping with the constitutional requirements for Members sitting in the House. So, that I think that the two work as complimentary and there is nothing magical or wrong with it either.

Mr. President, the section which dealt with the privilege of a Member to renounce the rights under the Law which were purely political in the Law when it was passed in 1984, has been removed. If a Member feels that he does not need the pension, no doubt he will not ask for it. Or he can certainly do with it what another Member has indicated happens to his salary, that is it can be distributed to the poor. I can assure Members that the poor we will have with us always.

Mr. President, I too would have been happy if I could have stood here today and said that simultaneously with this we were introducing some form of pension for the masses. However, that takes time and in fact it requires the study to prove whether in fact it can be implemented. I believe that there must be ways and means of doing it and I certainly am in a position now to tackle the task much more intelligently than I would have done even nine months ago.

Mr. President, to the extent that this Bill restores the pensions of parliamentarians and gives some assistance to widows of past parliamentarians, we are still on the road to providing some benefit for members of the public. So, to the extent that this Bill does that I am very happy. I too, Mr. President, would like to make it very clear that no sitting Member can benefit from this as long as they sit in this House, because from the rhetoric which I heard on Friday, I am afraid that persons listening on the radio might get that impression. All Members of the Legislative Assembly other than those who served before 1959 must first have reached the age of 55 years, and must cease to be a Member of the Legislative Assembly before they can benefit under this Bill. I think that it is important that the public understands this, and also that one does not benefit as long as one serves in the House. There are some of us I understand, who intend to go on much beyond 55, so the pension might never be of value to those Members.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, several Members have touched on section 6 of the Bill, that is where the ability of qualified persons to commute certain amounts of their pension to a lump sum is given. While I can see the argument of some Members who have said that this would be useful where people were in ill health, I believe that having taken this out, Mr. President, has relieved much of the financial burden which this Bill would have placed on Government all at one time. It certainly would have amounted to a lot more than what the total yearly bill is going to be under the revised scheme.

I should point out, Mr. President, that the Bill does provide for the Law to become effective on the 1st January, 1985, as it would have done had the present Government not brought the motion in December to stay its coming into effect so that it could study the Bill more closely and make the recommendations which are before the House now. The benefits as from the 1st January, 1985 to the present will in fact be paid to those persons who qualify. In one respect this will amount to a bit of a lump sum payment now that they are getting it.

Mr. President, I support this Bill with the amendment to clause 7 to be passed at the Committee stage. Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support this Bill, a Bill for a Law to amend the Parliamentary Pensions Law, 1984. As has been said in this House, I was a Member from 1980 to 1984 and had the privilege of studying the Parliamentary Pensions Bill as it was presented to us in May, 1984. At that time I said that I could not support it in its present form.

I am happy that this new Government saw fit to suspend the coming into operation date of this Law to give us additional time to study it. That was one of the things which I requested at that time. I felt that we should provide for those who absolutely needed assistance going back to the Vestrymen. That has been taken care of.

I was quoted yesterday on a portion of my speeches. I am proud of what I said then and I am proud of the stand which I take today. I come here to represent my people and their views. When it was presented in 1984 at such short notice, we were not able to take it to our constituents and get their approval. We must all realise that people when not properly informed, often cannot make an intelligent decision. So some of our constituents, unless we are able to explain fully to them, do not understand exactly what we are trying to do.

I feel as I stand in this House that it is not fair for me to pass judgement that people who have reached their retirement age are not entitled to compensation for services rendered, which enabled me to have a seat in a free democratic House today. Therefore, I am very grateful to the Government that they have seen fit to put the date back in, also that they have changed the date of qualification for the Executive Council Members. I would like at this time, Mr. President, to state publicly that I deeply appreciate the consultation the Elected Members of Executive Council gave me on this Bill. They presented a typewritten copy far in advance of my coming to this House and asked that I make suggestions on any amendment which I felt was necessary. This I deeply appreciate for I feel that although we sit on the opposite side of the House we represent the same people, and we should have an opportunity to have our input.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): This I asked for four years in the previous House and received very little of it. I am grateful that today I can say that I did have an input into this Parliamentary Pensions Bill.

I note in the provisions made for Members serving prior to 1959 that it clearly states all Elected Members. I am aware, Mr. President, that during this period there were a few nominated Members and nominated Members in the House at that time served in the same capacity as Elected Members other than they were nominated and not elected by the people. I would feel that it would be only just that these Members be included in this pension. If some amendment could be made that the nominated Members could also enjoy it I would feel more satisfied, and that they were getting recompensed for the valuable services they rendered.

Another thing comes to my mind, Mr. President, that we do have members in our community who have reached retirement age who served in this Legislature for only one term, a period of four years. This does not qualify them for any pension at all. Many of these people served faithfully for four years and were not re-elected by the people, not necessarily for any reason of their own. Often the new incoming candidates were more popular and therefore were able to draw the larger vote. I feel that a man having served here for four years should have a proportionate benefit to those who served six years. I do not know whether this can be handled in any other way. However, I do feel it my duty to speak my piece on how I feel towards the Members who were defeated at the polls and could only serve here for four years.

Mr. President, I said in 1984 that I felt that we needed to provide for our people and I still have that same feeling. I fully realise that whatever we do must be done in a proper and orderly manner. The Honourable First Elected Member of Executive Council has given us an undertaking that he will have a review started to see about a contributory pension scheme for all our people. I have had considerable experience with the social security system in the United States and also with the pension schemes in Canada. I know that it is an extremely expensive operation and I really wonder if it was put into operation here, if with the amount of machinery which would be necessary to set it up, our elderly people would really benefit. To begin with there would have to be contributions for a period of at least eight to ten years before the fund would be sufficient, unless it was subsidised by Government. Only our Honourable Third Official Member knows if the Government is capable of funding.

I am not here to try to hang my hat higher than I can reach and I do not feel that as legislators we should attempt that either. Mr. President, I do not qualify for a pension, neither by age or by terms served in this House, and also I am still a sitting Member, so I am not here voting a pension for myself. However, I am here to vote my conscience that I should support and pay respects in money to those who so faithfully served in the years that things were really, really hard here in the Cayman Islands.

I say, Mr. President, that we must do for all our other elderly people and money which we have been able to save from the gratuity part of this pension will be able, I feel, to benefit more of our aged people in poor relief. I know that some feel rather disappointed that this was not enacted. However, I feel again our responsibility to do the best we can for all of our people whenever we can.

I support the Bill.

So, with these few words, Mr. President,

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Honourable Third Official Member.

HON. THOMAS C. JEFFERSON: Thank you, Mr. President. In an effort, Mr. President, to assist in clarification on this Bill before us, a Bill for a Law to amend the Parliamentary Pensions Law, 1984, I would agree with some previous speakers that the public having listened to the debate in this House may not have the correct interpretation of the Bill.

Looking at the old Law, Mr. President, it says that a Member means an Elected Member of the Legislative Assembly. This Elected Member, Mr. President, must serve a period of two terms, or at least six years before he qualifies.

It goes on further, Mr. President, to say that he qualifies when he ceases to be a Member and attains the age of 55 years, or not having attained the age of 55, he produces medical evidence to the satisfaction of the Financial Secretary that he is incapable by reason of infirmity of mind or body, of discharging the duties of a Member, and that such infirmity is likely to be permanent.

So, Mr. President, first he must be an Elected Member. Secondly, he must serve a period of at least six years. He must have ceased to be a Member of this House. He must have attained the age of 55, or he must satisfy the Financial Secretary with medical evidence that he is no longer able to carry out those duties.

That is one of the persons who qualifies Mr. President. The second person who qualifies, Mr. President, is under that amendment put forward in clause 4 which affects section 3 and reads as follows:-

"Section 3 of the principal Law is amended by inserting the following new subsection immediately after subsection (1) -

"(1A) Subject to the provisions of this Law, a pension shall be paid to any person -
(a) who has on or prior to the 1st day of October, 1959 served as a member;"

This is what we are talking about, Mr. President, the commonly called Vestrymen which is the nomenclature used in those days. So, if the Vestryman served one day for this country prior to the 1st October, 1959, he qualifies for the annual sum of \$4,428.

In the Bill, Mr. President, there are clauses which seek to amend the previous calculation of a pension. If we look at the Law under section 4, those persons who qualify and who have served a period of at least six years are entitled to one-third of \$13,260. Those former Members of the House who qualify and have served nine years would be entitled to half the \$13,260. It goes on, Mr. President, to say that if a former Member has served twelve years or more, he is entitled to two-thirds of the \$13,260. In that Law, Mr. President, under section 6, the gratuity and reduced pension are covered. This section, as previously mentioned by other Members, has been repealed because we are not able at this time to support the granting of gratuities. It is not a small sum, Mr. President, and it will not result in a small sum from the coffers of this country.

HON. THOMAS C. JEFFERSON (CONTINUING): If we were to consider those entitled to the pension, Mr. President, the gratuity aspect, together with the reduced pension would place a charge on the country's coffers in 1985 of roughly \$480,000.

However, Mr. President, if we now compare that to the present Bill which authorises, or seeks to authorise payments to Vestrymen and those Elected Members who qualify, we find that eleven Members who served over many years, some for as many as 300 months qualify and the total bill is roughly \$98,000.

If we then look, Mr. President, at the list of Vestrymen who will qualify under the Bill, and we are not claiming, Mr. President, that this list is absolutely correct because the information which affects previous years, that is the thirties, forties and fifties, I am personally not sure of - the thirties were before I was born, Mr. President. We will need further investigations to be sure that this list is completed. I am certain, Mr. President, that the names I have are correct. The number is 22 Vestrymen who qualify and when we put the entitlement of those 22 persons together with those who were elected after 1959 and were Elected Members, the quantum to be charged to the 1985 accounts would be roughly \$195,000.

Therefore, Mr. President, one can easily see the difference financially between the Law as it presently stands and the amendment which is presently before this House, in excess of \$480,000 versus slightly more than \$195,000. If we look at the two or three years beyond, 1986 and 1987, we will find that because gratuity had been already granted, that is the \$480,000, it would then seek to reduce the 1986 charge on the revenue. It would have amounted to a sum of roughly \$171,000. In the following year, 1987, it would result in a sum of roughly \$188,000. The increase, Mr. President, results from persons who qualify but have not reached the age of 55 in 1985, but reach the age of 55 in 1987.

When we look at this, Mr. President, and compare it to what will be the result as a fact of the Bill before us. 1986 would be roughly \$171,000 under the present Law, assuming that the gratuities are already given in 1985. The sum under the new amended Bill would be \$195,000 and in 1987 it would be \$199,000.

So, Mr. President, the financial difference is really in the charge on the 1985 accounts. There is a significant difference between \$480,000 and \$195,000.

Mr. President, to further clarify one point mentioned by a Member. He referred to a shortfall of \$4 million. That information, Mr. President, comes from paragraph 9 of the Auditor General's Report and the \$3.9 million, technically speaking, is correct because we are talking about revenue for the respective year of 1984. However, if we then consider, Mr. President, the transfer of funds from the General Reserve of \$3.4 million roughly, we then see the accounts at the end of that year with a deficit of approximately \$591,000.

Mr. President, we can boast about the financial situation of this Government. We can boast about the many things which have been done in this country since we can remember. We can compare this country to many countries in the Commonwealth and further north in many respects. A parliamentary pension, Mr. President, is something which, as I think was read earlier by one of the Members of this House, is becoming common in many countries.

HON. THOMAS C. JEFFERSON (CONTINUING): It is a matter of decision. Where do we begin? Do we begin with parliamentary pensions or do we begin with pensions for the entire country? The exercise, Mr. President, on the latter is quite complicated and complex and this Government needs sufficient time to study it. I do not believe, Mr. President, that there is one Member in this Honourable House who would say that he does not wish to assist in putting together a pension scheme for everyone in this country. It is a matter of how we go about it, Mr. President.

Mr. President, the allocation in the estimates for pensions to Members of the Legislative Assembly after this amendment has been passed, and I assume that that will happen, will require a supplementary expenditure.

Thank you, Mr. President.

MR. W. McKEEVA BUSH: Mr. President, maybe I should have risen before, but I wonder if the Member or somebody winding up could tell the House, when did Government arrive at the figures he just gave us?

HON. THOMAS C. JEFFERSON: Mr. President, I have had figures since 1984. When we are dealing with Vestrymen, Mr. President, I do not think that there is anyone in this House who can tell us exactly who they are, whether they are alive or what have you. That is the reason why we have been going around in the last couple of days trying to make sure that we have them all.

MR. PRESIDENT: I think that it will probably be convenient if we now take our lunchtime break. I will therefore suspend proceedings until, perhaps since we are a few moments late, just after 2.15 p.m.

AT 12.52 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.24 P.M.

MR. PRESIDENT: Please be seated.
According to my tally there is one Member who has not spoken yet. Does he wish to speak. In that case, I think I am right that all the others have, I will ask the mover if he wishes to exercise his right of reply.

HON. DENNIS H. FOSTER: Mr. President, I would like to thank the nine Elected and the one Official Member for supporting this Bill. To the two Elected Members, namely the Elected Member for North Side and the Second Elected Member for West Bay, I say to them, I feel sorry for them and I forgive them because, Mr. President, they are wet; they are green, Mr. President.

Mr. President, one Member asked why the Bill should even have been brought back here. It was for two reasons, Mr. President, that when the Bill was frozen earlier on, we gave an assurance that the new Government would have a close look at it and amend it if necessary.

HON. DENNIS H. FOSTER (CONTINUING): As late, Mr. President, as in March this year a question was thrown at me by the First Elected Member for Bodden Town, and many supplementaries including one from the Second Elected Member for George Town. I am glad, Mr. President, to see the consistency of those Members. At that stage, Mr. President, I gave them the answer that Government proposed to have a close look at the Parliamentary Pensions Law, 1984 and bring an amendment Bill to this House in due course. I was questioned about what a "close look" and "in due course" meant. Nevertheless, Mr. President, I am a man who tries to live up to my word and that is one reason why the Bill is back here now. The second reason, Mr. President, is that it was a Law on our Statute Books and it could not be left there in limbo, Sir. It had to either be repealed or brought back, and I see no motion coming to repeal it.

What this amending Bill does is to make the Law more equitable and to cut our coat according to our cloth. Mr. President, we were accused of being subtle by the introduction of a constant for the purpose of working out the pension. It does not take much arithmetic, Mr. President, to calculate that if a Member is to earn a maximum pension, that is two-thirds in twelve years which the original Law stated, that he earns it at the rate of one-two hundred and sixteenths for each month of service. Twelve years by twelve months equals 144, two-sixteenths. Only by the use of the constant, Mr. President, part years can be taken into account. Under the Law as it stands, a Member who has served nine years and eleven months gets the equivalent of a nine year pension.

The amending Bill brought to the House in this Meeting is an equitable one, Mr. President.

Mr. President, we witnessed the renunciation by the Honourable Elected Member for North Side and the Second Elected Member for West Bay. Mr. President, how in the world can one renounce something which one has not got and which one might not get, Mr. President, because if these two Members are not re-elected they would not be eligible?

Furthermore, Mr. President, I am sure that they were well aware that that section in the Law was going to be repealed, the renunciation section. I doubt very much, Mr. President, if they could renounce something for their heirs and successors, especially when this clause is out of the Law. So, Mr. President, those two renunciations, as far as I am concerned, are not worth the paper they are really written on.

MR. W. McKEEVA BUSH:

It shows the guts though.

HON. DENNIS H. FOSTER: Mr. President, the Second Elected Member for West Bay said that this Chamber was for politics and politicians. I agree, Mr. President, but it is a pity that some people abuse it. Politics, Mr. President, have destroyed many countries and if we are not careful they can destroy us as well.

Mr. President, later I am going for the suspension of Standing Order 52(2) to bring in an amendment to the Bill. It is felt that the widows of some of these Vestrymen should be given a pension when the Law comes into a force. It is going to be difficult to determine all these people because we lost a lot of records in the old Government Administration Building, and we will possibly have to put out a notice or something, and ask people to make a claim.

HON. DENNIS H. FOSTER (CONTINUING): Mr. President, I am not going to prolong this, Sir, because we have a lot of business to get through. However, again I would like to thank Members for their support and I ask them for the same when we put the amendment in Committee stage.
I thank you, Mr. President.

MR. PRESIDENT: The motion is that a Bill entitled a Bill for a Law to amend the Parliamentary Pensions Law, 1984, be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: May we have a division, Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
NO. 56

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
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden

11

NOES

Mr. W. McKeeva Bush
Mr. D. Ezzard Miller

2

PASSED BY MAJORITY: BILL GIVEN A SECOND READING.

MR. PRESIDENT: That concludes Second Readings. The House will now go into Committee to study a Bill entitled the Provisional Collection of Customs Duties Bill, 1985, and various other Bills.

THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985

COMMITTEE THEREON

MR. CHAIRMAN: Perhaps before we embark on consideration of the clauses of any of the individual Bills I could just ask the Committee whether they would confirm that I am right in supposing that the usual practice which we have adopted for some time now, should be adopted on this occasion too, that is to say the practice of authorising the Honourable Second Official Member to correct any printing errors or typographical mistakes, things of that kind, so that we do not need to seek to identify all of them as we go through the Bills, but can leave him to deal with them. Does any Member dissent from that? So, I think that we can assume that that is to be the practice again. In that case, the House is now in Committee.

MR. CHAIRMAN (CONTINUING): *The Provisional Collection of Customs Duties Bill, 1985. I have had, I think notice of one amendment which is to clause 2 from the Elected Member for North Side.*

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.*

HON. MICHAEL J. BRADLEY: *Mr. Chairman, I do not appear to have in my possession a copy of the Committee stage amendment proposed for clause 2. Perhaps the Clerk could give me a copy? Thank you.*

CLERK: *CLAUSE 2 - RESOLUTION TO CUSTOMS DUTIES.*

MR. CHAIRMAN: *The question is that clause 2 stand part of the Bill. However, as I said, I have been given notice of an amendment to that clause. Perhaps before we start dealing with the clause itself, the Elected Member for North Side would like to speak to his amendment?*

MR. D. EZZARD MILLER: *Yes, Sir. Mr. President, as expressed in my debate on this Bill, Sir, I expressed concern about the four month period before the enactment, which would be the life of the resolution. I therefore filed the amendment which had been circulated to Members, which has two effects really. The new paragraph (c) would say that once the resolution making the Bills effective had been passed, the Bills relating to the resolution would have to be brought to the House within ten Sitting days of the Assembly. Section (iii) of the new paragraph would state that the resolution would expire on the coming into effect of the Law of the revenue Bills or a fund expiry of one month, whichever is the shorter.*

It has the effect of reducing from four months to one month the life of the resolution, and stipulating that the Bills be brought within ten Sitting days after the vote on the resolution.

MR. CHAIRMAN: *Am I right in understanding that it is (iii) of the amendment which talks about the deletion of the last paragraph of clause 2?*

MR. D. EZZARD MILLER: *Yes, Sir.*

MR. CHAIRMAN: *It is the last paragraph of clause 2(1) starting "the resolution shall" which is to be deleted?*

MR. D. EZZARD MILLER: *Yes, Sir.*

MR. CHAIRMAN: *Not actually the last paragraph of clause 2, because there is a paragraph(4) paragraphs(2), (3) and (4).*

MR. D. EZZARD MILLER: *It is the last part of clause 2(1)(b).*

MR. CHAIRMAN: *Yes. So the words to be deleted are:-*

"the resolution shall, for a period expiring at the end of four months after the date on which it is passed, have statutory effect as if contained in a Law."

MR. D. EZZARD MILLER: Yes, Sir.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, with respect I think that there will need to be some change in the wording of the newly to be inserted, or proposed to be inserted paragraph (iii), because Standing Order 52(5) says that an amendment must not render a clause unintelligible or ungrammatical. With due respect, if we read it as it would be if it were included, this Committee stage amendment, it would read:-

"Where the Legislative Assembly passes a resolution which -

(a) provides for something;

(b) contains something;"

then:-

"(c) all Bills related."

I fear that there is some tactical difficulty.

MR. D. EZZARD MILLER: I am open to suggestions to correct it by the Honourable Second Official Member, Sir, as long as the intent is retained in that the Bills are brought within ten days and that the life of the resolution is thirty days.

MR. CHAIRMAN: I suppose that the way of doing it might be to say at the very beginning of section 2(1), "where within".... Oh, wait a minute.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. Chairman, if I may make a suggestion that we could take the word "that" away as the first word of the proposed new paragraph (c) and put in the words "shall expire unless". So then it would read:-

"Where the Legislative Assembly passes a resolution which expires unless all Bills related to the measure have their First Reading".

MR. CHAIRMAN: Sorry, could you say that again?

HON. MICHAEL J. BRADLEY: If in the newly to be inserted paragraph (c) we delete the first word which is the word "that" and put in the words "shall expire unless". So it would then read:-

"passes a resolution which shall expire unless all Bills have their First Reading".

MR. CHAIRMAN: Would it not be better if paragraph (c), which really deals with a rather different sort of thing to (a) and (b) was not (c) at all, but came at the very end of paragraph (1) of clause 2 after "in a Law"?

HON. MICHAEL J. BRADLEY: I agree, Sir. I was merely trying to do the minimum changes to the Honourable Member's own wording.

MR. CHAIRMAN: Well, I am not quite sure whether a change of this kind is in principle acceptable to the Government. I think that it is. Am I right about that?

HON. THOMAS C. JEFFERSON: In principle, Sir, we agree with the amendment, "reduction to one month" and also the "next ten days in which the House sits".

MR. CHAIRMAN: If it is going to be accepted, I think that it is best that we get the Bill worded in the way which will be most satisfactory, rather than that does the least change....

MR. D. EZZARD MILLER: Do not worry about cutting off my motion, Sir. Those are the two things which we want effected.

MR. CHAIRMAN: Am I right that the mover of the amendment would be quite content to have the Honourable Second Official Member alter the wording of it provided that the substance and the intention remain the same?

MR. D. EZZARD MILLER: Certainly, Sir.

HON. MICHAEL J. BRADLEY: The other way, Sir, is right at the end of sub-clause (1) to continue on and put there the words:-

"shall have statutory effect as if contained in a Law if all Bills related to the measure have their First Reading."

In other words we do not have a separate subparagraph (c), but put the words of subparagraph (c) slightly changed, right at the end after the words "the shorter", so that it would read as I would see it, Sir:-

"Where the Legislative Assembly passes a resolution which -

(a)" as is.

"(b)" as is.

"the resolution shall expire on the coming into effect of the Law of the revenue Bills, or upon the expiry of one month, whichever is the shorter if all Bills related to the measure in the resolution have had their First Reading in the next ten days in which the House sits after the vote on the resolution."

MR. CHAIRMAN: Could that not be interpreted as meaning that if the Bill had not had that First Reading within the ten days then the resolution should not expire? Might it not be better to say "provided that" rather than "is"?

HON. MICHAEL J. BRADLEY: Yes, right, I agree.

MR. CHAIRMAN: I think so. In fact, it might even be better still to say:-

"provided that the resolution shall expire unless...."

At the very end after "in a Law", I think that you were going to say "if all Bills". I was going to say:-

"provided that the resolution shall expire unless all Bills...."

MR. CHAIRMAN (CONTINUING): I think that would be unambiguous. I think what would have to happen now is that the amendment should be withdrawn and in effect we would be substituting for it an amendment which really only had one part. We have a (i) a (ii) and a (iii) now. (i) disappears and (ii) and (iii) can really best be run together. So your amendment would go that:-

"Clause 2 be amended by the deletion of the last paragraph of clause 2 and the substitution therefor of the following paragraph:-

"the resolution shall expire on the coming into effect of the Law of the revenue Bills, or upon the expiry of one month, whichever is the shorter provided that the resolution shall expire unless all Bills related to the measures in the resolution have their First Reading in the next ten days in which the House sits after the vote on the resolution."

MR. D. EZZARD MILLER: Yes, I so move, Mr. Chairman.

MR. CHAIRMAN: Have I got that right?

HON. MICHAEL J. BRADLEY: Yes.

MR. CHAIRMAN: You do not think I have?

HON. BENSON O. EBANKS: No, Sir, with respect, I think that you have left out the section which gives statutory effect to the resolution.

MR. CHAIRMAN: Well, I think I said that clause 2 should be amended as follows, by the deletion of the last paragraph of clause 2. Is that right? The amendment would now read as follows:-

"Amendment to clause 2."

HON. BENSON O. EBANKS: As the last paragraph of clause 2, Sir?

MR. D. EZZARD MILLER: It starts, "the resolution shall".

HON. MICHAEL J. BRADLEY: Perhaps we should say....

MR. CHAIRMAN: In the Green Bill or... Sorry, are you asking if what I am referring to is the last paragraph in the Green Bill?

HON. BENSON O. EBANKS: Yes, Sir.

MR. CHAIRMAN: In fact, the last part of sub-clause 1 of clause 2 which starts "the resolution shall for a period".

HON. MICHAEL J. BRADLEY: Perhaps, Mr. Chairman, since we are in effect introducing a completely new Committee stage amendment, it might be clearer if we say that clause 2 be amended by the deletion of the last three lines of sub-clause 1.

MR. CHAIRMAN: Yes, I think that that would be clearer.

HON. MICHAEL J. BRADLEY: So that there is no ambiguity about paragraph....

MR. CHAIRMAN: We had earlier established that what was to be deleted was those three lines, but it is quite true that they could have been more clearly identified. Since we are re-hashing the amendment let us get the identification right. In which case, the amendment will now read as follows:-

"Amendment to clause 2.

That clause 2 be amended as follows, by the deletion of the last three lines of sub-clause 1 of clause 2 and the substitution therefor of the following:-

"The resolution shall expire on the coming into effect of the Law of the revenue Bills, or upon the expiry of one month, whichever is the shorter provided that the resolution shall expire unless all Bills related to the measures in the resolution have their First Reading within the next ten days on which the House sits after the vote on the resolution."

HON. MICHAEL J. BRADLEY: We could keep improving for ever, Sir. However, since in the next sub-clause the words used are "have statutory effect", it might be better to use the words that the "resolution shall cease to have statutory effect" instead of "shall expire", in case there are two different....

MR. CHAIRMAN: In case the courts think that they should be interpreted in two different ways because we have used two different....

HON. MICHAEL J. BRADLEY: Yes.

MR. CHAIRMAN: Is there anything else or do you want more time to look at it more carefully and be sure that you....

HON. THOMAS C. JEFFERSON: Mr. Chairman, perhaps it might be wiser to do the amendment which has been read a number of times before we finalise this matter.

MR. CHAIRMAN: Say that again. It might be better....

HON. THOMAS C. JEFFERSON: It might be better to put in writing a new amendment.

MR. CHAIRMAN: Yes. Well I rather think that. If the Committee would agree, it might be wiser to leave this clause till the end so that the Honourable Second Official Member can satisfy himself that he has got a draft which really is going to be entirely watertight and accurate; that that draft can be circulated to Members and we can come back to it later on.

MR. D. EZZARD MILLER: That is alright with me, Sir.

MR. CHAIRMAN: In that case....

HON. MICHAEL J. BRADLEY: Well, there is not very much time, Sir, to come back to it because we have no more sections in this Bill.

MR. CHAIRMAN: Well, I wondered could we not pass on properly to another Bill? That is what I had in mind, that we would really leave continuing with this Bill until such time as we can come back to it. I think that the Committee is probably entitled to do that if the Committee is so minded. Perhaps I can just put the question would the Committee like to defer further consideration of this Bill until we have a written amendment before us, and then return to it?

HON. MICHAEL J. BRADLEY: I would be very happy to, Sir, because I think, starting to consider it now, that really the place where this provision should go is under sub-clause 2, because under sub-clause 3 it refers to what happens when a resolution ceases to have statutory effect.

MR. CHAIRMAN: We have got to change that four months.

HON. MICHAEL J. BRADLEY: Yes. So really,....

MR. CHAIRMAN: Sub-clause has got to be amended as well. So....

MR. D. EZZARD MILLER: We can take our time, Sir, as long as we get down to the ten days before....

MR. CHAIRMAN: I have understood the mover of the amendment is happy with that. Is the whole Committee happy with that? So we will proceed with another Bill instead and we will come back to this one.

MR. W. McKEEVA BUSH: Are they sure that they know what they are doing this time?

HON. DENNIS H. FOSTER: They will probably wind up with another speargun Law.

MR. CHAIRMAN: In that case, a Bill for a Law to amend the Misuse of Drugs Law (Revised).

THE MISUSE OF DRUGS (AMENDMENT) (NO. 2) 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 12 OF LAW 13 OF 1973.

MR. CHAIRMAN: The question is that clause 2 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED BY MAJORITY.

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. TITLE AND ENACTING CLAUSE PASSED BY MAJORITY.

MR. CHAIRMAN: *The Public Finance and Audit Bill, 1985. I think that I have only had notice of one Committee stage amendment and that is an amendment to be proposed by the Second Elected Member for West Bay to clause 39. Am I right that there is no other amendment of which notice has been given? Well in that case I think that it may be convenient for the Committee, since this is a very long Bill, if we take advantage of the Standing Order which enables us to take several clauses at a time. I will invite the Clerk to read out somewhere between four and six clauses at a time.*

THE PUBLIC FINANCE AND AUDIT BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1 - SHORT TITLE AND COMMENCEMENT.
CLAUSE 2 - INTERPRETATION.
CLAUSE 3 - REVENUE.
CLAUSE 4 - CHARGES ON REVENUE.
CLAUSE 5 - ANNUAL ESTIMATES.

MR. CHAIRMAN: *The question is that clauses 1 through 5 do stand part of the Bill.*

QUESTION PUT: AGREED. CLAUSES 1 THROUGH 5 PASSED.

CLERK: CLAUSE 6 - APPROVAL OF ESTIMATES OF EXPENDITURE AND APPROPRIATION.
CLAUSE 7 - AUTHORIZATION OF EXPENDITURE IN ADVANCE OF APPROPRIATION.
CLAUSE 8 - CHANGES TO APPROVED ESTIMATES OF EXPENDITURE.
CLAUSE 9 - SUPPLEMENTARY APPROPRIATION.
CLAUSE 10- POWERS AND DUTIES OF FINANCIAL SECRETARY.
CLAUSE 11- POWERS TO MAKE REGULATIONS AND GIVE DIRECTIONS, ETC.

MR. CHAIRMAN: *The question is that clauses 6 through 11 do stand part of the Bill.*

QUESTION PUT: AGREED. CLAUSES 6 THROUGH 11 PASSED.

CLERK: CLAUSE 12 - CONTROLLING OFFICERS.
CLAUSE 13 - CONTROLLING OFFICERS TO OBEY REGULATIONS, AND DIRECTIONS, ETC.
CLAUSE 14 - AUTHORITY OF CONTROLLING OFFICERS TO INCUR EXPENDITURE.
CLAUSE 15 - FURTHER AUTHORITY OF CONTROLLING OFFICERS IN RESPECT OF URGENT EXPENDITURE.
CLAUSE 16 - DUTIES OF ACCOUNTANT GENERAL.

MR. CHAIRMAN: *The question is that clauses 12 through 16 do stand part of the Bill.*

QUESTION PUT: AGREED. CLAUSES 12 THROUGH 16 PASSED.

CLERK: CLAUSE 17 - PROMPT COLLECTION OF MONEYS.
CLAUSE 18 - PAYMENT OF PUBLIC MONEYS.
CLAUSE 19 - PAYMENT OF CERTAIN MONEYS TO BE AUTHORIZED BY WARRANT.
CLAUSE 20 - RECOVERABLE ADVANCES.
CLAUSE 21 - ADVANCES TO MEET URGENT NEED FOR PAYMENT.

MR. CHAIRMAN: *The question is that Clauses 17 through 21 do stand part of the Bill.*

QUESTION PUT: AGREED. CLAUSES 17 THROUGH 21 PASSED.

CLERK: CLAUSE 22 - IMPREST.
CLAUSE 23 - DEPOSITS.
CLAUSE 24 - DONATIONS AND GRANTS.
CLAUSE 25 - BANKING.
CLAUSE 26 - INVESTMENT OF MONEYS.

MR. CHAIRMAN: The question is that clauses 22 through 26 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 22 THROUGH 26 PASSED.

CLERK: CLAUSE 27 - BORROWING POWERS AND LOANS.
CLAUSE 28 - GUARANTEES.
CLAUSE 29 - ESTABLISHMENT OF FUNDS.
CLAUSE 30 - SPECIAL SUSPENSE ACCOUNT.
CLAUSE 31 - APPROPRIATIONS AND WARRANTS TO LAPSE AT CLOSE OF FINANCIAL YEAR.

MR. CHAIRMAN: The question is that clauses 27 through 31 do stand part of the Bill. Does any Member wish to speak?

QUESTION PUT: AGREED. CLAUSES 27 THROUGH 31 PASSED.

CLERK: CLAUSE 32 - APPOINTMENT OF AUDITOR GENERAL.
CLAUSE 33 - TENURE OF OFFICE OF AUDITOR GENERAL.
CLAUSE 34 - SALARY OF AUDITOR GENERAL.
CLAUSE 35 - AUDITOR GENERAL'S EMPLOYMENT AS PUBLIC OFFICER.
CLAUSE 36 - FILLING OF VACANCY IN OFFICE OF AUDITOR GENERAL.

MR. CHAIRMAN: The question is that clauses 32 through 36 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 32 THROUGH 36 PASSED.

CLERK: CLAUSE 37 - ACTING APPOINTMENT TO OFFICE OF AUDITOR GENERAL.
CLAUSE 38 - DUTIES OF AUDITOR GENERAL.

MR. CHAIRMAN: The question is that clauses 37 and 38 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 37 AND 38 PASSED.

MR. G. HAIG BODDEN: Mr. Chairman, may I ask that you put clause 39 by itself as I intend to record my vote against it.

MR. CHAIRMAN: I was intending to. Since it has got an amendment I had stopped at clause 38 so we can put it on its own.

CLERK: CLAUSE 39 - POWERS OF AUDITOR GENERAL.

MR. CHAIRMAN: The question is that clause 39 stand part of the Bill. However, as I said earlier I have had notice of an amendment proposed to clause 39 and I will invite the Second Elected Member for West Bay to speak to his amendment.

MR. W. McKEEVA BUSH: In the winding up, I believe, on this Bill the....

MR. CHAIRMAN: I think that your microphone may be switched off.

MR. W. McKEEVA BUSH:Honourable Third Official Member pointed out to me that probably this would be covered in the Constitution and I believe in the Royal Instructions, I think he said. However, I feel, Sir, that we have had our Constitution since 1972 and we have had our Royal Instructions for I do not know how long. The things which I spoke about which were worrying me, was specifically the sale of Crown property. In the course of the years Crown property was sold without any consent of the House and this is what this proviso is seeking. I will say no more except that I still intend to support my amendment.

HON. MICHAEL J. BRADLEY: Mr. Chairman, with respect to the proposed amendment, I feel that apart from its merits or otherwise, it is out of order on two grounds. One is that it does not comply with Standing Order 52(5), in that an amendment must not render a clause unintelligible or ungrammatical, and secondly that it does not comply with the provisions of Royal Instructions, paragraph 7, subparagraph (d) which states:-

"Matters having no proper relation to each other shall not be provided for by the same Law; no Law shall contain anything foreign to what the title of the Law imports."

This seems to me to be a proviso which purports to restrict the power of Government to the transfer of land, whereas the Bill which we are substantively discussing in Committee concerns as the title says to it, "the control, management and audit of the public finances".

MR. CHAIRMAN: I think that that is a proper point. In other words I think if the Second Elected Member for West Bay feels it right that no Government Department or Government Member or official should be entitled to sell Government owned real estate without the Legislative Assembly's prior consent, then it would be better for him to move a motion asking the Government to draft legislation to that effect, rather than to stick it into a Bill where it really does not properly belong.

MR. W. McKEEVA BUSH: Well, that is his opinion. It might be used too but I still feel that it can go in here, Sir. Seeing that my motions do not mean anything these days it might be just wasting time. I will stand by the amendment, Mr. Chairman. The House can vote against it if they want.

MR. CHAIRMAN: I think that the point being made is that the amendment is out of order, it is being suggested to me on two counts which were explained. I am bound to say that I agree with the explanation and I therefore think that the amendment is out of order, in which case I cannot accept it and it cannot be voted on.

MR. W. McKEEVA BUSH: Mr. Chairman, that is fair enough to me. You are in the Chair, Sir. I still hold my opinion. I will bow to your ruling.

MR. CHAIRMAN: Well, I am afraid that that will have to be so. If you would like to move a motion, or at least to get action taken on the lines you have proposed, I think that you would have to do it separately.

MR. CHAIRMAN (CONTINUING): In that case there is not any amendment after all to clause 39. However, does any Member wish to speak to clause 39 as it stands in the Bill? If not then I will put the question that clause 39 do stand part of the Bill.

QUESTION PUT: AYES AND NOES.

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

MR. CHAIRMAN: Certainly.

DIVISION
NO. 57

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

PASSED BY MAJORITY: CLAUSE 39 PASSED.

- CLERK: CLAUSE 40 - APPOINTMENT OF STAFF OF AUDITOR GENERAL.
 CLAUSE 41 - SUBMISSION OF ANNUAL ACCOUNTS BY ACCOUNTANT GENERAL TO AUDITOR GENERAL.
 CLAUSE 42 - EXAMINATION AND AUDIT OF ANNUAL STATEMENTS BY AUDITOR GENERAL AND SUBMISSION OF REPORT.
 CLAUSE 43 - AUDITOR GENERAL'S REPORT OF SERIOUS IRREGULARITIES.
 CLAUSE 44 - AUDIT EXAMINATION OR INQUIRY INTO ACCOUNTS OF BODIES CORPORATE, ETC., AUTHORIZED BY LAWS.

MR. CHAIRMAN: The question is that clauses 40 through 44 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 40 THROUGH 44 PASSED.

MR. D. EZZARD MILLER: Mr. Chairman, could I ask that you take clause 48 separately because I would like to record my vote against that please?

MR. CHAIRMAN: Right, we will take up to clause 47.

- CLERK: CLAUSE 45 - AUDIT EXAMINATION OR INQUIRY INTO ACCOUNTS OF PERSONS, BODIES CORPORATE, ETC., UNDER GOVERNOR'S AUTHORITY.
 CLAUSE 46 - AUDITOR GENERAL'S CERTIFICATION OF ACCOUNTS AND REPORT OF ACCOUNTS OF BODIES CORPORATE, ETC.
 CLAUSE 47 - FEES TO BE DETERMINED BY FINANCIAL SECRETARY.

MR. CHAIRMAN: The question is that clauses 45, 46 and 47 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 45 THROUGH 47 PASSED.

CLERK: CLAUSE 48 - POWER TO SURCHARGE.

MR. CHAIRMAN: The question is that clause 48 do stand part of the Bill.

MR. D. EZZARD MILLER: As mentioned in my debate, Mr. Chairman, I feel that the power to surcharge should be with the Public Service Commission which I think is the general disciplinary body in Government. If it cannot be changed to that then I have to vote against the clause.

MR. G. HAIG BODDEN: I was going to say that in my debate I also spoke about some of the powers to surcharge and I will certainly vote against the clause when the time comes.

MR. CHAIRMAN: So, I will put the question on clause 48 then.

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER: May we have a division, Sir.

MR. CHAIRMAN: Yes.

DIVISION
NO. 58

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
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell

Mr. G. Haig Bodden
Mr. D. Ezzard Miller

11

2

PASSED BY MAJORITY: CLAUSE 48 PASSED.

CLERK: CLAUSE 49 - NOTIFICATION OF SURCHARGE AND RIGHT OF APPEAL.
CLAUSE 50 - APPEAL AGAINST SURCHARGE.
CLAUSE 51 - WITHDRAWAL OF SURCHARGE.
CLAUSE 52 - COLLECTION OF SURCHARGE.
CLAUSE 53 - SURCHARGE IN RESPECT OF DECEASED PERSONS.

MR. CHAIRMAN: The question is that clauses 49 through 53 do stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, I intend to vote against clause 53, and I wonder if you can arrange for that to be put separately?

MR. CHAIRMAN: I will put the question on clauses 49 through 52 separately if that will suit.

HON. BENSON O. EBANKS: Yes, Mr. Chairman, I do not mean to put words in the Member's mouth but I think that is the section he spoke against and not clause 48.

MR. G. HAIG BODDEN: Yes, but I intended to vote against clause 48. I mentioned in my debate, Mr. Chairman, that I was only taking two examples which I disagreed with in the Bill, but there were other sections which I did not like.

MR. CHAIRMAN: Does it suit everybody if we take clauses 49 to 52 and then go on to clause 53? So, I will put the question then that clauses 49, 50, 51 and 52 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 49 THROUGH 52 PASSED.

MR. CHAIRMAN: Clause 53 has been read already so we can turn next to it. Unless any Member wishes to speak on it I will put the question that clause....

MR. G. HAIG BODDEN: I was going to say that section 53 is related to section 48 which I voted against earlier. There is a direct connection between them as stated in clause 53.

MR. CHAIRMAN: I think that really clauses 48 through 53, if you look at the beginning, all six clauses are a whole part of the Bill and are all related to one another. If I may put the question on clause 53.

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: Do you want a division?

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

DIVISION
NO. 59

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

11

NOES

Mr. G. Haig Bodden
Mr. D. Ezzard Miller

2

PASSED BY MAJORITY: CLAUSE 53 PASSED.

CLERK: CLAUSE 54 - ABANDONMENT OF CLAIMS, ETC., AND WRITE-OFF OF PUBLIC MONEYS AND STORES.
CLAUSE 55 - DISPOSAL OF SERVICEABLE STORES, ETC.
CLAUSE 56 - POWER OF GOVERNOR TO GIVE DIRECTIONS.
CLAUSE 57 - TRUSTS.
CLAUSE 58 - TRANSITIONAL.
CLAUSE 59 - REPEAL.

MR. CHAIRMAN: The question is that clauses 54 through 59 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 54 THROUGH 59 PASSED.

CLERK: A BILL FOR A LAW TO PROVIDE FOR THE CONTROL, MANAGEMENT AND AUDIT OF THE PUBLIC FINANCES OF THE CAYMAN ISLANDS AND FOR INCIDENTAL AND CONNECTED PURPOSES.

MR. CHAIRMAN: The question is that the Title and Enacting clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: I think that it may be a convenient moment if we now suspend proceedings for approximately ten minutes for our afternoon break and then resume in Committee thereafter.

HON. MICHAEL J. BRADLEY: Could I ask before you rise, Sir, about the proposed amendment to the Bill which has been deferred? Would the Elected Member for North Side like it to be in his name as reworded?

MR. D. EZZARD MILLER: Yes.

AT 3.22 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.42 P.M.

MR. CHAIRMAN: Please be seated.
Proceedings in Committee are resumed.
The Public Loans (Amendment) Bill, 1985.

THE PUBLIC LOANS (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 13 OF LAW 10 OF 1976.

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 PUBLIC LOANS LAW (LAW 10 OF 1976).

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: The Court of Appeal (Amendment) Bill, 1985.

THE COURT OF APPEAL (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 2A OF LAW 9 OF 1975.

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 2B.

MR. CHAIRMAN: The question is that clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4 - AMENDMENT OF SECTION 6.

MR. CHAIRMAN: The question is that clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5 - AMENDMENT OF SECTION 26.

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

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6 - INSERTION OF NEW SECTIONS 26A AND 26B.

MR. CHAIRMAN: The question is that clause 6 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE COURT OF APPEAL LAW (LAW 9 OF 1976).

MR. CHAIRMAN: *The question is that the Title and Enacting clause do stand part of the Bill.*

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: *The Port Authority (Amendment) Bill, 1985.*

THE PORT AUTHORITY (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 4 OF LAW 15 OF 1976.

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 PORT AUTHORITY LAW (LAW 15 OF 1976).

MR. CHAIRMAN: *The question is that the Title and Enacting clause do stand part of the Bill.*

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: *Am I right that we are still waiting for the amendment in the case of the Provisional Collection of Customs Bill, 1985?*

HON. MICHAEL J. BRADLEY: *Yes, that is being done.*

MR. CHAIRMAN: *Well, then in that case let us turn to the Parliamentary Pensions (Amendment) Bill, 1985.*

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: *Perhaps before I put the question I can just check that I have the amendments. There is a proposed amendment to clause 4 by the Second Elected Member for West Bay. There is notice of a proposed amendment to clause 7 in the event that clause 7 as it now stands is negatived, from the Elected Member for North Side. There is also a proposed new clause 7 which in accordance with the procedure described in Standing Orders we take at the end after we have dealt with all the other clauses, I think. Yes, Standing Order 52, paragraph (8). Now, those are the only three Committee stage amendments of which I seem to have notice. That is to a new clause 7 is it not? I did read that one out.*

MR. CHAIRMAN (CONTINUING): Clause 4 and notice of a proposed amendment to clause 7 under certain circumstances and the Honourable First Official Member's. However his comes at the end after we have dealt with all the other clauses.

CLERK: You said three?

MR. CHAIRMAN: Clause 4 and clause 7. That one will not arise actually. Now, clause 1 has been read so the question is that clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED BY MAJORITY.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 1 OF LAW 9 OF 1984.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED BY MAJORITY.

MR. D. EZZARD MILLER: We suspected that, Sir. We suspected the ayes to have it.

CLERK: CLAUSE 3 - AMENDMENT OF SECTION 2.

MR. CHAIRMAN: The question is that clause 3 do stand part of the Bill.

MR. D. EZZARD MILLER: Before the vote is taken, Sir, even though I intend to vote against it. For my own clarity would the Honourable Third Official Member read the full context of clause 3 as it would appear with the amendments in the Bill?

MR. CHAIRMAN: Do you really mean would he read section 2 of the principal Law as it would read....

MR. D. EZZARD MILLER: No, section 3 of the principal Law as it would read with the amendments under....

MR. CHAIRMAN: But we are on, at least I think I am on clause 3 of the Bill which amends section 2 of the Law.

MR. D. EZZARD MILLER: Sorry, Sir, I am jumping the gun. My apologies, Sir, it is the next section which I would like him to do that to.

MR. CHAIRMAN: So, the question is that clause 3 should stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED BY MAJORITY.

MR. CHAIRMAN: Now, we come to clause 4 and an amendment has been proposed to clause 4. I think perhaps we should start by.... Oh, you have not called.

CLERK: CLAUSE 4 - AMENDMENT OF SECTION 3.

MR. CHAIRMAN: I am so sorry, I jumped the gun. I started talking about it before it had been read. There is, as I mentioned, an amendment of which I have been given notice by the Second Elected Member for West Bay proposed to clause 4. Would he like to speak to it?

MR. W. McKEEVA BUSH: Yes, Mr. Chairman, although I do not know how much more I can say. I just feel that if we are going to receive a pension I think that we should at least contribute a 5 per cent of our monthly salaries. This is evident in other territories and as Government pays us they can subtract 5 per cent. I am not going to prolong this, Sir. I put the amendment and I am going to stand by it.

MR. CHAIRMAN: Would you like just to read the amendment out because some Members may not have it before them?

MR. W. McKEEVA BUSH: Yes, Sir. Do you mean all of it or just....

MR. CHAIRMAN: I think so, just in case any Member does not have it.

MR. W. McKEEVA BUSH:

"Amendment to clause 4 of the Bill.

That Clause 4 of the Bill be amended by deleting the full-stop, quotation marks and full-stop at the end of paragraph (b) and substituting therefor a semi-colon, and by adding the following new paragraph (c) -

"(c) who, excluding those Members serving prior to 1st October, 1959, receiving a pension shall contribute 5% of their monthly salary towards the scheme, and 5% shall be deducted from the total pension payable now to persons serving from 1st October, 1959."."

I would like to point out, Mr. Chairman, that what I am asking is that all those Members after 1959, including those who will get a lump sum payment because of the Bill being retroactive to the 1st January this year will pay 5%. I want to point out that I am excluding the Vestrymen in this paragraph.

MR. CHAIRMAN: Thank you. I am glad that you did read it out because the version which I have got is obviously an earlier version and it is slightly different to what you read out.

MR. W. McKEEVA BUSH: Alright.

HON. MICHAEL J. BRADLEY: The one before me, Sir, is headed "Amended Committee stage amendment".

MR. CHAIRMAN: Well, either I have not had it or I have mislaid it. It is very possible that I have mislaid it.

HON. MICHAEL J. BRADLEY: I was going to say, Sir, that the language of this is not absolutely crystal clear to me, and I was going to suggest certain amendments or suggestions. However, I think that perhaps it would be premature to do that until we have voted on the Committee stage amendment. Then if it is passed it does not exclude me from making other further refinements.

MR. CHAIRMAN: *I think that that may be wiser, because I suspect that unlike the amendment to the Provisional Collection of Customs Duties Bill, 1985, this one may not be.... In that case, does any Member wish to speak to the amendment which the Second Elected Member for West Bay has read out and proposed? Very well then, I will put the question that clause 4 be amended as proposed.*

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER: *May we have a division, Sir?*

MR. W. McKEEVA BUSH: *May we have that division, Mr. Chairman?*

MR. CHAIRMAN: *Yes.*

MR. W. McKEEVA BUSH: *What a bunch, they will not pay a little bit from what they are getting.*

DIVISION
NO. 60

AYES

*Mr. W. McKeeva Bush
Mr. D. Ezzard Miller*

11

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*

2

AMENDMENT TO CLAUSE 4 DEFEATED BY MAJORITY

MR. CHAIRMAN: *We are now back to clause 4 and I think that the Elected Member for North Side asked if section 3 of the principal Law which clause 4 seeks to amend, as it will read if amended in the sense proposed by clause 4, could be read out.*

MR. D. EZZARD MILLER: *Yes.*

MR. CHAIRMAN: *I confess that I have not myself got a copy of the principal Law in front of me, so it would be helpful.*

HON. DENNIS H. FOSTER: *It is really clause 3 he wants me to read out, Sir?*

MR. CHAIRMAN: *No, it is section 3 of the principal Law....*

HON. DENNIS H. FOSTER: *Alright, Sir.*

MR. D. EZZARD MILLER: *With the amendments.*

MR. CHAIRMAN: *As it will read if it is amended in the way that clause 4 of the Bill seeks to amend it.*

HON. DENNIS H. FOSTER: *Alright, Sir:*

"3. (1) Subject to the provisions of this Law, a pension shall be paid to any person who -

(a) has since the 1st day of October, 1959 served as a member for two full parliamentary terms...."

MR. D. EZZARD MILLER: *He is leaving out the amendment, Sir. I think that it should read, "has on or prior".*

MR. CHAIRMAN: *No, I think that you have misread the amendment.*

MR. D. EZZARD MILLER: *Oh, alright.*

MR. CHAIRMAN: *My understanding is that clause 4 inserts a new subsection. It does not alter subsection (1). Perhaps you have misunderstood it.*

MR. D. EZZARD MILLER: *Alright, read the whole thing.*

HON. DENNIS H. FOSTER:

(a) has since the 1st day of October, 1959 served as a member for two full parliamentary terms or for periods equal in the aggregate to not less than six years;

(b) has ceased to be such a member; and

(c) either -

(i) has attained the age of fifty-five years; or
(ii) not having attained the age of fifty-five years, has produced medical evidence to the satisfaction of the Financial Secretary that he is incapable by reason of infirmity of mind or body of discharging the duties of a member and that such infirmity is likely to be permanent.

(1A). Subject to the provisions of this Law, a pension shall be paid to any person -

(a) who has on or prior to the 1st day of October, 1959 served as a member; and

(b) who has ceased to be such a member, and

(c) whose name appears in the Schedule."

MR. CHAIRMAN: I think "whose name appears in the Schedule" is not in the Bill. I think that you have got an earlier version.

MR. D. EZZARD MILLER: Thank you, Sir, that is far enough.

MR. CHAIRMAN: That is far enough?

MR. D. EZZARD MILLER: Yes, Sir. I have made mistakes in the past and I will make some more again, but I am always willing to admit them.

MR. CHAIRMAN: That is alright.
I think that you were probably thrown by a (1A) thinking that it replaced (1), but it is added.

MR. D. EZZARD MILLER: Part of their clever drafting, Sir.

MR. CHAIRMAN: So, I come back now to clause 4 and the question to be put is that clause 4 should stand part of the Bill. I will put that.

QUESTION PUT: AGREED. CLAUSE 4 PASSED BY MAJORITY.

CLERK: CLAUSE 5 - AMENDMENT OF SECTION 4.

MR. CHAIRMAN: The question is that clause 5 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 5 PASSED BY MAJORITY.

CLERK: CLAUSE 6 - REPEAL OF SECTION 6.

MR. CHAIRMAN: The question is that clause 6 do stand part of the Bill. I will put the question.

QUESTION PUT: AYES AND NOES.

MR. LINFORD A. PIERSON: I would like a division on that, Mr. Chairman.

DIVISION
NO. 61

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. G. Haig Bodden

Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Mr. D. Ezzard Miller

10

3

PASSED BY MAJORITY. CLAUSE 6 PASSED.

CLERK: CLAUSE 7 - AMENDMENT OF SECTION 9.

MR. CHAIRMAN: I did explain earlier that I had been given notice by the Elected Member for North Side. It was in effect conditional notice that he would wish to move an amendment to the Bill in the event that clause 7 was negatived. The reason for that, if I may explain it on his behalf, is that whereas he had originally sought to move an amendment to clause 7, I had to tell him that the amendment which he wanted to move was out of order in terms of Standing Order 52, paragraph (7), and that the only way in which he could give notice of what he wanted was the way which he has now adopted. So, he may want to speak on clause 7 to persuade you to negative it. I am not sure.

MR. D. EZZARD MILLER: Yes, Sir. As mentioned in my debate, Sir, I do not think that Members of Executive Council should get a second pension for the same job, even though they say that they have more work. They get more pay while they are in the post, and if Members would favour to vote against the clause I would then exercise the option to move an amendment to that clause in the principal Law.

MR. W. McKEEVA BUSH: Mr. President, I also feel that in looking over different schemes in the Commonwealth and gathering information, I see that with most of them the Ministers get a Ministerial pension but they do not qualify for a pension as such as an ordinary Member does. There is a complete distinction and I oppose this section on those grounds. If they are going to collect as a Member of Executive Council, which I agree, they should collect for a Member of Executive Council. I definitely feel that they should not collect as being an ordinary Member of the House also.

I also object on this section that there should be three years. I just cannot figure out why three years and I know that no Member in the course of his debate could give a reason why it was three years. I feel that if they are going to put in that section it should be a four year period as our Constitution calls for four years. I just cannot see why it should be three. Maybe somebody can shed some light on it though.

HON. BENSON O. EBANKS: Mr. Chairman, on the question of what some Members seem to see as a double pension. I think that I can clear that up by saying that in other pension laws, the Member is quite right in saying that the person who has served as a Minister receives pension at the salary which he received as a Minister. However, that is the highest salary at which he was paid during the course of his tenure in the Legislative Assembly, and which would be equal to what an Executive Councillor would receive in the Cayman Islands. That is, it is not split in two in other countries, but our salary happens to be split in two. However, it is the same principle. They get a pension at the highest salary which they received and the Executive Councillor here is really, in fact, only on par with what exists in other countries. Once the qualifying period has been established, that is one serves a minimum period as a Minister to qualify for a Ministerial pension, the same as one now serves three years to qualify for an Executive Councillor's pension.

It could be put in another way but since this was the way the old Bill was written, it was neater to leave it as one, as the two different salaries since this is the way it is done.

MR. G. HAIG BODDEN: Mr. Chairman, on the matter of the time, the qualifying period being three years, and the length of the Government being four years, I think that there are many reasons why we could have a three year period. For example, a Member may die in office. There could be a by-election. There could be instances where a Member resigned and there could even be an instance where a Member was removed from Executive Council by a vote of no confidence. There are other instances in the Constitution where the Member could lose his seat and the place would be filled by another Member. However, we have to remember that the Executive Council Member cannot get a pension simply by serving three years in Executive Council. He must complete the six years as a Member of the House. Is that correct?

MR. CHAIRMAN: Yes.

HON. BENSON O. EBANKS: That is correct.

MR. CHAIRMAN: He can only get an Executive Council pension if he is already qualified for a Legislative Assembly pension.

MR. W. McKEEVA BUSH: But it is still only three years.
I mean that is....

MR. CHAIRMAN: One has got to have served in the House for six years...

MR. W. McKEEVA BUSH: I understand that, Mr. Chairman. My point is and I think that the Elected Member for North Side's point is that it is three years we are talking about. All those things which were pointed out to us could happen after the first day.

HON. BENSON O. EBANKS: Mr. Chairman, I think why it is three years is because under the Elections Law or under the Constitution, one of them, one is required to call an election not longer than four years after the convening of the House under the last election. It was considered that if one put four years, one could never be assured that the elections were going to be four years to the day apart. They could be short by one day, and the Member would have served a full term and still not have got qualified for the pension. I think that this was why three years was used to ensure that with the vagaries of the election process, no-one suffered any ill effects on that account.

MRS. DAPHNE L. ORRETT: Mr. Chairman, this particular clause which the Honourable First Elected Member of Executive Council just tried to explain, in my opinion surely something could be done whereby four years could be included in that particular clause. Even if it is short by a few days could the clause not be drafted in such a way so that it includes the four year term which is normally served?

MR. W. McKEEVA BUSH: Leave the Opposition to ask now.
See....

MRS. DAPHNE L. ORRETT: In addition to that, Mr. Chairman, I think that I would like it explained to me a little more fully whether or not an Executive Council Member collecting say two different sums for a pension would get more money than if, say, he was just getting a pension based on the number of years he served, taking his Executive Council salary only into effect. What I am trying to say here is that it was explained that a Ministerial pension is based on a Ministerial salary. I am wondering whether or not an Executive Council pension could not be based solely on the Executive Council salary, taking into consideration the number of years he has served, whether it was as a Legislative Assembly Member only or not?

HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, what the Honourable First Elected Member of Executive Council was saying as I understand it was that in other jurisdictions a Ministerial salary is a figure which includes a component as a Member of the Assembly, whereas in our Assembly here it is split up into two different factors. So, in fact a Ministerial salary on which a pension is based in another jurisdiction is a figure inclusive of both the parts which we have got in ours.

MR. D. EZZARD MILLER: I still feel, Sir, that the Executive Council which is the highest salary which they earn, and most pension schemes pay people basing the pension on their highest earned salary. I still find the addition of the two repulsive and I would like to see it based on their highest salary, one or the other, Sir, not a combination of both.

MR. W. McKEEVA BUSH: This is what we have, a combination of the two salaries.

MR. LINFORD A. PIERSON: Mr. Chairman, I have listened to the explanation given by the Honourable First Elected Member of Executive Council. There is still some amount of doubt as to whether the Executive Council pension will be based on the highest salary being paid to the Executive Council Member, or on a combination of both. I believe that my understanding of the Honourable First Elected Member of Executive Council's explanation was that it would be on the salary paid to the Executive Council Member and not on both, and I believe that this is where the confusion is still existing and would like to get this properly clarified.

HON. BENSON O. EBANKS: I think that the Honourable Second Official Member put what I was saying very succinctly that in other jurisdictions a Member is not paid a salary as a Member of the Assembly and then one as a Minister. He is paid a salary as a Minister, a component of which is what he would normally have had as a Member of the Assembly. So, that his total salary in another jurisdiction would be equal to what the Members' and Executive Council Members' salary would represent in the Cayman Islands. Am I making it clear?

MR. LINFORD A. PIERSON: Yes, it is just that the point which I am making is that the pension would not be based on both the parliamentary salary and the Executive Council salary, which would have given a total of both together. It would be on the higher amount of the Executive Council salary. The pension would be based on that, and not on both.

MR. D. EZZARD MILLER: Under this Bill it is cumulative.

HON. BENSON O. EBANKS: You mean in another jurisdiction? I said that in another jurisdiction it would merely say that the Member would receive a pension at the highest salary which he was paid during his time as a Member of the House, which would naturally be the salary which he was paid as a Minister, which includes the component of the Lower House salary, as I might say.

MR. LINFORD A. PIERSON: Yes, the explanation which I require or the clarification which I require is whether the Executive Council Member is going to be paid a pension on the \$13,260 per annum which is the parliamentary salary in addition to the \$21,696 which is the Executive Council salary, and he is going to get both pensions paid to him?

HON. BENSON O. EBANKS:

As I understand it that is what is

in the Bill.

MR. D. EZZARD MILLER:

As the Bill reads that is what is going to happen. Mr. Chairman, with respect we are not in other territories, Sir, and we have two separate salaries here. A person's pension is usually based on his highest salary when leaving office. I would be much happier although I am going to vote against it anyway if it was only, the Executive Council pension was based only on the Executive Council salary as mentioned in the Bill, and they did not get two pensions for the same job.

HON. DENNIS H. FOSTER:

Mr. Chairman, suppose the Member served say two terms as an ordinary Member before he became an Executive Councillor, what would happen then?

MR. D. EZZARD MILLER:

His pension would be based on the greatest salary which he got, just like when the Honourable First Official Member leaves the Service. He is not going to be paid a pension on what he entered at. It will be what he leaves it at, the amount of the highest salary which he obtained throughout the Service.

HON. MICHAEL J. BRADLEY:

I think what the Honourable Member is trying to say would result in blatant unfairness. If I were an ordinary Member serving in this House, not as an Executive Councillor, I would receive a full two-thirds of my salary. If however, I became an Executive Councillor and served for the minimum time, then all the period of eight years would be disregarded for the purposes of calculating my pension rights, which would be included only on the short period, whether it be a year or three years that I had served as an Executive Council Member.

MR. D. EZZARD MILLER:

In most cases, Mr. Chairman, the Executive Council Member is going to be better off anyway, because the example which has been quoted here all week such as for instance one of those people is not going to get any pension at all under this Bill and the other one served thirty years and his maximum pension is going to be \$700. However, if we allowed the Executive Council Members a cumulative pension based on both salaries, certain Members when they qualified by age at the end of this term would be getting \$1,500 a month.

MR. LINFORD A. PIERSON:

Mr. Chairman, my query also is, Sir, if an Executive Council Member say had served from 1980 to 1984, but from 1984 to 1988 he served on the other side of the House, would he be given a combination of both even though he had served four years on Executive Council?

MR. CHAIRMAN:

Under the present Law.

HON. BENSON O. EBANKS:

Mr. Chairman, I would like to make it clear that I did not introduce other territories. That was introduced from the other side and I tried to clear it up as best I could.

MR. D. EZZARD MILLER:

We are not worried about that part of it, Mr. Chairman. However, you see, the unfairness here is, Sir, that the Member who served thirty odd years is being told that any year which he served after twelve was wasted. He is getting no recognition whatsoever for that, because at twelve years he has reached his maximum.

MR. D. EZZARD MILLER (CONTINUING): So all the people who they have been preaching here all week that they were doing this for, and they were going to get so much for, really when it comes right down to brass tacks, are not going to get as much as they made them believe they were going to get. At twelve years they get to their maximum.

MR. LINFORD A. PIERSON: Mr. Chairman, also it would in my opinion seem somewhat unprecedented within the Islands that this system of pensions would be paid. I am totally in favour of the Executive Council pension and the parliamentary pension. However, I am somewhat unhappy with both sets of pensions being paid to one individual. I feel that the pensions should be based on a substantive salary of the individual at a particular point in time, and not on both.

HON. MICHAEL J. BRADLEY: Mr. Chairman, if I could go back to my original example, I have been trying to do figures which the Honourable Third Official Member would be much more adept at. If I had served for eight years as an ordinary Member and never been appointed to Executive Council, but retired or ceased to be a Member, I would get \$8,845 per annum. If I, having served that eight years was then entitled as a Member of Executive Council to the minimum possible pension under that, namely serving for three years, I would be getting then a total of \$3,450 per annum. So I would lose.

MR. W. McKEEVA BUSH: The Member would lose?

MR. CHAIRMAN: Well, it would depend how one wrote the Law would it not? I think that there is a good deal of confusion here....

MR. W. McKEEVA BUSH: Yes, Sir I was just....

MR. CHAIRMAN:as to what ways people have in mind that things should be amended. We have not got a specific amendment in front of us and it is very difficult to preside.

MR. W. McKEEVA BUSH: I would agree with you though, Mr. Chairman. There is plenty of confusion and I think that the Government Bench would do well to take the advice of the Back Benchers and withdraw the Bill.

MR. CHAIRMAN: I was not attributing the confusion to the Government Bench or to....

MR. W. McKEEVA BUSH: I thought that it was helping us out Sir, but anyway I still say that the Bill should be withdrawn because it seems now that even though some Members supported the Bill they are beginning to have other thoughts as well.

MR. CHAIRMAN: I think what I had better do before we get further confused is to put the question on clause 7.

MRS. DAPHNE L. ORRETT: Mr. Chairman, I do not have any further thoughts. I wanted something clarified. It has been clarified and that is it.

MR. W. McKEEVA BUSH: The Member still did not know what they were talking about when they were debating it though.

MR. CHAIRMAN: The question then is that clause 7 as presently drafted stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: May we have a division, Sir?

DIVISION
NO. 62

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. G. Haig Bodden

Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Mr. D. Ezzard Miller

10

3

PASSED BY MAJORITY: CLAUSE 7 PASSED.

CLERK: CLAUSE 8 - INSERTION OF NEW SECTION 9A.

MR. CHAIRMAN: The question is that clause 8 do stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: May we have a division, Sir. It sounded as though the noes had it to me?

MR. CHAIRMAN: They were nearer their microphones, I think.

DIVISION
NO. 63

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. W. McKeeva Bush
D. Ezzard Miller

11

2

PASSED BY MAJORITY: CLAUSE 8 PASSED.

MR. CHAIRMAN: I had heard right. The ayes did have it.

CLERK: CLAUSE 9 - INSERTION OF NEW SECTION 10A.

MR. CHAIRMAN: The question is that clause 9 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 PASSED BY MAJORITY.

CLERK: CLAUSE 10 - REPEAL OF SECTION 12.

MR. CHAIRMAN: The question is that clause 10 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 10 PASSED BY MAJORITY.

HON. DENNIS H. FOSTER: I think that we have to take the amendment now, Mr. Chairman.

MR. CHAIRMAN: I think that we probably have to take the new clause before we do the enacting clause.

HON. DENNIS H. FOSTER: Yes.

MR. D. EZZARD MILLER: They would lose their opportunity, Sir.

HON. DENNIS H. FOSTER: Oh, no.

MR. D. EZZARD MILLER: All they study is to....

MR. W. McKEEVA BUSH: Did we not already pass clause 7, Mr. Chairman?

MR. CHAIRMAN: We have passed clause 7, yes. I did explain this at the beginning of the discussion on this particular Bill, that in accordance with the provisions of Standing Order 52(8), the proposal to insert a new clause gets dealt with after all the other clauses have been discussed. That is what Standing Order 52(8) says, and I did explain that, which is why we now come to the proposal to insert a new clause 7. I will invite the Honourable First Official Member to move the amendment standing in his name to that effect.

MR. W. McKEEVA BUSH: I did not hear you, Sir.

HON. DENNIS H. FOSTER: Mr. Chairman, Sir, so that the whole thing is really legal, I think that I did not give the two days' notice, so I would like to ask for the suspension of Standing Order 52(2) first. Then under Standing Order 52(8) I ask that this new clause be inserted, Sir.

MR. CHAIRMAN: I do not think that I have to suspend anything. I have to give you leave in accordance with Standing Order 52(2) and that I do grant you. I am not sure whether all Members have got a copy of the proposed amendment. Has any Member not got a copy of the proposed amendment?

HON. DENNIS H. FOSTER: Everybody should have them, Sir.

MR. CHAIRMAN: I think everybody has them.

MR. D. EZZARD MILLER: Is the Government Bench quite sure that they are achieving what they were not achieving before, in that all the widows of the Vestrymen will get a pension, Sir?

HON. DENNIS H. FOSTER: Quite sure, Sir.

MR. D. EZZARD MILLER: After we brought it to their attention.

HON. DENNIS H. FOSTER: We looked at this, Sir, properly.

MR. W. McKEEVA BUSH: Are we debating it now, Sir?

MR. CHAIRMAN: We are discussing the Honourable First Official Member having moved the amendment which stands in his name, that a new clause 7 be inserted into the Bill after clause 6, and that subsequent clauses be renumbered. I was given to understand that all Members do have a copy of the new clause which is proposed, the effect of which is to provide for widows' pensions.

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

HON. MICHAEL J. BRADLEY: Mr. Chairman, I think in the past we have not followed strictly the procedure under Standing Order 52(8). If we are following it strictly now and in the future, I think that technically we have to read it a First time and then a Second time.

MR. CHAIRMAN: I see, the Clerk has to read the marginal note of the clause. You are quite right.

STANDING ORDER 52(2)

NEW CLAUSE 7
(THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985)

FIRST READING

CLERK: AMENDMENT TO SECTION 7.

MR. CHAIRMAN: The clause is now taken to have been read a First time and the question put is that the clause be read a Second time. So now the clause is open for debate.

DEBATE ON SECOND READING OF CLAUSE 7

MR. W. McKEEVA BUSH: Yes, Mr. Chairman.
Mr. Chairman, when the Bill was brought forward two days ago, I said that although I had to oppose the Bill, I supported the section where it made it possible for the old Vestrymen to get something. This section which is being put forward now is enabling the widows of Members to get a pension of at least half of what the Vestrymen would have received. I support it, Sir, although I do not support the Bill. However, my point which I want to make is this. In opposing the Bill I said that Government was bringing a Bill which they did not have very much information on. They did not know who was going to get the pensions or how much they were going to cost, and Government has borne that out, Sir. It is a fact now after seeing what they have done.

MR. W. McKEEVA BUSH: All the shellacking which I took from some Members of Executive Council because of the things which I said, they did not really know what they were doing.

MR. CHAIRMAN: Does any other Member wish to speak?

MR. W. McKEEVA BUSH: However, I wish that they could have explained it.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, if he has not understood what has been debated and said in this House, it would be useless for me or anyone else in these Chambers to clarify or let him understand it at this stage, because every Member except those two has gone through this entire Bill. If he has not understood it, there is no chance of him understanding it at this stage.

MR. W. McKEEVA BUSH: Mr. Chairman, I quite understand what was happening. I am saying that I understand. I saw all along that Government did not know what they were doing. They did not know how much it was going to cost and they did not know who was going to get it. People who they thought would get it are still not going to get it. That is a fact. I knew all along what was happening but they could not explain it. They did not know. That was my point, Mr. Chairman.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I think that this has been made clear, Sir. I think that the Honourable Third Official Member and the Honourable First Official Member, particularly the Honourable Third Official Member made it clear and he said at that point in time that it was impossible to get it dead accurate, but it was within a few people. So I do not know what more the Member wants. It is done as accurately as it can be done and we are not talking about any large sum of money.

MR. D. EZZARD MILLER: With respect, Mr. Chairman, I think that this is adding another dimension of people to those who the Honourable Third Official Member figured in. He could not have included in the figures he gave these people until he knows whether this amendment passes or not.

HON. MICHAEL J. BRADLEY: Mr. Chairman, are you really of the opinion that the proceedings in which we are engaged can be concluded by a short deferment of the moment of interruption. I feel this may go....

MR. CHAIRMAN: I thought so, quite honestly, because we have only got this one and I hope to put the question on this and then on the enacting clause in a moment.

HON. BENSON O. EBANKS: Mr. Chairman, I would just like to add a comment, Sir, and to say that what is being achieved by this amendment was always the intention of Government, and in fact I know that the Honourable Third Official Member included these widows in his computations. I think that this is what brought it to light. It was when the....

MR. D. EZZARD MILLER: That is not what the Honourable Third Official Member told me, Sir.

MR. W. McKEEVA BUSH: No, what brought it to light, Mr. Chairman was....

HON. BENSON O. EBANKS: Well I certainly was telling him all along about these people, Mr. Chairman. I do not know what happened. It was my intention.

MR. W. McKEEVA BUSH: Well, we spoke to the Honourable Financial Secretary.

MR. CHAIRMAN: Order, order. We cannot have all of you speaking at once....

MR. W. McKEEVA BUSH: That is right, Sir.

MR. CHAIRMAN:and I am not really certain that we are debating the substance of the new clause. I think that I have allowed you to lead us slightly astray.

MR. W. McKEEVA BUSH: Yes, Sir, I just wanted to make those points, Sir.

MR. CHAIRMAN: Yes, well I think that everybody has had a chance to make his point. I will now put the question that the amendment proposed by the Honourable First Official Member to insert a new clause 7 and to renumber clauses 7 to 10, do stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY. NEW CLAUSE 7 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE PARLIAMENTARY PENSIONS LAW, 1981.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That does not actually conclude proceedings in Committee because we do have the one Bill to deal with. However, I think that unless some Standing Orders are suspended in order to enable us to deal with that one other matter, which may only take a couple of minutes, I really ought to return to the Chair and have the adjournment moved. The only thing we still have left in Committee is the amendment to clause 2 of the Provisional Collection of Customs Duties Bill and the amended clause 2 and the enacting clause.

Do Members want to take that now?

HON. VASSEL G. JOHNSON: I move for the adjournment, Mr. Chairman.

MR. CHAIRMAN: I think then

SUSPENSION OF STANDING ORDER 10(2)

MR. D. EZZARD MILLER: I move that we suspend Standing Orders and finish the Committee stages of the Bill, Sir.

MR. CHAIRMAN: I am sorry?

MR. D. EZZARD MILLER: I think that we should stay and finish the Committee stages of the Bills.

MR. CHAIRMAN: Well, if you would like to move....

MR. D. EZZARD MILLER: I have moved the suspension....

MR. CHAIRMAN:a motion to that effect we can vote on it.

MR. D. EZZARD MILLER: That is what I am doing, Sir.

MR. CHAIRMAN: Well, then the motion is that Standing Orders be suspended in order to enable us to complete the Committee stage before adjournment tonight.

QUESTION PUT: AYES AND NOES.

HON. MICHAEL J. BRADLEY: May we have a division, Sir?

DIVISION
NO. 64

AYES

NOES

Hon. Capt. Charles L. Kirkconnell
Mr. W. McKeever Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
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. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. G. Haig Bodden

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SUSPENSION OF STANDING ORDER 10(2) DEFEATED BY MAJORITY

MR. W. McKEEVA BUSH: We cannot even get them to stay to work.

MR. CHAIRMAN: The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow, Sir.

MR. PRESIDENT: The motion is that this House do now adjourn until 10.00 a.m. tomorrow morning.

QUESTION PUT: AGREED BY MAJORITY. AT 4.40 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., TUESDAY, 10TH SEPTEMBER, 1985.

THIRD MEETING OF THE 1985 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
TUESDAY, 10TH SEPTEMBER, 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 RESPONSIBLE FOR HEALTH
EDUCATION AND SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER RESPONSIBLE FOR TOURISM
AVIATION AND TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER RESPONSIBLE FOR COMMUNICATIONS
WORKS AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JP MEMBER RESPONSIBLE 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

ABSENT

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
(apologies received) ELECTORAL DISTRICT OF BODDEN TOWN

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
(apologies received) DISTRICT OF EAST END

ORDER PAPER

THIRD MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY
10TH SEPTEMBER, 1985
(SIXTH DAY)

1. PRAYERS

To be read by the Honourable Third Official Member of Executive Council.

2. QUESTIONS TO MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 125: WOULD THE HONOURABLE MEMBER MAKE A STATEMENT ON THE PROGRESS OF THE PRESENT POLICE TRAINING PROGRAMME WHICH IS SUPPORTED BY U.K. POLICE OFFICERS?

NO. 126: WOULD THE HONOURABLE MEMBER STATE THE NUMBER OF WORK PERMITS ISSUED BY THE CAYMANIAN PROTECTION BOARD FOR THE PERIOD 31ST JULY, 1984, TO 31ST JULY, 1985?

NO. 127: WOULD THE HONOURABLE MEMBER STATE HOW MANY OF THESE PERMITS WERE NEW AND HOW MANY WERE RENEWALS?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 128: WILL THE HONOURABLE MEMBER STATE THE CURRENT PLANS FOR DRILLING WELLS IN CAYMAN BRAC FOR USE BY THE FIRE DEPARTMENT?

3. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE THIRD OFFICIAL MEMBER.

4. GOVERNMENT BUSINESS

(i) BILLS:-

COMMITTEE ON BILLS

CONTINUATION OF

(1) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985

REPORTS THEREON

- (2) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
- (3) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
- (4) THE PUBLIC FINANCE AND AUDIT BILL, 1985
- (5) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
- (6) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
- (7) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
- (8) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

THIRD READINGS

- (9) THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985
- (10) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1985
- (11) THE PUBLIC FINANCE AND AUDIT BILL, 1985
- (12) THE PUBLIC LOANS (AMENDMENT) BILL, 1985
- (13) THE COURT OF APPEAL (AMENDMENT) BILL, 1985
- (14) THE PORT AUTHORITY (AMENDMENT) BILL, 1985
- (15) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

(ii) MOTIONS:-

GOVERNMENT MOTION NO.8/85

LEGISLATIVE ASSEMBLY STANDING ORDERS, 1976

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER -
LEADER OF GOVERNMENT BUSINESS.

5. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

- (1) PRIVATE MEMBER'S MOTION NO.14/85
CONTRIBUTORY PENSION SCHEME

CONTINUATION OF DEBATE THEREON.

- (2) PRIVATE MEMBER'S MOTION NO.15/85
GOVERNMENT SPONSORED DRUG REHABILITATION FACILITY

STANDING ORDER 24(14)

THE SECOND ELECTED MEMBER FOR WEST BAY TO MOVE,
IN ACCORDANCE WITH STANDING ORDER 24(14), THAT
PRIVATE MEMBER'S MOTION NO.15/85 BE WITHDRAWN
WITH LEAVE OF THE HOUSE.

TO BE SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

- (3) PRIVATE MEMBER'S MOTION NO.16/85
PUBLICATION OF GOVERNMENT NOTICE & ENACTED LEGISLATION
IN NEWSPAPER(S)

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.17/85
LICENSING OF SPEARGUNS

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.18/85
ESTABLISHMENT OF RADIO CAYMAN AS A GOVERNMENT CORPORATION

TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND
SECONDED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

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TUESDAY

10th SEPTEMBER, 1965

10:06 A.M.

MR. PRESIDENT: May I invite the Honourable Third Elected Member of Executive Council to say prayers.

HON. CAPT. CHARLES L. KIRKCONNELL: 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. And now let us pray the family prayer which Christ taught his disciples.

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.

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

MR. PRESIDENT: Please be seated. Questions. The Second Elected Member for West Bay.

QUESTIONS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO 125: Would the Honourable Member make a statement on the progress of the present Police Training Programme which is supported by U.K. Police Officers?

ANSWER: Following approval last year by this Assembly, recruiting took place and 3 (three) Chief Inspectors, 3 (three) Inspectors and 6 (six) Sergeants have been recruited and all have taken up contracts between August of last year and July of this year. The Sergeants who are on 1 (one) year contracts and the Inspectors and Chief Inspectors who are on 2 (two) year contracts are experts in their various specialised fields.

All these officers are providing on-the-job training for local officers. Much progress has already been made in improving professional standards of local officers and training is continuing with a view to localising the Police Force as far as possible.

MR. PRESIDENT: Would the Member like 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. 126: Would the Honourable Member state the number of work permits issued by the Caymanian Protection Board for the period 31st July, 1984 to 31st July, 1985?

ANSWER: Three Thousand, five Hundred and Ninety-two (3,592).

SUPPLEMENTARIES:

MRS. DAPHNE L. ORRETT: Mr. President, could the Member please state how many permits have been issued since January of this year i.e. since January 1985?

MR. PRESIDENT: I will allow the member to answer if he can but it may be that if you want information about all sorts of detailed points I think you may have to put down specific questions because it is not reasonable to expect the Member to be able to provide instant statistics on every point. It may be that he is prepared to get that information for you and let you have it afterwards.

MRS. DAPHNE L. ORRETT: Mr. President, I shall be pleased to get this information as soon as it is possible for the Member to do so. If possible within this meeting if he can. Thank you.

MR. D. EZZARD MILLER: Mr. President, I think the Member agreed earlier to allow a supplementary on how many of these work permits were for common labourers in the construction industry.

MR. PRESIDENT: Yes, I think that is so.

HON. DENNIS H. FOSTER: Yes sir, I have that information Sir. From 31st July 1984 until 31st July 1985 there were seventy nine new permits and one hundred and eighteen (118) renewals and this is common labourers.

MR. PRESIDENT:

Would the Member like 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. 127: Would the Honourable Member state how many of these permits were new and how many were renewals?

ANSWER: One thousand, six hundred and twenty-three (1,623) were new permits and one thousand, nine hundred & sixty-nine (1,969) were renewals.

MR. PRESIDENT: If there are no other supplementaries the First Elected Member for the Lesser Islands may ask the next question.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 128: Will the Honourable Member state the current plans for drilling wells in Cayman Brac for use by the Fire Department?

ANSWER: Current plans for the introduction of a domestic Fire Service in Cayman Brac are projected for 1987. The introduction of such a service would include the provision of an adequate water supply such as fire wells.

SUPPLEMENTARY:

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Could the Honourable Member state since it is not until 1987 we are talking about a domestic Fire Service, if when the Water Authority has equipment on the island consideration would be given to drilling wells which could supply the districts because we are having problems with fire?

HON. W. NORMAN BODDEN: Yes, Mr. President. We could give consideration at that time providing the equipment operated by the Water Authority is equipment capable of drilling the fire wells. We could consider it at that time as this would be similar to what we have in Grand Cayman.

MR. PRESIDENT: If there are no further supplementaries that concludes question time.

Item 3. Statements. The Honourable Third Official Member appears to have been detained somewhere so I think it would probably be convenient if we pass straight on to Item 4 and maybe the statement could be made, if the House agrees, later on in the proceedings.

Item 4 is Bills and its continuation in Committee.

THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985

CONTINUATION OF COMMITTEE THEREON

MR. CHAIRMAN:

Please be seated.

The House is now in Committee and the Bill before the Committee is a Bill for a Law to make provision for the Provisional Collection of Customs Duties and matters connected therewith. We had already dealt with clause 1 and had paused at that point because an amendment to clause 2 was proposed and there was then a good deal of debate about precise wording of that amendment.

MR. CHAIRMAN (CONTINUING): The original amendment is now, I think, withdrawn. The Elected Member for North Side may confirm that.

MR. D. EZZARD MILLER: Yes, Sir.

MR. CHAIRMAN: A new amendment still to be moved by him, has been circulated so I will invite the Elected Member for North Side to move and if he wishes speak to the new amendment.

MR. D. EZZARD MILLER: I think I discussed it enough yesterday, Sir, so I will just read the amendment. I am satisfied with the new wording. It achieves what I set out to achieve in the ten days and the thirty days so....

MR. CHAIRMAN: I think that all Members of the Committee, as you rightly say, will know well enough what it was intended to achieve.

MR. D. EZZARD MILLER: I think since they all have a copy I do not even need to.... My colleague from Bodden Town does not have a copy, Sir, so I will read it. Amendment to clause 2....

HON. MICHAEL J. BRADLEY: Mr. Chairman, I am sorry to interrupt. I think just for the record permission from the Chair to introduce without two days' notice.

MR. CHAIRMAN: It is quite true. We ought to record in the proceedings that I have granted you leave in accordance with the provisions of Standing Order 52(2), I think it is, to move an amendment of which less than two days notice has been given so we get that into the Minutes. Now you may proceed.

MR. D. EZZARD MILLER: Yes, Sir, the Member for Bodden Town has been given a copy so I do not think that it is necessary to read it. I think that it speaks for itself and I just ask that Members support the amendment.

MR. CHAIRMAN: The question then is that clause 2 of the Bill be amended. Perhaps I had better read it because there have been so many bits of paper floating round that....

MR. D. EZZARD MILLER: Alright, Sir.

MR. CHAIRMAN:

"(a) by substituting the following for the anti-penultimate line of sub-clause (1) -

"the resolution, subject to subsection (2) shall for a period expiring at the end of one month";

(b) by adding the following at the end of sub-clause (2) -

"or if all Bills relating to the measures in the Resolution have not had their first reading within the next ten days on which the Legislative Assembly sits after the vote on the resolution";

and

(c) by substituting "one month" for "four months" in the second line of sub-clause (3)."

MR. CHAIRMAN (CONTINUING): So, that is the amendment to clause 2 which is now before the Committee. Does any Member wish to speak to it?

MR. G. HAIG BODDEN: Yes, Mr. Chairman, I would like to say that the amendment does improve the Bill but no amendment to this Bill can make the Bill palatable to me so I am afraid I cannot support it.

MR. CHAIRMAN: Does any other Member wish to speak? In that case I will put the question.

QUESTION PUT: AYES AND NOES

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

MR. CHAIRMAN: Very well.

DIVISION
NO. 66

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
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. G. Haig Bodden

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1

AMENDMENT TO CLAUSE 2 PASSED BY MAJORITY

MR. CHAIRMAN: The question now is that clause 2 as amended do stand part of the Bill. Unless any Member wishes to speak to that I will put that question.

QUESTION PUT: AYES AND NOES

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

MR. CHAIRMAN: Certainly.

DIVISION
NO. 66

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson

DIVISION
NO. 66
(CONTINUED)

AYES

Hon. Benson O. Ebanke
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

12

NOES

Mr. G. Haig Bodden

1

CLAUSE 2 AS AMENDED PASSED BY MAJORITY.

CLERK: A BILL FOR A LAW TO MAKE PROVISION FOR THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES, AND MATTERS CONNECTED THEREWITH.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled a Bill for a Law to make provision for the provisional collection of Customs Duties, and matters connected therewith. The House will now resume.

MR. G. HAIG BODDEN: Mr. Chairman, I received some amendment from the Member to another Bill. Are we going to deal with that?

MR. CHAIRMAN: It has to come at Report stage.

MR. G. HAIG BODDEN: Oh, alright.

MR. D. EZZARD MILLER: We get a chance to debate it....

MR. CHAIRMAN: Yes, we.... Well, wait and you will see.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.

Reports. The Provisional Collection of Customs Duties Bill, 1985.

THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled "The Provisional Collection of Customs Duties Law, 1985" was considered by a Committee of the whole House and passed with one amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. The Misuse of Drugs (Amendment) (No. 2) Bill, 1985.

THE MISUSE OF DRUGS (AMENDMENT) (NO. 2) BILL, 1985

REPORT THEREON

HON. DENSON O. EBANKS: Mr. President, I have to report, Sir, that a Bill shortly entitled "The Misuse of Drugs (Amendment) (No. 2) Law, 1985" was considered by a Committee of the whole House and passed without amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. The Public Finance and Audit Bill, 1985.

THE PUBLIC FINANCE AND AUDIT BILL, 1985

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled "The Public Finance and Audit Law, 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 Public Loans (Amendment) Bill, 1985.

THE PUBLIC LOANS (AMENDMENT) BILL, 1985

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled "The Public Loans (Amendment) Law, 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 Court of Appeals (Amendment) Bill, 1985.

THE COURT OF APPEAL (AMENDMENT) BILL, 1985

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, I have to report that a Bill shortly entitled "The Court of Appeal (Amendment) Law, 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 Port Authority (Amendment) Bill, 1985.

THE PORT AUTHORITY (AMENDMENT) BILL, 1985

REPORT THEREON

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I have to report that a Bill shortly entitled "The Port Authority (Amendment) Law, 1985" was considered by a Committee of the whole House clause by clause and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. The Parliamentary Pensions (Amendment) Bill, 1985.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

REPORT THEREON

HON. DENNIS H. FOSTER: Mr. President, I beg to report that a Bill shortly entitled "The Parliamentary Pensions (Amendment) Law, 1985" was considered by a Committee of the whole House and passed with the addition of a new clause.

MR. PRESIDENT: The Honourable First Elected Member of Executive Council has given me notice and perhaps he would like to explain.

HON. BENSON O. EBANKS: Mr. President, in accordance with Standing Order 55(1), no notice being necessary under Standing Order 24(9), I beg to move that clause 4 of the Parliamentary Pensions (Amendment) Bill, 1985 as reported be recommitted to a Committee of the whole House for the purpose of proposing an amendment to the newly inserted section 3(1A) of the principal Law.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 55(1) the Bill as reported from the Committee of the whole House be recommitted for the purpose of moving an amendment to clause 4. Does any Member wish to speak?

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I wish to object to this recommitment and this ad hoc business which has been presented by the Government. I object to it most strenuously, Sir.

Mr. President, I have made no notes so I will be very brief. We have stood in this House for a week now debating the wherefors, the whereases, what should be done and what should not be done. We were told that we were novices. We were told that we were wet behind the ears. We were told all sorts of things, Mr. President. We were even told that one day yet we may need this pension.

Mr. President, I oppose this Bill on the grounds that the Government had no reason to bring it back now. They had no commitment to bring it back now. The other thing we oppose is that Government....

MR. PRESIDENT: The Member must not talk to the Bill. What he is speaking to is a motion that a clause of it be recommitted.

MR. W. McKEEVA BUSH: Yes, Mr. President, but you must admit that.... We must be able to say something about the Bill even if it is an amendment to the Bill.

MR. PRESIDENT: No, you are not dealing with an amendment to the Bill. You are dealing with the proposed recommitment. The points you made earlier were all perfectly proper points but you are now starting to stray on to different ground.

MR. W. McKEEVA BUSH: I understand that and I will be curtailed here this morning, Sir. As you rule, I will bend to your wishes. However, I want to say that what has been presented, I oppose it strenuously because they told us that they knew what they were doing. It now seems that they do not know what they are doing or what they have even done.

I say no to it.

MR. PRESIDENT: *The Second Elected Member for Bodden Town rose.*

MR. G. HAIG BODDEN: *Mr. President, if we are going to follow the Standing Order 55(1) and the House will be resolved into a Committee to consider it, that is consider the amendment, I think that it is only fair to the Members to know what they are going to consider. How can we consider it as the Standing Order says, if we do not know what the "it" is? So, I think that the Member has an obligation to explain to the House the reason why we are going into Committee. It is clear....*

HON. BENSON O. EBANKS: *Mr. President,....*

MR. G. HAIG BODDEN: *I am not giving way, Sir. It is clear that the reason for recommitting any Bill is to make alterations in it. So, a Member in one instance may be inclined to agree with the recommittal if he knows what is going to be done to a particular clause. On the other hand, if he does not know what is going to be done he may not agree and while....*

MR. PRESIDENT: *Could I interrupt you for just a minute. My understanding was that a copy of the proposed amendment had been circulated and I thought therefore that all Members had had an opportunity to read it.*

MR. G. HAIG BODDEN: *That is true, Mr. President, but circulated at what stage? After this morning's Sitting started I found this on my desk here and I do not have the original Law. I might not even be able to find the amending Bill. Certainly, we cannot be expected to go on in this ad hoc fashion as the Honourable Second Elected Member for West Bay just mentioned. This is asking too much, to use another West Indian proverb it is "too much pork for threepence". I think that the Members of this House have a right to have this amendment explained so that we may know whether we will agree to the motion for recommittal or not.*

MR. PRESIDENT: *Does any other Member wish to speak?*

MR. D. EZZARD MILLER: *Mr. President, I too would like to oppose the recommittal of this Bill. Yesterday in Committee stage, Sir, I begged the mover of the Bill to read this whole section as amended, hoping that there and then they would have seen the necessity for this amendment. However, they missed it, Sir, and I do not see why they should have a second chance at bat. I think that they have been bowled out and now they will have to live with it, Sir. So, I oppose the recommittal of the Bill.*

MR. PRESIDENT: *Unless any other Member wishes to speak...
The Second Elected Member for George Town.*

MR. LINFORD A. PIERSON: *Mr. President, my comments will be very brief. I have noted from the Committee stage amendment on recommittal circulated by the Honourable First Elected Member of Executive Council that he has in fact acted in accordance with Standing Orders 52(1) and 52(2) which I have seen used in this House many times during this Meeting. Also, Mr. President, in reading the new section which is proposed:-*

"(c) who has attained the age of fifty-five years.",

it would not seem to be a major addition to the new section or new clause.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, it would seem to tie up a few loose ends, something which was omitted. So, I really cannot in all fairness see why there is any major objection to having this amendment made at this stage.

Mr. President, I would support this amendment.

MR. PRESIDENT: It is actually the recommittal which you have to support at this moment. I am sure that that is what you are doing.

MR. LINFORD A. PIERSON: Thank you, yes it is the recommittal.

MR. PRESIDENT: Unless any other Member wishes to speak I will put the question. Just to remind Members, the question now is that in accordance with the provisions of Standing Order 55(1) the Parliamentary Pensions (Amendment) Bill, 1985 be recommitted for the purposes of enabling an amendment to clause 4 of that Bill to be proposed.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: May we have a division, Mr. President.

MR. PRESIDENT: Yes, you may have a division.

DIVISION
NO. 67

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

10

3

AGREED BY MAJORITY THAT THE BILL BE RECOMMITTED.

MR. PRESIDENT: In consequence, the House will again go into Committee.

RECOMMITTAL OF CLAUSE 4 OF THE
PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

COMMITTEE THEREON

MR. CHAIRMAN: The House is now in Committee. A Bill for a Law to amend the Parliamentary Pensions Law, having been recommitted in accordance with the provisions of Standing Order 55(1) for the purpose of enabling an amendment to be moved to clause 4 of that Bill.

MR. CHAIRMAN (CONTINUING): For the record I confirm that I have given leave in accordance with the provisions of Standing Order 52(2) for the Honourable First Elected Member of Executive Council to move the amendment to clause 4, copies of which have been circulated to Members this morning, and I will now ask him formally to move it.

HON. BENSON O. EBANKS: Mr. Chairman, the amendment proposed has been circulated, but for the record in case some Members do not have it, I will read it:-

"That Clause 4 be amended, in the proposed new subsection (1A) of section 3, by the deletion of the full stop at the end thereof immediately preceding the quotation marks and the substitution therefor of "; and", and the addition immediately thereafter of the following new paragraph -

"(c) who has attained the age of fifty-five years."

Mr. President, the effect of this is that either through the work of the printer's devil or an oversight, the payment provided for persons who had served prior to the 1st October, 1959 had not been conditioned by the clause that they first had to attain the age of fifty-five years before the pension could be paid, as is the case with all other pensions payable under the Bill. It was always the intention that this be the case.

This amendment seeks to give effect to that desire. Not too many people will be affected, Mr. President, but I can think of a few who will be. In order that the whole Bill be in consort it is recommended that this amendment be accepted by the House. I do not think that Members would like the Bill to go through with this loophole, whether it was seen or not seen before yesterday evening.

I thank you.

MR. G. HAIG BODDEN: Mr. Chairman, since the events have moved so rapidly this morning, I have not had the time to examine this amendment, and I wonder if the Member could tell me if this applies to widows and orphans or only to Members? I have not had time to put the Bill and the amendment together to see.

HON. BENSON O. EBANKS: It applies, Mr. President, to the person who has served prior to the 1st October, 1959. As do all other sections....The widow's pension is covered under subsection (1)(b) of section 7, so this would not affect the widow's pension as I see it, Mr. President.

HON. MICHAEL J. BRADLEY: Mr. Chairman, first of all I think in fairness to the Government printer I must say on this occasion that it does not appear to have been a printer's devil and there is no responsibility in that respect. I think that in utter fairness to him I must say that. What in fact in my understanding has happened is this, that we have ascertained a possible inequity if the Bill as formerly presented from Committee were to go through in its present state, in that in relation to parliamentarians who had served since 1959, there was a prohibition on the acquisition and vesting of a pension before such person had reached the age of fifty-five.

However, in relation to Vestrymen no such restriction had originally been placed in the Bill which was before the House at Committee stage, as it was thought that in the lapse of time since 1959, that there would not in fact be any Vestrymen who had served at that time who were still under the age of fifty-five years.

HON. MICHAEL J. BRADLEY (CONTINUING): Further intensive research, and the Honourable Third Official Member has already recited the difficulties there are due to fires in the old Government Administration Building and other difficulties in ascertaining the full details of Vestrymen, has transpired that it is not only in the present day but also in the past that the Legislative Assembly has been blessed with young lions in its midst. It is my understanding that there are in fact several Members who would qualify for this pension immediately who are under fifty-five, if this recommittal proposal were not to be inserted.

The endeavour and the intent is to produce equity.

MR. CHAIRMAN: I think in fact the question which the Second Elected Member for Bodden Town was asking, if I have got it right, was would it put these pre-1959 Members on an equal footing in all respects in the sense that would whatever is done in respect of widows of under fifty-five year old pre-1959 Members, have the same sort of entitlement as widows of post-1959 under fifty-five year old Members. I suppose that there is also the question of a pre-1959 under fifty-five year old Member being entitled to a pension if medically unfit like others. Are they, in other words, in all respects on all fours? I think that is what the Second Elected Member for Bodden Town wanted to know.

HON. MICHAEL J. BRADLEY: Yes, Mr. Chairman, with the proviso that the unfitness provision is not recited in the pre-1959 Members, because they have already discharged their duties as Members and the question does not arise in respect of them.

MR. D. EZZARD MILLER: Mr. Chairman, I wonder if we need to dig a little deeper, Sir, because tomorrow they might find somebody else who they need to amend the clause to suit. We have always been concerned, the Second Elected Member for West Bay and I that we were not sure of exactly how much this was going to cost, and exactly how many people are involved. With this amendment have they found somebody, a young lion who can claim it tomorrow unless this clause is put in? Are we likely to have this Bill recommitted or an amendment brought back in November, or a few more amendments? Is the Member saying that even though the Member himself who had served prior to 1959 is entitled to a pension, but he is dead and he has not received it, suppose his wife is under fifty-five, is she entitled to it, or does she have to wait until she reaches fifty-five to get it?

HON. MICHAEL J. BRADLEY: She is entitled to it.

MR. D. EZZARD MILLER: She is entitled to it before the age of fifty-five so we are further expanding on the base on which this pension is paid.

HON. MICHAEL J. BRADLEY: No, we are endeavouring to save money because if this amendment were not put through, then there would be several former Vestrymen aged under fifty-five who would be entitled to receive a pension immediately this Law comes into operation. The effect of this amendment is to delay their entitlement until they reach fifty-five.

MR. D. EZZARD MILLER: I understand that. That is why I had the Honourable First Official Member read the whole clause yesterday. However, if there are wives out there who are under fifty-five, who he just said would be entitled to a pension if the husband was over fifty-five and he died without having received it, is the Member saying that they are going to receive it before they reach fifty-five?

HON. THOMAS C. JEFFERSON: Mr. President, my understanding of the Bill and my calculations which were done, I could not find in the Law anywhere any restriction on the age of the widow. There is no restriction on the age of the widow. The figures which I gave yesterday included Members' entitlement who are not fifty-five. So the figures which I gave the Members yesterday include some persons and given this amendment before us, it would mean that the figure would have to be reduced.

MR. D. EZZARD MILLER: I want Members to still consider withdrawing the Bill and bringing it back in November.

MR. W. McKEEVA BUSH: Yes, Mr. President, I wonder if the Government would not take our advice on this thing. Why do they prolong it? Why do they keep doing what they are doing here? They do not know what they are doing. It is evident.

MRS. DAPHNE L. ORRETT: Mr. Chairman....

MR. W. McKEEVA BUSH: They should withdraw the Bill and bring it back another time when they are sure what they are doing.

HON. BENSON O. EBANKS: Mr. Chairman, I would just like to call attention to the fact that when a Bill is in Committee we are studying the clause before us and not the merits or demerits of the Bill. That has been discussed in the Second Reading. This is a very simple amendment which seeks to delay the benefits of anyone who served before 1959 until they reach the age of fifty-five, which is consistent with the other sections of the Bill.

It was an anomaly which existed and it seems to me to be a very simple amendment, and one which is desirable to be inserted. Whether it has only now been sighted or not, it is better to correct something once we have seen it than to allow it to go on.

MR. W. McKEEVA BUSH: Our concern, Mr. Chairman.....

MR. CHAIRMAN: I think the Third Elected Member for West Bay wants to speak. She caught my eye. I may have....

MRS. DAPHNE L. ORRETT: Thank you, Mr. Chairman. In looking at this amendment, Sir, one thing we can be assured of, nobody is getting younger, except for some women who do not want to give away their age. However, I am sure that their birth records will confirm exactly how old they are. However, as is the case worldwide probably, when a woman is a widow she is a widow whether she is fifty-five or thirty-five. It means that she has lost her income through the death of her husband, so I imagine as in the case of social security in the United States, if a man dies and leaves a woman who is twenty-five she is entitled to get that immediately. They do not wait until she is fifty-five or sixty, so I imagine that this is what this is intended to do.

MR. CHAIRMAN: I think that we are actually on a red herring because I do not think that the amendment now proposed affects the entitlement of widows one way or another.

MR. W. McKEEVA BUSH: Mr. Chairman, if the Honourable First Elected Member of Executive Council signed his name to somebody's death warrant, they would say yes. They do not know what they are saying, it is evident.

HON. DENNIS H. FOSTER: The Members are agitating.

MR. CHAIRMAN: I think that....

MRS. DAPHNE L. ORRETT: Mr. Chairman, I see that perhaps the Second Elected Member for West Bay should fill the role of the Legal Draftsman.

MR. W. McKEEVA BUSH: I would withdraw the Bill.

MR. CHAIRMAN: Order, order. I think that the time has come to put the question because we are straying very far from the amendment which has been proposed. The question then is that clause 4 of the Bill be amended in the manner proposed by the Honourable First Elected Member of Executive Council.

QUESTION PUT: AYES AND NOES

MR. D. EZZARD MILLER: May we have a division, Sir?

MR. CHAIRMAN: Certainly

DIVISION
NO. 68

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
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden

11

NOES

Mr. W. McKeeva Bush
Mr. D. Ezzard Miller

2

AMENDMENT TO CLAUSE 4 PASSED BY MAJORITY

MR. CHAIRMAN: I shall be grateful now for advice from the Honourable Second Official Member. My understanding would be that we would have to consider the clause as amended again - we will have to report it to the House.

HON. MICHAEL J. BRADLEY: My understanding, Mr. Chairman is that, once the Committee originally finished their deliberations and reported to the House that that is the Bill in its present substantive form, this is a simple amendment to that Bill as reported and that it is not necessary to take the whole clause.

MR. CHAIRMAN: Very well, in that case if in accordance with the provisions of Standing Order 55, paragraph (4)...

HON. DENNIS H. FOSTER: We have the Report after we get back out of Committee, Sir.

MR. CHAIRMAN: Well, actually technically you should move that the Bill as amended on recommitment be reported to the House. You have to move that we now report it.

HON. DENNIS H. FOSTER: Now or after we get out of Committee.

MR. CHAIRMAN: Now.

STANDING ORDER 55(4)

HON. DENNIS H. FOSTER: Mr. Chairman, in accordance with Standing Order 55(4) it is moved that the Bill as amended on recommitment be reported to the House.

MR. CHAIRMAN: The question is that in accordance with Standing Order 55(4) it is moved that the Bill as amended on recommitment be reported to the House. I will put that question.

QUESTION PUT: AGREED BY MAJORITY. THAT THE BILL AS AMENDED ON RECOMMITMENT BE REPORTED TO THE HOUSE.

MR. CHAIRMAN: The proceedings in Committee are ended. The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Reports. The Parliamentary Pensions (Amendment) Bill, 1985.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

REPORT THEREON

HON. DENNIS H. FOSTER: Mr. President, I beg to report that on the recommitment of a Bill shortly entitled "The Parliamentary Pensions (Amendment) Bill, 1985" an amendment was made to clause 4 of the Bill, Sir.

MR. CHAIRMAN: The Bill is accordingly set down for Third Reading.
Bills. Third Readings.

THE PROVISIONAL COLLECTION OF CUSTOMS DUTIES BILL, 1985

THIRD READING

CLERK: The Provisional Collection of Customs Duties Bill, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move that a Bill shortly entitled "The Provisional Collection of Customs Duties Law, 1985" be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the "Provisional Collection of Customs Duties Law, 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?

MR. PRESIDENT: Yes.

DIVISION
NO. 69

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
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. G. Haig Bodden

11

1

BILL GIVEN A THIRD READING AND PASSED BY MAJORITY

MR. PRESIDENT: Bills. Third Reading.

THE MISUSE OF DRUGS (AMENDMENT) (NO. 2) BILL, 1985

THIRD READING

CLERK: The Misuse of Drugs (Amendment) (No. 2) Bill, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move, Sir, that a Bill shortly entitled "The Misuse of Drugs (Amendment) (No. 2) Law, 1985" be given a Third Reading and passed.

MR. PRESIDENT: The question is that the Misuse of Drugs (Amendment) (No. 2) Bill, 1985 be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: Bills. Third Readings. Item 14.

THE PUBLIC FINANCE AND AUDIT BILL, 1985

THIRD READING

CLERK: *The Public Finance and Audit Bill, 1985.*

HON. THOMAS C. JEFFERSON: *Mr. President, I beg to move that a Bill shortly entitled "The Public Finance and Audit Law, 1985" be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill entitled the "Public Finance and Audit Law, 1985" be given a Third Reading and passed.*

QUESTION PUT: *AGREED. BILL GIVEN A THIRD READING AND PASSED.*

THE PUBLIC LOANS (AMENDMENT) BILL, 1985

THIRD READING

CLERK: *The Public Loans (Amendment) Bill, 1985*

HON. THOMAS C. JEFFERSON: *Mr. President, I beg to move that a Bill shortly entitled "The Public Loans (Amendment) Law, 1985" be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill entitled the "Public Loans (Amendment) Law, 1985" be given a Third Reading and passed.*

QUESTION PUT: *AGREED. BILL GIVEN A THIRD READING AND PASSED.*

THE COURT OF APPEAL (AMENDMENT) BILL, 1985

THIRD READING

CLERK: *The Court of Appeal (Amendment) Bill, 1985.*

HON. MICHAEL J. BRADLEY: *Mr. President, I beg to move that a Bill entitled "A Bill for a Law to amend the Court of Appeal Law (Law 9 of 1975)" be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill shortly entitled "The Court of Appeal (Amendment) Law, 1985" be given a Third Reading and passed.*

QUESTION PUT: *AGREED. BILL GIVEN A THIRD READING AND PASSED.*

THE PORT AUTHORITY (AMENDMENT) BILL, 1985

THIRD READING

CLERK: *The Port Authority (Amendment) Bill, 1985.*

HON. CAPT. CHARLES L. KIRKCONNELL: *Mr. President, I move that a Bill shortly entitled "The Port Authority (Amendment) Law, 1985" be given a Third Reading and passed.*

MR. PRESIDENT: *The question is that a Bill entitled the "Port Authority (Amendment) Law, 1985" be given a Third Reading and passed.*

QUESTION PUT: *AGREED. BILL GIVEN A THIRD READING AND PASSED.*

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1985

THIRD READING

CLERK: *The Parliamentary Pensions (Amendment) Bill, 1985.*

HON. DENNIS H. FOSTER: *Mr. President, I beg to move that a Bill shortly entitled "The Parliamentary Pensions (Amendment) Law, 1985" be given a Third Reading and passed.*

MR. D. EZZARD MILLER: *Mr. President, with your permission Sir, just before you put the question, on reporting the Bill, a while ago the Honourable Member mentioned one amendment. I think, in fact, there were two amendments to the Bill, Sir.*

HON. MICHAEL J. BRADLEY: *Mr. President, my understanding is that he was reporting on the recommittal of one clause of the Bill, and on that recommittal of the one clause of the Bill there was one amendment at the recommittal in Committee stage.*

MR. D. EZZARD MILLER: *Mr. President, I do not think that the Bill had been reported prior to that, Sir, because we had allowed the recommittal.*

HON. VASSEL G. JOHNSON: *No, it had been reported, Sir.*

MR. PRESIDENT: *It had been reported. Yes, it had. I cannot to be truthful remember when first reporting it the Member mentioned one amendment or more.*

MR. W. McKEEVA BUSH: *Nobody knows what happened to that Bill.*

HON. DENNIS H. FOSTER: *I reported it, Sir, firstly, and I reported that there was one new clause added to it.*

MR. PRESIDENT: *That is right. You reported one new clause added. That is quite right.*

MR. D. EZZARD MILLER: *I am just trying to make sure that we pass what they want passed, Sir. (LAUGHTER).*

MR. PRESIDENT: *I thought that you did not want it passed.*

The question anyway is that a Bill entitled "The Parliamentary Pensions (Amendment) Law, 1985" be given a Third Reading and passed. I will put the question.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: *May we have a division, Mr. President?*

MR. PRESIDENT: *Yes.*

DIVISION

NO. 70

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks

DIVISION
NO. 70

AYES

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

11

NOES

Mr. W. McKeever Bush
Mr. D. Ezzard Miller

2

BILL GIVEN A THIRD READING AND PASSED BY MAJORITY.

MR. PRESIDENT: It may be convenient if the House agrees, we now take Item 3, which if you will remember had to be deferred, that is Statements by Members of the Government. The Honourable Third Official Member.

STATEMENT BY THE HONOURABLE THIRD OFFICIAL MEMBER

HON. THOMAS C. JEFFERSON: Thank you, Mr. President, and I do apologise for my absence this morning. I got involved with some urgent matters.

In an article which appeared in the Caymanian Compass on Friday, 30th August, 1985, it was stated that the shortfall in revenue from banks and trust companies licence fees was \$690,000. I am grateful to the Caymanian Compass for the correction which appeared in yesterday's issue, which indicated that the shortfall in the licence fees for banks and trust companies was \$94,250. This shortfall occurred because many banks in the United States merged with others. As a result both banks prior to the mergers were represented here. There being no need for the second licence it was surrendered and cancelled. The total number of licences cancelled was 21, with the number of new licences at 28, showing a net increase for the year of seven and a total number of licences at 31st December, 1984 of 459.

To update the information for 1985, that is 1st January to 9th September, 1985, the original budget estimate of \$4,625,000 has been reached as the actual revenue to that date is \$4,634,250, a surplus on estimates of \$9,250. The number of new licences stands at 33 and the number of licences cancelled this year is 12, a net increase amounting to 21, with the total number of licences at 9th September, 1985 of 480.

There are 10 applications actively under consideration, with about seven more in the initial stages.

This statement, Mr. President, is made to inform Honourable Members and the public of our continued attractiveness as an offshore financial centre. The information given earlier in this statement demonstrates the confidence which the international financial world has in the integrity of this Government and its people.

MR. PRESIDENT: It is slightly earlier than we usually take our break, but only a few moments earlier. I think perhaps that rather than embark on motions, it will be convenient to break for about fifteen minutes now. I will suspend proceedings accordingly.

AT 11.15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.43 A.M.

MR. PRESIDENT: Please be seated.
Item 6(iii). Motions. Government Motion No. 8/85. The Honourable First Official Member.

MOTIONS

GOVERNMENT MOTION NO. 8/85

HON. DENNIS H. FOSTER: Mr. President, I beg to move Government Motion No. 8/85 standing in my name, which reads as follows:-

"BE IT RESOLVED that the Legislative Assembly Standing Orders, 1976 be amended in exercise of the powers conferred by subsection (1) of Section 13 of the Constitution, and pursuant to Standing Order 83, by inserting a new Standing Order, to be numbered 68A, immediately after Standing Order 68, a draft of which proposed new Standing Order is attached hereto."

Mr. President, the attached draft Standing Order reads as follows:-

"68A Any Member of the Government may without notice make a motion for giving provisional statutory effect to any proposals in pursuance of subsection (1) of section 2 of the Provisional Collection of Customs Duties Law, 1985; and the question on such a motion shall be put forthwith."

MR. PRESIDENT: The question before the House is Government Motion No. 8/85, the text of which has just been read out by the Honourable First Official Member, so I will not re-read it. In accordance with the provisions of Standing Order 83, paragraph (2) this question has to be put forthwith. I am so sorry, the question has to be put forthwith that this motion be referred to a Committee on Standing Orders. There is, as Members will know, now a Standing Committee on Standing Orders.

In accordance, therefore, with the provisions of Standing Order 83, paragraph (3) I will put the question that this motion be referred to that Standing Committee.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Yes.

DIVISION
NO. 71

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. Eazard Miller

10

3

AGREED BY MAJORITY:

THAT IN ACCORDANCE WITH STANDING ORDER
83(3) THE QUESTION BE PUT FORTHWITH
AND THAT GOVERNMENT MOTION NO. 8/85
BE REFERRED TO THE STANDING SELECT
COMMITTEE ON STANDING ORDERS.

MR. PRESIDENT:

Item 5. Private Member's Motions.
Resumption of the debate on Private Member's Motion No. 14/85.
According to my notes, the Honourable First Elected Member of
Executive Council, the Third Elected Member for West Bay, the
Second Elected Member for Bodden Town, the Second Elected Member
for George Town, the Honourable Third Elected Member of Executive
Council and the Elected Member for East End had all spoken already
in addition to the mover. Does any other Member wish to speak?
The Honourable Fourth Elected Member of Executive Council.

PRIVATE MEMBER'S MOTION NO. 14/85
CONTRIBUTORY PENSION SCHEME

CONTINUATION OF DEBATE

HON. VASSEL G. JOHNSON:

Mr. President, I rise to debate
Private Member's Motion No. 14/85 recommending a contributory pension
scheme. As I recall the debate on this motion, it was indeed very
interesting, Mr. President.

The debate embraced many subjects.
It embraced naughty remarks about spearguns, even remarks about
Government Reserves. As I listened to those debates, it reminded
me, Mr. President, of Napoleon's words when he said:-

"There is no class of men so difficult to manage in any
country as those whose intention is good, but whose
consciences are bewitched."

Mr. President, the speargun issue
it seems will be debated in every other issue which is brought
here. It came over like sweets on the lips of the Opposition. As
for Reserves, Mr. President, this has long been another controversial
issue. Whatever one may want to say about Reserves, if we look at
the Auditor General's latest Report we will see that he stated that
at the end of 1984, that sum stood at \$7.2 million. This \$7.2 million,

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, included the collateral sum which is restricted by the bank against the Tower Building loan of \$4.6 million. So when we are looking on pure Reserves, what the Government can really use if it needs to, we are only looking at something like \$2.6 million.

I remember what Reserve and Surplus cash balances amounted to back in 1982. Mr. President, the Opposition went on to state too that since November there has been a scarcity of jobs. I should not doubt, Mr. President, that there was a scarcity of jobs at the beginning of this year, but all and sundry must understand that this was a carry over from 1984. It was not the creation of this new Government.

I am sure that we are not hearing today the cry around town of unemployment. I am not saying that we have reached a full employment situation but at least people can find jobs around. I saw a statement issued by the Labour Office some weeks ago in which they said that they had no construction workers on holding for jobs, which meant that as far as that category was concerned they were all employed.

Mr. President, the economy of this country is certainly moving. One only needs to look at the statement which was just issued by the Honourable Third Official Member regarding growth in the banking industry. Already this year there is a surplus of revenue from bank licence fees. There are a number of bank licensing applications pending.

Mr. President, this improved position is again showing confidence in the new Government by the international financial community. I dare say that this position will continue. Mr. President, we were told by the Opposition too that our backbenchers had dumped this problem of their Motion No. 14/85 on us. Well whatever is dumped on this Government I am sure, Mr. President, that we are capable of taking care of it in the same way that we took care of all those problems which we pulled out of the safes and out of the cabinets, and out of the drawers when we took over the Government in November, 1984.

Mr. President, we heard comments too coming from the Opposition about poor little people. We have heard so much about those poor little people that every day I am looking around town and seeing if I can find any of them, because this cry by the Opposition as another speaker observed not so long ago, is something which came up during the election campaign last year and in the Legislative Assembly this year. We are forever hearing about these poor little people. I wonder if before this anyone had given thought to those poor little people. I can assure you, Mr. President, that even in the days when I was an official of this Government, I gave a lot of thought to those poor little people who were being referred to, because in all the measures; in all the matters which fell under my responsibility the feeling of the man in the street and how it would affect him was given full consideration.

Mr. President, we are dealing with a Private Member's Motion which is pleading with Government to consider a workman's pension for the people of these Islands, people who when they come to the evening of their working days can be assured that there would be some form of pension which can keep them in their old age.

Mr. President, the workman's pension scheme which is being recommended here may be something new to the Cayman Islands, but one part of it is well known to the Cayman Islands and that is the social security form of old age pension paid by the United States Government and which many, many Caymanians past and present have enjoyed and I am sure will continue to enjoy.

HON. VASSEL G. JOHNSON (CONTINUING): aid to those Caymanians who have worked in the United States of America to retirement age and became eligible to that form of pension.

Mr. President, as time goes on, people in similar positions in these Islands are also thinking that they too should be considered for this form of pension. It is not from today that workmen have been reaching unproductive or retirement age. This has happened from the earliest days in these Islands.

Mr. President, one thing which we must be somewhat proud of is that those who have retired without a pension in the Cayman Islands so far have not become a burden to the country. It is one of the social attributes which we can look back on. This is not going to continue, Mr. President. Days have changed, the time has changed and people must be concerned now about their retirement days, because there are so many who are enjoying retirement benefits here, Civil Servants and people who work in the financial institutions, in commerce and other areas. What we are thinking of in this motion are those workmen who are not provided with any form of retirement benefit and so politically we must be concerned with the subject.

Mr. President, I remember back in 1969 when I made my first official visit to London, I had on my itinerary for that visit a request to visit the pensions section of the British Government Department, the Finance Department, to discuss, Mr. President, the possibility of an old age pension for the Cayman Islands. It was from those days that Government had been giving consideration to this subject. It is not a subject which has arisen today. Mr. President, I was told in that discussion that the population of these Islands was yet too small to think about either a social security scheme or a widows and orphans scheme, or a provident fund pension scheme, but as soon as the work-force of the Islands reached a certain level then it would be possible to think of such a scheme. Well, as time went on, Mr. President, these studies did come about. The last one I can remember is one in 1976. The report, I am sure, is still with Government.

Mr. President, one of the important aspects of any workman's pension scheme is the level of the work-force. If this is right, then the scheme can be an economic operation. If we have not got that level of work-force, then it will not be and one of the aspects of the update study for this scheme will be exactly that.

Another point which has been mentioned is the cost of operating the scheme. Well, Mr. President, this as in the case of any other scheme must start small and be allowed to grow in the appropriate manner. However, Mr. President, the financing of this scheme is certainly going to be provided by the employer and the employee. It is not a matter that Government will have to go into the Treasury and find a large sum of money to provide this scheme. No doubt, Government will have to make a contribution towards those workmen it employs and who are not on any form of Government pension scheme. No doubt, at the beginning of the scheme's operation Government may have to put some money up front to establish the office and get the operation off the ground. This, Mr. President, will be an advance of money to the scheme, not financing it. Furthermore, to start the operation, I doubt that Government will have to go through the expense of establishing any sophisticated operation to accommodate the scheme. I am sure that that can be properly arranged.

Mr. President, as I said before studies have been made on this in the past. I think that it is probably a matter of updating those studies.

HON. VASSEL G. JOHNSON (CONTINUING): In a workman's pension scheme there are usually two popular schemes which are considered. One is a provident fund scheme and the other a social security scheme. As I said before, Mr. President, the social security scheme is well known in these Islands. There are marked differences between the two schemes. For instance, in the case of the provident fund scheme the workers' contribution would accrue in the scheme. It would accrue interest and both principal and interest would in time be paid to the contributor in a lump sum on retirement if the qualifying conditions were in order. One advantage, Mr. President, is that no age limit for paying benefits, however small, would apply. Another advantage is that expatriate workers who join the scheme and have to leave the country before retirement, can withdraw the full contribution with interest.

In the case of the social security scheme, the benefits under that scheme will only be paid when a contributor attains a retirement age, usually an age between fifty-five, sixty, or sixty-five, whatever the Law will provide. Under this particular scheme one of the advantages is that the benefit stretches over a long period until perhaps the death of the recipient. It is unlike the provident fund scheme where a lump sum is paid, where that lump sum is perhaps squandered quickly leaving the pensioner ultimately on the mercy of the state.

Mr. President, as I said, I am not an authority on these things. I am only pointing out a few of the implications as I know them. This will undoubtedly need to be studied so that all the parameters can be looked at. For it is, and I must emphasise this, Mr. President, not only Government who must be satisfied with the scheme. Employers and employees must also be satisfied with what will be introduced. Government will merely be the custodian of those public moneys and will be responsible too for the administration of the scheme.

Mr. President, it is said that success and glory come from daring to begin. I am sure that it is the intention of all the Members sitting in this Chamber today to see the study begin on such a scheme, whatever the ultimate results may be. I would dare to say that Government has undertaken to do this and that we should move on with that study, ultimately bringing the recommendations to the Legislative Assembly so that we can sit down; we can look at the various recommendations; we can decide what is best for the country and only then can legislation begin to be formulated.

Mr. President, I doubt very much that there is anything other than that sort of procedure in the minds of Members of this House and I hope that in due course we can come to a decision so that legislation can begin.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak?

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I rise to support Private Member's Motion No. 14/85 asking for a contributory pension scheme. I am a signature for this motion, Mr. President, and I have come in for a lot of ridicule, and we have heard all sorts of things here in the last couple of days. However, I would like to spend a little time to clear the air of a few things to set the record straight.

Mr. President, this motion is asking for a contributory pension scheme. It is not asking for a social security system to be funded by the state like the parliamentary pensions scheme which we have just passed into Law.

MR. D. EZZARD MILLER (CONTINUING): The mover in his opening remarks suggested that we could probably start by paying a pension of around \$200 to people who are entitled to it. Now, Mr. President, that is a small sum when one considers what has been passed into Law here today and what, for instance, the Honourable First Elected Member of Executive Council and the Honourable Third Elected Member of Executive Council are going to receive as a pension, which is approximately \$1,500 when they reach the age of fifty-five. We know that they have to wait until they are aged fifty-five. We know that stipulation is in the Law, but that is what they are going to get.

Now, Mr. President, the mover also used some other figures in his debate and he was accused of having to get me to help him with the figures, and having to get me to help him with his speech. However, you know, Sir, with that negro spiritual blood which he has in him and the fire in his veins I do not care how many speeches I wrote, Sir, he has the ability to deliver them in his own way. Though my good colleague the Second Elected Member for Bodden Town is right in that often he controls the length of the debate I think, Sir, that the Second Elected Member for West Bay and myself control the temper of the debate, because it seems that every time we get up and speak there is a hornet's nest stirred up and there is somebody who takes personal objection.

Now, the mover, Mr. President, also mentioned that we could start with a \$30 a month contribution, \$15 from the worker and \$15 from the employer. Mr. President, in today's Cayman, it is very difficult to save because of the high cost of living. Even if we manage to occasionally put aside \$15 or \$20 per month into a savings account, something usually happens. The car breaks down. We have to go and buy a tyre or a water pump and we have to go into our savings account. However, if it was paid into a pension scheme like this we could not spend it in cases like that, and it would be reserved for the time of need. Let us not fool ourselves, Mr. President. I agree with the sentiments expressed by the Honourable Fourth Elected Member of Executive Council when he just said that what has helped us in the past is the fact that most of the Caymanians now beyond retirement age, or at least many of the Caymanians now beyond retirement age are receiving a pension from the United States Social Security to which they contributed in one form or another.

The only stipulation which I would like to add to what the mover said, Sir, is that I think that when this scheme is established the funds should be put in such a way that Government cannot get their fingers in the pie. Regardless of how large the sum of money grows to be, Government must not be allowed to spend the money to build roads, hospitals or anything else. It must be left there to pay back to those people who have contributed plus their accrued earnings in interest or investments, or otherwise.

Mr. President, on Friday afternoon they used all kinds of diversionary tactics in their debate. They said that I was wet behind the ears. Mr. President, I would like to remind the Honourable Third Elected Member of Executive Council that a man never discloses his own maturity and character so clearly as when he describes another's. Further, Mr. President, there were remarks on the other Pension Bill. We are talking about pensions and they say that I do not read the Bills. I cannot interpret the Bills. However, I would also like to remind them, Mr. President, that the fellow who blows his horn the loudest is usually in the biggest fog. Mr. President, no-one can make us feel inferior without our consent. That Member will never have my consent to let me feel inferior to him or anyone else in these Chambers.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, there has been debate as to whether this country wants such a pension scheme. Now, Mr. President, I spent some time on Sunday night and I did a small scientific sample. I took the telephone book and I opened it at random and I chose telephone numbers at random. I called 100 people, Mr. President, and I asked them two questions:-

"Do you feel that this country needs a pension scheme?"

was the first question. The second question was:-

"Would you be willing to contribute to such a scheme?"

Mr. President, 80 people out of those 100 felt that there was a need for such a scheme and, yes, they would be willing to contribute in some way to such a scheme. 15 of those people, Mr. President, felt that there was a need for such a scheme but they thought that it should be provided by Government. In other words they were not willing to contribute. Five of those people reserved comment or refused to give answers to any of the questions.

Mr. President, the only conclusion which can be drawn from such a minor survey is that there is a desire, a need and a want for some form of contributory pension scheme in this country.

Now, Mr. President, we have heard that Government needs to study it. They need to get actuaries in to do surveys, to compile statistics to find out whether this survey is needed. There are three such surveys on record. I do not think what we need today, Sir, is a survey to determine whether there is a need or there is a desire. I think that what we need, Sir, is somebody to come here and set up a system to get this thing off the ground. Let us stop talking about it. Let us have some action. That is what this country needs, Mr. President, I know that it is not an easy or simple thing to do but we have great men over there, Sir. We know that. We put them there. The four Elected Members of Executive Council, Sir, with all their hullabaloo of last week about myself and the Second Elected Member for West Bay could not be on Executive Council today if we had not put them there. We were offered all kinds of combinations by other people and all kinds of opportunities to get there ourselves. We felt that they were the four people best suited to serve the country at this time and we put them there. Now I am beginning to have doubts about two of them after their reactions on Friday, one for certain. We put them there but, Mr. President, that does not mean that we cannot criticise them, especially when we are doing it in a constructive way like this.

You know, Mr. President, they like to tell me and the Honourable First Official Member of Government has been telling me from 1973 when I joined Government, "You are green". He would tap me on the shoulder and say, "Ah, my boy you will learn", Mr. President, "You need experience". I would like to remind him, Sir, that old fools are the biggest fools. This is quite natural because they have more experience. Mr. President, age does not guarantee that one is going to increase one's experience, one is going to increase one's maturity. Certainly it was not demonstrated here last week. Some of the things which age guarantees, Sir, are bald heads, wrinkles, grey hairs and things like that. They talk about my being wet behind the ears, Sir. I do not even have to use grease to hold these little hairs down, Sir, and I made sure that I borrowed my wife's blow dryer this morning to dry my hair because hers is 1500 watts and mine is only 1200, so they

MR. D. EZZARD MILLER (CONTINUING): are quite dry today, Sir, but they are going to take a hiding today because I took mine on Friday. They gave me a proper shellacking on Friday, but I brought out my sand-blast gun today, Sir, and we are going down to the metal. We are going to find out what they are made of today.

Mr. President, there is only one thing more painful than learning from experience and that is not learning from experience. We heard talk, Mr. President, about why did I not give up my salary. I will tell you why I do not give up my salary, Mr. President. It is because I earn my parliamentary salary. I represent my people to the best of my ability and they are aware of that. I hound them enough to get things for North Side. I earn my salary and I would never stand there and boast that I give mine away. Mr. President, there are many reasons why one would give their salary to the poor. This was said. I have no proof of this being done, but they claim that they are doing it. Mr. President, you know one can give somebody a handout for several reasons. One reason is because a person needs help. A second reason is to influence the person so that one can retain one's position in the community and one's position of power to put oneself on Boards etcetera where one can protect one's empire. So, there are many reasons why donations can be given to the poor. The people in this country, Mr. President, do not want handouts. All they want is a system to be established and the mechanism to be put in place where they can contribute and they can get back what they paid in, plus their accrued earnings.

Mr. President, they said that I and the Second Elected Member for West Bay used emotionalism. That is what they rely on. They say that we always play to the gallery to get our point across. Mr. President, I am proud of that fact. I have always used emotionalism to influence people to my way of thinking when I thought that I was right. They could convince me that I was wrong, that their emotionalism was greater than mine and then they would win the argument. However, Sir, I have never, nor will I ever dip into my pocket to influence anyone into decisions by giving away a salary or anything else. I will rely on my facts and figures and my emotionalism, the God given gift, to influence people to act the way I want them to act.

Mr. President, the Honourable mover of this motion referred to the statistical abstract of "The Cayman Islands, 1984", the population figures. These are the ones they said that I gave him. We are not ashamed of that, Sir. We worked together on them. We always do. They know that. We do not hide that from them. He mentioned, Mr. President, that there is a pressing need and if the trend continues it is going to get increasingly more difficult to implement such a scheme.

The 1960 figures as he presented them showed that if it had been implemented in 1960, we would have had 11 people contributing to every person who was receiving. Now I know that they have been jumping on the band-wagon that these other small territories which have these have big populations, so they have big contributions. They have even mentioned that we are so simple minded that we have not given any thought to the fact that orphans and widows, these are the people who might be entitled to these pensions who might not be able to contribute. However, all those other territories which have bigger populations have balance of payment problems. They have huge unemployment problems and many other problems, but they have a pension scheme.

Mr. President, I must differ with the Second Elected Member for Bodden Town when he said that the aging people are increasing. There has been very little change in the number of people from 1960 to 1979 over the age of 65.

MR. D. EZZARD MILLER (CONTINUING): However, Sir, we have a large section of the population which is between the ages of 35 and 55 who in 20 short years from now or less will be entitled to a pension over 55. If we do not start these people contributing now, where are we going to find the funds to do this? Are we going to continue to use a Government system of dole, spending the taxpayers' money again? This year, according to answers given in this Session of the Assembly we are going to dole out almost half a million dollars. Yet they said that we cannot do it. We have to get surveys. We have to get studies. We have got to see if the system can work. We have got to see if the system can work. We have got to find ways and means. We have to bring people in from Timbuktu to find out if this system can work.

I believe that we can find a system which can suit our needs and which can be made to work. Mr. President, the mover of this motion and myself have, I believe, made or proposed, I think it is a total of either three or four concessional amendments to the Government Bench in an attempt to influence them into action to bring something to this House, but we have not been very successful. Every one we carry, they will agree on it when we bring it back in its final form, that they want to reserve some right or they cannot accept this dateline, or they cannot accept that stipulation, but we will let time be the judge, Mr. President. We will see how quickly they bring it, because I believe, Sir, that the Second Elected Member for West Bay and I, even if this motion is defeated today, have achieved our objective in that they are going to have to find a system which can work and they are going to have to bring it hastily to this Assembly, especially in the light of the parliamentary pensions legislation which was enacted a short while ago.

Mr. President, as I sat here on Friday afternoon and took my shellacking, I was reminded of another saying:-

"It is a curious fact of life that of all the illusions that beset mankind, none is quite so curious as that tendency to suppose that we are mentally superior to those who differ from us in opinion."

I would ask those Members to be mindful of that saying.

Now, Mr. President, all the mover of this motion and myself, the seconder, are asking for is that Government find a system and bring it to this Legislative Assembly post haste. There is no more time for talk, Sir. We need action. It only took them nine months to do all the studies, surveys and everything else which was necessary for the parliamentary pensions. Granted as I said before, Mr. President, that it is a simpler system. All we are doing there is taking the poor taxpayers' money which should be used for paving roads, and paying ourselves a pension when we reach fifty-five. They say that we said that they can draw the pension now. I made no such statement. I know that there is a requirement in the Law that they have to be aged fifty-five but you know, Mr. President, for most of them that fifty-five figure has crossed Gun Bluff up in East End on its way down. They are not too far off it. They are not quite as far away as I am from it anyway.

Mr. President, if we gave them a time limit of thirteen years; they have already studied it for thirteen years, such a system, they still would not pass the motion.

MR. D. EZZARD MILLER (CONTINUING): The objective of this Private Member's Motion is to have the system introduced, not studied but to have a system introduced.

Mr. President, in light of the fact that even though the Second Elected Member for West Bay and myself fought to the bitter end the Parliamentary Pensions Bill and lost, now that we have created such a pension for parliamentarians I am begging the Members of Government, Sir, to consider the rest of the population and pass this motion, and bring a system to this Assembly so that the people of this country can contribute to a scheme which will allow them, as they have allowed for themselves as parliamentarians, to continue to live in dignity and self respect in their twilight years.

Mr. President, men of genius are admired. Men of wealth are envied. Men of power are feared. However, only men of character can be trusted. I am asking the Members of this House to demonstrate the character which I know that they have and pass this motion with the deadline. If they put their shoulders to the wheel, and they have big shoulders you know, Sir, broad shoulders, healthy men, whether the horse is in front of the cart or the cart is in front of the horse, they can get them both here for the State Opening in March. They are very capable men and all I am seeking for them to do, Sir, is to demonstrate that character which I know that they have and bring that scheme here for the State Opening in March.

I trust that they will support the bill. Mr. President, one of our amendments, in fact I think that it is the last amendment has tried to reason, to give them the opportunity to demonstrate this great character which they have. It gives them nineteen months. Now that is ten months more than they needed for the parliamentary pensions. Mr. President, even if they cannot accept our original motion and bring it here by the State Opening in 1986, I still feel that if they put their shoulders to the wheel and push hard enough they can get the cart here like I said. They have got to bring the horse along with the cart. There are one or two who can pick up a horse and carry it. So let us bring it. However, certainly, Sir, without a doubt they can bring that scheme here in nineteen months.

I ask Members, Sir, to vote for the motion, pass it if they want in the amended form. The Member who moved the motion and I who seconded the motion are prepared to amend it to nineteen months and they can have nineteen months. Let us get on with the job. Let us get the pension scheme in place.

Thank you, Sir.

MR. PRESIDENT:

I think that it will probably be convenient if we suspend proceedings and take our lunch break now. However, the Honourable First Official Member has asked me to stay. He would like, if possible, to have a meeting of the Standing Order Committee now, because one will be necessary as a result of the acceptance of the motion which he moved this morning. Perhaps after I have withdrawn you can have a word with him about whether this will be a convenient moment to hold that meeting, it might be very brief, or whether you want to set some other time.

AT 12.45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.23 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed.

The debate on Private Member's Motion

No. 14/85. Does any other Member wish to speak? If not then, does the mover wish to exercise his right of reply? Oh, the Honourable Third Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, I will only speak briefly on the Private Member's Motion No. 14/85 which is before us.

I have heard many times in this House, "I can support the spirit but not the body". I think, Mr. President, that all Members of this House wish to, if financially possible, create and to establish a pension scheme for the people of this country. When dealing with matters such as this, Mr. President, it requires study. We know very well that studies have been done in the past of some sort, whether it relates directly to the present population, or whether it relates to this specific subject I am not entirely sure. In any case, Mr. President, even if a study was done ten or fifteen years ago, if nothing else it needs to be updated.

We need to think about how this particular scheme will be put forward. We have a basic idea of the number of people who are working in these Islands and perhaps who will agree to pay a sum as a contribution towards a pension. However, the mechanics of carrying all this out, Mr. President, of looking at those who are eligible, what do we do in terms of the present people who are in need of some sort of a pension? In the case of the persons who are presently working and making the contribution, is that sum sufficient to pay everyone who is entitled to it? We need to have time to study it, Mr. President, but I believe I understand the reason for the motion being put before the House. I believe that the intentions of the Members are good. However, Mr. President, we are all dealing in democratic society. Everyone has his own mind, the ability to speak, the ability to form his own opinions and to conduct himself in a particular way or not. I think that it would be wise if Government is given sufficient time to study the situation, to carry out whatever necessary exercise is seen to be necessary so that we can more intelligently establish whether such a scheme can be put into place.

Once we come to that conclusion, Mr. President, whether it can be viable, and let us assume that it can be, then we are in a position to talk about legislation. Mr. President, if the Members see their way to making some amendments to the motion which the Government Bench can support, then I am sure that they will get it. If it remains as it is I think, Mr. President, speaking for myself, I would have no alternative but to vote against the Bill because I am unsure of the way in which it is going to be implemented and the burden which it may or may not create on the Treasury of this country.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak? In that case I now invite the mover to exercise his right of reply.

MR. W. McKEEVA BUSH:

Mr. President, it is in my heart to apologise for the valuable time of this House which has been taken up, Sir, debating a motion the substance of which all Members say they support. What manner of support is this, Mr. President, to say that they support the motion but will vote against it makes as much sense as pregnant virginity.

Mr. President, it is no use their throwing me bouquets saying that they know that my intentions are good but what I am trying to do here, Government cannot do. As I said in my opening remarks, this subject of a national pension scheme has been carried around the political platform and in the Parliaments of this country for at least the last thirteen years and we are still here today debating the merits of it.

When are we going to be true to our people? When? Mr. President, you might find my closing remarks a little bit hopscotch. Of course, I believe that I am at liberty to do that.

In his contribution my Honourable colleague from West Bay accused me of putting the cart before the horse. Mr. President, that to me is the same as saying that I am an idiot because one does not have to be very smart to know that the horse goes before the cart, that is, the horse moves the cart. This cart which they are referring to of a national pension scheme has never had a horse in the thirteen years that it has been standing within this Parliament.

The purpose of my motion, Sir, and it was not idly done, is to provide a horse for this cart. If I am smart enough to devise a horse I must be smart enough to know which side of the cart to put it on.

If I am to accept the tone of debate on this motion I would believe that all these Members support the intentions of the motion but, Sir, if this is really so there would have been no need for my motion, because as I have said before, this matter has been before this Parliament for a long time and the record speaks for itself. It has been here in 1973 when the present Honourable First Elected Member for Executive Council was responsible for the same Portfolio, and it was here when at least three Members now on Executive Council were in Opposition from 1980 to 1984. Whatever they say today is much like what was said in yesteryears. The fact remains that we do not have a national pension scheme for this country.

First, Mr. President, I will deal with my colleague from West Bay the Honourable First Elected Member of Executive Council. Mr. President, on the 24th October, 1973 a motion was brought to this Honourable House seeking to do exactly what I am seeking to do today. The only difference is, Mr. President, the Members bringing that motion in October, 1973 were Members of the Opposition. The difference is today that I am supposed to be a backbenchers supporter of the Government, one who helped the Government to be elected to Executive Council. As I said at that time, my Honourable colleague was as he is now, the Member charged with the responsibility for Social Services. Mr. President, reading over his debate on that motion, I find it unbelievably similar to his contribution on the motion before the House today. According to him then, that motion was superfluous and unnecessary because only a few days before Government had issued a press release saying that they were taking steps to take care of a need for such a scheme.

Mr. President, thirteen years later, that need is greater today than ever before, and he is still telling us the same thing. Are we going to wait another twelve years?

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, that will only happen if I die first. I have been accused of being an agitator. Mr. President, I think that I can get the people riled up as well as any other politician in this House. I know that this motion is going to be defeated even though I will amend it. However, I am warning the Government Bench that if they fail in their responsibility to this country within this three year period, I am going to lead the people against them.

The Second Elected Member for Bodden Town was the seconder of that motion in 1973. Three years later he was elected to the Executive Council of this country and remained there for eight years. To my knowledge, at no time in those eight years did Government take a positive step towards introducing a national pension scheme. Those eight years, Mr. President, from 1976 to 1984 were eight of the most prosperous years of this country during which the National Reserves at one point reached in excess of \$21 million. Yet, Mr. President, this same Member in his debate stood here and told us that one of the drawbacks of such a scheme as is being proposed was the provision of cash.

Mr. President, this kind of talk has to be obvious to this country. Of course, that kind of talk and some other talk we heard here is a red herring drawn across the path. He told us that we would first have to decide where we would impose the taxes to support the scheme. As I said, like all the other things such as being told why this motion cannot be true, all the other reasons are just a red herring.

In my motion, Sir, it is very obvious what the intention is. My motion calls for a contributory national pension scheme and, Mr. President, that should mean exactly what it says, that the working people in this country would support it. However, with all the other things, all the other red herrings, all the other reasons why they cannot support this motion, I feel that a national pension scheme for this country is going to take a long time, or that is their intention, before it reaches this Honourable House. One of the main reasons is the same as why the labour legislation has not been supported by certain people in this country. That is, Mr. President, that employers in this country do not want to give employees certain benefits. That is why this thing will not be supported, Mr. President.

Mr. President, one Member suggested politics were being played with this matter. Mr. President, as I said, whether they want to say that it is politics; whether they want to say that we are being emotional; whether they want to say that we are putting the cart before the horse, the purpose of the motion is very, very clear. Mr. President, if the six months mentioned in the motion is too short a time, the twelve years which have been wasted in this country are certainly too long a time. Let us face the facts as I said in my opening debate. There is a wind of change blowing in this country and our people want security when their working years are over. They deserve it and we are going to have to provide it.

Much has been said by most Members concerning the required feasibility study on this matter. They say that we need more studies. Mr. President, we have had three studies which I know of and my contention is that the only study which I consider now necessary is for someone to tell the Government how best they can institute this scheme with the available tools we have now in this country. Mr. President, we are saying that we need it. Our people want it and it is only for the experts to tell us how best to do it. No feasibility study is needed to tell us whether we want it. That has been decided. It must have been, Mr. President.

MR. W. McKEEVA BUSH (CONTINUING): The Honourable First Elected Member of Executive Council saw it fit with myself and the Third Elected Member for West Bay to put it in our Election Manifesto. We decided that something should be done. My Honourable friend on the other side also misinterpreted my opening remarks about experts. I am tired of hearing about experts here, Mr. President. I do not back down from that. However, I am big enough and man enough to say that I am not smart enough or experienced enough to ignore the value of experts. I will contend the decision to proceed with a national pension scheme, as was said in this Chamber, is a political decision for which we need no experts' advice.

We are not going to get support from most of the Members on the Official side, I know that, Mr. President. I do not feel that they are looking that far towards what our people need. I have confidence that the Honourable Third Official Member, because he is a little bush boy like myself and grew up the hard way, knows the pinch. The other two I do not know. I am not making any nasty remarks about them. I have no facts about them but I do not believe that they want to see anything like this for our country. That is my Constitutional right. I wish that this motion would be put to a conscience vote.

The expert must be only called in to tell the Government how best to do what we should have already decided to do. The need or the feasibility of a pension scheme for this country has been decided and the answer or the facts are in the affirmative. Yes, we need one. Yes, it is feasible. Yes, we must have one.

Mr. President, I am not a figure man and I do not profess to be one, but our country though small it may be, has a lot of wealth in it. I feel that we can afford such a scheme. The only people who will tell us otherwise are those who have money and do not have any intention of doing anything along those lines for our people.

Mr. President, in the United States if one went there to live and one contributed, which I believe is compulsory for their social security system, and if one left that country before one had a chance to gain the benefits, one would not gain anything. I know one couple right now in my constituency who lived in the United States for three years and the husband made a total contribution of \$18,000. When he came back to this country he could not get it as he was not there the required amount of time and he lost that. That is another reason why we will not see a contributory pension scheme in this country. Let them figure that one out.

I fail to see or to understand why we should need an expert from England, Hong Kong or Timbuktu to tell us whether or not the social stability of this country depends on a national pension scheme unless, Sir, we have another \$10,000 or \$15,000 that we want to pay out to some expert who will in the end tell us what we already know. That has been done in the past.

Mr. President, my motion was not drafted idly as was suggested in this Chamber. I am not that foolish. My motion was deliberately drafted after I had studied the many reports from experts on this matter of the need and feasibility for a national pension scheme for this country. I repeat, Mr. President, if this motion before the House, if passed, makes it lawful and mandatory for Government to acquire the outside expertise if that is what they want, to draft the legislation or to tell us how best to put our programme in place.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, one Member here, my other colleague from West Bay the Third Elected Member for West Bay suggested that perhaps this motion is premature because we have only been in office for nine months. However, Sir, with all the time which is being suggested that it will take to get the pension scheme in place, perhaps I should have brought it last December. Mr. President, this premature business, that kind of talk and that kind of mentality are exactly why we do not have a pension scheme today, because if we had had other strong backbenchers here some years ago the motion probably would have passed and Government would have had to do something. However, they will listen to what they feel is the best advice for them. I guess that is their right. We should not knock them too hard for that.

Mr. President, they cry only nine months in office. We spent some time here last year and last week and today debating amendments to the Parliamentary Pensions Law. Up until Friday I saw the Legal Draftsman down here going through the rule book looking for information. Why? Why so late? It is because Government put the Bill together without Government knowing exactly who it would cover or exactly how much it would cost. They still do not know. So, what was the rush?

I was harsh in my debate, Mr. President on the pensions scheme and I know that a lot of salt was rubbed into wounds. I have no intention of carrying that on this afternoon.

MR. PRESIDENT: I am glad to hear that because I was just going to tell the Member that he is debating his own motion. He cannot revive the debate on something which has already been concluded.

MR. W. McKEEVA BUSH: I can refer to pensions though. Anyway, I will be careful, Sir. I take your point. The point I am making, Sir, is that it took Government nine months to consider whether or not to bring the Bill back, who to include, how much it would cost this country and they still have not figured out all the costs to the country. Yet, I am asking Government to say yes to a motion to make it possible for everybody to get something.

They say that it is premature, and that they need more time. I have the cart before the horse. They say that I am destroying the country. Mr. President, I took great exception to that. They say that they are not going to associate with me. Well, that is their right, but I take great exception to any Member here telling me that this contributory pension scheme or any other motion which I have brought to this Honourable House in my nine months of being a Member will destroy this country. I could tell the country what could have destroyed it. Maybe this is not the place and time but my mouth does not have a bridle on it. When that time comes the people will know.

Mr. President, I am not here to destroy. I am here to do as I see fit. I will work with the Executive Council as best as I can, I promise them that and I want them to remember that without my support they would not have been in the Executive Council. If I had taken up the wools which I got in November last year, they could not have sat on Executive Council.

Give me a chance, Mr. President, I am referring to some of the things which were said in the debate, you know.

Mr. President, I am going to give them nineteen months to bring the draft legislation to the Members but I would bet anything that they will not accept it. They will not even accept that time frame. Why? Why? The whole long and short of the

MR. W. McKEEVA BUSH (CONTINUING): *story is that they have no intentions. That is my feeling. They can prove me wrong. I would love to be proved wrong in this matter.*

Mr. President, one other Member in his wisdom gave me advice on how it would be necessary to update the scheme every two years. I would like to know how we can update what we do not have. Since he too cannot support the motion before us, how will we ever have anything to update. He also said that for everything we do we must lay a proper foundation and we must not build the roof trusses before the foundation is in place. Mr. President, that is very good advice. That is very good advice but this motion is the foundation for a national pension scheme and if this Member and any other Member really believes in laying a foundation first, he would support the motion.

Some other Members queried the cost and extra personnel who would be required to service a national pension scheme. I realise that it would take more personnel but, Sir, Government is now servicing the Civil Service Pension Scheme. By the end of this Meeting they will be servicing the Parliamentary Pension Scheme. Mr. President, who are they really fooling? If they wanted to support this motion they would. Can it really require that much more to administer the national pension scheme under this motion, or are they telling us that the little Bush boy on the other side has no business bringing this motion? It should be left to them on the other side.

The same Member, Mr. President, queried also the complications and difficulties which might arise from other benefits such as health care which the motion does not even talk about. So, why worry about crossing a bridge which is not even there. Mr. President, this is where the figures man and I disagree.

Much has been said during the debate of the possible cost to this Government. I cannot agree with that, Mr. President. Why all these red herrings about what it is going to cost the Government? I cannot agree that the scheme will become a drain on the Public Treasury unless, Mr. President, like other Government projects in the past it will be mis-managed. What can it cost Government? Government is already computerised. How many more does it take, 10, 15, 30 or 50 people to punch a few computers? Mr. President, they made their excuses, but I can tell you one thing. They have all fallen to the wind. It is not true. Their excuses mean nothing. It is not true. However, if this pension scheme does cost a few dollars in implementing it, is that not what the taxpayers' money is for? Cayman Airways is one of the biggest drains on Government today yet they say that we need it. The hospital is another drain on Government. Education is another drain on Government, but we need it. We must have it. Our people have to be educated. Education, Mr. President, I will keep that remark back.

MR. PRESIDENT: *I am glad to hear it because I think that you are going astray again.*

MR. W. McKEEVA BUSH: *No, Mr. President.*

MR. PRESIDENT: *You have been repeating yourself rather.*

MR. W. McKEEVA BUSH: *I might have been, Sir, and I will bow to your ruling too.*

MR. PRESIDENT: *Yes, my ruling is that you....*

MR. W. McKEEVA BUSH:

Mr. President, I was referring....

MR. PRESIDENT:

My ruling is that you take care not to repeat yourself, otherwise I shall have to ask you to discontinue in terms of Standing Orders. However, you can go on now.

MR. W. McKEEVA BUSH:

Yes, Sir. I had been talking about the cost which some people said this scheme would cost Government. I may repeat but ~~sometimes~~, honestly, it is deliberately for emphasis.

However, as I said in closing on this matter, how much better to spend the taxpayers' money on them buying security for our people in their old age, and stability for the country.

Mr. President, I guess that I could spend all day or the rest of the afternoon referring to really what did not make sense because of my motion. I am talking about the reasons put forward why they cannot support it. However, enough time has been taken up and I am not going to prolong the debate. I still have some few points which I must raise and I beg your indulgence, Sir.

In debating the motion, one Member suggested that many workers in this country are capable of working after they are 65 years of age. That is good and they will not need or receive a pension until they retire. On the other hand, Sir, if because of injury or disease they become unable to work before they are 65 years of age, I would like to know that we had a scheme which could offer them some help.

Mr. President, I am going back to the Hansards. There are some of the Members here who said at one point that they would support a scheme and for the records I want it entered what was said in May in the debate on the Parliamentary Pensions Bill.

MR. PRESIDENT:

It is on the record already is it not, because it is in the Hansard.

MR. W. McKEEVA BUSH:

Yes, not on this motion though, Sir. Now if you rule me out of order, Sir, I will bow to your ruling but I feel that I must make the point that they in debating that motion promised, because that is what it was, they promised that they would support a contributory pension scheme for this country. I want it entered in the record in this debate what they said.

MR. PRESIDENT:

I think that you have sufficiently made your point.

MR. W. McKEEVA BUSH:

Mr. President, there is no need for me to tell you that I think that you are wrong. However, I will bow to your ruling. I am not going to get a chance then to tell this House in this debate that the Members all said that they would support a contributory pension scheme.

MR. PRESIDENT:

I think that you have just quite successfully told the House that.

MR. W. McKEEVA BUSH:

Mr. President, the motion is defeated, I know. They can smirk, smile or whatever. I have the Holy Scriptures with me too and one Member quoted one passage of scripture which said:-

MR. W. McKEEVA BUSH (CONTINUING):

"but if any provides not for his own, and especially for those of his own house, he has denied the faith and is worse than an infidel."

When we provide pensions for ourselves but fail in our duty to give our people a pension as is required under this motion, we are worse than infidels.

I will close, Mr. President, with something else which I personally wrote in this Bible. It reads:-

"God let me lose triumphantly,
This is my prayer today,
I who had always prayed to win along a glorious way.
God let me shun all bitterness, envy or despair,
That I have run the race and lost while others have gotten there.
God let me get my breath again then, Lord my head still high,
Quite unashamed I did not win,
Proud I had dared to try."

Let them do their worst, Mr. President. However, a vote against this motion is a vote against the people of this country. They know it. They know it. If it was not for collective responsibility we would see otherwise.

I again ask all of the Members to support this Bill, think seriously on it, and give it their whole-hearted support. My amendment has been circulated, which has given the Government up until the 30th April, 1987, nineteen months, Mr. President.

HON. MICHAEL J. BRADLEY: Mr. President, on a point of order, my understanding is that the Honourable Member and mover of this motion is replying at the end of the debate to his original motion which resolves in the end that the Government do bring such draft legislation to the Select Committee within six months for its consideration.

There was handed to me at an earlier stage of the Sitting a proposed amendment in the name of the Member and another Member. That amendment has not yet been moved. It is therefore not in front of us as I understand it.

MR. PRESIDENT:

It is quite true. You have never moved it.

MR. W. McKEEVA BUSH:
Mr. President?

Which amendment is he talking about,

MR. PRESIDENT:

The one which talks about the 30th April, 1987. You distributed copies but you never actually moved it.

MR. W. McKEEVA BUSH:

Yes. What do you mean I never moved it? It says here the Second Elected Member for West Bay....

MR. PRESIDENT:

Exactly what I say

MR. W. McKEEVA BUSH:

....to move in accordance with Standing Order 25(1) the following amendment to Private Member's Motion No. 14/85.

MR. PRESIDENT: It says the Second Elected Member for West Bay to move and you never have moved it.

MR. W. McKEEVA BUSH: Well, what do you want me to do? If I circulate this copy - look, Mr. President, there were a lot of other amendments made here and people did not even know. They found them on their desks this morning.

MR. PRESIDENT: Amendments all have to be moved as well as copies of them circulated.

MR. W. McKEEVA BUSH: I do not care if they debate it again. Mr. President, if I am denied the right to put this amendment now, just tell me that.

MR. PRESIDENT: What the Honourable Second Official Member was pointing out was that you have not yet moved it. If you tell the House now that that is what you wish....

MR. W. McKEEVA BUSH: Mr. President, we are supposed to be big men up in here. I thought that is what I was telling them all the time.

AMENDMENT TO
PRIVATE MEMBER'S MOTION NO. 14/85

MR. W. McKEEVA BUSH: I am moving:-

"That the words "within six months for its consideration" as they appear in the second line of the last resolve be deleted and substituted therefor by the words "by the 30th April, 1987".

HON. MICHAEL J. BRADLEY: Mr. President, perhaps you would be good enough to clarify my mind and the minds of other Members on this matter. As I understand it, Sir, the proposer of the original motion having finished and exercised his right of reply in accordance with Standing Order 33(1)(iii), now having exercised such right of reply wishes since you have not yet put the substantive question, to propose the amendment under Standing Order 25(4). If he wishes to do so now it is my understanding, Sir, that he may do so. If it is proposed and seconded by him, myself and all other Members have then a chance to debate that amendment, to speak on that amendment, to vote on that amendment and thereafter the substantive motion is thereupon put by you either in the amended or unamended form. However, having exercised his right of reply now to the substantive motion, the proposer of the amendment, being the same person, does not have a right of reply to the amendment under the said Standing Order 25.

MR. PRESIDENT: Yes, I think that that is all quite correct. Have you followed all that or not?

MR. W. McKEEVA BUSH: Yes, Mr. President. That still does not frighten me. I want the amendment put. If Members have to speak on it, well that is fine.

MR. LINFORD A. PIERSON: Mr. President, while it may be true that the Member has not followed the Standing Orders regarding the amendment, I have seen a considerable amount of latitude given by you in this House in other matters. So, I think that it would only be fair as such an

MR. LINFORD A. PIERSON (CONTINUING): amendment would make a substantial difference to the motion before us....

MR. PRESIDENT: No, no. I think that you may have misunderstood. I have allowed him to put it. I merely pointed out to him that he had not put it earlier and if we voted without his putting it we could only be voting on the original amendment. However, he is fully entitled to put his amendment. He is not being stopped from doing so. That is why I asked whether he had understood what the Honourable Second Official Member said.

MR. LINFORD A. PIERSON: My understanding, Mr. President, from the Honourable Second Official Member was that if he was answering to the substantive motion before us, then he would be late in making the amendment to this motion.

MR. PRESIDENT: No, I think that you misunderstood the Honourable Second Official Member. At least, your understanding was not the same as mine. Mine was that the Second Elected Member for West Bay has under Standing Orders an entitlement to move an amendment to his motion, even at this late stage. If he wishes to do so he may. He having done so, everybody else has a chance to speak again. Then we vote on the amendment and then we vote on the motion either as amended or in its original form, as the case may be.

MR. D. EZZARD MILLER: Mr. President, I wish to second the amendment just put by the mover of the motion.

MR. PRESIDENT: Yes, that was what I was going to ask next because there has to be a seconder, I think.

So, now we are on to the question that the motion be amended. Since in effect you have already spoken on that because you reckoned that you were speaking to the motion as amended, do you remember, my understanding is that you thought that the amendment had already been moved and that the motion had already been amended, I wonder whether you would like me to put straight away the question that the motion....

MR. MICHAEL J. BRADLEY: Mr. President, with respect, if he has now put the amendment I think that it is up to all other Members to have a right to speak on the amendment that he has put.

MR. PRESIDENT: I have understood that, thank you. I repeat my question to the Member. Does the Member wish to speak further, or has he already in effect spoken to the amendment?

MR. W. McKEEVA BUSH: Mr. President, what more can be said?

MR. PRESIDENT: That is rather what I thought myself.
Yes.

MR. W. McKEEVA BUSH: What more can be said? The big cry here was time. There was not enough time. Well, this is giving them nineteen months. However, they will still never support it, I know, but I want it before the House.

MR. PRESIDENT: Well, just so that everybody fully understands the position, the question now is that the motion as originally worded be amended in such a way that the words "within six months for its consideration" as they appear in the second line

MR. PRESIDENT (CONTINUING): of the last resolve be deleted, and that the words "by the 30th April, 1987" be substituted for those words. Unless any Member wishes to speak to the amendment, I propose to put the question on the amendment.

HON. BENSON O. EBANKS: Mr. President, I would just like to make the point, Sir, that in my debate time was not the issue. My objection to the motion was that it pre-supposed or anticipated the result of any study which would be made and that, in my opinion, legislation only became necessary once there was an affirmative study that a contributory pension scheme was in fact possible taking all of the circumstances into consideration, in the territory.

Time was not a constraint with me. I would certainly hope, Mr. President, that I will have the information to lay before this House either affirmatively or otherwise, long before the 30th April, 1987.

MR. LINFORD A. PIERSON: Mr. President, is it open for further debate?

MR. PRESIDENT: Yes, it is.

MR. LINFORD A. PIERSON: Mr. President, as will be recalled by Members of this Honourable House, I rose in support of this contributory pension scheme and I felt at that time that the period given to Government of within six months was somewhat unreasonable. In the debates which I have heard on this motion so far, my assessment is, Mr. President, that this seems to have been a problem with most of the Members who spoke on this motion.

I am very surprised, Mr. President, to hear the Honourable First Elected Member of Executive Council admit at this point in time that time is not a constraint. If we cannot have some form of draft legislation before this House by the 30th April, 1987, I submit, Mr. President, that there is no genuine interest in bringing this to the House. Mr. President, nineteen months is a very long time. I cannot agree with the Honourable First Elected Member of Executive Council that agreeing to bring legislation within this time frame would pre-empt any studies being done at present.

As I have said here, Mr. President, I will support whatever I feel is in the best interests of this country and my people. Up to today, Mr. President, I received calls, and also last night, criticising my support of the Parliamentary Pensions Law. However, Mr. President, I felt justified in doing what I did. I felt justified in supporting it. Whether, Mr. President, the Members of the Executive Council or on this side of the House pay attention to what we are saying, or put any value at all in what the Second Elected Member for West Bay has been saying, I think is not the most important issue here today. We are dealing with a matter which should not be taken lightly. We are not dealing with whether we are going to accept or reject motions made by the Second Elected Member for West Bay or other Members on this side of the House. I hear Members get up and they say that they agree with the spirit but not the body. I do not understand those remarks, Mr. President.

We are either for or against this motion. There is no in-between. There is too much back pedalling. We are either on one side or the other. As I said in my debate of the substantive motion, I hold no brief for any Member of this House.

MR. LINFORD A. PIERSON (CONTINUING): The Second Elected Member for West Bay is quite capable of presenting his case. I am not here supporting the Second Elected Member for West Bay or any other Member. I am here supporting an issue which I feel is in the best interests of this country.

Mr. President, if there is any genuine interest in supporting this motion, in seriously considering this motion, then I feel that there should be no objection to a time frame as has been suggested here.

Mr. President, regardless of whether or not this motion is successful I feel that the people of this country will commend those who spoke in favour of it. While our main interest in this House is not to play to the gallery or to the listening public, we do have an interest in the interests of our people.

Mr. President, it seems somewhat of a retrograde step when we sit here and vote a pension for ourselves but will not give a definitive answer to providing the proper feasibility study within a required time frame.

Mr. President, April, 1987 is only one year away from the 1988 election. Let us consider that, Mr. President. We represent the people of the Cayman Islands and this Private Member's Motion is in their interests. My style in this House, Mr. President, has never been to ridicule Members or to pull them apart personally. Mr. President, I try to bring a certain amount of intelligence and respectability to my debate but I would be remiss in my duties if I sat here and smiled such a serious issue away.

Mr. President, I have heard derogatory remarks made and some of them levelled at me because I recognise that there are people in need. I do make reference to the little people and unlike some Members of this House who do not know where they are, I know where many little people live in this country. I would invite those Members one evening to come with me and I will take them to some of the little people. Strangely enough, I saw a lot of these people visiting the little people during the political campaign.

Mr. President, I feel that the time frame which has been given here in this extension to the 30th April, 1987 is sufficient to give the Members time to show their good faith, to show whether they will seriously consider this motion. As I said, Mr. President, this is not a new concept. This has been with us for the past twelve to fourteen years. Yet, the time never seems to be right. We have heard in this House this morning that the population is not big enough. We have heard Members responsible on the other side of the House suggest that it is not right for this country, yet at the same time they will tell us that no feasibility study has been done. On what are they basing their assumptions? Is it that they have made up their minds already that no contributory pension scheme will be brought forward in this country? I would have thought, Mr. President, that before any definitive statement regarding the outcome of a feasibility study could be made that at least the feasibility study would be attempted. This is where I see pre-empting, Mr. President, and this is totally unfair to the people of this country.

MR. PRESIDENT:

Does the Member expect to be some further time, because if so I would ask him to break into his speech for our break.

MR. LINFORD A. PIERSON:

I would be happy to, Mr. President.

MR. PRESIDENT:

Let me let you finish now.

However, if you are nearly finished,

MR. LINFORD A. PIERSON: No, Mr. President.

MR. PRESIDENT: In that case I will suspend proceedings for approximately ten minutes.

AT 3.34 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.59 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
Debate on the amendment to Private Member's Motion No. 14/85. The Second Elected Member for George Town was speaking, but the mover of the motion and of the amendment has mentioned to me that he wishes to seek leave in accordance with Standing Orders to withdraw the amendment and the Second Elected Member for George Town, I understand, wishes to give way to him to enable him to do so.

STANDING ORDER 25(6)
WITHDRAWAL OF AMENDMENT TO
PRIVATE MEMBER'S MOTION NO. 14/85

MR. W. McKEEVA BUSH: Mr. President, I beg leave of the House under Standing Order 25(6) to withdraw the amendment presently before the House.

MR. PRESIDENT: The question is - well, no I do not think that I have to put a question. Provided that there is no dissent the House may give leave for you to withdraw it. Does anyone dissent? No, in that case you are granted leave. My understanding is that you wish to propose an alternative amendment to the motion. Would you like to give us information about that?

STANDING ORDER 25(2)
AMENDMENT TO
PRIVATE MEMBER'S MOTION NO. 14/85

MR. W. McKEEVA BUSH: Yes, Mr. President. In accordance with Standing Order 25(2) I would like to move the following motion:-

"WHEREAS in a few short years a large number of Caymanians will reach unproductive or retirement age and become a burden to our social programme;

BE IT RESOLVED that Government commission a study to determine before 30th April, 1987, the feasibility of a Contributory Pension Scheme for the territory and that the finding of such study be conveyed to Members of this Honourable House for a decision;

AND BE IT FURTHER RESOLVED that at each subsequent Meeting of the Legislative Assembly, progress reports on this scheme be tabled until a decision is final."

MR. PRESIDENT:

Is there a seconder?

MR. D. EZZARD MILLER:
motion, Sir.

Mr. President, I wish to second the

MR. PRESIDENT:

For good order before the mover rises, perhaps I should say that I think it ought to be recorded that I have given the Member leave to move the amendment despite the fact that two days' notice have not been given. The amendment was circulated some days ago, but a few words have been added to it. Most Members I think, will have copies of it but without the words "before 30th April, 1987" in it. So it is slightly different and so I think that I should give formal leave.

Now, the Member is entitled to speak to this amendment and other Members will be entitled to speak to it hereafter if they wish.

MR. W. McKEEVA BUSH:

Mr. President, I am not going to offer any debate to this motion except to say that in spite of all that has been said, we have to work together in this House. This is only meeting Government half way and I trust that the motion will bring about what all of us say is needed for this country, for the people of this country.

I believe that the motion has the support of the House and I ask the Honourable Members to do as their conscience leads them to do.

MR. PRESIDENT:

Does any other Member wish to speak?
The Honourable First Elected Member of Executive Council.

DEBATE ON AMENDMENT TO PRIVATE MEMBER'S
MOTION NO. 14/85

HON. BENSON O. EBANKS:

Mr. President, I am happy to say that I can support the resolution as amended, because it meets the criteria which I have contended had to be met in order for any form of pension scheme to be put forward. The time given as far as I am concerned, Mr. President, is quite adequate. In fact, if we have not determined the feasibility of it by then, I think we are not moving very fast. I can assure not only the Member moving the Bill, but the House that steps are already in train to get someone in to advise on the feasibility of the pension scheme.

I was going to introduce a little bit of humour into this, Mr. President, with the manifesto, and make my friend know that I travel with mine in my bag. If he refers to it, in section 10 he will see that it conforms almost entirely to the motion which he is now moving. Therefore, I can support it 100 per cent.

As I said, Mr. President, all along I had been hoping that some form of amendment could be found for the motion so that Government could indicate beyond doubt that it supports the idea of a feasibility study being done as early as possible. If it is found to be possible, that is if the feasibility study is positive we can then introduce the legislation to get it into motion because, Mr. President, the legislation can only be done after all of the little intricacies of the scheme have been ironed out. It is the legislation which will tell us how we are going to fund the pension scheme. It is the legislation which will tell us when contributions will need to be increased. For example, I mentioned in my first contribution to the original motion, Mr. President, that in one territory's legislation which I had read with some thoroughness that

HON. BENSON O. EBANKS (CONTINUING): that legislation makes provision for an actuarial review at least once in every two years. It is based on that actuarial review whether contributions can be decreased, or must be increased, and whether benefits can be increased. It takes a lot of what would otherwise be a very political thing out of the system. I would hope, Mr. President, that any legislation brought in this country to introduce a contributory pension scheme would be free of any possibility of political manoeuvring. That is why, Mr. President, I am going to move with all haste to see that we have the study done, and if possible, the legislation brought forward during the currency of this House.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak?
The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, now that another revised motion has been tabled in this House I would like to say that I support the contributory pension scheme. I made this abundantly clear when I spoke on this issue earlier on in the Meeting. I trust that members of the public have listened carefully and have got the message loud and clear that Members of the Government Bench as well as those who spoke otherwise got their intention clearly across as far as the contributory pension scheme was concerned. I want to see it for our people. I would hope that it is done very soon. I would hope that we can get legislation in place or whatever it is when that time has arrived, and I am sure that I can depend upon the Members of Government to go ahead with this as quickly as is possible.

Mr. President, before closing this afternoon, I would like in all humility to issue one firm word of caution here, that any attempt on the part of anyone, be it in Government or otherwise, to rile the people of this country up, be it in regard to a contributory pension scheme or otherwise, would be one detrimental step downwards. I wish to say here that any such mention, even a thought of this should be farthest from our minds, because we will be left with a contributory pension scheme and a country gone down the drain. We can rile up the masses if we wish but one only needs to turn on a television right now and see the mess which is going on in this world, even within some countries in the West Indies. The day we start riling our people up over matters such as this....

MR. W. McKEEVA BUSH: On a point of order, Mr. President.

MRS. DAPHNE L. ORRETT: Mr. President....

MR. PRESIDENT: No, if he is rising on a point of order, if it is a point of order you have to give way. However, he must satisfy me that it is a point of order.

MR. W. McKEEVA BUSH: The point of order is that the Member is not sticking to the debate.

MR. PRESIDENT: Well, there was talk earlier was there not of....

MR. W. McKEEVA BUSH: Mr. President, we are now debating a new motion and I am prepared to do what the other Members are doing too, you know.

MR. PRESIDENT: I take your point. I was fairly liberal with you in allowing you to wander a bit. I will be fairly liberal with the Member who is speaking, but at the same time I will do as I did with you and caution her that what she is speaking to is the amendment and she must not stray too far from it, really speaking about points which were discussed earlier.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. What I would like the Chair as well as each Member to realise is that what was said in this House has gone on record. I would like to re-emphasise and say it again that any thought whatsoever of riling the people of these Islands up is a step in the downward direction. Believe it or not, one's quest for power can only last for a certain amount of time. We are only here for a certain amount of time. Believe me when I say that it can happen in the Cayman Islands and the day it happens we will not stand here to brag about this rich, proud country of ours.

Thank you, Mr. President.

MR. D. EZZARD MILLER: Mr. President, could I draw your attention to Standing Order 38(1). If you so rule, I move that the question be now put.

MR. PRESIDENT: I know that we have had a long time on this subject but we have not had very long on this amendment. If there really were somebody else who wanted to speak to the amendment, I think that it might be an infringement of their rights. I sympathise with your intention. Let me see whether anybody else does wish to speak.

HON. THOMAS C. JEFFERSON: Mr. President, I rise to briefly say that I am pleased that the mover of the motion has seen fit to amend it in such a way that we on the Government side can vote for it.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I shall be very brief but I welcome this opportunity to say that the motion before the House I can support. I do feel that we need to provide, as I have said in this House before, but I have been very disturbed with the debate of the last few days. I am happy now that we have a motion which we can all support and I urge all Members to support it. Thank you.

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

MR. LINFORD A. PIERSON: Mr. President, I promise you I will be very brief indeed. I am just speaking to give my very strong support to the motion as now before the House. I was of no doubt at all, Mr. President, of the intent of Private Member's Motion No. 14/85. However, as it stood then it did not convey the same meaning which the new motion conveys. Mr. President, while I feel that a certain amount of semantics have been played in this whole motion, I feel that we have a motion now which should be acceptable to all Members of this House, and I give it my full support, Sir.

MR. PRESIDENT: The Elected Member for North Side caught my eye. I do not know whether he wanted to speak or not?

MR. D. EZZARD MILLER: Yes, Mr. President. If everybody else is going to get a shot at it, I may just as well get mine.

I am happy to see that we have finally after, I think that it was the fifth draft of our amendment arrived at a conclusion which the Government Bench seems to be able to live with. However, you, Sir, we still get the impression that they do not want us to bend. They want us to break. I hope, Mr. President, that with this feasibility study, the terms of reference which are given to these experts who are going to be brought in are not going to be such that will eliminate any possibility of introducing such a scheme, but will provide Government with an excuse for not introducing such a scheme.

Mention was made a while ago about trying to incite the people. I think that it was a misinterpretation of what the Member said and I support the Member's argument that as usual we will rely on our enthusiasm to get the people behind us. I trust, Sir, and hope that they will show, like I said before, the character which I know that they have, and bring not the feasibility study but the legislation in the Throne Speech in March.

Thank you, Sir.

MR. PRESIDENT: If no other Member wishes to speak I will put the question that the....

MR. W. McKEEVA BUSH: Mr. President, do I not have a chance to wind up now?

MR. PRESIDENT: You have a chance to wind up when we debate the motion as amended. That is my interpretation. Is that not right? All we are doing at the moment is amending. Perhaps you do have a chance to wind up the amendment too. Yes, I suppose that you probably do. Alright. No? Well I thought not.

HON. MICHAEL J. BRADLEY: Mr. President, if you examine the Standing Orders you will see that a Member proposing a motion has got the right of reply after all other Members have spoken under Standing Order 33(1)(c). However, that specifically says not an amendment.

MR. PRESIDENT: Not an amendment, yes. So, I was right the first time. It is to the substantive motion that you will have a further go. So, indeed will everybody else.

The motion before the House now is that Private Member's Motion No. 14/85 be amended in such a way that it will read as the Second Elected Member for West Bay read it out when he moved his amendment.

QUESTION PUT: AGREED. THAT PRIVATE MEMBER'S MOTION NO. 14/85
BE AMENDED.

MR. PRESIDENT: Now, the motion is that the motion as amended should be passed.

HON. MICHAEL J. BRADLEY: At the risk of delaying proceedings further I think that perhaps, Mr. President, the listening public would be grateful if the Chair would be good enough to read out the motion as amended.

MR. PRESIDENT: I will read it out again. It was read out by the Second Elected Member for West Bay. However, just to make it clear to everybody, the motion as amended on which we are now to debate and vote is:-

"WHEREAS in a few short years a large number of Caymanians will reach unproductive or retirement age and become a burden to our social programme;

BE IT RESOLVED that Government commission a study to determine before 30th April, 1987, the feasibility of a Contributory Pension Scheme for the territory and that the finding of such study be conveyed to Members of this Honourable House for a decision;

AND BE IT FURTHER RESOLVED that at each subsequent Meeting of the Legislative Assembly, progress reports on this scheme be tabled until a decision is final."

MR. MICHAEL J. BRADLEY: Thank you.

MR. PRESIDENT: In fact, I think technically all Members have an opportunity to speak to the motion as amended but that in practice is what they were doing last time around. So, unless any Member wishes to speak I will invite the mover to exercise his right of reply if he wishes. Before he rises, just let me give everybody else an opportunity in case they want it. No, the mover then.

MR. W. McKEEVA BUSH: I will be brief, Mr. President. I am happy that all Members now see that after we have met them halfway, although I really think that we have got them off the hook, that is what has happened because as the quotation says, "Vox populi, vox Dei". The voice of the people is the voice of God. They knew that the people were against them over what went on here in the last few days.

Mr. President, I am not going to prolong this debate except to say that the horse we had for the cart has been found and now hooked to the cart. Let us, Mr. President, strive to finish the work we are sent here to do. Let us bind up our wounds. Let us try to stick together and work together that when we finish here the people may say, "Well done thou good and faithful servants".

With one last remark, Mr. President, I think that it would be hurting myself if I did not make it. That is that any time I have an issue to take to the people I will do it. I did it before. I have no apologies to make and I will do it again if it is necessary. This Member who reminded us of what I said should remind herself of the motion she intended to bring, which was to tax the women in this country. Anyway, that is something that was not record but it is on record now. Let us try to work together to do what the people put us here to do, regardless of how many mean words were said. Let us forget about it. Let us try to do what the people want us to do.

Thank you, Mr. President.

MR. PRESIDENT: I will now put the question that Private Member's Motion No. 14/85 as amended, and I read it out a few minutes ago, be passed.

QUESTION PUT: AGREED.

MR. W. McKEEVA BUSH: May we have a division, Mr. President.

MR. PRESIDENT: Certainly.

DIVISION
NO. 72

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

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PRIVATE MEMBER'S MOTION NO. 14/85 AS AMENDED PASSED.

MR. PRESIDENT: It would seem that the Member has attached all the horses to the cart. Is that his expression?

MR. W. MCKEEVA BUSH: That was the purpose of the division, Sir.

MR. PRESIDENT: I thought it might be. It is about five minutes, six minutes nearly before we would normally adjourn. I do not know whether during that amount of time it is worthwhile starting a debate on another Private Member's Motion. If the mover of the motion thinks that he can make his speech to introduce it within that time, by all means let him start. If he would prefer to leave it until he gets a longer interrupted flow. Sorry?

MR. D. EZZARD MILLER: Mr. President, I think that we could deal with the one which is being withdrawn. Unless Members would like to suspend Standing Orders to continue the business.

MR. PRESIDENT: I beg your pardon. Yes, I am so sorry. I had not read it carefully enough to see that it was being withdrawn. So, let us deal with that. I am very sorry. I apologise to you. Would you like to move the withdrawal of Private Member's Motion No. 14/85.

PRIVATE MEMBER'S MOTION NO. 15/85

GOVERNMENT SPONSORED DRUG
REHABILITATION FACILITY

STANDING ORDER 24(14)

MR. W. MCKEEVA BUSH: Yes, Mr. President, I would like Private Member's Motion No. 15/85 to be withdrawn with the leave of the House under Standing Order 24(14).

MR. D. EZZARD MILLER: I wish to second that, Mr. President.

MR. PRESIDENT: Again, my reading of the Standing Orders is that the motion may be withdrawn with the leave of the House. So, unless any Member wishes to dissent, I propose to say that leave has been given.

Thank you for bringing that to my notice.

We now get then to Private Member's Motion No. 16/85 and we now have only about four minutes left before the time when we would normally adjourn. Unless, therefore, the Elected Member for North Side particularly wants to move his motion tonight, I would certainly think it reasonable to leave it until the morning so that he is not interrupted virtually as soon as he has begun.

MR. D. EZZARD MILLER: Yes, Sir, we will leave it until tomorrow. After what went on today we might have to change a few things in the speech.

MR. PRESIDENT: In that case, perhaps the Honourable First Official Member would 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 motion before the House is that this House do now adjourn until 10.00 a.m. tomorrow.

QUESTION PUT: AGREED. AT 4.28 P.M. THE HOUSE ADJOURNED
UNTIL 10.00 A.M. WEDNESDAY, 11TH
SEPTEMBER, 1985.

THIRD MEETING OF THE 1985 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
WEDNESDAY, 11TH SEPTEMBER, 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 RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER RESPONSIBLE 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

ABSENT

MR JAMES M BODDEN (apologies received)	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR JOHN B McLEAN (apologies received)	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDER PAPER

THIRD MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY
11TH SEPTEMBER, 1985
(SEVENTH DAY)

1. PRAYERS

To be read by the Second Elected Member for West Bay

2. PRESENTATION OF PAPERS AND REPORTS

(i) BUSINESS COMMITTEE REPORT

TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE FIRST OFFICIAL MEMBER - LEADER OF GOVERNMENT BUSINESS.

(ii) REPORT OF STANDING SELECT COMMITTEE ON STANDING ORDERS

Report of the Standing Select Committee on Standing Orders dealing with Government Motion No. 8/85.

TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE FIRST OFFICIAL MEMBER - LEADER OF GOVERNMENT BUSINESS.

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

(1) PRIVATE MEMBER'S MOTION NO. 16/85
PUBLICATION OF GOVERNMENT NOTICE & ENACTED LEGISLATION
IN NEWSPAPER(S)

TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND SECONDED BY THE SECOND ELECTED MEMBER FOR WEST BAY.

(2) PRIVATE MEMBER'S MOTION NO. 17/85
LICENSING OF SPEARGUNS

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. 18/85
ESTABLISHMENT OF RADIO CAYMAN AS A GOVERNMENT CORPORATION

TO BE MOVED BY THE ELECTED MEMBER FOR NORTH SIDE AND SECONDED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

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WEDNESDAY,

11TH SEPTEMBER, 1985

10.06 A.M.

MR. PRESIDENT:
for West Bay to say prayers.

May I invite the Second Elected Member

MR. W. McKEEVA BUSH:

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.

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.

The Lord bless us and keep us: The Lord make His face shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace, now and always. Amen.

MR. PRESIDENT:

Please be seated.

Item 2. 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 for meetings held on Monday, 2nd September and Friday, 6th September, 1985.

MR. PRESIDENT:

So ordered.

REPORT OF THE STANDING SELECT COMMITTEE ON STANDING ORDERS

HON. DENNIS H. FOSTER: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Select Committee on Standing Orders, Sir.

MR. PRESIDENT: So ordered.
Perhaps I should just say for the information of the House that as was the case in respect of the earlier Report by the Standing Select Committee on Standing Orders, I feel able to give Members an assurance that the Governor will accept the recommendations made. My recollection is that we have to ask the Honourable First Official Member to move the official adoption of the Report and there has to be a motion. I think that is right, in order that action can proceed. It is Standing Order 72(5), I think.

HON. DENNIS H. FOSTER: Mr. President, I think that I did that in the case of the first Report.

MR. PRESIDENT: Yes, but I think that you have to do it again in the case of the second Report.

STANDING ORDER 72(5)

HON. DENNIS H. FOSTER: Mr. President, I move the adoption of the Report of the Standing Select Committee on Standing Orders of the meeting which was held yesterday, Tuesday, 10th September, 1985.

MR. PRESIDENT: So, the motion before the House is that in accordance with the provisions of paragraph (5) of Standing Order 72, the Report of the Standing Select Committee on Standing Orders of the meeting held on the 10th September, 1985, should be adopted.

HON. MICHAEL J. BRADLEY: I beg to second.

MR. PRESIDENT: Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AYES AND NOES.

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

MR. PRESIDENT: Yes, certainly.

DIVISION
NO. 73

<u>AYES</u>	<u>NOES</u>
Hon. Dennis H. Foster	Mr. G. Haig Bodden
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	
Mr. W. McKeever Bush	
Mrs. Daphne L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	

CLERK: Twelve ayes and one no.

MR. PRESIDENT: I think that I heard two noes. I think that both the Elected Member for North Side and the Second Elected Member for Bodden Town both voted no. They both have nodded so I think that it is perhaps eleven to two. Perhaps the Clerk will just be kind enough to correct the record. She may have misheard.

CLERK: Yes, eleven ayes, one no.

MR. PRESIDENT: Two noes.

MR. CLERK: Two noes. I am sorry, two noes.

REPORT OF THE STANDING SELECT COMMITTEE ON STANDING ORDERS ADOPTED BY MAJORITY.

MR. PRESIDENT: It does not affect the fact that I can declare the motion carried. The House therefore having confirmed that it is its wish that Standing Orders shall be amended in the manner recommended by the Standing Select Committee, I can confirm that I said a moment ago about the acceptance of the House's wishes, and perhaps would remind Members that I did explain earlier during this Meeting that I would ask the Honourable Second Official Member to have the legal draftsman put all the amendments together; do any necessary consequential amendments as the Standing Select Committee asked, and either preferably have a reprint of Standing Orders, or if that proves too formidable a task, at least have all the amendments printed. Once the printing has been done I will formally approve so that by the time of the Budget Meeting new Standing Orders will apply.

I think that concludes Item 2. Item 3. Private Members' Motions. The Elected Member for North Side.

GOVERNMENT BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 16/85

PUBLICATION OF GOVERNMENT NOTICE AND ENACTED LEGISLATION IN NEWSPAPER(S)

MR. D. EZZARD MILLER: Mr. President, I wish to move Private Member's Motion No. 16/85 - Publication of Government Notice and Enacted Legislation in Newspaper(s), which reads as follows:-

"WHEREAS Government publishes by Official Gazette, all Government Notices and all legislation enacted;

AND WHEREAS the present method of publishing such information by Official Gazette informs only a sector of the populace;

BE IT RESOLVED that in addition to publishing by Official Gazette all Government notices and legislation enacted, Government consider taking the necessary steps to have such information published in the local newspaper(s)."

MR. W. McKEEVA BUSH: Mr. President, I beg to second the motion.

MR. PRESIDENT: The motion having been duly moved and seconded, is now open for debate and I invite the mover to speak to it.

MR. D. EZZARD MILLER: Mr. President, I believe that good communications are as important as a good strong cup of black coffee is to someone who has just awakened from sleep.

I also believe, Mr. President, that some of the greatest sins of any Government, and that may make it clear that I am not calling the Government Bench sinners today, Sir, are the sins of omission, not those of commission. The greatest of these, Sir, I believe which could befall any Government, is if it was to fall short of disseminating information about any decision which it takes to the public.

While legally, Mr. President, Government fulfils its obligation to inform the public by publishing all notices, laws and regulations etcetera in the Official Gazette, I doubt very much, Sir, that this fulfils the moral obligation to inform the public and to provide easy access to this kind of information by the population at large.

Sir, I believe that all Members of this present House campaigned very strongly on an open Government and a strong promise to have an informed populace. I believe that they have kept many of their campaign promises, but unfortunately, Sir, I do not believe that the Official Gazette reaches the grass roots of these people to inform them about Laws. Sir, to go to court and plead ignorance of a Law or a regulation is no excuse. So, I think that we have a moral obligation to at least provide an equal opportunity for those people to have access to the information.

The Official Gazette presently, Sir, is only subscribed to a small sector of the population. The old system where they used to put the Laws in the post offices etcetera, or on what was known as public notice boards in each District, at least gave those members of the public who are interested enough, an opportunity to go there and read them. So, even, Sir, if the Official Gazette was distributed to all of the post offices in the outlying districts and provided for the post office here in town, that in itself would increase the access to information.

Mr. President, any good manager will tell us today that the most important criteria in managerial decisions for the 1980s is the management of the information which is available. I believe that if Government is going to succeed in many of its programmes it has to inform its people as to how, why, when and where those decisions were taken on their behalf, and what the decisions were.

Mr. President, the people of this country have given us the privilege; they have placed their confidence in us to make decisions in the confines of these Chambers which affect their lives in all aspects. I believe, Sir, that that gives each Member in this Chamber a moral obligation to provide information in any form which is possible, which might assist the availability and the accessibility of that information to the public.

Mr. President, I ask Members to support and pass this motion here today, because I sincerely believe that the people of this country have a right and an obligation to know what is happening in the country. I know that if they take the decision to publish it in the newspapers, there may be a cost factor involved. However, Sir, I believe that such monies spent in informing the people would be well spent.

Thank you.

I ask Members to support the motion, Sir.

MR. PRESIDENT: The motion is open for debate. Does any Member wish to speak? The Third Elected Member for West Bay.

DEBATE ON PRIVATE MEMBER'S MOTION NO. 16/85

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. I would like to rise in support of that motion just brought to us by the Elected Member for North Side.

I think that the reasons given by him for bringing this motion to the House are valid. Certainly as he mentioned, good communication is very, very important and I feel that many of our people continue to get more interested every day in what is going on within our Government. I think that any cost involved in having this printed in newspapers, magazines or whatever, will certainly be worth it when our people become more informed. We are living in a day when our people continue to be much more educated and enlightened. Certainly, I believe that if it is found to be possible that this would be a move in the right direction, and I would like to support the motion, Sir.

MR. PRESIDENT: The Honourable Second Official Member. You caught my eye earlier. I am not quite sure whether you still wish to speak?

HON. MICHAEL J. BRADLEY: Thank you, Mr. President, Sir. I caught it in the hope of waiting until other Members had an opportunity before actually replying to this debate. However, I am sure that the Second Elected Member for West Bay was not one to be deprived of having the last word, so he may be tempted after I have spoken to try and have that last word.

Mr. President, I have listened to the words of the proposer of this motion and I know that the Honourable Member for North Side is a careful person; is a prudent person; is a person who thinks fully and carefully about every word which he says or that he writes, and that he does not put down on paper or move anything without realising the full implications of the motion.

I would have been much happier, Mr. President, if the motion had been that the Government take such steps as it consider appropriate to provide for as wide dissemination as possible to the public of Government notices and of main and subsidiary legislation. However, that, Mr. President, is not what the motion says. The motion says that "Government consider taking the necessary steps to have such information published in the local newspaper(s)", that "Government consider taking the necessary steps to have such information published in the local newspaper(s)". We have here a free press and a free society, and an open society. As part of that free society and free press, our media, our newspapers are free to publish or not to publish whatever they wish. They are also free to publish or not to publish whatever advertising they wish, and I hope when he replies to the debate, that the Honourable Elected Member for North Side will be able to assure the Members of this House that he was in no way suggesting that the Government take necessary coercive steps to make newspapers publish all things, whether they wish to or not.

I am sure that, even how carefully he thought this out, that was not his intention. However, I would be happy for confirmation on that. Also, on the basis that he is seeking merely to have the public be as well informed as possible, he has made a presumption that the Government Gazette is not the appropriate manner of doing so.

HON. MICHAEL J. BRADLEY (CONTINUING): Mr. President, the Government Gazette, it should be explained, is not an esoteric publication, the secrets of which are available only to a select few insiders. The Government in this country and governments in other free countries publish the Official Gazette as the Government newspaper. That Government newspaper is available by subscription to whoever wishes to read it; to whoever is sufficiently interested in seeing all acts which Government do, have done or intend to do.

However, it is not only available by subscription. It is distributed to a large number of Government subscribers. Copies go to the office of the Chief Secretary for dissemination, twenty-one of them. Thirty-three copies go to the Education Department for distribution to all educational establishments. The police get twenty copies for distribution and placing in all police stations and Police Headquarters, and the District Administration also get copies. Not only that but all the Members of this House, as they surely must be aware, will know that there is a further distribution which is made, a gratuitous distribution. There is sent free of charge copies of every Gazette to all District Post Offices to be placed there to be read by members of the public if necessary. They are sent to the Public Library. They are sent to the courts. They are even, Mr. President, sent to the prison. More important than anything else, each Member of Executive Council and each Member of the Legislative Assembly receives a free subscription to the Government Gazette.

Now, Mr. President, if Members are conscientious Members, as I am sure they all are, having carefully read and perused the Gazette, I feel quite sure that they bring to the notice of their constituents all matters of concern or importance to their constituents or to this country which they read within the Gazette. I feel quite sure that having carefully read every issue, they consider what they should tell their electorate and their constituents and their voters about in conversation, in public meetings, in letters to the press or otherwise. It would be remiss of me as an Official Member of Executive Council to ever suggest that they did other than that.

On this basis, Mr. President, there is that form of dissemination. Not only that, but as part of the service to the public and in order that the information contained in the Government Gazette may reach as large a public as possible, copies go to Radio Cayman. I understand that the newspapers which are published in these Islands are also subscribers so that they can publish any item which they consider of interest.

Not only that, Mr. Chairman, but there is an arrangement whereby weekly the Government Information Service consults with the editor of the Gazette and obtains copies from the Gazette of any notices which it wishes to circularise or give further publicity to.

The suggestion, however, Mr. Chairman, is that as well as all these steps which are taken, and I can assure Members of the House that we will look and see and ensure that all the methods of publicity which I have mentioned are being used fully and as fully as possible, and are available to the public, but the suggestion is that apart from that that Government take the necessary steps to have such information published in the local newspapers. The local newspapers do a very good job. They devote pages, more than many other jurisdictions to the workings of Government, because in a small community it is of interest to every person in that community. If further, more intensive publicity were to be done, it could only be done by the media of advertising, by this Government inserting in the newspapers page advertisements.

HON. MICHAEL J. BRADLEY (CONTINUING): Now, I have taken the trouble to ascertain from the daily newspaper in these Islands what their advertising rates are. As a fair gesture of support to society, that newspaper gives a concessionary discounted advertising rate to Government, because Government does advertise so frequently in it. However, that being said, for a full page it is \$300 per insertion. Last year there were approximately 680 pages of Gazette published between Gazettes and supplements to the Gazettes containing main and subsidiary legislation and Bills. Now, on the basis that very small type was used and that we managed to squeeze in to a full page in that newspapers five pages of each Gazette, it would still be an expenditure in the year of over £40,000. That is one newspaper. We have had within this past year not only one newspaper - dollars not pounds, they are worth practically the same at the moment - but two, three and four newspapers. I am sure that there would be cries of discrimination if a policy were adopted by Government of publishing and supporting by paid advertising, only one newspaper. So, there would be a moral obligation to subscribe to the other newspapers all the advertising. It may have the beneficial effect, Mr. President, of reviving some of those newspapers which have now, temporarily at least, disappeared from public show, either by lack of public support or lack of advertising. However, if they did reappear and there was that obligation, even on the most conservative basis, the cost of over \$40,000 would at least be doubled, which would mean an expenditure of over \$80,000 per year to implement the suggestion contained in the Honourable Member's motion.

MR. W. McKEEVA BUSH:

How much do we pay for pensions?

HON. MICHAEL J. BRADLEY:
Pensions none.

At this moment in time, parliamentary

Then, Mr. President, the mover of the motion and other Members have cautioned the Government to exercise good housekeeping and due diligence in the spending of the income of the Government, which is the income from the people of this country. I do not really consider, Mr. President, that an expenditure which at its most conservative, would be over \$80,000 could be justified. I am willing and undertake to ensure that the present methods of availability of the Gazette to the members of the public are adhered to. If any Members can suggest other methods whereby the public may more easily have access to the Gazette and to the contents thereof without creating charges upon the finances of this country, I will be happy to listen to them and to follow them up. However, Mr. President I fear that well motivated though this motion may be, that from an economic point of view, that on a cost effect basis, implementation of it could not be justified in the way in which it is intended.

Therefore, Mr. President, while reassuring the House and the people of these Islands that there will be open Government and that all legislation, all subsidiary legislation, all Bills and all Government notices will be given as wide publicity as possible, with respect, I cannot support the motion.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?

The Second Elected Member for George Town?

MR. LINFORD A. PIERSON:

Mr. President, it was just an observation. Under section 24(2) of the Standing Orders this motion would seem to have been inadmissible in that it would, in fact, impose a charge on the revenues of the country.

MR. PRESIDENT: I did consider that. However, if you read the motion carefully, it just says, "Government consider taking the necessary steps". My view in the past has been that a motion inviting Government to consider doing something which will cost money is admissible, whereas a motion obliging Government to do something which will cost money is inadmissible. It was on that basis that I allowed this motion.

If no other Member wishes to speak -
the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I really did not intend to speak on this motion. First of all, I thought that Government was going to accept the motion. Unlike the other Bill here, I did not know that Government was taking a line that it could not support it because of the cost.

Mr. President, the Honourable Second Official Member said that the Gazette is not a secret thing and it goes out to quite a few people, not only to a chosen few. He went on to explain that members of the public subscribe to the Gazette, and that Government sent them to the police stations, the court-house, the Town Hall I think he said, or other public places. Mr. President, what he laid out as the Government position sounded to me like we were back in the early sixties, when just a few people had any interest in Government affairs and the public did not take any time or worry - they did not have any need to really. However, as I have been contending since I have been elected, and before, this country is in the eighties and how we operate here, although we are a Crown Colony, we are operating far behind other countries. We are operating a village system in an international atmosphere. We cannot continue this way, Mr. President.

We are asking that Government take steps to let the people be more informed. Just the other day I was on a Committee where Government claimed that they could not pay to a member of the public certain monies for certain lands which they had claimed for a road. Their excuse was that the member of the public knew what Government's position was, and that the Gazette, and this was one of the arguments, is published. Mr. President, I can hardly understand the Gazette, much less some of our poor people. This cost of \$80,000 as the Second Elected Member for Bodden Town puts it, is but a drop in the bucket. We are asking that Government be more open, and what better way to keep in contact with the people, Mr. President. I just cannot see Government being justified in defeating this motion. It would only cost \$80,000 according to the Honourable Second Official Member and Government just passed a Bill where it is going to pay out pensions at \$195,000 per year. I know it is more than that, but that is their figure.

All we are asking is that we inform the public more. People do not have time to go to the court-house any more, or to go to a post office to see what is happening. They just do not have the time. I am asking Government if it is only going to cost \$80,000, to take it into serious consideration and pass this motion. Let us not take a hard line as happened here with the other motions. Do you mean to say that Government is going to come up and knock us on the head with everything we put forward, telling us it is going to cost this and that to the country? What better way to spend our money than to spend it on the people? It is a bunch of rubbish. It is but a drop in the bucket, \$80,000.

I support the motion, Mr. President, and I am asking Government to think again and stop taking these hard lines with a few pennies.

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, and in replying I would like to first of all thank the Honourable Second Official Member for informing the public of the many ways in which the Gazette is distributed, because even that, I do not think was public knowledge until being put over the air waves and everything else in this country.

Unfortunately, Sir, I do not believe that the post office in North Side gets the Gazette. I could be wrong but the last time I checked, they had not got any. Maybe it came after I checked.

I agree with the Member, Sir. I am in no way trying to control the press or anything else, but the press in its wisdom prints its own interpretation of what appears in the Gazette largely, Sir. That right I would never seek to deny them. What I would like to see is what is published in the Gazette published verbatim in the newspapers. Sir, I am an advertiser in the local newspaper and a small company like mine does not advertise anywhere in the region of what Government does. Yet I get a 15 per cent discount. So, if Government got a 15 per cent discount on their \$40,000, that would leave only \$34,000. I think that \$300 is the outright price for a page in the newspaper. That is the discounted price, \$300 for a page in the local newspaper? Alright. We will accept then that it is going to cost \$40,000, Sir. However, what the Member did not tell us was what the Gazette cost to subscribe to.

That is the problem you see, Sir. Most people cannot afford to subscribe to the Gazette. I think that it is well over \$100 for an annual subscription to the Gazette. Sir, you know whether it is five, six, seven or eight newspapers is irrelevant. We can do with those five, six, seven or eight newspapers what we do with the five, six or seven printers of the Gazette. What we do is we put it out for a public bid and the person who puts in the lowest, most economical bid, gets the opportunity to print the Gazette. This is the way I would like to see all Government business, all Government contracts done. We should put it out to bid and let the public compete for it. So, if we put the publication of these notices in the newspapers, most people in this country would pay the 25 cents for the newspaper. The information will be there. They can read it and the majority of them will understand some of what is going on, and most of it they will understand.

So, Sir, I do not think that the Honourable Second Official Member's rationale or his compilation of the cost is altogether accurate. I do not think that it is altogether conclusive and, Sir, I still feel when we mentioned that the Gazette goes to Radio Cayman, maybe an alternative, Sir, would be to have Radio Cayman select a prime time of their choice to read verbatim what is in the Gazette and not the edited version. Again, Sir, we have professionals working in those departments who print their own interpretation and that is what we hire them to do, print what it says. What I feel needs to be done, Sir, is that the masses in this country need to know. I can bear out the inference drawn by the Second Elected Member for West Bay about roads, because this was a man in East End who did not know that they had put in the Gazette that they were going to take land for roads. He had given up the land freely when he was notified in writing that it was gazetted. When it came to the final analysis, Sir, it was found out that Government had not really gazetted this extra land which they wanted to take from this man.

MR. D. EZZARD MILLER (CONTINUING): So, you see, Sir, it is important that this information reaches the grass roots of this country who it is going to affect.

So, I hope that the Honourable Second Official Member has not given us the Government's position in total when he says that he is not going to support the motion. If that was their position, Sir, I am asking them to change their minds, because I really believe that we have the moral obligations to inform those people, not just at election time when we are seeking their vote on what is going on, but throughout the four year period that they have given us the privilege, the confidence, the opportunity to occupy this high office, of what we do in this Honourable House and what Executive Council does in its Chambers which is going to affect their day to day lives. I know that it is going to cost some money, Sir, but I agree with the Second Elected Member for West Bay. If \$40,000 is what it would cost for one newspaper, if we put it out to bid, who knows, we might be able to cut that in half because the Gazette is printed by one printer and there are other printers around, but it is put out to public bid and the best price gets the bid. I do not think that Government could be accused of unduly showing favouritism to one newspaper if they put out for public bid the opportunity to print these Gazettes verbatim for the populace, and any particular newspaper is successful in the bid. I think that that is a too democratic process.

Sir, I would like to see, and probably will be bringing a motion in November that all contracts; those existing, those which are coming up and those which need review be handled that way and be put out to public bid, so that we can be assured that we are getting the best value for our money.

I do not want to kneel down to beg them to vote for this motion, Sir. If I thought that would help I would. However, in a clear conscience I believe, Sir, that this is a step in the right direction and I am asking them to vote for this motion so that the public can be better informed about what goes on in this country.

Thank you, Sir.

MR. PRESIDENT: The question is that Private Member's Motion No. 16/85, the text of which was read out by the Elected Member for North Side when he moved it be passed.

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT: Would you like a division?

MR. D. EZZARD MILLER: Mr. President, may I have a division, Sir?

DIVISION
NO. 74

AYES

Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. D. Ezzard Miller

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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. G. Haig Bodden

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PRIVATE MEMBER'S MOTION NO. 16/85 DEFEATED BY MAJORITY

MR. PRESIDENT: Private Member's Motion No. 17/85. I am so sorry, I could not hear the Honourable Member... Wait and see. (INTERRUPTION) Order, order. Private Member's Motion No. 17/85. The Elected Member for North Side.

PRIVATE MEMBER'S MOTION NO. 17/85

LICENSING OF SPEARGUNS

MR. D. EZZARD MILLER: Mr. President, I wish to move Private Member's Motion No. 17/85 - Licensing of spearguns, which reads as follows:-

"WHEREAS there is great public outcry against the recently enacted regulations about the licensing of spearguns to special groups of people,

AND WHEREAS the selective licensing of spearguns has caused hardship to certain individuals who previously used their spearguns within the limits of the law to obtain food;

BE IT RESOLVED that Government give consideration to amending the regulations to allow licenses to private individuals, with certain restrictions and qualifications."

MR. PRESIDENT: The seconder?

MR. W. McKEEVA BUSH: Mr. President, I beg to second the motion.

MR. PRESIDENT: The motion before the House is Private Member's Motion No. 17/85, the text of which the Elected Member for North Side has just read out. The motion is open for debate and I ask the mover to speak to it if he wishes.

MR. D. EZZARD MILLER: Yes, Mr. President. You know, Mr. President, I am getting disturbed by the attitude of the Honourable First Official Member of Government.

HON. DENNIS H. FOSTER: Mr. President, Sir, if he would ask his fellow Member the Second Elected Member for West Bay to stop mumbling....

MR. D. EZZARD MILLER: I am not giving way, Mr. President. If he is rising on a point of order he must quote the point of order. If he is not rising on a point of order, he must do what the rest of us do, which is sit down. Does he have a point of order, Sir?

MR. PRESIDENT: He has sat down and my understanding is therefore, that he does not have a point of order.

MR. D. EZZARD MILLER: Then he should apologise to me. Mr. President, I do not want to go to my other exercise book which I have got in that briefcase you know, Sir, because we successfully hounded Government into oblivion here, and they had to turn around and vote for an amended version of a motion on a contributory pension scheme.

MR. D. EZZARD MILLER (CONTINUING): If they want this thing to get out of hand I can go in my briefcase and take out the other speech, but I am still going to give them the benefit of the doubt and I am going to deliver the speech which I intended to deliver. However, I would sound the bell of warning. Nothing which I bring to this House, Sir, do I consider to be senseless.

I made a quotation yesterday, Sir, and I am going to repeat it for the benefit of the Member. He has gone to the rest-room, Sir, but he can hear it:-

"Old fools are the biggest fools".

This is a quite natural deduction, Sir, because they have more experience and we are all told that I am green, and need experience. That kind of experience, Sir, I would be ashamed to display, because experience, ten years' experience can be ten years in which one has learnt ten different things, or it can be ten years in which one has certainly learnt one thing and that ten years' experience is simply a multiple of the first year's experience.

Mr. President, in March when Government brought this Marine Conservation Bill to this Assembly, I supported it with the exception of the prohibition of spearguns. I was successful at that time due in no small way to the generosity of the Government Bench tabling an amendment which allowed the licensing rather than the prohibition of spearguns.

Mr. President, I still support the licensing of spearguns. I consider a speargun a dangerous weapon, almost of the calibre of a 12 gauge shotgun. In fact, Sir, I think that they have had several instances where spearguns have been used maliciously in our community.

However, Mr. President, I like many members of the public who have made representation to me, cannot agree with the selective licensing of spearguns. Let me say here and now, Mr. President, that I would like publicly to congratulate the Member responsible for responding to the wishes of these people by extending the moratorium.

Mr. President, I now know what a statesman is. He is a dead politician. Although, Sir, that Member may be dead politically because of the speargun issue, he has demonstrated his true statesmanship in bending and listening to the wishes of the people. We need more statesmen in this House of that calibre, and politicians or Civil Servants who are aspiring to be politicians in certain media.

You know, Mr. President, I wonder if it would not be convenient to take the break so that we can give the leader of Government business time to get back from the rest-room so that he can hear what I have to say.

MR. PRESIDENT:

No, I think that it is a little early for our break.

MR. D. EZZARD MILLER: Mr. President, the response demonstrated by the Honourable Third Elected Member of Executive Council in extending the moratorium on spearguns is the kind of Government this country needs. It is a demonstration of the true democratic process. Yes, Sir, that is a very important correction which I must make. It is not the Honourable Third Elected Member of Executive Council, Sir, it is the Honourable Fourth Elected Member of Executive Council who has responded to the public, not the Third.

MR. D. EZZARD MILLER (CONTINUING): Any good Government, Sir, responds to the wishes of the people. This Member demonstrated that in responding to his people. Equally, Sir, a good Government does not leave them in the drawers at the Government Administration Building, or push the reports down behind the filing cabinet or down into the cellar of that building where they hope that they might have a flood once again and they will get washed away. However, he deals with controversial issues. He takes a decision on those controversial issues and he puts that decision out there to be subject to public analysis and public input. This is what I feel the Member has done in this case and as I said, I congratulate him. This Chamber needs more of those kind of dead politicians but statesmen.

It is fairly obvious, Mr. President, that the selective licensing of spearguns is not being accepted by the people, when one considers the few spearguns which have been turned in to the police in this country, because we can safely assume that that represents no greater than one per cent of the spearguns which exist in this country, if it goes that high. Some people have three or four spearguns depending on what type of fishing they are going to do with a speargun.

I do not believe, Mr. President, at least the representations which I have do not indicate that the public is that unhappy with the fact that a licence for a speargun is now required. Most people, I believe, Sir, agree that they should be licensed. However, Sir, their big beef is with the selective licensing of these spearguns. Sir, if I could refer to my own constituents whom I am here to represent whether the Honourable First Official Member of Government likes it or not - he has got to face me until he retires in March - these people have been eliminated - and when I retire and I run to Costa Rica I will get my pension mailed to me - these people in my constituency, Mr. President, who work as common labourers in the fields all week have two days on the weekend in which to do the chores around the house and in many instances to obtain food which can be stored in the refrigerator, which because of the state of our economy they can now afford. They no longer have to salt the fish, although I like a good piece of saltfish now and again myself. Mr. President, these people have one day or part of a day to go and get whatever sea food they deem necessary to feed themselves and their families for the coming week.

Now, Mr. President, I would not even agree with what some Members said when this Bill came before us in March, that a speargun is a traditional way of fishing in the Cayman Islands. A speargun is a fairly recent method of fishing in the Cayman Islands. I think that it was not introduced until the early sixties. In fact, I probably had one of the first spearguns in the Islands, because my father coming home from sea brought it for me as a gift. I certainly believe that I had the first one in the District of North Side.

However, Mr. President, like everything else, Government now has to have computers to make it more efficient to do Government business. We have to get jet planes to take us to Miami, which the Cimbooco used to do in years gone by. All a speargun does with these common people, Sir, is it provides them with a more efficient way of obtaining that fish which they need for food the next day.

Now, Mr. President, I have spent hours out there in a cat boat with my uncles trying to coax a grouper or an old wife to take a number two hook and that can be very frustrating, Sir. One cracks that conch shell and one throws it overboard. One sits down there and one begs him. One spits on the bait before one throws it overboard and prays that he will take the hook, and one might be there all day and he will not take the hook.

MR. D. EZZARD MILLER (CONTINUING): However, with that speargun, Sir, one just goes down and takes him, and brings him up. These people are not the people who are destroying the marine life in this country, Sir. They take only what they need and most of them are so adept at the use of a speargun that they do not miss very many fish. There is very little destruction like that. If some of the people operating computers in Government and other places were as adept as these people are with spearguns, we would not have some instances of coffee washing away the records.

So, Mr. President, I have made representation to the Honourable Member concerned with this and I believe that they are going to accept this motion. I believe that they are going to allow the licensing of private individuals for spearguns. I believe, Sir, that it is a positive step to do so.

Mr. President, I hope that there are going to be several speakers on this motion because I am going to need time to pick up that exercise book out of my briefcase, depending on what their reply is. I have my briefcase there, they should not worry about that.

So, Mr. President, I am asking Members to support this motion to allow the instructions. I do not even think that it is necessary to change the present regulations to allow this, Sir. However, to change the instructions or to issue an instruction to the Conservation Board to license private individuals' spearguns, even if those qualifications are that they can only get two or three fish per day; even if it is a qualification that the person has to be eighteen, I think that is reasonable, Sir. We are talking about a dangerous weapon. Even if there is the added qualification that the person must have no criminal record and must be of good character, most of these people desire private licenses to use these spearguns with their tube, because they do not have a captain or a boat, Sir, and most of them use the bathtub which the wife scrubs the linen in to tow behind them while they are diving to get the fish so that they have a container into which to put the fish.

So, Sir, I think that the Government has responded positively. I think that it is an example of democracy at its best. I cannot say that the vote just cast on my other motion is democracy at its best, because you know when they do not put those notices and inform the people, they can always duck and weave and say, "Well it did not mean this or it did not mean that", or "It meant this or it meant that". However, when they put it out there in black and white, and the people read it and they interpret it, maybe that is the reason why they would not support it.

However, as the Honourable Second Official Member said, I usually grab the bull by the horns, put it out there and if I get licked down I get up, Sir. So, if there is anybody who licked me down, when they come, Sir, I am telling them now like I tell my friends in another arena, when they come at Ezzard Miller they bring everything that they have including the kitchen sink, and if the wife can help them they bring her too, because I am coming with two barrels of my shotgun loaded.

Mr. President, I have tried to be docile in the presentation of these two motions. I have tried to use my powers of persuasion and I will monitor the debate, Sir. If I have to take out the other exercise book and resort to my sandblaster to try to pound them into submission, I will do that, Sir.

Thank you.

MR. PRESIDENT: I think that it will be convenient if we take our morning break now. I will therefore suspend proceedings for approximately fifteen minutes.

AT 11.15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.38 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
The Private Member's Motion No. 17/85 -
Licensing of spearguns. Does any Member wish to speak? The Fourth Elected Member of Executive Council.

DEBATE ON PRIVATE MEMBER'S MOTION NO. 17/85

HON. VASSEL G. JOHNSON: Mr. President, many important issues have been dealt with in this Meeting. I can perhaps truthfully say that the speargun issue ranked number two after pensions.

A great writer once said that all truth passes through three stages. The first is that truth is ridiculed. The second is that truth is violently opposed, and the third is that truth is accepted as being self evident. Perhaps this can be related to the speargun issue because there are many people who profess to be supporting very strongly the principle of conservation, while on the other hand they want freedom to do what they wish, as in this case where there is an attempt to preserve marine life in the shallow waters around these Islands. I am sure that there are many people in these Islands today who can verify that there are many users of spearguns who do so indiscriminately and definitely destroy marine life.

Mr. President, I might have mentioned this already, that a few Sunday mornings ago there were four people with two spearguns in the bay close to where I live. They went out on a Sunday morning spree to spear fish. When they came in they bought a bag of fish and I was down there and I asked them if I could look in the bag, and they said yes. There they had a number of fish which they had struck along the ironshore in that area. There were many of them, Mr. President, that if they scaled them and cleaned them, they would not weigh more than a couple of ounces. That is the sort of destruction which has taken place around these Islands, especially here in the shallow waters along George Town and Seven Mile Beach, and the South Sound area.

A number of people have said during this speargun issue that they remember the good old days, those who are opposing the restriction on spearguns. They have said this as though they were referring to the old days when they could go out there and catch fish. I am sure they were not referring to the use of spearguns, because as the mover of this motion rightly observed a while ago, a speargun is an advent of just recent years and therefore in the good old days nobody here used spearguns.

HON. VASSEL G. JOHNSON (CONTINUING): Those were the days, Mr. President, when there were schools of goggle eyes around the shore in the waters of the various Districts. There were sprats, schools of sprats. It was a lot of fun leaving the office in the evening, going there with a bit of fry to catch goggle eyes or sprats. There were mackerels and jacks always rallying around the sprats, and with hook and line we could always do a good catch. Those were the good old days and those were days when there was enjoyment in fishing.

Today, Mr. President, spearguns, seines and what not have driven away those games. If one travels along the waters of the Seven Mile Beach, George Town and the south shores with a boat and a water glass, and looks on the bottom one will scarcely see anything. I am not saying, Mr. President, that there are not many people who we would regard as responsible individuals who would not attempt to destroy little fish, or to use their seine to surround a whole school of goggle eyes, get half of the catch and destroy the other half. We do have citizens who are responsible, and they indicate that responsibility in their action in these sort of things.

I think what is bothersome, Mr. President, are those people who have little regard for conservation; who care little what they destroy. So, since there has been a strong objection against the method of licensing of spearguns, I think that there are reasonable grounds for this objection. Mind you, the proposal which was brought to this House in the amendment to the Marine Conservation Law in March, was a proposal among other things to ban spearguns. I understand, speaking to many citizens throughout the Islands that they would have preferred a complete ban on spearguns as opposed to the method of licensing which was undertaken by the Marine Conservation Board.

When that Bill came here, Mr. President, to amend the Marine Conservation Law the Members objected to the ban on spearguns. One of the reasons they advanced for this objection was that there were a number of tour boat operators who, in supporting the tourist industry took groups of tourists out and picnicked, and that one of the attractions and specialities in the tour was to catch fish or lobsters out on the day tour and to cook lunch to feed those tourists. So, that was one of the grounds on which the objection to a complete ban on spearguns was advanced.

It was this that the Marine Conservation Board had in mind when it undertook to set guidelines for the licensing of spearguns. They knew what had happened down here and so the Board in its wisdom thought that it would follow as a guideline the suggestions which were made during the debate on the subject. Well, after the Marine Conservation Board went on to implement the restrictions as were devised by the Board, we heard murmuring from the public. The Chamber of Commerce was the first to start this murmuring largely, Mr. President, because all the speargun merchants are members of the Chamber of Commerce and they thought that it was somewhat unfair to ask them to surrender to Government their stock of spearguns. They came to see us about it and I must say, Mr. President, that the group who came acted in a very gentlemanly like fashion. They expressed their desire to promote conservation in the Islands and to see spearguns controlled in the Islands, because they confessed that spearguns were destroying a lot of young marine life.

The Member who is moving this motion came to see me as well. He expressed a lot more concern over the question of licensing than even the Chamber of Commerce did. I suppose as a politician, his ear is to the ground and he has a wider knowledge of what is being said around the Islands.

HON. VASSEL G. JOHNSON (CONTINUING): He requested that I look into the matter and try to adjust things so as to allay fear in the public, and to bring peace and harmony among those who were objecting to the method which Government used to license speargun users.

Mr. President, I conveyed these stories to the Marine Conservation Board and it was suggested that since there was this objection to the method employed to licence speargun users, that the Board would suggest to Government that the moratorium for the licensing of spearguns be extended for another three months to the end of November, as the moratorium originally imposed expired on the 31st August.

This was conveyed to Government and Government approved of it. Following that, Mr. President, a press release was done on the front page of the Caymanian Compass issue of the 29th August, 1985, entitled "Spearguns Moratorium Extended". That press release was read here a few days ago during question time on the same subject of spearguns.

Mr. President, the press release stated that the action was taken as a result of representation made to the Marine Conservation Board. The Board is now charged with the responsibility again of looking at the guidelines to the licensing of speargun users. I cannot foretell what the recommendations will be. I suspect that because it is necessary to impose certain restrictions on the use of spearguns, that age limitations will be one of the criteria. I am sure that to avoid the destruction of small fish as I mentioned here, and which many other people have spoken about, the size of the strike will also be one of the criteria. I am not sure but this is what I suspect.

Mr. President, as soon as those guidelines are formulated then the public will be notified and the licensing will begin anew. At the present time all licensing has been suspended.

Mr. President, when the speargun ban was recommended in the amendment Bill in March this year, it was not a matter which had specifically been devised by me, myself. I mentioned that in the presentation of the marine parks systems, we had sent a group of people from the Portfolio, from the press and elsewhere to visit each District and make this presentation. It is another issue which we pulled out of the safe and it was decided to test the public and see whether they wished to accept it or not. It cannot say there.

All that we found in the safe we have been pulling out and dealing with in one way or another.

It was during the presentation of the marine parks system which is being proposed that Members at these District meetings dealt purely with the question of marine parks. However, interesting enough, Mr. President, at those meetings, the people questioned what Government proposed to do about spearguns, seines and gill nets. I have the file here, Mr. President, with the field notes on these meetings. They started in George Town. Questions were asked here. Questions were even asked in Bodden Town about seines, spearguns. East End and North Side requested that spearguns be banned. I am not sure whether the mover of this motion was present at that meeting or not. It might not have been the wish of all the people of North Side, but at least those who gathered there discussed the subject. It was due to this, Mr. President, that the amendment to the Marine Conservation Law was presented here recommending action on spearguns, seines and gill nets.

So, Mr. President, whatever one might want to say about the action which was taken by Government, that action was prompted by the people of these Islands.

HON. VASSEL G. JOHNSON (CONTINUING): I did not mention West Bay, but West Bay was also included. I did not mention the smaller Islands either but they were also included, for the touring group also included the Lesser Islands.

Mr. President, this motion before us Private Member's Motion No. 17/85 on the licensing of spearguns is coming really after action has been taken by Government. It seems that the motion is superfluous, redundant, simply because action has already been taken. Licensing has been suspended and people are allowed to use their spearguns until the new licensing arrangements have been decided. However, Mr. President, knowing the intent behind the motion and seeing that the motion carries the same spirit in which Government extended the moratorium and licensing, I have no difficulty at all in supporting the motion.

Thank you, Sir.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, this motion really had its beginning in the March Meeting of this House when the Government amended the Marine Conservation Law. I felt at that time and I still feel now that the Government went too far. I was one of three Members who voted against the amendments to that Law. Amongst the amendments was one which gave the Government more power, and the Marine Conservation Board more power to make regulations and to give licences.

I cannot support this motion because it does not go far enough. Nothing would satisfy me unless there is a complete repeal of that amendment in March. What can be gained by passing a motion which says that we should allow licenses to private individuals when this will be done by the same body who has shown that their actions are totally illogical. The purpose of the Marine Conservation Law is to conserve marine life. The Member knows this and the Marine Conservation Board should know it. Yet, what do they do. They give a licence to use spearguns in the North Sound. Everyone knows that the North Sound is the cradle of our fish life. If they are really interested in conserving marine life, they should put a total ban on the use of spearguns in the North Sound, yet what they have done is rig it so that the Board only gives licences to the tour operators who mostly, as everyone knows, operate entirely in the North Sound. They are not using their guns to catch one or two fish for personal consumption. They are taking out every day boat loads of tourists, catching enough fish or lobster with the speargun so that when they arrive at Rum Point they can have a cook out and feed all the tourists they have. So, how can the Government believe that it is aiding conservation when it acts in this most illogical manner?

It is not the little boy who goes out behind the reef in Bodden Town, East End or North Side who is destroying the fish life. It is those people who are attacking the natural habitat of the fish in its early stages of life. Studies have been done. One of them the Government is well aware of, the natural resources study completed some time in the seventies, which specifically pointed out the need for preserving the areas where fish breed. Amongst those areas the North Sound was especially earmarked as an area where we should adopt conservation measures. Yet, here we have a Government, who in imposing the ban on spearguns has given licences so that these spearguns are used now almost entirely in the North Sound. This has to be childish. It has to be foolish, and it is illogical.

MR. G. HAIG BODDEN (CONTINUING): The statements made by the Government Member who spoke would lead the public to believe that the former Government had something to do with this ban on the spearguns, because he spoke about having pulled it out of the safe along with other things which he pulled out of the safe. I do not know what safe he is talking about, but we left no such thing in any safe. So, he is blatantly misinformed and flatly wrong in his facts. The truth is that the previous Government had set up a committee to look into the establishment of marine parks. However, that committee report was rejected by the Members of the former Government and it was put aside. Everyone knows what has come out now. It is that report which we had rejected. The new Government has brought forward the report of the committee which was set up in 1983 or 1984 and put it forward as having received the sanction of the previous Government. Nothing could be further from the truth. The fact is that we did not agree with that report and probably might have used parts of it had we been returned, or might have used it in a much amended fashion.

However, if he pulled something out of the safe, it was not something which had been approved.

The motion is highlighting the selective action of the Marine Conservation Board in giving permits to a particular few. It is my contention that this matter has been handled the same as the road works this year. We found that 90 per cent of the road work is being done in the constituencies where the four Elected Members of Executive Council come from. Also, the people who are being granted licences to use these spearguns are people who live in the constituencies of George Town and West Bay. No boy in Bodden Town, North Side or East End can get a licence to use a speargun and it is quite obvious that the licences are not being granted on a priority basis. They are not being granted on a sensible basis, but granted on some other basis, because to give licences to use spearguns in the North Sound in the breeding places of the fish and other marine life, is totally unreasonable. So, it is nonsense to come here today and talk about this Law supporting conservation, or this Law helping to protect marine life when it is striking at the very heart of it.

The Law is unreasonable because it interferes with a way of life which has been customary here for many years, fifteen to twenty years perhaps. The Law cannot be enforced. The Government has admitted this. We cannot enforce a Law which is unreasonable, which is not accepted by the public. Mahatma Gandhi proved this to the world when he took up the salt from the salt lakes in India against the wishes of the British Government. We cannot put the whole population in jail and we cannot enforce an unreasonable Law. Unless this Law is changed there is going to be a lot of discontent, just the same as there was discontent in India when the British Government tried to impose an unreasonable law.

Government knows that it has made a mistake. We have heard a lot about this beautiful, well written front page article called the "Moratorium on Spearguns". What kind of nonsense is that? If the Law requires that people must turn in their spearguns, they must turn them in or the Law should be suspended or repealed. As long as the Law stays on the books how is it that the Government can say, "We are going to be good fellows. We are going to play a granddaddy and we are going to lend you your spearguns until November"? What kind of nonsense is this? They know that the Law is wrong. Why do they not be men enough to change the Law? They claim that they will lend people their spearguns, those sixteen people who were kind enough to turn in their guns. They said, "Come up and big brother will lend you the guns until November".

MR. G. HAIG BODDEN (CONTINUING): The Member claims that this motion was necessary because Government is taking action. What kind of action are they taking? What they are doing is inaction. The Marine Board has suspended the issuing of licences. The Marine Board does not have this power under the Law. The Law provides for licences to be issued. The Law does not provide for licences to be issued only to a special few. Either we must abide by the Law or we must repeal the Law.

We heard nonsense about the Board taking time to devise new licensing guidelines, and during that time the police are not going to prosecute. What kind of Law is this when the Board can tell the police that they must not prosecute? What kind of Law is this? Is this a kangaroo Law? Is this a banana republic? The Law is a Law and if it is being broken the offenders should be prosecuted. If the Law is harsh, draconian and unacceptable, it should be repealed. We cannot monkey around with it because we will lose the respect of the whole world. We have a Law on our books which nobody is paying any attention to. A notice went out saying, "Bring in the guns". Sixteen were brought in and the Government is so fearful they are saying, "We wish you had not brought them in. Come back and borrow them until November". What is planned for November? Is it because November is the Budget Meeting and we will be dealing with the Customs Law and there will be an amendment to that Law to ban the importation of spearguns? This is suggested in the front page article in a very subtle and well written article.

I certainly wish that the Elected Member for North Side had consulted me on this motion. I would have suggested that he make it much wider and make it go much deeper. Then I would have supported it. However, the Member who moved this motion supported, I think, the passage of that Law. However, he was deceived in that he has found out now that when one puts power into certain peoples' hands, after that one can no longer control it. They have gone much further than he expected, and that is why this motion, if passed, does nothing because it leaves it right where it is; the licensing in the hand of the Marine Conservation Board; the licensing at the will of regulations made by Executive Council, so the motion does nothing.

It is my opinion that if this motion is passed, the "Whereas" section of this resolution will become the "Resolved" section. Instead of:-

"WHEREAS the selective licensing of spearguns has caused hardship",

it will now become:-

"BE IT RESOLVED that the selective licensing of spearguns continue to cause hardship."

So, we achieve nothing and I imagine that Government is happy to see this motion, because it is playing into their laps. It is giving them the time to continue to do what they have been doing all along. To continue to blame the previous Government with this Law is the product of this House in March, and blaming it on questions asked in political meetings by one person. I know a lot about political meetings. Sometimes I get questions planted there myself when I am having a meeting and it is my belief that one can get questions planted to ask what one wants asked.

MR. G. HAIG BODDEN (CONTINUING): So, from the debate I have heard, the Government is supporting this motion, as they should because the motion suits them. While I agree with the sentiments of the Elected Member for North Side, I would like to point out that this motion will not change anything. I dealt with conservationists a long time and I know that they will not change. We had an instance here with a conservationist. The one who screamed the loudest was doing the most damage.

This motion does have some truth in it when it says that there has been great public outcry against the regulations. It is my understanding that a petition is going around these Islands asking for the repeal. That is a sign of great public outcry. I signed the petition when it was brought to me because the petition is trying to rectify what I tried to stop in this Assembly in March, but only three Members voted against the Bill. There is public unrest and I believe that the public unrest is because of the manner in which this whole licensing has been carried out. We would not be dealing with this motion today if the Marine Conservation (Amendment) Law had not been passed in the fashion it was passed in. My recollection was that it was brought to the House in March. The Government Members had but very little to say on what was happening and when the amendment was slipped in about the spearguns the public did not know about it, or they would have objected in the beginning.

The Government has a problem on its hands, but they are capable of solving the problem. If it is their intention to licence spearguns they must do so in an equitable and reasonable fashion, not in a selective fashion which gives favouritism to a specialised group, or to a special interest group.

I trust that the inaction which has gone on in the Government in this matter since March will now be triggered into action and they will do what is necessary by amending the Law or by instructing the Board, because I do not think that the Law needs any amendment. I think that the Board has gone out of its place to impose a restriction which was not the intention of the Law. If the intention of the Law had been that licences would be given only to a handful of tour operators, the Law should have spelled it out. However, having not done so, the Board cannot take it upon itself to impose a restriction which is not in keeping with the Law and I doubt if they could succeed in a court of law.

The motion, and this is my final statement, would only receive my support if it restored the Law to its position prior to March where spearguns could be used with restriction. That is, a person was only allowed to take so many fish and many people complied with this Law. If they were people who did not obey the Law, people who broke the Law, it was the work of the police to impose the Law. It was the work of the fishery officers to police the Law, and perhaps if anything were necessary, to bring more people to justice for having broken the Law. There were a few cases in court where the offenders were found guilty of offences under this Law. There have been many prosecutions over the years and people have been brought in under this Law. If it was felt that anything needed to be done, I would have thought that the Government would have stepped up the enforcement of the Law rather to produce a Law which is unreasonable.

MR. PRESIDENT:

The Second Elected Member for George Town.

Does any other Member wish to speak?

MR. LINFORD A. PIERSON: Mr. President, I would have been happy to have had you dismiss the House now and speak afterwards. However, if it is your wish I will go on.

MR. PRESIDENT: We do not normally break until about 12.45 p.m., so there is fifteen minutes and that is a reasonable period.

MR. LINFORD A. PIERSON: Thank you, Mr. President.

Mr. President, I rise in debate of Private Member's Motion No. 17/85 which deals specifically with the licensing of spearguns. Mr. President, I have on several occasions expressed my disappointment at the behaviour seen in this House. Again today, Mr. President, I am stating that I am somewhat ashamed of some of the behaviour I see in this House. Mr. President, I have heard threats made about pulling information out of exercise books. I have heard threats made of exposing certain information which is privy to others. Mr. President, I do not know about the other Members in this House, but I myself am not trembling all over, because I have no hidden secrets which I am afraid of being exposed to the public. My life, Mr. President, is an open book and I make no apologies for anything which I have or may do.

I have heard people called "old fools" and I have heard them referred to as "the biggest fool". However, the best remark I heard in relation to this came from a Member in this House when he said off the cuff that "time will make young fools old fools". I thought that that was well done. Time is indeed a good equaliser, Mr. President. It was Moliere who said:-

"A learned fool is more foolish than an ignorant fool".

Mr. President, even the Bible tells us in Proverbs, Chapter 17, Verse 28:-

"Even a fool, when he holdeth his peace, is counted wise."

Many times, Mr. President, silence is golden. However, Mr. President, I feel constrained to speak on this motion.

Mr. President, I have heard the rationale given in this House for the extension of the moratorium. However, Mr. President, that indicates to me that under the circumstances, the Member responsible is in fact admitting a gross error in the manner in which the selection process was done. Whether or not, Mr. President, this was done by the Marine Conservation Board or through the Portfolio of Government, it nonetheless is the Member's responsibility as it is a subject which falls within his ambit and within his Portfolio.

Mr. President, I did not support the banning of spearguns. I feel, Mr. President, that the Honourable Fourth Elected Member of Executive Council will vouch that I moved from this side, went over to him and suggested that perhaps a restriction would be much more palatable than a full ban. However, that restriction, Mr. President, I did not expect would have been done on a selective basis, where the poor people, the little people and I would emphasise that I do not say this in a derogatory manner - when I say little people in this House I refer to the less fortunate and I believe that my people know that - were left out. This was not what we agreed on in this House. The selection was done subsequent to the amendment being passed in this House.

MR. LINFORD A. PIERSON (CONTINUING): The Elected Member for North Side said, Mr. President, that the public is not unhappy that licensing is required. While, Mr. President, I in many ways support the sentiments expressed by that Member in this House, I cannot agree with that statement. The biggest beast, Mr. President, may be the selective process. However, I would submit that there are many people out there who are totally opposed to the whole system of licensing required.

Mr. President, the Elected Member for North Side also said that the Honourable Fourth Elected Member of Executive Council has demonstrated his statesmanship by extending the moratorium period. While, Mr. President, I would have no derogatory remarks to pass on any Member of this House, I believe that the real reason for this extension has to do with the fact that the Member responsible realised that his Portfolio had made a mistake and tried his best to correct it. Mr. President, we are all prone and subject to making mistakes. It is when those mistakes are repeated that we can hardly be forgiven. It was Cicero who said, Mr. President:-

"To stumble twice against the same stone is proverbial disgrace."

Mr. President, we all understand that to err is human, to forgive divine. I believe that the people of this country are ready to forgive this injustice done to them.

Mr. President, amending what has been done in an ad hoc manner is not the answer. Mr. President, Government needs to reconsider the whole issue of that amendment made earlier this year.

Mr. President, I have heard remarks made here about pulling matters out of safes. That does not concern me, Mr. President, as to me those remarks are mere political rhetoric. When a Government takes power their responsibility is to govern the country, not to continually come before the people wasting their time criticising past Governments. We have been given the very unique responsibility to, for the next four years, govern this country. Let us not fail in doing this, Mr. President. The election was on the 14th November, 1984, and I am tired of hearing political campaigning in this Chambers. Let us deal with the issues before us.

Mr. President, this particular issue on the spearguns and the amendment to the Misuse of Drugs Law have caused more concern recently in this country than any single matter which we have brought to this House.

Mr. President, we as legislators in this Assembly cannot ignore the wishes of the people whom we represent. Many of us sit here, Mr. President, many of us stand here and we believe, or we act in such a way as to give the impression that we are only here to be heard. We forget that the main purpose of being here is to represent our people. If our people say to us that they are not happy with a particular action taken by us in this House, then we should listen to them.

Mr. President, in the debate to the amendment of the Marine Conservation Law I made it quite clear in this House that I am a conservationist. Mr. President, there is a point when reality has to be faced and my conservationist stand, Mr. President, does not extend to the point of where I would want to hurt the people whom I represent.

MR. LINFORD A. PIERSON (CONTINUING): If we have done something in this House which is wrong then, Mr. President, we should correct that error.

Mr. President, perhaps this motion was brought with the very best intentions but it would seem to be hurriedly done. I feel, Mr. President, that a matter this important should be referred to the whole House for reconsideration. It is not a very simple issue, Mr. President.

Perhaps, Mr. President, this motion has in fact been somewhat redundant and superfluous in that it comes after a statement was made to the Government Information Services on the matter of the moratorium placed on spearguns. Be this as it may, Mr. President, I am submitting here today that this matter is of the magnitude where this motion before us today is not sufficient to correct the wrongs which have been done to the people of this country.

Mr. President, while I support the good intentions of the mover of this Bill I believe, Sir, that as intelligent people in this Assembly that we need to look not only at the intention, but at the net effect.

Mr. President, I notice that it is 12.45 p.m., the usual time for breaking. I feel, Mr. President, that I have made my point. Mr. President, I believe that the people of this country would be much better served if instead of passing this motion here today, this whole issue was referred to a full Committee of this House so that it could be reconsidered. Mr. President, as I said, I can respect the intentions of the mover of this Bill and I congratulate him for wanting to correct to a certain extent some of the wrongs done. However, Mr. President, I cannot support any ad hoc actions taken in this House.

Mr. President, with those few remarks I would state here that I commend the Member, but I am afraid that I cannot support the motion.

MR. PRESIDENT: I think that it will be convenient if we now suspend proceedings until approximately 2.15 p.m.

AT 12.45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.20 P.M.

MR. PRESIDENT:

Please be seated.

Private Member's Motion No. 17/85.

The debate continues. Does any further Member wish to speak? The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I support the motion.

Mr. President, I already said that I have never used a speargun and I have no intention to ever use one. In fact, I do not believe that I could even get to the bottom of the sea.

In March or before, it could have been before March, when I found out that Government was going to bring in the marine parks which the previous Government had established but had not put in force, I felt at that time that it was the wrong thing to do.

MR. W. McKEEVA BUSH (CONTINUING): I believe that I told some of the Members of Executive Council exactly that and in March when Government brought the amendment Bill to the House I found out in that session that Government was going to ban entirely the use of spearguns. I asked them to consider what they were doing. Mr. President, I have a copy of a part of my speech and I am going to read that. I have learnt as the Honourable Second Elected Member of Executive Council has said that words can come back to haunt us. However, I am glad that in my debates here I have tried to be consistent with what I believe, and I am glad that these words can haunt me. I said in March in the debate on the Bill, and I am quoting now:-

"I see the need to protect our marine environment. I realise there is a lot going on which is not in the best interests of our underwater world, one of our greatest attractions and it is resulting in a check to tourism which brings into our economy \$75 million per year. However, Mr. President, I have had much representation on this matter which I versed to the Department and unless those things are taken into serious consideration I cannot support the Bill in its entirety.

Mr. President, somewhere in the middle of this controversy there is a small group of Caymanians most of whom are in my constituency whose livelihood depends on some of the things which this Bill proposes to ban. I am referring to the tour operators who I believe perform a valuable service in our tourist industry, and who depend on the use of a speargun on their tour trips. I want to see some kind of provision to protect these people and if we say ban spearguns, then we are banning spearguns."

Mr. President, I went on to voice other opinions on the Bill and the record will bear me out that I did not support the Bill. At that time I was told too that I was part of the Opposition.

Mr. President, I make no apologies to anybody for representing my people on this speargun issue. There are tour operators in West Bay who have used spearguns, and they have to use spearguns if they are going to continue to provide this service.

Since then, Mr. President, since March I would say that a majority of people are not satisfied that giving a licence to a few people is the right thing to do. Mr. President, since March in my meetings with members of my constituency I have had much representation on the matter. After the March meeting I told them that we would try to do something about the situation.

Now Mr. President, according to our Standing Orders in the House, according to Standing Order 24(8), no motion may be proposed which is the same in substance which during the previous six months has been resolved. As I understood it I could not bring a motion to this House to ask Government to do anything about the matter until six months time. Six months time has now elapsed and the motion is before the House. So, the Elected Member for North Side and myself are keeping our promise to the people, that we would try to do something about the situation. Mr. President, as I said, this situation I felt that our Government should not have touched. They should not have touched it and I told them so. This thing came up, according to the Hansard, in 1984. I will refer to a speech by the Second Elected Member for Bodden Town on Thursday, 1st March, 1984. He said:-

MR. W. McKEEVA BUSH (CONTINUING):

"Other matters were raised which seemed to be evil because they have not been completed. And one of those matters is the setting up of marine parks. The Honourable Member responsible will probably deal with this in greater detail, but a committee has done the initial work on designating certain areas as marine parks. That report is with the Portfolio and one day it will become a reality.

The idea behind the marine parks is that a few areas will be set aside for diving; certain areas where no fishing would be allowed; certain areas where young fish-life and conch-life (marine-life as a whole) would be allowed to grow to maturity. However, we do have a Law that was passed by this Government (when I say this Government I am including the majority Members from 1976) which makes provision for the protection of lobster and conch-life and makes regulations for spearfishing. Nothing like this existed before 1976. So we have taken certain steps and we cannot be accused of non-delivery of the goods."

So the Member was making it quite clear that their Government intended to do something about the marine parks situation. They had it set up and it would one day become a reality. The Member responsible at that time said on Friday, 2nd March, 1984:-

"I assure all Members of this Honourable House and the people of the Cayman Islands, I am not about to lose my seat by forcing through an issue on the Marine Parks that will be set back in my lap in 1984 General Elections."

Now, I would say politically he was a wise man. Here we have a new Government just elected and they dared to go at these marine parks which they knew a Government had set back because of the political implications. Now, Mr. President, the people desire that we do something about this situation. The Member responsible did make a press release or a statement in the press which said in effect that Government was putting a further moratorium on the banning of spearguns. I do not know whether this will satisfy our people but in fact I had the intention of bringing the motion, the Elected Member for North Side and myself, but we could not bring the motion before this Meeting of the House because of the Standing Orders of the House.

Mr. President, I believe that they have done the right thing. I have been told that it is only a fool who cannot change his mind. However, who are we to go against the wishes of the majority of the people in this country. I do not know whether a poll was taken but I know certainly from the representations which I have had in my district that it is a majority. Now, Mr. President, quite a fuss was made about the North Sound and about those men using the North Sound. Mr. President, I thought that the Second Elected Member for Bodden Town would look out for West Bayers. I thought that he would help to protect West Bay. Unity was pretty strong and any time he had a public meeting quite a few people trotted to Bodden Town. So, I thought that he would protect West Bayers. Anyway, I am not shelling down about looking out for my people. I believe that I did the right thing although I did not support the Law. If we had not mentioned that and had not asked for that amendment to be put into the Bill at the Committee stage, not even they would have had licences.

MR. W. McKEEVA BUSH (CONTINUING): I congratulate the Government for what they have done so far. I believe that this motion will pass though one never can tell. However, the real judge of Government is not the Members of Government, Mr. President. The real judge of Government is the population of the country which is governed. If we in this Chamber continue to go against the wishes of the people then we are headed for disaster. We cannot govern if the people do not want us to govern.

I applaud the Member for what he has done and applaud the Elected Member for North Side for his initiative in this, and trust that Members will support this motion. No more sitting on the fence, Mr. President, when some people fall they are going to get a hell of a lick, a blow, sitting on that fence. That has got to stop. One has to be on the right side, the side of the people. I believe that the people want this thing so that responsible people who will apply will get a licence. I believe that is as it should be.

The talk that the spearguns are destroying our marine life I do not entirely agree with. I think those people who are pushing that are doing it for their own convenience. I believe that people who use spearguns do it to get food. They are not doing it just for fun. I would like to see as one Member said, certain ages be licensed, and I trust that Government will take those recommendations into consideration.

I have no more to say, Mr. President, except that again I applaud Government for the stand it has now taken. However, I do wish that politically they had had the sense of the previous administration and left the marine parks for a little longer.

I thank you, Sir.

MR. PRESIDENT:

Yes, sorry. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, in my usual fashion, I will be very brief, but I rise to support Private Member's Motion No. 17/85. Although to some extent events have overtaken this motion, I think that the Elected Member for North Side's intentions are genuine in trying to get what is best for our people. For those reasons I have no difficulty whatsoever in supporting this motion.

The controversial speargun issue, many people have jumped on this band-wagon. We have covered the world, covered the whole Island and bought in everything imaginable inside and outside of this House to do with this controversial speargun issue. Whether we like it or not, Mr. President, many of the complaints which we have from the public, many of the things which happen in our country which our people are complaining about, I believe that many of those problems are of our own making. Regardless of whether we like it or not, if we are to preserve the future of our environment for generations to come, at some time and place in the future in this country the public is going to have to accept the fact that if we are to protect and preserve our environment, we are going to have to be willing to put up with a certain amount of inconvenience. We cannot have our cake and eat it too.

I do not believe that politics should take priority over preservation of our own environment for the benefit of generations to come. I hope that I will never be a politician who is willing to forfeit that, because those generations to come will not rise up and call us blessed, but they will have every reason to curse us.

HON. W. NORMAN BODDEN (CONTINUING): It will be remembered that when the amendment to the Marine Conservation Law was brought in March, it was envisaged that a total ban on spearguns would take place. However, as a result of the debate, it was decided that we would take a different approach and allow for licences to be issued under certain conditions. We thought that we were bending backwards in order to accommodate the wishes of the majority. In an effort to protect tourism the North Sound tour operators were kept in mind because tourism is very, very important to this country, everyone inside and outside of this House acknowledges this. We also have to bear in mind that what attractions we have to offer are limited and we must continue to try to improve those attractions in any way that we can. Because of this, certain considerations were made.

We are now receiving a lot of fire and a lot of criticism for this. Much politics are being played but again, Sir, I want to repeat that I support this motion and I feel that it is a good one, and that every consideration should be given to satisfying the wishes of the majority. However, I repeat that if we are to protect our environment, the public will have to accept that some inconvenience and some sacrifices will have to be made if we are to preserve and enjoy the future of this country.

With those few remarks, Sir, I support the motion and I thank you very much.

MR. PRESIDENT: Does any other Member wish to speak?
The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President.

At the risk of being unpopular, Mr. President, I cannot support the motion. My very good friend the Elected Member for North Side knows the stand I take about spearguns. I do not believe in the licensing of spearguns period, not at this time. For all my life practically I have lived right by the ocean and I have seen the destruction which has taken place over the past several years, although I must make a confession here, Mr. President, I do not believe that spearguns are causing the greatest destruction. However, from experience I know that within this country some years back when it was decided that our lobster population was being depleted and something would have to be done, there was a great furor in our midst. A number of people rose up and were very adamant and they felt that we were depriving them of what was theirs. It went on for a while and needless to say the lobster population has still not returned, in spite of the fact that we have been trying to have a ban on certain months when lobsters can be caught.

The same thing has happened with the conch. That was carried on until one could go into the North Sound and had to search around until one found one, two or maybe half a dozen conchs for the day.

What I am trying to say here, Mr. President, is at some time, at some period of time, we are going to have to face up to the fact that we have to be the watch-care parent, if I can put it that way, of our environment. We have to be the conservationists. We have to be the people who look after what we have now for generations to come. It is actually being held in trust. It is not really ours to keep. It is held in trust for generations to come. Now, I dare say that it is probably less than five per cent of our population who use spearguns. I feel badly that some people would be hurt by not being able to go out there. It might be a means of getting fish and food and so on.

MRS. DAPHNE L. ORRETT (CONTINUING): However, I can think right now, Mr. President, of a gentleman in West Bay who makes his living from fishing and he has all his life. The man is over sixty, I am sure. Every day that weather permits barring Sunday, he is out fishing and he never, ever comes in without a catch, most of the time a very good catch, and he uses hand lines. Now, he is a fisherman if every we heard of one, because he can put the lines on both feet plus having one in his hand, and he can catch a fish.

However, what I wish to say here is that if anyone wishes to catch fish, nobody is saying that they cannot catch fish. All that I am interested in seeing, Mr. President, is that people realise that there is such a thing as going too far with anything. Even if for a period of a few years - they need not be banned forever - there were a ban on spearguns just so that the fish population is brought back more or less to normal as it used to be, I do not see that we are really hurting our people in that regard. If I have a child and that child enjoys playing with something, say for instance scissors, it is fun for a child to cut paper with the scissors and to use them, but we know that that child might harm himself or do damage to something else because of his use of them, we take them away from him until such time as we feel that it is appropriate for him to have them and use them. It is not that we do not love the child. For me to stand here and say that we do not love and appreciate our Caymanian people because we want to put a ban for a temporary period of time on spearguns, I cannot see how anyone can say that we are doing it because we do not care for them. In fact, when one looks at it in its true sense, we are showing our concern and our care for them in helping them to preserve what they need for years to come.

I realise that this is an issue which has been taken far out of context in my estimation. I think that it is one of the things which is being used to build up animosity and differences amongst our people. As I mentioned earlier, I think that it is less than five per cent of our people who use spearguns. Now, it is not that the minority is not to be considered. That is not what I am saying. What I am saying here though is what we propose to do as far as the Marine Conservation Law is concerned, with marine parks, fishing and so on, is because we need to preserve what we have. We do not have very much to offer and certainly our marine life and our environment around us is one of the few things which we have to offer to a tourist. Even with the tour operators, I am not so sure that they could not get a few hand lines and catch sufficient fish to do their tours. I am not so sure about that.

However, certainly our people are going to have to realise that not simply because we hurt them, or hurt their feelings, or even hurt their pocket book are we taking away their livelihood. We are only trying to save what will benefit not only them, but generations to come. Why is there such a big squawk over these spearguns? I do not know. It is like the seine nets. I have seen fish at the back of our house. In the morning we could just sit there and it was a pleasure to sit there before the sun rose and watch those fish, just scores of fish sitting right out in the back there, flipping up and down. Believe it or not, Mr. President, in a matter of about six weeks after some six times I had seen two men go down there with a seine net, it became difficult for us to see fish jumping out of the water there in the morning any more.

Destruction, and I am saying that I feel that the motion will pass but I only have to express what I feel deep down is that we have to face facts. A few people

MRS. DAPHNE L. ORRETT (CONTINUING): might be hurt, but later on down the line we are going to have children or grandchildren say to us, "Why was something not done to preserve what should have been ours?" As far as the speargun issue is concerned, like everything else it is blown up out of proportion. What I am saying is, it is fun perhaps. I know that they are lethal. I do not know how we would go about deciding who should have the spearguns and who should not. That is left with the people who have to decide upon it. However, Mr. President, as much as I care and want to see our people have what would make them better off at this point in time, I can only express what I feel. That is as with the lobster population and the conch population, even with the whelks which used to be so plentiful, they have been depleted because we decided a little bit too late to put a ban on how many should have been caught and when.

I do not feel that spearguns will be banned forever, but my view is that there should be a period of time, a number of years when anything which is proved to deplete the fish population in this place more than it ought to be should be looked at very carefully.

I wish that I could do otherwise, but that is just the way I feel.

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: Mr. President, I want to thank the Government Bench for accepting this motion, I believe and I hope. However, I must comment on a few statements made by Members.

Some people feel that we should send it to a Committee. Some people feel that time has overtaken the motion. The Second Elected Member for West Bay made it clear that under Standing Orders this is the soonest we could have brought the motion to this Honourable House. Sir, I would just like to remind them that justice delayed is justice denied, and I compliment the Honourable Member for acting the way he did.

Now, as to the Third Elected Member for West Bay's statement that we need to keep it in trust for generations to come, while that is true, Sir, I would just like to remind her of a statement made in "Two cheers for the affluent society", a spirited defence of economic growth by Wilfred Beckerman:

"It would be folly for a starving man to sacrifice one loaf of bread now in order to have ten loaves next year. He would be dead by then."

So, Mr. President, I think that we have to act now. Mr. President, we were told that we were playing politics in this Chamber and the Second Elected Member for George Town said that this whole thing was political and he was tired of politics in the Chamber. However, Sir, I would like to quote from his speech in the Hansard of the 20th November, 1984, the speech he made during the swearing-in ceremony. This is what he had to say:-

"To those of my supporters and others who have expressed their wish to see me elected to Executive Council, I would say to you that my most important election took place on November 14th, and I want you to know that the 1988 campaign started today."

MR. D. EZZARD MILLER (CONTINUING): So, Mr. President, I also want to congratulate that Member because he has lived up to that promise. Every speech which he has made in this Assembly since that he has been all things to all people and he has put his little campaign into it. I do not hold that against him, Sir. That is what the Second Elected Member for West Bay was talking about when he said that this is a Chamber for politicians. This is not a church.

Now, Mr. President, I attended the meeting which the Marine Conservation Board had in North Side and the Member is correct in saying that the speargun issue was raised there. It was debated and I fully believe that it was input from those meetings which brought about the motion to ban spearguns. Sir, the man who raised the issue of the spearguns also wanted all Cayman parrots shot on sight because they were eating his mangos. (LAUGHTER) So he was not too much interested in conservation, Sir. In fact, I believe that he told the Board that unless they could provide him with enough netting to keep the parrots off his mango trees, he was going to shoot them as long as he could get shells on sight. I believe that he has done just that.

Earlier on in my debate, Mr. President, I used a figure of speech which I do not want the House or the public to be misled on. That is that I said that when Members were going to attack me, they should bring all that they have, because I would be coming back with a double barrelled shotgun. I did not mean that figuratively, Sir. What I meant was that I would return well prepared and I could be as vociferous as any other Member in this House, because they have been waving around Auditor-General's Reports for the last six or seven years up in this House concerning me, and I do not want that to be waved in my face for the next three years.

With those few comments, Sir, I ask the Government for their support on the motion. I believe that they are going to support the motion and that the people of this country will be well pleased with what their decision is concerning the spearguns. Thank you.

MR. PRESIDENT: The question is that Private Member's Motion No. 17/85, the text of which was read to the House by the mover when he introduced it, should be passed.

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER: Mr. President, may I have a division please?

MR. PRESIDENT: I think we had better have a division, yes.

DIVISION
NO. 75

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
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Mr. G. Haig Bodden

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3

PRIVATE MEMBER'S MOTION NO. 17/85 PASSED BY MAJORITY

MR. PRESIDENT: Item 3(3), Private Member's Motion No. 18/85. The Elected Member for North Side.

PRIVATE MEMBER'S MOTION NO. 18/85
ESTABLISHMENT OF RADIO CAYMAN AS A GOVERNMENT CORPORATION

MR. D. EZZARD MILLER: Mr. President, I beg to move Private Member's Motion No. 18/85, Establishment of Radio Cayman as a Government Corporation.

Having sought leave of the Chair, Sir, and under Standing Order 24(7), I intend to vary the wording of the motion in the "Resolved" section. So, the motion which I am going to read is the amended motion, Sir:-

"WHEREAS Radio Cayman has demonstrated its ability to sustain itself financially;

AND WHEREAS in many democratic countries such media are outside the direct control of Government;

BE IT RESOLVED that this Honourable House appoint a Select Committee consisting of the whole House to consider whether or not Radio Cayman should operate as a statutory corporation in the future and if necessary to draft the necessary legislation."

MR. PRESIDENT: The seconder.

MR. LINFORD A. PIERSON: I second the motion, Mr. President.

MR. PRESIDENT: Thank you. Just for the information of the House, I confirm that the Member did ask me earlier today for leave to vary the terms of his motion and that I granted that leave under paragraph (7) of Standing Order 24, because in my view the variation did not substantially or materially alter the scope of, or principle embodied in the motion. I believe that I did ask the Member to do this, that copies of the varied motion have been circulated to all Members.

The motion has now been duly moved and seconded and is open for debate. I will invite the mover to speak to it.

MR. D. EZZARD MILLER: Yes, Mr. President.

Mr. President, Radio Cayman, or the Broadcasting Department of Government has come of age, and the Honourable First Official Member is to be commended on his guidance of its development to this point. For the year 1985, it is estimated as contained in the draft estimates of revenue and expenditure of the Cayman Islands, that the revenue generated by the Department would be \$550,000, while expenditure would be only \$407,864, or there would be a profit - I do not suppose we can use the word profit in Government, Sir, but there would be excess revenue over expenditure of \$143,136. This clearly indicates that the radio station can sustain itself financially.

The most often heard complaint or fear expressed by many people in this country today, Sir, is that they believe that the news and other programmes on Radio Cayman are controlled by Government, whichever Government is in power politically.

MR. D. EZZARD MILLER (CONTINUING): Sir, another fear or concern which is also expressed is the growing portion of the national budget which goes to administration. One way of reducing this is to set those Departments in Government which can sustain themselves financially and still continue to make a financial contribution to Government, as Government corporations similar to those like the Port Authority.

If the radio station, Mr. President, is established on legislative grounds similar to those of the Port Authority, it would be given autonomy in its operation, and protection from intervention by any Government or political group, or otherwise. It would reduce the recurrent expenditure of Government. Granted it would also reduce the revenue of Government by a sum equal to its present recurrent expenditure. However, the professionals in Government would be able to develop outside of the constraints of those placed on Civil Servants, and I believe that we would have a more professionally operated and a better run radio station, because it could use the principles of scientific management easier, and would not be bound by the regulations of the Civil Service who believe that once they are permanently appointed, they can never be replaced. Some of them consider that they cannot be reprimanded, much less replaced.

I do not think that we have to worry about if we set Radio Cayman up as a public owned corporation similar to the Port Authority it is going to ruin the country. The Government can establish guidelines under which the radio station will operate which will safeguard this. For instance, the Law might say that it had to stay out of politics altogether, that it had to stay out of selling political time to groups, individuals, parties or whatever, or it could say that if it sold to one, it had to give equal time and sell to the other. These are things and safeguards which can be built into the legislation.

Mr. President, there have been many accusations hurled at the Government operated radio station, that politicians are interfering in it, that people in Government are pulling news. Whether these stories are true or false, they are more likely to be false than true in most instances. However, the fact is that it is a Government Department and it is controlled by Government. So, Mr. President, I would hope that Government will accept this motion and that the Select Committee will come to the same conclusion to which I have come, that Radio Cayman has become of age and it is time for it to stand on its own two feet.

Of course, another alternative, Mr. President, which could allay any fears that the radio waves are being controlled by Government is to allow for private radio stations if Government wanted to retain theirs. I believe that the Select Committee can draft the legislation in such a way that we will not mash up the country by letting it stand on its own two feet.

So, I ask Government to accept Private Member's Motion No. 18/85, Sir, and I hope that Radio Cayman will soon be an independent body of Government.

Thank you.

MR. PRESIDENT:

The motion is open for debate. Does any Member wish to speak? The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, as the seconder of this motion I feel it incumbent on myself that I should say a few words in support of this motion. As the mover of the motion will see, I am not indeed a machine which is wound up and moves in a direction predetermined by others, but I act on my own initiative and intelligence. In other words, Mr. President, I am not an extension cord.

Mr. President, I did say in my inaugural speech in this House that it was the wishes of many of my supporters that I would have got a seat on Executive Council, and this is the truth. However, Mr. President, I congratulate and support fully the four Members who are there now, and they will continue to get my support when this is necessary.

Mr. President, the motion before us as amended seeks to appoint a Select Committee consisting of the whole House, to consider whether or not Radio Cayman should operate as a statutory corporation in the future, and if necessary to draft the necessary legislation.

Mr. President, it is only fair for us in Government and in this Legislative Assembly to acknowledge the very good work which has been done by the radio station under the very efficient and able guidance of the Honourable First Official Member of Executive Council, since its inception in 1976.

Radio Cayman is now under the Portfolio of Internal and External Affairs and I feel, Mr. President, that maybe we could say leave well enough alone, because of the great strides which the station has made over the past eight years. However, Mr. President, we are in a time of development in this country, perhaps unprecedented in the history of the development of the Cayman Islands, and to remain stagnant could be taking a backward step.

Mr. President, I realise that this motion's success will depend on the deliberations of the Select Committee but I feel, Sir, that it is only right and appropriate that comments should be made on the motion.

We must appreciate, Mr. President, that the radio station is not the only avenue for news or news dissemination in the Cayman Islands. We have other media. However, Mr. President, as the mover of this motion has rightly said, I feel that it is wrong for one of the prime news media in the country to be under the direct control of Government, however well intentioned Government may be.

For this reason, Mr. President, I had very little difficulty in supporting this motion when the mover approached me and asked me to do so.

The radio station has shown, particularly over the last four to five years that it is self-sufficient and it can carry itself. It has shown, Mr. President, that it is very efficient indeed. With fifteen staff members, Radio Cayman carries a very comprehensive news programme. This, Mr. President, goes to show in some way the very efficient guidance which Radio Cayman has got over the years.

Mr. President, in 1983 the budget for Radio Cayman, the revenue budget for Radio Cayman was \$375,000. The actual revenue collected was \$465,304 as against in the same year a budgeted expenditure of \$376,924 with an actual expenditure of \$310,398, or \$154,906 surplus revenue over actual expenditure.

In 1984, Mr. President, the revenue budget was pushed to \$500,000 while the actual figure was \$520,000. Expenditure was budgeted at \$382,000 with \$363,000 as the actual expenditure, or a surplus of \$156,850.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I have given those figures to show that the radio station just in the two years mentioned, has demonstrated its ability to sustain itself.

Mr. President, for the other reasons stated, I feel that the Cayman Islands would be much better served if consideration is given to making the radio station a statutory body.

Mr. President, without wanting to pre-empt the decision of the Select Committee, I trust that when we meet, that the idea of taking the radio station from under Government's control will be favourably dealt with.

Mr. President, I support the motion before us.

MR. PRESIDENT: Does any other Member wish to speak? The Third Elected Member for West Bay. Actually, before you speak, it is clear that the debate will go on a little time yet, so perhaps it would be best to take our afternoon break. So I will suspend proceedings for approximately ten minutes.

AT 3.30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.40 P.M.

MR. PRESIDENT: Please be seated.
Private Member's Motion No. 18/85.
Debate resumed. The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. On the motion before us for establishment of Radio Cayman as a Government Corporation, my few comments here would be that if something is working well, we should change it only to make it better. Nothing has been said which would convince me that Radio Cayman being changed to a Government corporation would make it better. If I might say it in Aunt Sukie's language, "Let us leave very well alone".

So, with that, Mr. President, I would like to say that for the present time we know what we can and we cannot do with Radio Cayman. When the Honourable First Official Member retires in a short while and he is replaced, I would hope that his replacement would be someone who cannot be twisted or bent, nor would he bow to the whims and fancies of any and everyone in Government who might wish to influence what is done or not done on Radio Cayman. However, for the present time Mr. President, it really doesn't bother me that we have a problem, nor do I envisage one in the near future. I do not support the motion at this point in time. Maybe in the future there might be something which comes up so that I will have to change my mind, but at the present time this is the way I see it.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak?
The Honourable First Official Member.

HON. DENNIS H. FOSTER: Mr. President, I rise to support the motion in its revised form. However, there are a few comments which I would like to make, but before so doing, I would like to thank the Elected Member for North Side and the Second Elected Member for George Town for the kind compliments which they paid to me. I appreciate it very much.

Mr. President, I like the Third Elected Member for West Bay believe that when something is working well we should leave it alone. Mr. President, it has not been an easy struggle to put Radio Cayman to where it is self sufficient but like in many other instances, one major thing which has been overlooked is the original capital investment, plus depreciation and so on. If this was taken into account, Mr. President, I do not think that they would have too much to the good.

Mr. President, it is easy to say that we can take a revenue earning department, put it out on a limb and they will still contribute to the coffers of the Government. This is not going to happen, Mr. President. They are going to find various things to do, expansion and so on and we will never get any revenue from that department again.

What worries me, Mr. President, is if I could be told, or if I knew what it is that the Members want Radio Cayman to do that they are not doing, or what are they doing that they do not want them to do. Now, Mr. President, I would like to assure this House that no news or any other programme are controlled by the politicians or the Government of the day. This is absolutely not so, Mr. President. Foreign news is taped in there by a machine for which we pay a subscription fee yearly. Local news they get from press releases, Gazettes, or they find it themselves. Other programmes which I realise there is controversy about are aired as Caymanians do not like some of the British Broadcasting Corporation programmes but the expatriates do. However, all these programmes, Mr. President, are chosen by the Director.

Mr. President, the Elected Member for North Side said that it could be more professionally run and not bound by Civil Service rules. In other words, Mr. President, they can have their own way, do as they like and then we will really have mass confusion. Mr. President, we have a good Broadcasting law and things have worked so well that we have really never had to use it too much. We try very hard to please the public. We pay attention to complaints and try to correct them. At the same time, Mr. President, we get lots of complimentary letters in Radio Cayman. I am saying this, Mr. President for the benefit of the whole House which is going to consist of the Select Committee, so that when they are deliberating the pros and cons, that they will bear these things in mind.

I would not cherish the idea of a private radio station coming in at all, Mr. President. This would complicate matters a lot. ICCI, Mr. President, is a training unit and we have a school up there, and they have certain restrictions on them. Mr. President, we are just completing the installation of a new higher powered FM transmitter, and there are plans when funds are available by simple change up that we can have Radio Cayman on FM and also on AM. What I mean, Mr. President, is for instance the broadcast of the Legislative Assembly could be on AM, while people who were not interested in listening to that could be listening to other things on another programme. So, we do plan and we do watch the situation, Mr. President, to better the radio station all the time. However, again it is a matter of cutting our coat according to the cloth.

HON. DENNIS H. FOSTER (CONTINUING): I will not pre-judge what the Select Committee will decide on. However, I will repeat what I said at some other stage of the game, that the media can either make a country or it can break it. If it gets into the wrong hands it will destroy this little country, Sir, there is no question in my mind. With those few remarks, Sir, I support the motion.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise....The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I usually second any motion that the Elected Member for North Side brings to this House. This one in particular, Mr. President, I had to give a lot of thought to and there was not time. I still am concerned to an extent but I see that the Member is asking that a Select Committee consisting of the whole House should be put together to consider Radio Cayman as a Government corporation. In that Committee I will be able to understand the situation more but Radio Cayman over the years has served us well and I congratulate its staff. I am a strong advocate of the press. In fact, I have a law suit pending against me for standing up for the press but I believe in a free press. Without a free press democracy crumbles.

I am not going to say any more on this but to say that I am happy to see it going to a Select Committee, and again to congratulate the staff. I know, Mr. President, that many of the staff, especially some of the radio announcers are criticised. Some of the public criticise the announcers saying that their English is bad and I know that they say the same thing about me. Well, that might be true. My English is bad, but I talk Caymanian and that is what is wrong with many of our people today. They are American; they are English and God knows what else, everything else except Caymanian. That is what is wrong with this whole country. They want to be something else besides being a Caymanian. Not me, I am glad that I can still talk to the people and they understand.

I congratulate Radio Cayman for its work and I look forward to when this Committee gets going. I trust though that it will not be too long. I know how the House is. I trust that Members will attend this Committee. They have been pretty slack in attending Committee meetings.

I support the motion, Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Honourable Second Official Member.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, there have been two minor ambitions which I have had in the last ten months in this House. One is to be sitting in a debate on which, no matter what the topic was, the Honourable Second Elected Member for West Bay did not make a contribution. I have failed in that one but I have achieved the other one, and that is for once being able to speak after and not before him. For that I thank him.

Mr. President, on a more serious note I would like to say that I agree with the principle of this motion that at this stage of development of the Cayman Islands, that it is appropriate that a Select Committee consider the format and the scope of all forms of broadcasting, whether it is Radio Cayman purely as a radio station, or Radio Cayman if there is any possibility of it, as a television station also in the near or distant future.

HON. MICHAEL J. BRADLEY (CONTINUING): I think that the terms of reference are appropriate but I would like to say that this House and the people of the Cayman Islands should not in any way think that my support, and I hope the support of other Members of this motion is in any way a denigration of the ability and the quality of the material produced by Radio Cayman.

It is always invidious to make comparisons, Mr. President, but having lived for some twelve years in the Caribbean and other parts before I came here, and having lived in the Cayman Islands for the last three years, three months I have no hesitation in saying that I have the highest respect for the independence, integrity and hard work of the staff of Radio Cayman. They produce a quality of broadcasting of which any small nation may be proud. The very fact that people do not always like what they put out is in itself a tribute. They preserve their independence through their own integrity, and through the leadership of the Honourable First Official Member. Throughout the years here there has never been any attempt to interfere by Members of Government with that independence or integrity.

I think that whilst we should consider the future and how it can be best shaped, and while I am happy to go into Select Committee, that making it into a corporation may not, and I think that Members of the Select Committee should consider this, in itself be a solution because if we establish a statutory corporation it does not of necessity make it any more independent. However, it does do one thing and that is it removes it one step away from the direct responsibility and accountability which the Honourable First Official Member at present has for the activities of that station to this House.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

MR. D. EZZARD MILLER: Yes, Mr. President, I would just like to thank Honourable Members for their support. I too would like to add that the motives behind this motion are not to cast any reflections on the professional ability of the staff or their performance at Radio Cayman, but to do exactly what the Honourable Second Official Member hopes it is going to do, and that is to establish where we want to go in the future so that we can develop in the right direction.

I ask those Members who have not spoken to support the Bill. Thank you, Sir.

MR. PRESIDENT: The question then is that Private Member's Motion No. 18/85, as varied, the terms of which were read by the mover when he moved it, should be put to the vote.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: May we have a division, Mr. President?

MR. PRESIDENT: Yes.

DIVISION
NO. 76

AYES

Mr. 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
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

11

NOES

Mrs. Daphne L. Orrett
Mr. G. Haig Bodden

2

PRIVATE MEMBER'S MOTION NO. 18/85 PASSED BY MAJORITY

MR. PRESIDENT: That concludes the items on our Order Paper.

HON. MICHAEL J. BRADLEY: Mr. President, this has been a resolution for the appointment of a Select Committee. Perhaps Standing Order 69(2)....

MR. PRESIDENT: Oh yes, thank you very much. Now it was to be a Committee of the whole House, I think, was it not? Well it said, "this Honourable House appoint a Select Committee" - oh, consisting of the whole House, yes.

HON. DENNIS H. FOSTER: The Honourable Second Official Member?

NOMINATION OF CHAIRMAN
STANDING ORDER 69(2)

MR. PRESIDENT: I know his reluctance, but I think nevertheless that it really is appropriate that the Honourable First Official Member should Chair this particular Committee, because the principal purpose is not to draft legislation. It is to examine in principle the question of whether a statutory corporation is desirable. If that decision is once reached then I think that the question of drafting legislation could probably be left to the experts on it.

So, I will nominate the Honourable First Official Member to be the Chairman of the Select Committee.

MR. W. MCKEEVA BUSH: Does he really want to be the Chairman, Mr. President? (LAUGHTER).

MR. PRESIDENT: I do not think that is really the issue.

MR. D. EZZARD MILLER: I think that we would be putting him in a very difficult position to make him Chairman of the Select Committee, Sir.

MR. W. MCKEEVA BUSH: We should give it to the Honourable Second Official Member.

MR. D. EZZARD MILLER: Even though it is his subject, I think that he can contribute as a Member. However, I think as the Chairman -not to cast any aspersions on him as a person because all of the Committees which he has Chaired so far I have been quite happy with, but I think he himself - and I would feel a little more comfortable with somebody else as the Chairman too, Sir.

MR. PRESIDENT: I know that he would feel more comfortable with somebody else as Chairman but I do not think that it is reasonable to ask the Honourable Second Official Member to be Chairman, because the Honourable Second Official Member already is Chairman of one or two Select Committees which are in the process of meeting. I would be quite happy to leave the Committee to select its own Chairman. Perhaps that is the answer because what Standing Order 69(2) says is that if I do not make a nomination, the Committee shall elect one of its Members to be Chairman.

MR. D. EZZARD MILLER: No, Sir, the Committee might never meet then, Sir.

HON. THOMAS C. JEFFERSON: Mr. President, with due respect, you already ruled.

MR. PRESIDENT: I think that it is probably subject to Standing Orders open to me to vary my ruling.

MR. D. EZZARD MILLER: Maybe the Honourable Third Official Member is volunteering, Sir.

MR. PRESIDENT: I do not think that that was intended.

HON. MICHAEL J. BRADLEY: Mr. President, with respect, if you do not appoint a Chairman there may be a difficulty because....

MR. PRESIDENT: I was just working that out.

HON. MICHAEL J. BRADLEY:because then if no Chairman is appointed, the first Meeting is held at such place as the Member with the longest continuous Membership of the House shall appoint. There may be difficulties.

MR. PRESIDENT: I was about to say that because the Member with the longest service is not today with us, and has not been at any time during this Meeting or the previous Meeting. So I can see that that would cause some difficulty.

MR. D. EZZARD MILLER: I would be happy with the Honourable First Official Member but....

MR. PRESIDENT: I think that I shall stick by my original view that since it is his subject, it really is despite his acknowledged modesty in this particular matter, appropriate that he should Chair the Select Committee.

MR. W. McKEEVA BUSH: As long as Members attend, Sir. Being absent from Meetings, Mr. President....

MR. PRESIDENT: Perhaps we can appoint the Second Elected Member for West Bay as Chief Whip for the purposes of ensuring regular attendance by all Members at this particular Select Committee.

MR. W. McKEEVA BUSH: Mr. President, if that was possible, Sir, you can believe that they would have a good Chief Whip. However, in all sincerity, Sir, there have been a lot of Members being absent from Meetings and we cannot get work done. Sometimes we come here and we do not even have a quorum. I intended long ago to make this point and I think that Members should do their Constitutional duty and be here for Meetings whenever a Committee is set up.

HON. MICHAEL J. BRADLEY: I think, Mr. President, that it is appropriate to suggest that the Second Elected Member for West Bay be Chief Whip because he likes giving licks. (LAUGHTER).

MR. PRESIDENT: Well, I think that that does now conclude our proceedings and I will invite the Honourable First Official Member to move the adjournment before I appoint him to any other capacity.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until Friday, 22nd November, 1985.

MR. PRESIDENT: The motion is that this House do now adjourn until Friday, 22nd November, 1985, which as I am sure Members probably know already is scheduled to be Budget Day.

QUESTION PUT: AGREED.

MR. PRESIDENT: Before rising may I just thank all Members for their assistance to the Chair throughout this Meeting. It has sometimes been a lively, not to say heated Meeting, but I have been most grateful for the consideration which all Members have shown to my rulings, with which I hope they will generally speaking have been reasonably satisfied. Thank you all very much.

AT 4.05 P.M. THE HOUSE ADJOURNED UNTIL
10.00 A.M., FRIDAY, 22ND NOVEMBER, 1985.

BUDGET & FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

OPENING

FRIDAY

29TH NOVEMBER, 1985

PRESENT:

HIS EXCELLENCY THE GOVERNOR, MR C PETER LLOYD, CMC, CVO - PRESIDENT

GOVERNMENT MEMBERS

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 LINCOLN A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

MR 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 RAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D HAZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAF ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

APOLOGIES

HON DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE FOR
INTERNAL AND EXTERNAL AFFAIRS

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

FRIDAY

29TH NOVEMBER, 1985

FIRST DAY

1. PRAYERS

TO BE DELIVERED BY THE REV EDGAR OGSTON.

2. OBITUARY

CONDOLENCE MESSAGE BY THE PRESIDENT OF THE LEGISLATIVE ASSEMBLY.

3. GOVERNMENT BUSINESS

(i) THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR 1986 TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER.

(ii) THE APPROPRIATION (1986) BILL, 1985 - FIRST & SECOND READINGS.
BUDGET ADDRESS TO BE DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER.

(iii) GOVERNMENT MOTION NO. 10/85
PROVISIONAL COLLECTION OF CUSTOMS DUTIES
TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER.

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FRIDAY

29TH NOVEMBER, 1985

10:00 A.M.

MR. PRESIDENT:

The Assembly is in session. I will call upon the Rev. Edgar Ogston to say prayers.

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 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 Names'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.

The Lord bless us and keep us. The Lord make his face shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Before we sit down I am sure Members would all wish to join with me in expressing sympathy and sending our condolences to the widow and all the family of a former Member of this House, Mr. Berkley Bush, who passed away recently.

He served this House and the entire community of these Islands faithfully and well both here in the Assembly and as a Member of Executive Council for a number of years. The entire country is indebted to him, as I am sure we would wish his family to know when we say to them that our thoughts are with them at this time.

I would ask Members to stand for a minute in silence of memory of the late Mr. Berkley Bush.

Please be seated.

Before I invite the Honourable Third Official Member to lay the Draft Estimates on the Table, I should like just to extend on behalf of the House a warm word of welcome to a distinguished visitor who is with us today, that is the Speaker of the Anguilla Legislative Assembly, who has come to spend some two weeks here observing our proceedings.

MR. PRESIDENT (CONTINUING): He and his wife and the Clerk of the Assembly there are all most warmly welcome. We hope that they will enjoy their stay. We hope that they will profit and I hope that all Members will behave in the most seemly manner to show that we conduct our affairs amicably, amiably and in a relaxed and gentlemanlike and ladylike fashion. Thank you.

The Honourable Third Official Member.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE, 1986

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Draft Estimates of Revenue and Expenditure of the Cayman Islands for the year 1986.

MR. PRESIDENT: So ordered.
Bills, First Reading.

THE APPROPRIATION (1986) BILL, 1985

FIRST READING

CLERK: THE APPROPRIATION (1986) BILL, 1985.

MR. PRESIDENT: The Bill entitled The Appropriation (1986) Bill, 1985 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE APPROPRIATION (1986) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled The Appropriation (1986) Bill, 1985.

DELIVERED BY
THE HONOURABLE T.C. JEFFERSON, M.Sc., B.A., A.Sc., J.P.
FINANCIAL SECRETARY
TO
THE LEGISLATIVE ASSEMBLY
AT THE
BUDGET SESSION, FOR THE YEAR 1986
HELD ON THE 29TH NOVEMBER, 1985

Mr. President,

It was eight months ago that the Budget Address was presented to this Honourable House. Therefore this address can be a less detailed account of the financial affairs of Government together with a general overview of the state of the economy. It is my privilege Mr. President to present the financial statement in support of the second reading of The Appropriation (1986) Bill 1985.

The economy sustained a recession during 1984 and 1985. Not unlike other countries of the World the economy of the Cayman Islands has cyclical movements as well. We are affected by the state of World Economy and the International Financial Market. During this period the Insurance Industry experienced much difficulty. The Banking Industry including Savings & Loan Institutions witnessed many mergers, some near failures of major banks while others actually did fail. In addition, World Debt position concerned all economists and financiers of developed and developing countries. Although the United States economy improved, the upward movement was slow and indicators experienced increases and decreases reflecting the uncertainty of World Debt position and budget deficit in that Country.

In the second half of this year the Cayman Islands economy improved with increased employment, construction and business activity.

We have during this year, Mr. President examined carefully the spending in major Government departments although the task is not yet complete. We have devoted some time and funds to ensure that the infrastructure is upgraded to service the local public and international investors.

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Mr. President and Honourable Members we need to ensure that the development of these Islands is well managed and that all levels of society benefit from it. For it is the answer to maintaining the harmonious society we cherish. Those who come to work amongst us should commit themselves in preserving harmony and make their contribution to improving community participation and friendship. We are our brothers keeper.

2. THE ECONOMY 1985

a) Financial Sector

(1) Banking & Trust

For reasons that are not readily apparent, 1985 has seen an unexpectedly strong growth in the number of institutions applying for the grant of offshore banking licences. It is estimated that, by the end of the year, approximately 40 new licensees, emanating from a wide range of countries, will have been added to the register, bringing the total number of licensed banks and trust companies to about 485. As usual there were a number of licence cancellations in the early part of the year, but as in recent years, these were largely the result of group reorganisations and did not reflect upon the continued attractiveness of Cayman as a banking centre.

Although I am aware of the concern expressed by some bankers that the signing of the Narcotics Agreement last year, and the current negotiations on a broader treaty have deterred some good business from coming to the Islands, it is difficult to see from the indicators available, that there have been any particularly serious effects overall. It is possible to point not only to the continuing interest shown by a number of licence applications, but also to the volume of business from within Cayman. Although I was somewhat guarded in my assessment earlier this year of the likely outturn for 1984, recent data indicates that the total foreign assets of the banks, Cayman Islands offices stood at US\$150 billion at the end of 1984. The basis upon which this is compiled has been adjusted

slightly since 1983, but this is approximately 10% higher than a comparable figure for the previous year, a rate of growth which well exceeds the estimated overall growth in the eurocurrency market.

However, we certainly cannot afford to be complacent and it is this Government's firm commitment to do its part in setting the right environment for the development of first class business in the Islands, and to allow for the diversification of banking services in the offshore sector. We are only too well aware of the potential fragility of a sector which is dependent not only on continuing confidence in Cayman as a safe place to do business, but also on the maintenance of favourable economic and monetary conditions overseas, factors which are entirely outside our control or influence. It is not our intention to jeopardize, in any way, a sector which contributes so significantly to the Islands' economic development.

This contribution overall is difficult to quantify because of the numerous spin-off benefits in the tourist, commercial and construction sectors, but the direct expenditure of the licensed institutions in Cayman during 1984 exceeded C\$44 million of which C\$4.7 million was accounted for by licence fees. Naturally the largest contribution, about C\$38 million, came from those banks and trust companies maintaining staffed offices in Cayman. At the end of 1984, these institutions employed 877 persons of whom 75% were Caymanian and met salary bills totalling over C\$19 million. However, total employment in the sector was only marginally above that of the previous year, a development that has to be expected as the expertise and efficiency of existing local staff improves and as computerisation becomes more prevalent.

(ii) Agricultural and Industrial Development Board

The Agricultural and Industrial Development Board has granted loans of approximately C\$102 thousand in the Farming Sector and C\$150 thousand is being applied for in the Small Industry Sector to be approved by year end.

Although present funds are nearly exhausted, new lines of credit have been approved by the Caribbean Development Bank of CI\$1.1 million to be made available to borrowers by early 1986. This figure also includes a Student Loan line of credit.

(iii) Cayman Islands Currency Board

The total assets of the Cayman Islands Currency Board as at 31st October 1985 were CI\$16 million. This figure is equal to the assets reported for December of 1984. Seasonal fluctuations in the amount of currency in circulation, which tends to increase over the last few months of each year, reaching a high in December should cause the October position to be much improved by year end. Currency in circulation as at 31st October stood at CI\$9.9 million. Unfit notes redeemed and subsequently destroyed from January to September 1985 amounted to CI\$2.8 million.

Throughout the year the Board's funds have been shifted from shorter term deposits to long term bonds, to take advantage of better interest rates offered on the bonds. As at 31st October 1985, United States dollar bonds amounted to CI\$11.4 million, with fixed deposits totalling only CI\$1.6 million.

The numismatic coin programme has been expanded so that many coins in stock, previously unavailable are now offered for sale to the public. This has resulted in a substantial increase in income from the sale of coins over the past few months. The 1985 proof set was not minted this year, due to a slump in the numismatic market for this type of programme. However, a gold and a silver coin, to commemorate the 250th Anniversary of Land Grant Settlement in the Cayman Islands, are being minted and will be available in the first quarter of 1986. A silver coin featuring the Egret is also being minted for 1985. A museum housing samples of all Cayman Islands coins minted and notes printed since 1972 has been established.

In 1985, the Board transferred CI\$1,089,749 of its 1984 net profits to the Government's General Revenue.

(iv) Companies Registration

The Registry of Companies continues to play an important role in the collection of Government revenue. The financial year has brought no dramatic changes in revenue collection over 1984, for the period January to September 1984 some 1,530 new companies were registered, the figures now available show that for the similar period in 1985: 1,413 new companies were registered. Revenue derived from Company Registration in 1984 amounted to C\$5.9 million in comparison with C\$5.8 million for the same period in 1985. The revised revenue estimate is C\$6.5 million.

The Registry has recently moved from the Government Administration Building to the Tower Building in George Town. These new facilities have provided much needed office and safe storage space. The facilities are so designed that it should be another decade before it will become necessary to consider any major changes in these facilities.

The Companies Registry is now fully computerised allowing the staff to ascertain at any time the amount of fees due to Government, and individually bill the various firms for any outstanding fees.

v) Accounting Firms

The majority of well-known International Accounting Firms have an office in these Islands, which creates a positive image of the services available here.

These firms employ 140 staff, 50% are Caymanians and spend \$5.4 million locally. Training of local staff continues to receive attention, presently 11 students are pursuing studies overseas and 13 are preparing themselves locally prior to formal overseas training.

vi) Management Companies

The Companies Management Law came into effect in July 1984, and regulations to accompany the law have recently been made by the Government with Mr. Woodward L. Terry, being appointed Inspector of Company Managers. The purpose of the Law is to control and regulate all of those companies who carry on within the Cayman Islands the business of Company Management. To date some sixteen applications have been received, producing revenues of C\$8 thousand. There is the potential for greater revenues to be collected from this source, and as the regulations are now in place, the Inspector of Company Managers will now be considering each application and making the necessary recommendations to The Governor in Council through the Honourable Financial Secretary. Once the appropriate licences have been issued, it will clear the way for the licencees to pay the stipulated fee of C\$10,00 to the Government in respect of each company managed. Here again the computer will play an important role, as it will enable the Inspector of Company Managers to determine how many companies are under the control of each licencee and to charge accordingly.

vii) Legal Firms

Seventeen students are sponsored by the legal profession and two by Government. These are scheduled to graduate as follows:

1987	1988	1989	1990
5	4	5	5

viii) Insurance

Insurance Business operating in the Cayman Islands is divided into two categories, domestic and offshore. The domestic market provides local coverage for houses, cars, health insurance, condominiums, offices, aviation and shipping.

Twenty-nine companies are licenced to write this business. Of these, 27 are large overseas companies with branches on the Island, or agents representing them, and two companies have head offices in George Town.

The estimated premium income to these companies is \$19 million and is growing steadily.

The offshore or captive market has been favourably affected by the unsettled state of the World Insurance Market. Over the past 12 months many international insurance companies overseas have cut back or withdrawn completely from certain classes of business, with the result that clients must look elsewhere for coverage, and the Cayman Islands has been the choice of some very substantial companies.

Thus, we are optimistic that licence applications will increase during 1986. To assist the promotion of additional business a Captive Insurance Seminar was held in May of this year which was successful. Preparations are now being made to hold another Insurance Seminar in mid-1986.

Revised revenue from the issue of Insurance licences is expected to exceed \$1.1 million however, addition benefits to the Islands in other expenditures is estimated at \$5 million. Employed in the industry are 183 persons, the majority of whom are Caymanians.

b) Tourism

Nineteen eighty-five was a highly competitive year for Tourism. A strong United States dollar during the first half of the year was one of the major contributing factors toward a decline in air arrivals in the summer. Special advertising and promotions were implemented by the Department of Tourism with the assistance of Cayman Airways and the Hotel Association in order to increase late summer and fall

BUDGET ADDRESS

-10-

arrivals. The future promotion of tourism will require greater participation of all concerned. Certainly the Hotel Association has to play a prominent role in upgrading its facilities and ensuring they are equal to the rate charged.

The new 60 room Grand Pavillion Hotel is a welcomed addition for this winter season and the new Britannia Golf Course has already proven to be an asset to our tourism structure. Numerous new restaurants have opened during 1985 providing the public with a greater variety of places to dine.

The possible completion of the Hyatt Hotel and Paradise Manor in late 1986, will increase the total accommodation by over 500 rooms. This addition will provide job opportunities for Caymanians, a substantial increase in business to all Tourism related businesses and revenue for Government.

Grand Cayman has now become one of the most popular ports for cruise lines. It is estimated that 1985 will show an increase of approximately 32% or 65 thousand cruise passengers over 1984.

c) Construction Sector

Activity in the sector has increased with the start of the Hyatt Hotel during the summer. It is most encouraging to note the sale of the unfinished Paradise Manor and the start of a new office complex in central George Town.

d) Transport Sector

Cayman Airways Ltd.

The Airline for economic reasons withdrew its services from Turks and Caicos but continue to operate its existing routes to Houston, Kingston, Cayman Brac and Miami.

-//-

e) Electricity, Water, Gas and Manufacturing

The services of the companies providing these services continue to operate efficiently. The staff in the Sector is 155.

Although the Cayman Water Company experienced some difficulty with supply, caused by plant breakdown occurring at peak periods of the season. The Company's problems have now, to a certain extent, been over-come by the provision of a new 175 thousand gallons per day plant, bringing their rated capacity to 675 thousand gallons per day. The Water Company was allowed to increase its prices by 10% in July, the selling price of their water is now C\$17.45 per one thousand United States gallons plus a fuel adjustment factor of almost C\$2.00.

f) Government Sector

(a) Internal & External Affairs

i) Immigration

Although revenue from Trade and Business Licences and Local Company Licences will fall short of that estimated for 1985, revenue from other sources is showing a healthy increase. The overall revenue picture for 1985 is encouraging and collections by the Department of Immigration should exceed the Budget.

Efforts will be made in 1986 to strengthen the Department's enforcement capabilities providing additional resources. The future accommodation needs of the Department will also be examined.

ii) Police

The major in-Force training programme that commenced this time last year is now in full swing, since the appointment in recent months of six United Kingdom sergeants on one year contracts. In addition to on the job training on ordinary station and street duties, the United Kingdom officers with specialized skills are

training in other areas such as computers, driving, firearms, marine, photography, fingerprinting, self defence, accident investigation and forensic matters. Officers at all stations will receive a certain amount of this training, and Cayman Brac will be included.

In February the Administration, Training and Commercial Crime Branches were re-housed in the Tower Building, thus allowing for much improved accommodation arrangements in the Central Police Station where the Uniformed Branch now occupies the ground floor and the Criminal Investigation Department, the upper floor. This in turn has improved administrative control and supervision.

Steps to continue to develop careers of local officer and in addition to the local training, a small number of specially selected officers go overseas for technical or command training. Further promotions of local officers have taken place in 1985 and more are expected before the end of the year following the promotion examinations held in September, taken by 64 candidates.

iii) Prison

At the beginning of 1985, rapid inmate population growth took place, which reached the unprecedented high of 118 on 10th April, 1985. However, by the middle of the year, a significant reversal had taken place.

Previously planned construction of living accommodations for female prisoners was commenced with projected completion in early 1986.

The inmate agricultural/horticultural programme was expanded during the past year to include chickens, ducks, goats and rabbits. Our efforts were rewarded in self-sufficiency in the supply of eggs (for about 6 months), as well as some garden vegetables and indigenous crops.

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Remedial classes in English commenced in September, 1985 conducted by a teacher from the Education Department of the Cayman Islands. Efforts will continue in 1986 to further expand the Agricultural and Educational programmes, and possibly to implement other programmes designed to aid the process of rehabilitation.

iv) Government Information Services

After three years as a contracted function of the Cayman Islands News Bureau, the Government Information Services are once again within the Government system, re-established as a unit under the Portfolio of Internal and External Affairs. With offices in the Tower Building, the unit is staffed by a Senior Information Officer, an Information Officer and a secretary, all experienced and knowledgeable about Caymanian affairs. A useful start has been made in providing a reliable flow of news about Government affairs to the local media, and in the first nine months of the year over 350 news releases had been issued. Other activities have included the publication of the Annual Report for 1984, the updating of booklets providing facts on many aspects of business and life in Cayman and answering the many letters of enquiry, which arrive every week to show the world's continuing and growing interest in our Islands.

v) Personnel

In last year's address I reported that the number of established posts in the Civil Service was 1,310, this year the figure is 1,367. Personal emoluments rose from \$25.7 million to \$26.2 million. The cost of training to the Personnel Division in 1985 will be \$140 thousand. Great emphasis continues to be placed on local and overseas training for serving officers to improve their skills as well as their promotion prospects.

The move of all departments assigned to the Tower is now completed. The total number of Government offices in the Tower is 20. In addition, there are offices on the fifth floor of the Building for Members of the Legislative Assembly.

As outlined in the Throne Speech earlier this year, the re-organization of the Public Service Commission as a Government Department with major responsibility for recruitment, discipline and advising the Government on other personnel matters is complete. The task of re-writing Public Service Commission Regulations was completed, and approved recently and the new General Orders will take effect early in 1986.

A new SX-200 PARX telephone system has been installed in the Government Administration and Tower Buildings in an effort to improve telephone communications. This system is more efficient, has a greater capacity to handle calls and should eliminate problems experienced by the public in the past. An additional SX-200 PARX will be installed shortly to provide more incoming lines to these buildings.

vi) Broadcasting

The Broadcasting Department over the last four years has achieved a great degree of self-sufficiency with collected revenue surpassing the Department's recurrent expenditures. Although some recurrent expenditure such as printing, and capital expenditure are paid by other Government Departments, and when taken into account show that Radio Cayman is making a small surplus.

The Department can operate at a great degree of self-sufficiency with the continued prudent guidance that has helped it achieve its present status.

(b) Finance & Development

i) Ship Registration

At present ship registration in the Cayman Islands is governed by the 1984 Merchant Shipping Acts of the United Kingdom, and under this law the Registrar of Ships has no power to refuse to

register a ship once the stipulated requirements have been met. However, before the Registrar registers a large ship in the Cayman Islands, an explanation is given advising that the Cayman Islands Government is not a signatory to the various International Shipping Convention, and as a result, any vessel registering in the Cayman Islands may experience problems with the ports in which it trades. Where the shipowners or their principals insist on registering in the Cayman Islands, arrangements are made with either one of the six major classifications societies around the world for the issuance to the various vessels, at the owners expense, the required safety certificates which are required to enable the vessel to operate. It should be noted that these certificates are in a class known as non-convention certificates and subject to detailed scrutiny, which can lead to delays and extra expenses.

Consideration is being given to enacting local legislation which would give the local Registrar the power to refuse to register ships, which do not meet the safety standards as well as power to remove similar ships from the Register.

ii) Revenue & Expenditure

The current financial year began with a balanced budget of \$60.7 million, comprised of \$50.1 million in recurrent expenditure, \$8.0 million in locally financed capital spending, \$2.6 million in loan financing. With more than ten months of the year now behind us and upon examining the revised financial position for 1985, it is anticipated that the year will end with a deficit of approximately \$2.5 million. This has resulted mainly from shortfalls in Customs Import Duty \$1.5 million, revenue stamps \$1.5 million and company fees of \$0.5 million. Some heads of revenue will exceed the estimated

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amount and control of expenditure should result in \$1.0 million less than estimated. The revised position is summarized below:

Balance at beginning of 1985		(590,748)
Revenue: Local	\$54,921,855	
Loan	165,925	
Less Expenditure: Recurrent	49,129,284	
	Capital	7,847,091
Estimated balance at 31 December, 1985		(\$2,479,443)

iii) Public Debt

At 1st January 1985 the Public Debt of the Cayman Islands Government was \$11.7 million. Net changes during the year amounted to a (\$985 thousand) leaving a debt balance of \$10.7 million at the end of 1985.

Self-Financing Loans to Port Authority students and the Agricultural & Industrial Development Board guaranteed by Government was \$3.6 million at the beginning of this year. Further borrowings and repayments netted show an increase of \$83 thousand, leaving a balance at 31 December 1985 of \$3.7 million.

iv) General Reserve

The General Reserves stood at \$7.8 million on 1st January 1985, and as provided in the 1985 Estimates \$2.2 million have been drawn down leaving a balance at the end of the year of \$5.5 million. The Financial Secretary has agreed not to move US\$5.5 million in the reserves from Barclays Bank which has funded the loan on the Tower Building.

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v) Marriages, Births and Deaths Registers

The Registrar of Marriages, Births and Deaths are also located in the Registrar of Companies Department in the Tower Building. The Registrar is concerned about the increased attempts by non-Caymanians to obtain birth certificates and registration of children not born in the Cayman Islands. A Procedure is in place which requires the parent or parents to attend the Registry with their copy of the notification of live birth issued to them by the hospital, which is then compared with the Registrar's copy. Without the form, suspicions will be aroused leading to a delay in the registration of the birth, and possibly the involvement of the police for an investigation.

vi) Customs Department

The additional officers provided in the 1985 Estimates served to establish Internal Audit and Task Force Sections. A serious look is also being given at the possibility of introducing a shift system at the airport to cover the regular scheduled flights. Staff are being requested in this Budget to effect it in the new year.

Again this year, through the auspices of British Executive Services Overseas, Finance & Development recruited for the department the services of a Customs Training Adviser for the period January - March. This has been of great benefit to the officers, and we are indeed grateful to British Executive Services Overseas and to the Adviser for their invaluable contributions to the betterment of the department.

During the adviser's stay, he also wrote Customs Procedures which were accepted by Government and now form a manual for the department. This will be especially useful for new entrants, as it covers all the rules and instructions which were previously passed on verbally to new staff during their on the job training.

One Assistant Collector attended the Customs Management course in the United Kingdom this year. This officer is in charge of Customs operations at the Airport, and there is no doubt the knowledge and experience gained on this course has and will be of great benefit to him and to the service.

The Headquarters, that is, Administration and Collection Officers have been moved to the Tower Building with the former being located on the 5th floor, and Collections on the ground floor.

This indeed takes care of a long existing need to have Customs staff provided with accommodation of the standard enjoyed by all other Government Departments.

vii) Computer Services

During 1985, Information Systems was renamed to Computer Services, a reorganisation between Personnel and Computer Services took place to transfer the mail, telex and photocopier services to Computer Services; small distribution rooms in the Tower and Administration Buildings have been opened by Computer Services to provide some of these functions along with computer printouts.

Staffing adjustments were made to accommodate the Distribution Room functions without increasing the overall complement of the Civil Service. Other staffing changes included two returning Graduates being posted as programmers, and a recruiting effort in the United Kingdom and Canada to fill senior officer posts left vacant, as a result of existing contracts ending.

The VAX Cluster, consisting of two VAX 785 processors i.e. computers and peripheral equipment from Digital Equipment Corporation, was delivered at mid-year as scheduled. However, delays in renovation of the Tower and Administration Buildings have prevented completion of the new Computer Centre. This is now expected to be completed by early January 1986, with installation of the VAXs to

follow immediately. A plan to move all existing users from the PDP 11/70 computers to the VAXs is being developed with work to commence as soon as the new hardware and system software are installed. By the end of 1986, it is planned that additional terminals will be installed, and that a full range of courses from computer appreciation to specific software applications will be made available to a significant number of Civil Servants.

The services of an advisor from British Executive Services Overseas was recruited to assist with the upgrading of our facilities and planning the task of computer conversion. As a result, a Computing Policy has been approved by Executive Council and distributed to all heads of departments. The advisor having returned this month, will assist the staff in preparing a long range plan, which will be placed before the Computer Steering Committee for its consideration.

(c) Judicial Department

Due to increase in criminal work, particularly where the accused elects trial by Jury, and the consequential appellate processes, the machinery of the Courts Offices is heavily pressed. Further, the effect of a provision in the Caymanian Protection Law, which requires the Board to have the records of all cases tried in the Courts, has meant more work on the staff of the Courts Offices.

At the opening of the last Criminal Session in September 1985, there were 12 cases listed for trial during the Session. This is the first occasion, that there is a continuous criminal session from one session to another.

Cases are also long and complex, one case of obtaining property by deception lasted 10 working days. Another case of attempted rape and burglary lasted 17 working days.

Government has strengthened the Court Staff by posting two formally trained local attorneys-at-law, who were recently called to the Bar as Deputy Clerks of the Court.

Provision is requested in this Budget, for four Marshalls to attend each Court and Chambers to administer the oath to witnesses, with forms of arrest on the Court's Building. These will replace the police officers who have carried out this function in the past and presently.

On occasions, an additional Magistrate has been brought in to do a particular case where perhaps the substantive magistrate recuses himself.

d) Legal

The Department continued to deal with all aspects of Government legal work including criminal prosecutions, drafting of Bills and subsidiary legislation, the development of the Law School and the handling of all Government, civil, legal work. In the first nine months of 1985, some twenty-seven laws were drafted in the Attorney General's Chambers, passed by the Legislative Assembly and assented to by His Excellency the Governor. Of these, mention shall be made of three significant legislative enactments - The Liquor Licencing Law, 1985, The Rehabilitation of Offenders, 1985 and The Finance and Audit Law, 1985. Appearing in criminal matters on behalf of the Crown in the Summary Court, Grand Court and Court of Appeal, the Chambers have also been a party to certain matters, which will shortly come before the Judicial Committee of the Privy Council in London.

Four young Caymanian lawyers, who have qualified overseas, are presently in Government legal service. With several others due to return and the first graduates of the Cayman Islands Law

School qualifying, it is hoped that both in the public and private sectors, the presence of Caymanian lawyers will be more noticeable within their own community.

(e) Development & Natural Resources

i) Portfolio

In April 1985, the Hon. Member and Principal Secretary for Development and Natural Resources, along with the Managing Director of Cayman Turtle Farm, joined the United Kingdom delegation to the 5th Meeting of the Conference of the Parties to which would have enabled Cayman Turtle Farm to engage in international trade of turtle products was presented. Despite the thorough and painstaking preparation of the proposal, it was not approved, due in large part to continued strenuous efforts by rigid environmentalists to protect the green sea turtle. Although the outcome was disappointing, the decision was taken not to abandon the turtle farm, but to devise means of strengthening its economic base locally. To this end, the Farm is currently making progress in diversifying into shrimp culture; its tourist attraction potential is to be fully exploited and it will step up meat production for the local market.

In agriculture, attempts are being made to upgrade the Government Demonstration Farm and to promote the development of private sector agriculture. To this end, an Israeli Agricultural Economist stationed in Jamaica was invited here in August to advise on a plan of campaign. Having met with farmers and merchants and toured farms, he is to assist in securing the necessary expertise to prepare a four year Agricultural Development Plan.

A dog control programme is currently under consideration, as the stray dog problem has become of much concern. PAHD has agreed to providing assistance in the establishment of the programme. Should the necessary approval be given by the House to appropriately amend the relevant law, implementation of the programme by the Department of Agriculture and the Public Health Department will follow.

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It is expected to be able to present a draft Building Code to the House early in 1986. An advisor from the United Kingdom, who is to do the actual drafting, in consultation with the Building Code Committee, arrived in early November. Once the Code is approved, it will be administered by a Building Inspectorate Division in the Planning Department.

A Petroleum Agreement was this year finalised with assistance from the United Nations, and signed in September with Lagartos Oil, a Texas company. The Agreement provides that in the event that oil is discovered, the environment will be safeguarded and Government royalties guaranteed.

Still on the subject of oil, there was a minor spill in September on the docks, which was handled with a creditable degree of efficiency under the supervision of MRCU. Also in September, the Portfolio requested and obtained an advisor from IMO, who reviewed the newly prepared Cayman Islands Oil Spill Contingency Plan and made recommendations.

In the area of conservation, a parrot census commissioned by the Portfolio has been completed and a written report is currently under preparation. Consideration is also being given to an iguana study and census, as well as an avifauna census on Little Cayman.

The Marine Parks project, which has been under consideration for some time, is now to be presented to the public again in order to obtain full public endorsement before its submission to Government for final approval. A full-time special co-ordinator for the project has been engaged and implementation is scheduled for 1986.

During the year, a number of channels were cleared and markers erected. This was particularly useful in the case of the North Sound.

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ii) Housing Development Corporation

Renewed effort was put into the raising of funds to continue mortgage financing: a drive which started in mid-year has been quite successful, and the corporation will shortly be considering new applications. Policies revised during this year are tailored to assist persons in the low income group. In other changes, the HDC offices have been moved from the airport compound to the Tower, and its management is now shared with that of the AIDB. These changes have substantially reduced overhead costs to the Corporation.

iii) Water Authority

In the field of water supply, the East End Wellfield and Reservoir Scheme was completed in March, the cost of these works was CUS\$188 thousand. The wellfield is capable of producing 110 thousand gallons of potable water per day. It was completed just in time to relieve the worsening water supply problems associated with the severe dry season drought experienced in the beginning of the year.

The Water Authority is presently formulating plans to provide a piped water distribution to George Town. This urgent and critical need, together with the uncertainties of viability, have caused the Authority to reverse its initial policy of primary development of ground water. It is now working towards a phased distribution, based initially on some form of desalination. At the time of writing several options are being considered, it is anticipated that before year end, a decision will be made and plans finalised in order to commence construction in 1986.

Work has commenced on better defining the ground water resources of Cayman Brac, with the intention of their development for public use, providing a much needed emergency supply of water to that Island.

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In the field of sewerage, considerable advances have been made in the design and implementation of the West Bay Beach Sewerage Project. The initial problems experienced in completing the design have been over-come, and it has been approved by the Water Authority, the estimated cost is CIs8,793,840. A loan of US\$7 million has been negotiated with the Caribbean Development Bank. Prequalification and contractual arrangements for consultants and suppliers are well advanced, and construction is scheduled to start next year, with completion in the first quarter of 1988. All properties within the drainage area, extending from Watler's Road to Public Beach, will be connected to the main sewerage, and the sewage generated will be treated at the Municipal Sewage Treatment Works, located north and contiguous to the garbage dump.

(f) Health, Education and Social Services

(i) Social Services

The Department of Social Services has grown both in staff and in expenditure on services. Joining the casework staff during 1985 were three Caymanian graduates bringing the present staff complement to twenty seven. Expenditure on certain services has increased significantly. For example, spending on Child Care and Protection has increased from \$40 thousand in 1984 to an estimated \$118 thousand in 1985, while also more persons benefit from welfare payments (called Poor Relief) amounting to some \$160 thousand this year.

A Comprehensive review of the Juvenile Law, which has been enforced for ten years, is in progress with completion expected during the first half of 1986.

A Foster Care Programme and a Home Health Aide Programme are being planned for introduction as soon as possible.

(11) Education Department

Total enrolment in Government schools rose from 3,059 in 1984 to 3,180 in 1985 an annual increase of 4%. Non-Caymanian students now represent 11% of the population in Government Schools, while the percentage for private schools is 33%. Twenty Percent of the total Government Primary Schools population is at the George Town Primary School, and of a maximum 450 places, 414 are filled. It is not too soon to begin planning for an additional primary school for the George Town area.

Spending on education continues to grow with the rising rolls triggering expansion in plant and staff accordingly. Recurrent expenditure increased from \$5.9 million in 1984 to \$6.9 million in 1985. Included in this increase is the expenditure on the Hotel and Trade Schools formerly, under Tourism, Aviation and Trade.

Revenues, though small by comparison with expenses, are also increasing. Revenue collection exceeds the 1985 Budget of \$200 thousand by approximately \$5 thousand derived from:-

		CTS
a) schools fees	-	109,000
b) examination fees	-	17,000
c) book rental fees	-	26,000
d) community college	-	49,000
e) miscellaneous fees	-	4,000

The Education Department is subsidised 97%.

The Department is pleased to be able to offer a B.Sc. Degree in Elementary and Special Education to 35 serving teachers through the University of Miami. Government will absorb the costs of the degree which are a function of distance with the total costs to Government being approximately \$47,910 over three years. Costs related to instructions are being borne by the individual teachers at approximately \$5,720.00 for Caymanian teachers and \$7,089 for Non-Caymanian over the three year period.

(iii) Health

During 1985, steps to deal with the problem of patient accounts that remain outstanding were intensified. All accounts have now been placed on the Government computer system and registered letters have been sent to all persons who have not responded to the previous bills sent. More than \$1.3 million remain outstanding at this time, and Government intends to initiate legal action to collect those accounts that are in arrears. All Caymanians and residents are asked to meet their financial obligations to the health services to enable it to function more efficiently. It must be remembered that the health service is already heavily subsidised at 90% i.e., the revenue from hospital fees is only 10% of total expenditure at the hospitals. Another way of explaining it is that the fees charged to the patient only cover a nominal portion of the actual cost.

Nineteen eighty-five marked the first full year of operation of the extended care beds located at The Pines. The average occupancy of this unit was approximately 90% with operating costs totalling more than \$113 thousand. The provision of this service has greatly reduced the overcrowding and unnecessary utilisation of the acute care beds at the main hospital.

A Health Fair was organized for the first time in the Cayman Islands on 13th April 1985 at Law Courts Building, and was very well attended by the public.

The most significant feature of dental treatment during 1985 has been the initiation of a preventative fluoride treatment programme for children in a pilot project at the East End and North Side Schools.

Because of the large incidence of dental decay among children in the Cayman Islands and the nature and progress of this decay, the introduction of this public health method of treatment at this time is urgent, necessary and timely.

The Pan American Health Organization has made a short term consultant available from Jamaica, and the first month of the consultancy was spent in developing norms and procedures and the training of staff from the dental clinics, as well as the teachers in the North Side and East End Schools, to carry out the toothbrushing and flouride rinse programme. This programme is monitored by the Dental Officer and was introduced with the permission and cooperation of the Education Department.

Additional staff is being requested in this Budget to cope with the demands for routine dental care by the public and more significantly to expand the preventative and treatment programmes for children throughout the Cayman Islands.

Local private practitioners continue to provide services at the hospital conducting out-patient clinics in internal medicine, paediatrics, psychiatry and ophthalmology.

The addition of a physician to the staff, in a supernumerary post, has markedly improved the services offered at the hospital, and it is difficult to imagine how we could operate in the future without this service.

A refurbished C-Aam X-Ray Unit was acquired at a cost of US\$10,500. This equipment which has a one year guarantee, and which is covered by the same service contract as the other X-Ray units will greatly facilitate the performance of some orthopaedic operations. Visiting specialists have in the past declined to perform some types of surgery because of the lack of such a unit.

The rapid development in the private sector with the introduction of two new medical centres has created increasing pressures for beds at the hospital, and we have been running at full occupancy recently with a demand for even more bed space.

The programme on drug and alcohol and improvement of psychiatric services, which began on a limited scale in 1984, has continued to receive attention from the Portfolio, with consultations with overseas experts scheduled to take place during the remainder of this year, with a view to formulating comprehensive plans for its execution.

(g) Tourism, Aviation and Trade

1) Civil Aviation

The new Terminal Building at the Owen Robert's International Airport became operational on 26th January 1985 at a total cost of \$10 million. The Civil Aviation Department's monthly income for rental and concessions has increased from \$16 thousand to \$57,680. Except for some unusual difficulties with air-conditioning and car parking systems, the building and equipment functions properly and is a blessing for the handling of the 30 thousand passengers and well-wishers utilizing it each month. The old terminal, brought into operation in 1952 was demolished and materials given to the needy as soon as it was evacuated in February.

Revenue is expected to exceed that of 1984 by \$478,182 due to the introduction of a passenger security tax, car parking fees and the additional space and amenities offered at the new Terminal Building.

Expenditure will also increase compared to 1984 because of the additional commitments to be met associated with this large well equipped facility. Despite this, however, the surplus of revenues over expenditures is expected to exceed the 1984 break-even figure by \$359 thousand.

The major repair undertaking for the Gerrard Smith runway was completed by the Public Works Department, and services of the B727 returned to the Sister Island last December as sufficient

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sections were completed for limited operations. The total cost of the project, which also included the completion of runway lighting, was slightly more than C\$1.0 million.

The old aircraft parking apron is now being utilized as a General Aviation Centre and accommodates private and executive aircraft, flight training, maintenance facilities and cargo operations. A General Aviation Terminal has been opened to accommodate this traffic and is staffed from 7:00 a.m. to 7:00 p.m. by officers from Airport Security, Customs and Immigration. This relieves congestion of the new terminal and apron as there are always quite a fleet of private aircraft on the Island.

ii) Labour Office

Eighty complaints and disputes through August 1985, have been handled by the Labour Officer in consultation with the Portfolio of Tourism, Aviation and Trade and have been resolved informally. Advice on working policies and conditions has also been given to prospective employers.

A Labour Survey to determine the number of unemployed persons was carried out in February 1985, and as a result, 158 persons registered in Grand Cayman and 74 in Cayman Brac. Between the period January to August 1985, the office was able to place 110 persons in suitable occupations. Forty-eight school leavers registered, and nine were referred to the Community College and are presently attending various courses being offered. Sixty percent of the others have been placed in jobs with the assistance of the Office.

iii) Fire Service

Nineteen eighty-five was a busy year for the Fire Department. There was a 14.5% increase in fire calls.

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The increase can be attributed to the numerous bush fires, which were prevalent throughout the long dry spell, experienced from late 1984 to the middle of 1985.

During the first nine months of 1985, 25 structural fires were dealt with and 21 vehicles were damaged by fire. This is a significant reduction from the previous year, when 32 vehicles were lost over the same period.

Fifteen fire wells were constructed at a cost of CI\$24 thousand. The wells are for use in the event of major fires and is strategically placed throughout the Island.

Improvements in fire prevention and vehicle maintenance are being realized by the appointment of a fire safety officer, and a mechanical supervisor earlier this year.

Four junior officers attended The Florida State Fire College and successfully completed courses in fire fighting, rescue and emergency medical treatment.

(h) Communications & Works

i) Postal Department

On 18th March 1985 the Hell Sub-Post Office moved into new premises, the building of which was spear-headed by Captain Theo Bodden of George Town. Tourists continue to make use of the services provided at this sub-office.

During the year the Postal Department made an attempt, though with little success, to collect outstanding revenue from radio licences. Efforts continue to be made to effect stricter control over the licencing and use of all types of radios in the Islands.

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The sale of postage and philatelic stamps has seen a slight increase over the same period in 1984. There has, however, been a decrease in the sale of revenue stamps.

New post office boxes for the district of west Bay have been installed by the Public Works Department.

ii) District Administration - Cayman Brac

Cayman Brac and Little Cayman began the year 1985 with an unemployment situation. Government is the largest employer of labour on Cayman Brac and during the first quarter of the year, there were no capital projects started. This resulted in a significant percentage of the Island's work force unemployed. Coupled with this was a further reduction in the work force of Cayman Energy Ltd. However, with the reintroduction of jet air service into Cayman Brac, tourism showed a modest increase. Arrivals by jet into Cayman Brac for the first ten months of the year were 6,251, while departures by jet were 6,027, no information is compiled on arrivals or departures on the Trilander.

During the second quarter of the year, Government's Capital Works Programme offered steady employment in both building construction and the Roads Programme. The largest project for 1985 was the continuation of the Bluff Road toward, the lighthouse Spot Bay. This road was completed to the lighthouse in August at a cost of \$220 thousand. The other major project for 1985 was the ongoing project of upgrading the South Coast Road. An additional 1.25 miles of road was completed at a cost of \$75 thousand. Some minor roads in Cayman Brac were also upgraded.

A new classroom has been added to the Cayman Brac High School and an addition to West End Primary School was completed.

In Little Cayman the work on the Salt Rocks dock has been completed and the dock is now open. A crane has been stationed

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in Little Cayman to ensure that the dock can function effectively. A boat ramp and boat shelter were constructed at Blossom Village and the Government launch for Little Cayman has been put into service. Work is progressing on the dredging of a passage inside the reef on the south coast of Little Cayman with the use of a mechanical excavator from the Government Central Funding Scheme.

Cable and Wireless Ltd. inaugurated its submarine cable between Grand Cayman and Cayman Brac in February and telephone communications have greatly improved as a result.

iii) Port Authority

From the inception, the Authority has made an impact on all facets of the Islands economy. Goods are handled efficiently, and losses to importers have been significantly reduced. The fast turn around of ships ensures that stocks of various types of merchandise are adequately maintained, shortages of supplies are no longer experienced. In spite of higher operation costs it has not been necessary to increase port charges, the Authority has continued to meet all financial obligations. The Government's investment in the Port Authority has been most prudent and will continue to pay dividends in the years to come.

Estimated revenue over expenditure of the Port Authority for the year ending 31st December 1985 will be approximately C\$120 thousand and present cargo trends indicate an increase of five percent over 1984.

With the increase in containerized cargo, it has been necessary to convert an area north of the existing dock compound into a marshalling yard. The project entailed the construction of a retaining wall, the raising of the level of the area to the height of the existing compound grading and hot-mixing. Work was contracted to

the Public Works Department and commenced on 4th July 1985. The project was completed recently. The initial estimate has been revised and the final project cost is now C\$170 thousand.

iv) Public works Department

The recurrent expenditure of the Department is projected to total \$2.1 million, while the overall Capital Works Programme of buildings, roads and civil engineering construction is expected to represent approximately \$5.0 million.

Upgrading of residential roads and the second spray and chip application to almost five miles of the North Side/East End Road will account for \$350 thousand of expenditure under the Phased Construction Programme. A section of new road linking Elgin Avenue and Smith Road was constructed at a cost of \$180 thousand. An access road to agricultural lands in North Side was extended at a cost of \$25 thousand. The intersection of Eastern Avenue and North Church Street was signalized at a cost of \$20 thousand.

The kitchen and meeting room facilities at the George Town Hospital, with expanded staff and patient parking, was completed in 1985 at a cost of \$59 thousand. The project had been estimated to cost \$670 thousand.

A civic centre was constructed at East End at a cost of \$455 thousand as estimated. The Bodden Town and East End Town Halls were renovated at a cost of \$30 thousand.

Work is underway on a new female cell block at the prison, expected to cost \$200 thousand.

Renovations to the Courts Building were completed in 1985, providing a new Court room and office for the Puisne Judge and additional office space for other members of staff. These alterations were achieved at a cost of \$157 thousand.

Repartitioning and renovations were carried out at the Government Administration Building, at a cost of \$90 thousand in 1985 making a total of \$130 thousand, following the acquisition of the Tower Building to which certain departments were transferred. Works to the Tower Building amounting to almost \$300 thousand were executed in 1985, making a total of \$492 thousand to date. The building is now almost fully occupied.

At the Sports and Cultural Centre complex, changing rooms were constructed at cost of \$145 thousand with \$22 thousand to be donated by the Lions Club. This facility will complement the swimming pool built by the Lions Club. The football pitch was topsoiled and seeded; drainage and irrigation systems installed, and the running track is being hot-mixed, all at a total cost of approximately \$200 thousand. One hundred thousand of this was spent in 1984. The Bank of Nova Scotia has donated \$125 thousand to the complex.

3. THE ENSUING YEAR 1986

Mr. President, the 1986 Budget was prepared to effect greater stimulation of our economy by providing funding for a number of capital projects.

The Budget is \$67.4 million, an increase of \$6.8 million over 1985.

Estimated Ordinary Revenue is \$55.9 million, a decrease of \$2.5 million contribution from General Reserves. Early Ordinary Revenue forecasts for 1986, in relation to the level of expenditure requested indicated a shortfall and reduction in all areas where made. But it became quite obvious that new revenue measures would be required to balance this Budget. These measures should produce \$5.5 million.

This year the proposals are two fold affecting the offshore and general public. Local residents are being requested to assist with additional revenue which obviously will be utilized to maintain and provide services to the public.

I will briefly outline the New Measures:

The Public Health

(Garbage and Refuse Disposal)

Fees payable by private houses and apartments have not been increased since 1975, and the garbage and refuse collection is now costing Government \$430 thousand annually, with revenue from this source amounting to \$63 thousand. The cost per household is approximately \$100.

It is recommended that the annual fee be increased from \$18 to \$50 per annum or \$0,96 per week and increase other fees under the Law as well.

	CIS		CIS
2) Condominiums units from	50	to	100 per annum
3) Hotels			
a) up to 19 bedrooms from	400	to	600 per annum
b) 20 to 39 bedrooms from	800	to	1,200 per annum
c) 40 to 60 bedrooms from	1,200	to	1,500 per annum
d) over 60 bedrooms	1,600	to	2,000 per annum
4) Restaurants (with or without bar)			
up to 50 seats from	260	to	325 per annum
more than 50 seats from	500	to	625 per annum
5) Bars	160	to	200 per annum
6) Lodgings houses other than			
hotels	150	to	188 per annum

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7)	Business Premises			
	a) offices	24	to	60 per annum
	b) other offices			
	i) small	40	to	70 per annum
	ii) medium	160	to	280 per annum
	iii) large	460	to	1,320 per annum
8)	Large containers	600	to	800 per annum

BANKS AND TRUST COMPANIES

It is proposed to increase the annual fees payable under the Banks and Trust Companies Law as follows:

CIS DOLLARS

- a) Category "A" Licence from 27,500 to 30,000
- b) Category "B" Licence from 8,500 to 9,000
- c) Nominee (subsidiary) from 750 to 1,000
- d) Restricted Licence from 5,500 to 6,000

TRAVEL TAX

The travel tax charged is substantially below our competitors, and it is proposed to increase it from CIS4 to CIS8.

TRAFFIC FEES

Vehicle registration and drivers licence fees have not been increased since 1976, while the cost of road maintenance and construction of additional roads over the decade amounts to millions of dollars. The proposal is to increase all fees under the regulation. Thirty items are affected and perhaps they are too lengthy to list. But as an example, private cars annual registration fee is proposed to increase from \$48 to \$130, a cost to the owner of \$2.50 per week.

INSURANCE LICENCE FEES

The Law which was passed in September 1979, and amended on occasion has experienced no change in the fees, and it is considered timely to upgrade them this year. The increases are as follows:

	CI DOLLARS
a) "A" Licence from	1,500 to 5,000
b) "B" Licence from	3,000 to 4,500
c) Agents from	100 to 150
d) Sub-agents from	50 to 75
e) Brokers from	750 to 1,250
f) Underwriting Managers from	5,000 to 7,500
g) "B" Licence where the company is running down its business	from 1,000 to 1,334

TRADE AND BUSINESS LICENCE

Fees under the Law dealing with Trades and Technical and Commerce Sections comprised of eighteen items are proposed to be increased. No proposal for fees under the Professional Section are put forward as these were increased in 1984. These fees have not been increased since the mid 70's. An example of the increase is the fee for a Merchant and Wholesaler is to be increased from \$300 to \$1,500, a cost to the owner of \$28.85 per week.

CUSTOMS DUTIES

Import duty on motor gasoline and diesel oil has been \$.08 per gallon since 1977, and it is now proposed to increase it by \$.05 to \$.13 per gallon. Prices at the Service Station pumps should not exceed \$.05.

Mr. President, if we summarize the effect of these increases, we would find the following annual payments by certain groups of resident:

- a) Those who own a home and no car would be required in 1986 to pay \$50 per annum to Government for garbage fees only.
- b) Those who own a home, car, and drivers licence would pay \$205.00 per annum to Government for garbage fees, vehicle inspection and registration and drivers licence.

There are not, Mr. President, many countries in the world where the populace have such a high standard of living, good public services and pays so little in annual fees. We are indeed fortunate to have so much at such a minimal cost to the public.

4. CONCLUSION

Mr. President, the forecast for 1985 was done with great care taking into account historical trends and the World Economic situation. The latter being given the larger weight, and it resulted in a Budget of \$1.5 million over 1984.

The 1985 revised estimated financial position of \$2.5 million deficit will cause tougher measures in expenditure control to be exercised by Finance & Development.

We realize, of course, Mr. President that good Government services must be properly funded, but we will continue to trim it to a lean-looking position.

The 1986 recurrent expenditure displays this lean-looking position while providing the required service to the public.

BUDGET ADDRESS

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Capital expenditure of \$13.0 million is following economic theory to stimulate the economy, when it is experiencing a recession or has bottomed out on a recovery trend. This will create more employment in construction and the spinoff effects will be positive in 1986.

Mr. President, I have great confidence in the future development of these Islands ever remembering that complacency must not be allowed, and private and public sector working together is our objective in achieving greater benefits for these Islands and their people.

Mr. President, allow me to express my sincere gratitude to the staff of my portfolio, Finance & Development, for their support, they exemplify the fine example of dedicated Civil Servants.

Mr. President, I recommend The Appropriation (1986) Law, 1985 proposing an estimated sum of \$63,873,057, to cover Recurrent and Capital Expenditure and New Services in 1986. Excluded from this sum are statutory provisions covering pensions and loan repayments amounting to \$3,515,573. The estimated expenditure is, therefore, \$67,388,630.

Thank you Mr. President.

HON. THOMAS C. JEFFERSON (CONTINUING): Mr. President, I move that the debate on the Budget Address be deferred until Wednesday, 4th December, 1985.

MR. PRESIDENT: My understanding is that arrangements have been made already by the Business Committee to set down the debate on the Second Reading of the Appropriation Bill for Wednesday, in accordance with the usual practice that Members of the House prefer to have a few days to study the Estimates and the Budget Address before it is debated.

The next item on the Order Paper today is Government Motion No. 10/85. I think that I am right in saying that is a motion which may be moved without notice under Standing Order 68A, which is one of the new Standing Orders which was approved at our last Meeting. The Honourable Third Official Member.

GOVERNMENT MOTION NO. 10/85

PROVISIONAL COLLECTION OF CUSTOMS DUTIES

HON. THOMAS C. JEFFERSON: Mr. President, I move Government Motion No. 10/85, Provisional Collection of Customs Duties Law, (Law 21 of 1985).

"BE IT RESOLVED this day by the Legislative Assembly, under the powers conferred on it by subsection (1) of section 2 of the Provisional Collection of Customs Duties Law, 1985:-

THAT it is hereby provided a variation of the following rates of customs duty charged under Chapter XII of the First Schedule of the Customs Law (Second Revision) -

- (a) on motor gasoline (item 12.01) from eight cents to thirteen cents per gallon; and
- (b) on diesel oil (item 12.02) from eight cents to thirteen cents per gallon;

AND THAT it is hereby declared that it is expedient in the public interest that this resolution shall have statutory effect under the provisions of the Provisional Collection of Customs Duties Law, 1985."

MR. PRESIDENT: Have we copies of the motion for distribution? Perhaps it can be distributed. While it is being distributed, since this is the first occasion on which either the provisions of the Law, that is the Provisional Collection of Customs Duties Law, 1985 have been made use of, and it is the first occasion when Standing Orders have been amended to include a new Standing Order 68A, it might be helpful to Members if I just refresh their memories on this. The effect of the procedure which if Members recall, is modelled on the procedure used in Westminster, is that this resolution is not debated today but if passed, it only has temporary effect for a limited period of I think it is ten days, yes ten days, during which a Bill must be introduced to give permanent effect to the measure and the Bill will of course then be debated in the usual way.

MR. JAMES M. BODDEN: Mr. President, you mean that this Government motion cannot be debated and is passed automatically?

MR. PRESIDENT: Let me repeat my explanation if I may. If you will read your new Standing Orders, and I know that you missed the Meeting when both the Law and the Standing Orders were amended, you will find that there is now a Standing Order 68A. The provisions of that Standing Order are such that a motion of the kind just introduced is not debated and the question is put forthwith. However, the provisions of the Law which are mentioned in the motion which has just been introduced today are such that the motion can only have effect for ten days, I think that it is ten days....

HON. MICHAEL J. BRADLEY: Mr. President, one month unless before that the Bill is rejected, or the Bill is not introduced within ten days.

MR. PRESIDENT: I am sorry. I am not sure that I followed all of that. It was.... Well, let me say that the provisions of the Law are such that the motion only has temporary effect and that a Bill has to be introduced to give permanent effect to the measure within that specified period. The Bill gets debated in the usual way.

MR. JAMES M. BODDEN: Well, I apologise on the Standing Orders. I just received them in the mail the day before yesterday. I have not read them yet. However, I am shocked, Mr. President, that we can impose taxation on our people without the Elected Members having a chance to debate it. I would remind the Members of this House that they should remember the Boston Tea Party.

MR. PRESIDENT: If the Member had been here at the last Meeting he would have learned that the practice which we have adopted is modelled precisely upon that followed in the House of Commons in Westminster and is in common use throughout the Commonwealth. Its virtue....

MR. JAMES M. BODDEN: That is....

MR. PRESIDENT: Its virtue, if the Member will just let me complete it, is that it does not oblige the House to debate measures of which Members have not had notice, a practice of which the First Elected Member for Bodden Town complained at the time of the last Budget.

MR. JAMES M. BODDEN: I did not catch what I complained about because I have complained about a lot of things recently.

MR. PRESIDENT: I think that the Member must sit down now. Copies of the motion have been distributed and in accordance with Standing Orders I will put the question.

The question is that Government Motion No. 10/85, the terms of which have been read out be adopted.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Yes, of course.

DIVISION
NO. 76/85

AYES

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. W. McKeeva Bush
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

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NOES

Mr. Linford A. Pierson
Mr. James M. Bodden
Mr. G. Haig Bodden
Mr. John B. McLean

4

GOVERNMENT MOTION NO. 10/85 PASSED BY MAJORITY.

MR. PRESIDENT: That concludes the business which is set down in the Order Paper for today. However, before the adjournment is moved, perhaps I could just ask the Clerk whether I am correct in assuming that a notice which was sent round some ten days ago about official photographs means that photographs are to be taken now, or at what time they are to be taken?

CLERK: We had asked for them to be taken immediately following the Budget Address.

MR. PRESIDENT: Are they to be done outside the Chamber on the steps or where?

CLERK: Yes.

MR. PRESIDENT: So, perhaps Members could be kind enough to assemble on the steps outside the Chamber after the adjournment has been moved.

ADJOURNMENT

HON. MICHAEL J. BRADLEY: Mr. President, in accordance with Standing Order 11, I move that this Honourable House do now adjourn until 10.00 a.m. on Monday, 2nd December, 1985.

MR. PRESIDENT: The motion is that this House do now adjourn until 10.00 a.m. on Monday, 2nd December, 1985.

QUESTION PUT: AGREED.

MR. PRESIDENT: If before we get up I could remind Members of one other thing, I think that there is a Meeting of the Commonwealth Parliamentary Association local branch set down for, is it 2.15 p.m. or....?

CLERK: 2.00 p.m.

MR. PRESIDENT: So, I hope that Members will be able to attend that. Thank you.

AT 12.30 P.M. THE HOUSE ADJOURNED UNTIL
10.00 A.M., MONDAY, 2ND DECEMBER, 1985.

BUDGET & FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

SECOND DAY

MONDAY
22ND DECEMBER, 1985

PRESENT:

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

GOVERNMENT MEMBERS

HON DENNIS H BOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE FOR
INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, J.J.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, MBU MEMBER FOR TOURISM AVIATION AND TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

HON VASSIL C 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

APOLOGIES

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

MONDAY

2ND DECEMBER, 1985

SECOND DAY

1. PRAYERS

TO BE READ BY THE THIRD ELECTED MEMBER FOR WEST BAY.

2. PRESSENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE TO THE PUBLIC ACCOUNTS COMMITTEE'S REPORT.
TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER.

3. QUESTIONS TO MEMBERS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD
OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 129 : WOULD THE HONOURABLE MEMBER STATE WHAT IS THE TOTAL
COST OF THE TOWER BUILDING, INCLUDING PURCHASE PRICE,
RENOVATIONS AND ADDITIONAL LAND FOR PARKING?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST
OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 130 : WOULD THE HONOURABLE MEMBER STATE HOW MANY PERSONS WERE
CONVICTED OF DRUG OFFENCES BY THE COURTS IN 1984 AND HOW
MANY IN 1985?

NO. 131 : WOULD THE HONOURABLE MEMBER STATE WHAT AMOUNTS OF DRUGS,
BY CATEGORIES, WERE SEIZED HERE IN 1984 AND SO FAR
DURING 1985?

NO. 132 : WOULD THE HONOURABLE MEMBER STATE HOW MANY OFFICERS FROM
THE UNITED KINGDOM, FOR WHOM SUPERNUMERARY POSTS WERE
CREATED, ARE NOW SERVING WITH THE ROYAL CAYMAN ISLANDS
POLICE FORCE, IN WHAT RANKS AND ASSIGNED TO WHAT DUTIES?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD
OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 133 : WOULD THE HONOURABLE MEMBER STATE WHAT IS THE TOTAL AMOUNT
PAID OUT IN PARLIAMENTARY PENSIONS UP UNTIL 15TH NOVEMBER,
1985, GIVING A BREAKDOWN FOR EACH DISTRICT?

NO. 134 : WOULD THE HONOURABLE MEMBER SAY WHETHER THERE HAS BEEN
ANY RECENT CONSIDERABLE LOSS IN THE COMPUTER DEPARTMENT
WITH REGARD TO TAPES OR OTHER SOFTWARE?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 135: WOULD THE HONOURABLE MEMBER STATE WHETHER CAYMAN AIRWAYS PROPOSES TO EXERCISE THE OPTION CONTAINED IN THE LEASE-PURCHASE AGREEMENT TO PURCHASE THE TWO 727'S WHICH I UNDERSTAND EXPIRES AT THE END OF 1985?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 136: WOULD THE HONOURABLE MEMBER STATE IN WHAT AREAS AND AT WHAT COSTS (ACTUAL OR PROJECTED) HAVE FOREIGN EXPERTS AND ASSISTANTS BEEN EMPLOYED BY GOVERNMENT SINCE NOVEMBER, 1984?

4. GOVERNMENT BUSINESS

(1)(a) SUSPENSION OF STANDING ORDERS

SUSPENSION OF STANDING ORDERS TO BE MOVED BY THE HONOURABLE SECOND OFFICIAL MEMBER FOR THE PURPOSE OF ENABLING ALL STAGES OF THE MATRIMONIAL CAUSES (VALIDATION) LAW, 1985, TO BE TAKEN.

(b) BILL:-

THE MATRIMONIAL CAUSES (VALIDATION) LAW, 1985

- (i) FIRST READING
- (ii) SECOND READING
- (iii) COMMITTEE THEREON
- (iv) REPORT THEREON
- (v) THIRD READING

(2) BILLS:-

FIRST AND SECOND READINGS

- (1) THE LAND ACQUISITION (AMENDMENT) BILL, 1985
- (2) THE COMPANIES (AMENDMENT) BILL, 1985
- (3) THE EVIDENCE (AMENDMENT) BILL, 1985
- (4) THE FINGER PRINTS (REPEAL) BILL, 1985
- (5) THE SUCCESSION (AMENDMENT) BILL, 1985

COMMITTEE THEREON

- (6) THE LAND ACQUISITION (AMENDMENT) BILL, 1985
- (7) THE COMPANIES (AMENDMENT) BILL, 1985
- (8) THE EVIDENCE (AMENDMENT) BILL, 1985
- (9) THE FINGER PRINTS (REPEAL) BILL, 1985
- (10) THE SUCCESSION (AMENDMENT) BILL, 1985

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MONDAY
2ND DECEMBER, 1985

10:07 A.M.

MR. PRESIDENT:

Please be seated.

I am sorry. I was premature in inviting you to be seated. Would you please stand again for prayers, which will be read today by the Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

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.

Our Father, which 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 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.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Please be seated.

My apologies to the House and to the Third Elected Member for West Bay in particular for my earlier oversight.

The first item after Prayers on today's Order Paper is Presentation of Papers and Reports. The Honourable Third Official Member.

PRESENTATION OF PAPERS AND REPORTS

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to lay on the Table of this Honourable House the Government Minute as required under Standing Order 74(7).

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, I move that the Minute be adopted.

MR. PRESIDENT: The motion before the House is that the Minute which has been laid be adopted. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. THE GOVERNMENT MINUTE TO THE PUBLIC ACCOUNTS COMMITTEE'S REPORT ADOPTED.

MR. PRESIDENT: Item 3. 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. 129: Would the Honourable Member state what is the total cost of the Tower Building, including purchase price, renovations and additional land for parking?

ANSWER: The total cost of the Tower Building is \$5,281,654.38 broken down as follows:

Purchase Price		4,177,440.60
Renovations 1984	186,989.43	
Renovations 1985	340,000.00	526,989.43
Land for parking OPY II	477,375.00	
Stamp Duty	35,803.10	
Interest	64,106.25	577,284.35
		<u>\$5,281,654.38</u>

The total payment to date for the land is principal \$50,000, Stamp Duty \$35,803.10 = \$85,803.10

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary, Mr. President. Would the Member know at this time how much it is estimated that it is going to cost to convert the land into suitable parking?

HON. THOMAS C. JEFFERSON: Mr. President, I am unable to give that information here and now.

MR. G. HAIG BODDEN: Mr. President, I would like to ask if the Member can say with regard to the price of the land what was the cost per square foot?

MR. PRESIDENT: Is the Member referring to the additional land for parking or the land overall?

MR. G. HAIG BODDEN: Yes, Sir, the additional land for parking.

HON. THOMAS C. JEFFERSON: Mr. President, I will undertake to make that cost available to the Member. However, I am not in a position this morning to give it.

MR. G. HAIG BODDEN: Mr. President, with reference to the price for the land for parking, can the Member give us any idea of the size as it seems to be a very high cost for the parking land?

HON. THOMAS C. JEFFERSON: Mr. President, once again I have to apologise. I am unable to say the exact size of the parcel simply because I did not walk with my file this morning. However, I do remember that the cost is assessed based on the sale of property in that respective area, and that because of certain ramifications of that parcel, be it rights of way, etcetera, the cost was something around \$35 or \$40. Perhaps, though I should not state that without my file.

MR. G. HAIG BODDEN: Mr. President, with regard to the price, I wonder, since the price seems to be abnormally high if the Member can say how does it compare with other land transactions in that area? Was this above the price which was paid for other land or is it below?

MR. PRESIDENT: I think that the Member said that it had been compared with other land transactions in that area and it was based on them. That was my understanding of what he said.

MR. G. HAIG BODDEN: What I am driving at, Mr. President, is that it is all over the place that this land cost \$65 a square foot. I was just trying to verify this since this is about one and a half times the highest price ever paid for land in George Town.

HON. THOMAS C. JEFFERSON: Mr. President, if the Member gives me two minutes or one minute, I may be able to find it in a different file.

MR. PRESIDENT: Does any other Member have another supplementary while he is searching? I think....

MR. G. HAIG BODDEN: Mr. President, I had a couple more.

MR. PRESIDENT: Oh yes? Well, I think that the Third Elected Member for West Bay may have one. We will give her a turn if she has. She caught my eye but perhaps she did not mean to catch it. Yes?

MRS. DAPHNE L. ORRETT: I was just wanting to make sure that the Member heard my question.

HON. THOMAS C. JEFFERSON: I am listening, Mr. President.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President, would the Honourable Member state whether or not this particular property was purchased specifically for parking for the Tower Building, or has it been purchased with future development in mind as far as Government offices, etcetera are concerned?

HON. THOMAS C. JEFFERSON: Mr. President, the land was purchased because of the close proximity of the Tower Building to the northern boundary, thus the reason for thinking about down the road the possible need to expand the whole area surrounding the Tower Building. Obviously, the first use will be parking but not necessarily parking for the next ten or fifteen years.

HON. THOMAS C. JEFFERSON (CONTINUING): Mr. President, in answer to the Second Elected Member for Rodden Town there are some figures available which were given to me by the Lands Officer in the Lands and Survey Department in respect of this property. I have found the size. It is .38 of an acre, or 15,682 a square foot, but...

MR. PRESIDENT: I do not think that that can be right. I think that you may want to correct that. You said \$15,000 a square foot. Perhaps you meant 15,000 square feet?

HON. THOMAS C. JEFFERSON: I am sorry, Mr. President, 15,682 square feet. There are other parcels adjacent to parcel OPY 11, namely OPY 44 transferred in 1981. That was \$168,938. The square footage there is 2,748 and the price per square foot at that time was \$61.48. That is the only comparison I can give, Mr. President, at this time.

MR. PRESIDENT: I wonder did you actually say what the price per square foot of the plot which the Government purchased was? I think that you may have left Members to calculate it and my calculation is that it would be just over \$30. However, I am not quite sure whether you said that or whether I have calculated right.

HON. THOMAS C. JEFFERSON: Mr. President, the initial approach on this parcel of land, the owners wanted \$650,000 for it. In dealing with it and looking at the cost, I do not have the exact figure here but it was something around \$30 to \$40 a square foot.

MR. G. HAIG BODDEN: Mr. President, can the Member say if the Lands Officer to whom he referred was the same one who had valued the George Seymour's property?

HON. THOMAS C. JEFFERSON: The answer, Mr. President, is yes.

MR. G. HAIG BODDEN: Mr. President, may I ask the date of the purchase of this land for parking?

HON. THOMAS C. JEFFERSON: The date of purchase, Mr. President, I think was August this year.

MR. PRESIDENT: The Elected Member for North Side had caught my eye first.

MR. D. EZZARD MILLER: Mr. President, I notice that in the 1986 budget there is an additional figure of \$60,000 for renovation of the Tower Building. I wonder if the Member could state whether this is going to be the last big sum of money spent renovating the Tower Building to make it habitable or useful?

HON. THOMAS C. JEFFERSON: Mr. President, I would be surprised if the \$60,000 was used, because the majority of Departments which were moving into the Tower Building have now moved, with the exception of the accommodation of the Agricultural and Industrial Development Board and the Housing Development Corporation. There is a space on the fifth floor on the northeast corner which needs to be converted into a training room. Perhaps that is what the \$60,000 is for.

MR. G. HAIG BODDEN: Mr. President, with regard to the item of \$64,106.25 for interest. This would imply that payments are going to be made over a period of time. Could the Member say if this \$64,000 is the interest paid for this year, or is that the total interest figure which will be paid over the life of the amortisation of the payments?

HON. THOMAS C. JEFFERSON: Mr. President, interest is paid over the contractual period for the purchase of the parcel of land and is \$64,000.

MR. JAMES M. BODDEN: In one of the supplementary questions which were asked, Mr. President, a price was quoted for some other land in that area. It seems that the price of this land may have been based on that. I wonder whether the Member answering the question could say whether that particular portion of land was from one beneficial owner to another, say from a private individual into a company, or was that price paid because the land in question did not have any main frontage on any main road? It would have to be something of that nature, in my opinion, to bring such a high price. I wonder if the Member could advise the House on that?

HON. THOMAS C. JEFFERSON: Mr. President, the parcel given, OPY 144 is on the northern boundary adjacent to the Tower Building. That parcel of land actually sits on the road, or is on the roadside and OPY 11 is the third parcel in from the North Church Street road. I am not sure that the sale of this land which I quoted as being in 1981 was the same property, being transferred from his name to a company's name, or from one company's name to the other company's name but the person being the sole beneficial owner of both.

MR. JAMES M. BODDEN: That particular piece of land, did it give access to the main road, because land in that area would ordinarily sell for probably around US\$25 a square feet, and both prices are quoted as very, very high?

HON. THOMAS C. JEFFERSON: None of the prices given by the Lands Officer suggest that the price would be US\$25 a square foot, Mr. President. In relation to the other question or comment by the First Elected Member for Bodden Town, there is a right of way which joins North Church Street with Mary Street, and it passes directly by OPY 11.

MR. JAMES M. BODDEN: Mr. President, I would just like to state that I am not against anything in regard to the Tower Building, because I think that it was a wise investment. It is just that it has attracted so much other attention.

I wonder if the Member could advise us how many square feet of land were purchased when the Tower Building was purchased, in other words the land immediately surrounding the Tower Building which we took possession of when the sale was completed?

HON. THOMAS C. JEFFERSON: This is a rather bulky file I have, Mr. President, and there is all sorts of information in it. The information which was submitted to me on the 9th May, 1984 from Mr. Flatt, the Lands Officer dealing with OPY 14 and 145 which are the two parcels which are combined now to form that one parcel on which the Tower Building sits shows that the estimated gross area is 49,423 square feet, and the valuation at that day was US\$40.

MR. JAMES M. BODDEN: Following on that question as well as some of the others which have been answered, could we have the square footage contained in the Tower Building?

HON. THOMAS C. JEFFERSON: I am still quoting, Mr. President, from the valuation done by Mr. Flatt. The outside square footage of the building is 63,400. The internal office space in square feet including the basement, is 55,062. That is 43,897 square feet for office space, plus the basement of 8,165.

MR. JAMES M. BODDEN: Based on the answers which have been given to the House, Mr. President, it appears that based on land valuation, the Government has paid approximately C\$40 per square foot for the Tower Building. Would the Member advise the House what price would normally be paid to construct a building of that nature, whether the \$40 is low, or is high?

HON. THOMAS C. JEFFERSON: Mr. President, from memory in dealing with various Government capital expenditures, including the control tower building and the terminal building, US\$40 would be low.

MR. JAMES M. BODDEN: In other words, Mr. President, anyone would have to admit that Government got a bargain, right?

HON. BENSON O. EBANKS: Supplementary, Mr. President. Would the Member state whether the method of construction of the Tower Building is comparable to any of the other buildings, the price of which he quoted?

HON. THOMAS C. JEFFERSON: Mr. President, I think that the answer to that is that my understanding is that the Tower Building is a combination of a steel structure with concrete. I think that it is similar to the Government Administration Building. Perhaps there is more steel in the Government Administration Building than the Tower Building, and perhaps the design is different. However, I am not sure that it is so low that it can be seen that the building is not up to standard structurally.

MR. PRESIDENT: I think that we are straying a little far from the original question. We are also taking rather a long time over this one and I am conscious that there are quite a number more questions on the Order Paper. I think perhaps it would be... Well, I will allow about a couple more. The Elected Member for North Side actually caught my eye first.

MR. D. EZZARD MILLER: Mr. President, according to the figures given by the Member concerning the square footage and the actual useful office space, it looks like 8,000 square feet of the building is useless, or approximately 12 per cent. Is that correct?

HON. THOMAS C. JEFFERSON: I am not sure exactly what the Member is referring to. Perhaps the difference between the internal and the outside square footage is what he is referring to. We must remember that lots of corridor space is inside the Tower Building on each floor because of the design. One has to walk completely round on each floor. Perhaps that is where it is.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: What was just asked is common in any building. The outside measurements and inside measurements would not be the same. My question deals with price again. I wonder whether the Member could advise the House whether any ongoing Government contracts or any planned contracts in the 1986 budget could be figured at US\$40 per square foot to construct? I would ask also if that could be applied to even just a common dwelling house which we may be building? Can we build it for \$40 a square foot?

HON. THOMAS C. JEFFERSON: I am really not the technical person to answer that question, Mr. President. I am not a civil engineer. I can only say that as a person dealing with finance, it would appear to me that one cannot build a building for US\$40.

MR. PRESIDENT: I think let us pass on to question no. 130. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Would you want me at this point to ask questions 130 and 131, or just 130, Sir?

MR. PRESIDENT: Just question 130 I think.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 130: Would the Honourable Member state how many persons were convicted of drug offences by the courts in 1984 and how many in 1985?

ANSWER: A total of 79 people were convicted by the courts in 1984 of various drug offences. The offences resulting in convictions totalled 99; some individuals having been convicted of more than one offence.

So far in 1985, 79 people have been convicted of drug offences, and a further 33 are awaiting trial. The number of offences dealt with so far this year are 153.

MR. PRESIDENT: If the Member wanted to ask question No. 131 before he asked supplementaries, so that supplementaries about both could be in some way combined, I would see no objection to that.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 131: Would the Honourable Member state what amounts of drugs, by categories, were seized here in 1984 and so far during 1985?

ANSWER: The amounts of drugs, by categories, seized here in 1984 are as follows:

Cocaine	7.4 grams
Ganja	2,928 pounds

And the amounts in 1985 so far are as follows:

Cocaine	1,205 grams
Ganja	1,521 pounds
Hash Oil	11.6 ounces

MR. JAMES M. BODDEN: Mr. President, at this point I really do not have any supplementaries. I appreciate this. I will use it in the Budget Address. I am only trying to find out comparisons and it seems as though we are not ridding the society of the effects of drugs.

MR. PRESIDENT: If no other Member has a supplementary, perhaps the First Elected Member for Bodden Town would like 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. 132: Would the Honourable Member state how many officers from the United Kingdom, for whom supernumerary posts were created, are now serving with the Royal Cayman Islands Police Force, in what ranks and assigned to what duties?

ANSWER: Following approval last year by this Assembly, recruiting took place and 3 Chief Inspectors, 3 Inspectors and 6 Serjeants have been recruited and all have taken up contracts between August of last and July of this year. The serjeants who are on 1 year contracts and the Inspectors and Chief Inspectors who are on 2 year contracts are experts in their various specialised fields. All have settled in well and are delivering hands-on training to local officers with a view to improving professional standards. The names of the officers and the duties to which they are assigned are as follows:

<u>RECRUITED</u>	<u>RANK AND NAME</u>	<u>POST</u>
20 Aug 84	Ch Insp Cocksworth	Administration
1 Nov 84	Ch Insp Parry	CID
21 Jan 85	Ch Insp Dent	Drugs
1 Oct 84	Insp Neilson	Fingerprints
1 Nov 84	Insp Burke	Traffic & General Duties
15 Jul 85	Insp Thorne	Commercial Crime
2 Jan 85	Sgt Bramham	Traffic & Driving Instructor
10 Apr 85	Sgt Young	Computer & Radio
10 Apr 85	Sgt Humber	Photographic & scenes of crime
10 Apr 85	Sgt Chesters	Gen Duties & firearms instruction
8 May 85	Sgt Bottomley	Gen Duties & Radio
8 May 85	Sgt Chinnery	Marine/Police Enforcement

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Supplementary, Mr. President. I wonder whether we could be advised whether the duties which these officers are assigned to assure us that Caymanians are being trained by those men in posts similar to theirs, so that one day the Caymanians will be in a position to take over the duties which have been assigned to these people?

HON. DENNIS H. FOSTER: Yes, Sir, that is precisely the point. Because of the recruitment in some cases now really the Caymanian is the head and the expatriate is working with him and giving him the sort of specialist back up which he needs. This is true in the case of commercial crime where Inspector Gooding is the head of the division and he is assisted by Inspector Thorne. The two of them work hand in hand. Wherever the expatriate can pass on any expert advice he does so.

MR. PRESIDENT: If there is no further supplementary...
Sorry.

MR. JAMES M. BODDEN: Two of these assignments give me a little worry. On the assignment for Traffic can the Member advise the House whether these officers are making any recommendations for change in regard to the Traffic Laws and so forth, and whether these officers attend on the scene of accidents which cause, let us say death; whether they actually attend the scene and assist the other officers, or whether they are desk bound? In the case of the Marine Police I find it difficult to understand why we would have to assign someone to that, because Caymanians have always been known worldwide as the best seamen in the world. I wonder how we can bring somebody from the United Kingdom who can teach our officers to be better seamen than they are?

HON. DENNIS H. FOSTER: Mr. President, on the first supplementary, the first part of it, the two Traffic Officers... I think that the question was did they attend scenes of accidents? Yes, to the best of my knowledge, Sir, whenever they are called or they need to go, they will go. I guess that they attend to their desk work as well.

On the marine question, Sir, the person attached there is not attached for the purpose of running the boat at all, Sir. There is quite a difference between running and operating the boat and enforcing the law. I can drive the boat but I would know nothing about the enforcement part. So, the Serjeant there is more or less there to help train the other members so that when they go on a raid or something or the other like that, they will know the law and how to enforce it, whereas the person driving the boat drives the boat and that is it.

MR. JAMES M. BODDEN: I was under the impression, Mr. President, that the Members assigned to the marine section were all more or less seasoned Police Officers and they should know their duties. In regard to someone violating the law it boils down to whether one's boat is fast enough to catch him, or he is fast enough to outrun the police. So, I wonder how much help is being rendered? In the same case, Mr. President, on the traffic duties, I have been unfortunate to see some very serious accidents in the Islands recently. I have never seen one of these seasoned Police Officers there. I do not think it should be left to the local officer on the scene to radio and ask them to come, when they know that a serious accident has taken place. This is where they are needed and maybe they could help our traffic problems because, God knows, they are bad enough. So I wonder, Mr. President, if these officers could receive more direct orders as to what we expect of them?

HON. DENNIS H. FOSTER: Yes, Sir, I will pass that on. There was one part which the Member asked me earlier on which I did not really answer. That was about the input these officers are making towards the change of our Laws or words to that effect.

HON. DENNIS H. FOSTER (CONTINUING): It is my understanding, Sir, that they have a Committee which is looking at the Traffic Law. It has met several times and I am sure, Sir, although I cannot really say whether the input from these people is coming direct from them or through the Head of the Traffic Department, that their input is getting there somehow or the other, Sir.

MR. JAMES M. BODDEN: Oh, God, do we have another Committee? I wonder, Mr. President, whether the Member could advise the House whether these respective officers are assigned to Government owned quarters, or whether we are renting condominiums, etcetera for them?

MR. PRESIDENT: I do not really think that is a supplementary which arises out of the original question. It is a perfectly proper question and the Member can put it down as a question some time. However, I think that we had better pass on.

MR. JAMES M. BODDEN: I am quite happy to bow to your ruling on that. I just wanted to find out whether they do live in the condominiums and how expensive they are.

MR. PRESIDENT: Does the Third Elected Member for West Bay have a supplementary. Alright, but we must get on to the next question.

MRS. DAPHNE L. ORRETT: Mr. President, I just want to ask the Honourable Member whether I am right in assuming that those officers who are being trained, in addition to their training are carrying on their regular duties as well?

HON. DENNIS H. FOSTER: Yes, Mr. President.

MR. PRESIDENT: The Second Elected Member for West Bay the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 133: Would the Honourable Member state what is the total amount paid out in parliamentary pensions up until 15th November, 1985, giving a breakdown for each District?

ANSWER: No payments have been made to date. The total amount paid out in parliamentary pensions up to 15th November, 1985, is \$0.00. As a result of the recent Parliamentary Pensions Law passed in September, 1985, payments to be made in December, 1985, for the calendar year 1985 by District:

To Vestrymen - Confirmed

George Town	8 @ \$4,428	= \$35,424	
West Bay	7 @ \$4,428	= \$30,996	
Bodden Town	4 @ \$4,428	= \$17,712	
Prospect/)			
Savannah	4 @ \$4,428	= \$17,712	
South Sound/)			
East End	3 @ \$4,428	= \$13,284	
North Side	2 @ \$4,428	= \$ 8,856	
Lesser Islands	2 @ \$4,428	= \$ 8,856	\$132,840.00
		C/E	\$132,840.00

B/F \$132,840.00

To Widows of Vestrymen - Confirmed

George Town	1 @ \$560.76 =	\$560.76	
			(for December 85 only)
West Bay	4 @ \$2,214 =	\$8,856	
Bodden Town	1 @ \$2,214 =	\$2,214	\$ 11,630.76
			\$144,470.76

To Widows of Vestrymen - Unconfirmed

George Town	1 @ \$2,214 =	\$2,214	
West Bay	1 @ \$2,214 =	\$2,214	
Savannah	1 @ \$2,214 =	\$2,214	
Lesser Islands	1 @ \$2,214 =	\$2,214	\$ 8,856.00
			\$153,326.76

To Parliamentarians & Members of Executive Council

George Town	3	\$24,292.89*	(includes estate of A.B. Bush)
West Bay	4	\$22,276.14	
Bodden Town	1	\$ 6,840.00	
East End	1	\$13,862.23*	
North Side	1	\$ 8,840	
Lesser Islands		\$ 4,412	\$ 82,523.26
			\$235,850.02

- NOTES:
- (a) * Pension for serving on Executive Council is included.
 - (b) Unconfirmed amount payable to widows will be paid when an affidavit has been presented to validate the claim for pension.
 - (c) All other pension amounts have been submitted to the Treasury for payment in December, 1985.
 - (d) Pension payable to the late A.B. Bush is being paid to his estate.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Mr. President, a supplementary. Would the Member advise the House whether the payments of these pensions are still being held up by the Elected Government, or is it that Government cannot afford to make the payments at this point?

HON. THOMAS C. JEFFERSON: Mr. President, no payments are being held up, Sir. The Treasury has its procedures. In order to pay funds, although the amendment was passed in September, 1985, it first has to be gazzeted before it is brought into force. Then, as I said when debating the amendment, there are many claims which are coming through for which we have to seek affidavits to support the validity of the claims. All processing now is 98 per cent complete. The request for payment has been submitted to the Treasury with the exception of those widows of Vestrymen, four totalling \$8,856.00 for which we have yet to receive the affidavits from them.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Is the total figure given of \$235,850.02 the same figure given in the debate in September?

HON. THOMAS C. JEFFERSON: Mr. President, in the answer sheet, before I answer the Member, the item second from the bottom, "Widows of Vestrymen", the last category should read "Unconfirmed". Apparently the typewriter just did not want to work on that one.

I believe that I understood the Member to say was this the same figure which I gave in September. I believe that I remember quite clearly and I am sure that the Hansard of the House will support me when I say that I was giving a figure on Parliamentarians and a figure on Vestrymen as I knew it at that time. This figure on Vestrymen was not exhaustive because I am sure that there are other Vestrymen who did not present any claim to me prior to making that statement.

MR. PRESIDENT: The next question. Perhaps the Member would like to ask it?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 134: Would the Honourable Member say whether there has been any recent considerable loss in the Computer Department with regard to tapes or other software?

ANSWER: There has been no recent considerable loss or otherwise from the Computer Department in respect of tapes or other software.

SUPPLEMENTARY:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. I do not know whether I have it correctly or not. Did the Member say that there was no considerable loss resulting in some \$45,000 of damage?

MR. PRESIDENT: I think that the Member knows quite well that he did not hear correctly.

SUSPENSION OF STANDING ORDER 23(7)

MR. D. EZZARD MILLER: Mr. President, could I move that Standing Order 20(7) be suspended to complete the questions on the Order Paper?

MR. PRESIDENT: In my Standing Orders there is no Standing Order 20(?), unless I am misreading mine.

MR. D. EZZARD MILLER: Sorry, Sir, Standing Order 23(7).

MR. PRESIDENT: Certainly you can move this. I am bound to admit that we did not really spend very long on matters before we reached Question Time today. I think that if it became the custom of the House to suspend Standing Orders each time the questions down on the Order Paper had not all been asked by 11.00, we might find ourselves suspending Standing Orders daily, and we might encourage a habit of asking a very great number of supplementaries.

MR. PRESIDENT (CONTINUING): I had been intending to invite the Members whose questions have not yet been reached to exercise the option....

HON. MICHAEL J. BRADLEY: Mr. President, with respect, I do not think we now need to do that.

MR. PRESIDENT: No, well I was just trying before the Member spoke to read through my Standing Orders. In fact you are quite right. We do not now need to do that. The question will be put on the Order Paper for reply at a later date.
Do you wish to move your motion or not?

MR. D. EZZARD MILLER: Yes, Sir.

MR. JAMES M. BODDEN: I beg to second, Sir.

MR. PRESIDENT: The motion then, I take it is that in accordance with the provisions of Standing Order 83, Standing Order 23(7) shall be suspended to enable the two remaining questions on today's Order Paper to be dealt with. Does any Member wish to speak to this motion? In that case I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 23(7) SUSPENDED, IN ACCORDANCE WITH STANDING ORDER 83, TO ENABLE THE TWO REMAINING QUESTIONS ON THE ORDER PAPER TO BE COMPLETED.

MR. PRESIDENT: In that case, the Second Elected Member for West Bay. Question No. 135.

MR. W. McKEEVA BUSH: Am I allowed to go on with supplementaries on the last question now, Sir?

MR. PRESIDENT: No, I think we have finished the last question. Well, I do not know. Perhaps if we interrupted supplementaries, fair enough, yes.

MR. W. McKEEVA BUSH: No, I will go on to question no. 135, Sir. I think I will have more scope in the debate.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 135: Would the Honourable Member state whether Cayman Airways proposes to exercise the option contained in the lease-purchase agreement to purchase the two 727's which I understand expires at the end of 1985?

ANSWER: There is no intention, at this time, to exercise the option to purchase the two 727's which is included in the lease-purchase agreement.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Is the answer that we will not exercise the option to purchase at this time, but that we will continue with the 727's, or is the answer that we will not plan to exercise any option in regard to the purchase of the 727's?

HON. W. NORMAN BODDEN: Mr. President, no decision has been taken at this time to exercise the option, as I have said. That is assuming that we will continue with the 727's until a decision is made.

MR. JAMES M. BODDEN: Is it contemplated to get rid of the 727's in favour of the 737's?

HON. W. NORMAN BODDEN: This matter is under consideration. I cannot say that it is contemplated. However, it is certainly an area which is being examined.

MR. G. HAIG BODDEN: Mr. President, will the Member confirm if the lease purchase agreement expires at the end of 1985?

MR. PRESIDENT: Do you mean if the option expires at the end of 1985?

MR. G. HAIG BODDEN: Yes, the question asked....

MR. PRESIDENT: It is not the lease purchase agreement which expires. It is the option, I think.

MR. G. HAIG BODDEN: Yes, the question asked, Sir, whether Cayman Airways proposes to exercise the option contained in the lease purchase agreement, which I understand expires at the end of 1985. I am asking whether the Member will confirm that the option to purchase expires in 1985 or not.

HON. W. NORMAN BODDEN: Mr. President, actually the option to purchase does not expire in December, 1985. I think in the lease purchase agreement provision was made that the option could be exercised up until December, 1985. However, it continues after that as well. So it does not necessarily expire at that date.

MR. JAMES M. BODDEN: Would the Government be seeking the services of some more experts and consultants before they would decide to do away with the 727's in favour of the 737's?

HON. W. NORMAN BODDEN: I believe that the company, Mr. President, has enough expert advice and enough experts available at this time to make that decision, if it is decided that that is the route the company should take.

MR. JAMES M. BODDEN: Is the Member referring to the experts' advice which was rendered by the Swissair team, or what other advice is he basing his reply on?

HON. W. NORMAN BODDEN: The advice could be based partly on the report from the Swissair team. However, many years ago British Caledonian did a study for Cayman Airways on equipment and we can have that study updated to assist us in making a decision in this matter.

MR. JAMES M. BODDEN: Is there not anyone capable of making the decision other than relying on the people whom the Member has mentioned?

HON. W. NORMAN BODDEN: I am sure that there are people in Cayman Airways who are capable of making decisions. I think that when decisions are made they should be properly evaluated and it is the aim of the Board of Cayman Airways and Government to take their time and make the right decision, a decision which will not be regretted.

MR. JAMES M. BODDEN: Can you as the Member ultimately responsible make that decision?

HON. W. NORMAN BODDEN: In the final analysis, Mr. President, I think the decision should be mine. However, I feel that I am quite capable of evaluating the advice which I get from experts in this field before making a decision. I would say, yes, as the Member the decision would be mine.

MR. JAMES M. BODDEN: Mr. President, I am very heartened to know that this Government is capable of making a decision. However, I hope to God that the decision is never made to get the 737's over the 727's, because then we will have trouble.

MR. PRESIDENT: Order, order. The Member must ask questions not make statements.

MR. JAMES M. BODDEN: I agree, Sir. Thank you.

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

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 136: Would the Honourable Member state in what areas and at what costs (actual or projected) have foreign experts and assistants been employed by Government since November, 1984?

ANSWER: Since November, 1984, there were 6 foreign experts in the Portfolio Development and Natural Resources, covering fields such as Marine Law, Agroecology, Building Code and Sewerage at a cost of approximately \$23,949.51; One in the Tourism Aviation and Trade Portfolio covering Civil Aviation at a cost of approximately \$17,876; Two in the Portfolio Communications, Works and District Administration covering Public Works and CUC Franchise at a cost of \$16,521.73; Four in the Department of Finance covering such fields as Customs, Economic Development, Computer, Financial Regulations, at a cost of \$90,204.94; And two in the Portfolio of Health Education and Social Services covering the fields of Marine Archaeology and Education. These, however, were funded by the UNDP (United Nations Development Plan) and the CFTC (Commonwealth Fund Technical Corporation) respectively and was at no cost to this Government.

The total number of foreign experts and assistants since November, 1984, is therefore 15.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the expert on Marine Law made the recommendation to ban the spearguns?

HON. DENNIS H. FOSTER: Mr. President, I do not think that I can answer that, Sir. This is all the information that I have gathered and I do not really have the answer to that, Sir.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the expert on Building Codes discarded the work which had been done previously on the Building Code, or is he putting forward that code?

HON. DENNIS H. FOSTER: Mr. President, I believe, Sir, that the expert who is here is working closely with the Board or a Committee or something to try to formulate a Code which is acceptable and which would apply to our conditions here, Sir.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Were any experts brought in for a Labour Law?

HON. DENNIS H. FOSTER: No, Sir.

MR. W. McKEEVA BUSH: Not this year?

MR. DENNIS H. FOSTER: No, Sir.

MR. W. McKEEVA BUSH: 1984?

MR. PRESIDENT: The question related to the period since November, 1984, so I do not think really that supplementaries can go back beyond that.

MR. W. McKEEVA BUSH: Thank you very much, Sir. I believe I will get the question answered somewhere else.

MR. PRESIDENT: Oh, it is a perfectly proper question. It is just not a proper supplementary. If that exhausts the supplementaries I think perhaps we might take our normal morning break. So I will suspend....I could not hear, I am afraid.

MR. JAMES M. BODDEN: I did not get an opportunity to ask a supplementary on this question.

MR. PRESIDENT: I am sorry. I paused for a moment and did not see anybody catching my eye. However, if you have a supplementary, by all means ask it.

MR. JAMES M. BODDEN: Are the experts who prepared the Swissair report included in this?

HON. DENNIS H. FOSTER: No, Sir, that is Cayman Airways. That is a Corporation. It is not included in this at all.

MR. JAMES M. BODDEN: Did the experts employed to look at the CUC Franchise advise that CUC should no longer be bound by the agreement with Government to abide by the FPC type of formula in setting the rates?

HON. DENNIS H. FOSTER: The expert, Sir, who is known by most of the Members, Mr. Bradbury came over here and had meetings with the.... The Honourable Second Official Member has pointed out to me, Sir, that I am really dabbling with something which is a Portfolio that another Honourable Member has responsibility for. However, he has advised the Member and the Government on and made recommendations regarding the Franchise, Sir.

MR. JAMES M. BODDEN: Based on the question and the Franchise, Mr. President, I think that my question would be appropriate in being asked, because the question does deal with CUC Franchise. I wonder whether the Member could advise the House if under the terms of the Franchise and the recommendations of the experts who were brought in, is CUC still bound by the agreement with Government to abide by an FPC type of formula in the setting of rates?

MR. PRESIDENT: I really think if the Member wants to ask that, it needs to be a specific question, because the question initially asked here was in what areas and at what costs had foreign experts been brought in. If in supplementaries there is going to be detailed questioning about each or any of the recommendations made by each of the various consultants, then I think that it is really not going to be possible for the Member who answers originally to deal with the lot. I think having extracted who has come, if you want to ask questions about what the different consultants did or recommended, or whatever, they would need to be specific questions addressed to the appropriate Member.

MR. JAMES M. BODDEN: Well, I am sure that there will be no trouble answering the next question because it will be readily understood. Is it possible for the present Elected Government to make a decision without bringing in experts and consultants?

MR. PRESIDENT: I think that is perhaps a rhetorical question. The Second Elected Member for West Bay and then the Second Elected Member for Bodden Town.

MR. W. McKEEVA BUSH: Mr. President, a supplementary, Sir. Was an expert brought in to do a tourism report?

HON. DENNIS H. FOSTER: To the best of my knowledge, Sir, they had one before, as far as I know, Sir.

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

MR. W. McKEEVA BUSH: Before when, Sir?

MR. PRESIDENT: The Second Elected Member for Bodden Town. We cannot go back before.

MR. G. HAIG BODDEN: Mr. President, I would like to ask if the figures given as the cost represent the fees paid to the experts, or does it also include hotel accommodation, air fares and so on?

HON. DENNIS H. FOSTER: Mr. President, yes, Sir, this is all included. A lot of our experts are from British Executive Service Overseas and we give them a small living allowance per week, and we pay accommodation. If we really had to pay the high price of salaries to outside experts it would cost us a lot more, Sir.

MR. JAMES M. BODDEN: Mr. President, I do agree with what the Member just said. It is a good thing that we can get these experts cheap. Were the experts here housed in Government housing, or did we provide rental accommodation such as hotels, and did we provide them with automobiles for their entire stay?

HON. DENNIS H. FOSTER: Mr. President, to the best of my knowledge, Sir, we generally find a condominium for them and we get it at a little reduced rate because it is depending on the term of the expert, whether it is three months or four months, or what have you. I think that we also provide a car, Sir.

MR. PRESIDENT: As there do not seem to be any further supplementaries, I will now suspend proceedings for approximately fifteen minutes.

AT 11.24 THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.46 A.M.

MR. PRESIDENT: Please be seated.
Item 4 on the Order Paper, Government Business. (1)(a) Suspension of Standing Orders.

GOVERNMENT BUSINESS

SUSPENSION OF STANDING ORDERS 46 AND 47

HON. MICHAEL J. BRADLEY: Mr. President, Standing Orders provide that notice shall be given of a certain number of days to Members in respect of Bills to be set down. Standing Orders also provide that any Bill shall be gazetted before Readings and thirdly provide that not all Readings may be taken in the one day.

Mr. President, Standing Orders are designed to make sure that full, frank and informed discussion takes place on matters before this Assembly. However, Standing Orders are not our masters but our servants, and while I am normally reluctant on any occasion to move the suspension of Standing Orders, I have no hesitation in doing so whenever a situation arises where it is felt to be strongly in the public interests that such Standing Orders should be suspended to enable, as will happen in this present case, something the effect of which was never intended to be remedied immediately.

Mr. President, as I will explain in greater detail later, if Standing Orders are in fact suspended by this Honourable House today, I will move the Second Reading of a short Bill entitled the Matrimonial Causes (Validation) Bill, 1985 which will validate all actions taken since 1977 under the Matrimonial Causes Law, because as we see it, that Law has never properly been brought into force.

This suspension of Standing Orders, Mr. President, is, I would urge Members of the House, for the public good so that an unintended omission may be remedied as soon as possible. I would move and ask that all Members agree to the suspension of Standing Orders 46 and 47 in accordance with Standing Order 83.

MR. PRESIDENT: The motion before the House is that in accordance with the provisions of Standing Order 83, Standing Orders 46 and 47 be suspended for the purposes of enabling all stages of the Matrimonial Causes (Validation) Bill, 1985 to be taken. Does any Member wish to speak?

DEBATE ON SUSPENSION OF STANDING ORDERS 46 AND 47

MR. G. HAIG BODDEN: Mr. President, despite the remarks of the Honourable Member dealing with the Bill I would like to oppose the suspension of these Standing Orders.

I did agree with other Members on Friday that the Bill should be presented to the House. However, because of the grave nature of this Bill and because of its very importance, we cannot allow this Bill to be railroaded through the House in one day.

The Bill has not been gazetted. The Bill was not sent to the Members in time. The Bill has not been shown to the public. The Bill has not been sent to the Law Society for their comments, although I know that this is not a requirement for Bills. Nevertheless, important legal matters should be aired so that we can get some feedback and I am surprised that this Bill is being put forward in this fashion by a Government who was elected to do away with what they called the railroading of Bills through the House without public scrutiny.

I am also alarmed that suspension of the Standing Orders is sought to deal with a piece of retroactive legislation, when the new Government was elected under the pretext that there would never be any retroactive legislation.

I will be dealing with the contents of the Bill if the mover is successful in getting the Bill before the House. However, I am going to oppose this in every area because we must not now in a hurry commit graver errors than have already been committed.

I intend to oppose the introduction of the Bill as well. For right now I am against the suspension of the Standing Orders, and would suggest that Members in the interests of the public take the action today which is necessary to have this Bill published in the Gazette so that the public may see what is in it before we deal with it.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover of the motion wish to exercise his right of reply?

HON. MICHAEL J. BRADLEY: Mr. President, I consider that the suspension of Standing Orders is necessary for the public good and for the well being of the Cayman Islands. What we are seeking to do, Mr. President, is to suspend Standing Orders with a view to enabling all stages of the Matrimonial Causes (Validation) Bill, 1985 to be taken today. This is not a rush which is indecent. It is a rush to make sure that the people of the Cayman Islands who have understood that the effects of the Matrimonial Causes Law which was passed in 1976, which was published as having been brought into force in 1977, but in fact which was not brought into force at that time; that all the acts and judgements which have been made in reliance of which people have ordered their lives; that as soon as is possible that those people be assured that what was done at that time and in those eight years was done properly. It is not retrospective legislation. It is validating acts taken and made by the Grand Court of these Islands based on the assumption that the Law was in operation, when in fact the Law had not been brought into operation.

HON. MICHAEL J. BRADLEY (CONTINUING): Mr. President, I will explain in further detail when, if successful with the suspending of Standing Orders, I move the Second Reading of the Bill.

MR. PRESIDENT: The question is that Standing Orders be suspended as moved by the Honourable Second Official Member for the purpose of enabling all stages of the Matrimonial Causes (Validation) Bill, 1985 to be taken.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: May I have a division, Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
NO. 77/85

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. James M. Bodden
Mr. G. Haig Bodden

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AGREED BY MAJORITY:

STANDING ORDERS 46 AND 47

MR. PRESIDENT:

So, the First Reading.

THE MATRIMONIAL CAUSES (VALIDATION) BILL, 1985

FIRST READING

CLERK: THE MATRIMONIAL CAUSES (VALIDATION) BILL, 1985.

MR. PRESIDENT: The Bill entitled The Matrimonial Causes (Validation) Bill, 1985 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE MATRIMONIAL CAUSES (VALIDATION) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move the Second Reading of a Bill shortly entitled The Matrimonial Causes (Validation) Bill, 1985.

Mr. President, for many years the Law governing the dissolution of marriage of persons within these Islands was the Divorce Law (Chapter 41). In 1976, a number of years after

HON. MICHAEL J. BRADLEY (CONTINUING): advances were made in such similar legislation in the United Kingdom by the Divorce Reform Act of 1969 and the Matrimonial Causes Act of 1973, a new Law entitled the Matrimonial Causes Law was introduced into this Legislative Assembly in mid 1976.

This new Law in 1976, which was passed through all its stages and signed by the then President and Clerk on the 25th June, 1976 as having passed all its stages, made a number of changes to our Law. Firstly, it abandoned the principle that a single act of adultery should be an absolute ground for divorce, though in fact it may still be a ground if in the opinion of the court the marriage has irretrievably broken down. Secondly, under that Law the archaic remedy of a decree of restitution of conjugal rights was abolished, and it was provided that it would no longer be possible for an aggrieved husband while allowing his marriage to subsist, to sue for and recover damages from his wife's adultery.

Thirdly, a single act of adultery by either party was no longer held as sufficient ground for divorce, and the rule by which neither party could bring proceedings for divorce until the marriage had subsisted for three years has been modified.

Fourthly, it abolished the distinction between the sexes for the purpose of financial provisions and periodic payments. It also provided for the abolition of the decree nisi since it was provided that dissolution decree should not be granted until all ancillary matters had been covered by court orders. It provided that a decree of dissolution would not be granted unless the marriage appeared completely to have broken down. In view of that the question of condemnation of a marital offence lost its significance.

It also provided for the abolition of jury trials in trials for a dissolution of marriage and made certain clarifications regarding the recognition of foreign divorce decrees.

Mr. President, that Law which completely changed the basis of our Law of Divorce, which was an enlightened measure, passed through all its stages in mid 1976. However, clause 1 of that Law provided, and I quote:-

"This Law may be cited as the Matrimonial Causes Law, and shall come into operation on a day to be appointed by the Governor by notice in the Gazette after the signification of Her Majesty's pleasure has been obtained."

This phrase which was used as the commencement provision was made necessary because under Royal Instructions of 1972, which are the instructions in force from Her Majesty the Queen to the Governor of the Cayman Islands, it is provided that in relation to any Bill for the divorce of married persons, that such Bill may not be assented to by the Governor unless it contains a clause suspending its operation until Her Majesty's signification of her pleasure has been obtained. That clause was contained in clause 1 of the 1976 Law. It is a clause which was necessary at that time because it is one of the matters which under Royal Instructions is considered of sufficient importance to the persons of these Islands and to the status of these Islands, that Her Majesty's Government and Her Majesty wish to be informed before such Law goes into effect.

Mr. President, after this Law was passed in June, 1976, in due course His Excellency the Governor was notified by a Secretary of State that the Power of Disallowance would not be exercised in respect of that Law.

HON. MICHAEL J. BRADLEY (CONTINUING): A notice of such disallowance appeared in the Cayman Gazette No. 4 of 1977, on Monday, 14th February, 1977, which incidentally was St. Valentine's Day. That Gazette also published as a supplement the Matrimonial Causes Law, and that supplement which was the supplement containing the Matrimonial Causes Law also showed that it had been assented to by His Excellency the Governor on the 8th February, 1977. That supplement carried on its first page the statement, and I quote:-

"Date of operation 14 February, 1977".

However, there was not contained in that Gazette any notice whereby the Governor appointed such date as the date on which the Law came into operation. As a result, even though it is stated on the face of the Law that it came into operation on that date, it in fact did not do so.

Once I, Sir, as Attorney General, became aware of these circumstances, I caused a search to be made in all the Gazettes from that date to this present time to see whether in fact at any later time, any such notice had been made and published in the Gazette. These extensive searches did not reveal any notice whatsoever appointing a date.

Since in fact, the Matrimonial Causes Law has not been brought into operation, none of the provisions in that Law apply. None of the Law laid down therein applies. However, based on its understanding that the Law was in fact in operation, the Grand Court of the Cayman Islands has since 14th February been purporting to exercise its functions and powers under that Law. It had no power to do so and all decisions made, including decrees of divorce and nullity made purportedly under that Law, have no legal effect.

In order to regularise the position and to give the force of Law to the actions of the Grand Court since that date, it is necessary that a Law validating all such actions be passed by this Legislative Assembly. That Bill which is entitled the Matrimonial Causes (Validation) Bill, 1985 is before the Members of this Honourable House. That Bill, Mr. President, is a short two clause Bill, and after the short title, the second clause states:-

"Anything which has been done between the 14th day of February, 1977 and the 2nd day of December, 1985 in purported exercise of any power conferred by the Matrimonial Causes Law which would have been lawfully done if that Law had come into operation on the 14th day of February, 1977, shall for all purposes whatsoever be deemed to have been lawfully done and shall have effect and be deemed to have had effect accordingly."

The draft Bill has been perused and has the blessing of the Honourable Chief Justice. The Bill seeks to do nothing more than forthwith to give effect to what every person in this community understood to be the position, namely that the 1976 Matrimonial Causes Law was the Law of this land.

Contemporaneously with the presentation of this Bill before this Legislative Assembly, there has in an extraordinary Gazette today, been published a notice which appoints today, the 2nd day of December as the date upon which the Law comes into operation. The Bill which I commend to Members of this Honourable House seeks to cover the period between the time it was purportedly brought into operation and the time in which it actually is brought into operation.

HON. MICHAEL J. BRADLEY (CONTINUING): Why, Mr. President, the haste? Because, Mr. President, it is fit and proper that when something like this occurs that effective and immediate steps be taken to remedy it. Not only that, Mr. President, it is fit and proper that this Bill should, if this Honourable House so agrees, pass all its stages today so that people in our community will know that their status is what they thought it was; so that there will be no confusion, no uncertainty, no period of time elapsing when people are aware that the Law is not in force until the Law is in fact brought into force.

Mr. President, it is a Bill which I would hope would have the universal support of all Members of this House. It seeks to remedy an inadvertent admission made many years ago and unnoticed for many years.

Mr. President, I commend the Bill to the Honourable Members of this Assembly.

MR. PRESIDENT: The motion is that a Bill entitled *The Matrimonial Causes (Validation) Bill, 1985* be given a Second Reading. The motion is open for debate. The Second Elected Member for George Town caught my eye first.

DEBATE ON SECOND READING

MR. LINFORD A. PIERSON: Mr. President, I think that I have so far created history since a year ago by being so quiet thus far, and I will surprise the Government Bench by supporting this validation Bill. However, this support is in the appreciation that the present Government needs all the help they can muster.

Secondly, I am also appreciative of the difficulty which it would cause for the courts to try and nullify actions taken under this Law since it came into effect in 1977.

Mr. President, I can see the purpose of this validation Bill. While I too am opposed to retroactive legislation, as I will be discussing during this Meeting, I can see that the validation of this Law cannot be avoided. Section 2 of the Bill for a Law to validate acts done under the Matrimonial Causes Law (Law 9 of 1976), deals with any matter which has been done between the 14th day of February, 1977 up to date.

Mr. President, in the press release which we have before us, and I understand that this was being published today, we can see where this error occurred. Supplement No. 1 of the Gazette which carried the Law did not contain in that Gazette any notice whereby the Governor appointed a date. This is in fact a gross omission. I believe that even the courts did not pick this up and it is interesting, Mr. President, that since 1977 no Member of the Assembly also saw this error.

The only shortcoming which I see, Mr. President, in this hurried exercise, is that perhaps our Honourable Second Official Member should have taken a little more time to do a proper revision of this somewhat archaic Law. Even though I can well appreciate that the amendment made in 1977 took us a long way, it is still my feeling that much more could be done to improve the Law. A Law must not only be done in the interests of Government but it must be good for the people who fall under its jurisdiction.

In supporting the Matrimonial Causes (Validation) Bill, 1985 I trust, Sir, that the Legal Department will take the opportunity to examine this Law again in the near future, with the view to producing a more realistic and flexible Law, and one which takes the full interest of the people into account.

Mr. President, I support this validation Bill. Thank you, Sir.

MR. PRESIDENT:
Town.

The Second Elected Member for Bodden

MR. G. HAIG BODDEN:

Mr. President, I am in sympathy with the dilemma of the Government with regard to this Law. I fully agree that steps should be taken to correct whatever is wrong. What I am against is what I call the high handed method being adopted today.

The Bill before the House seeks to validate actions of the court which were done in good faith. However, the exercise in this House today cannot do that because, in my opinion, before we can validate the actions of the court done under the Law, the Law must be in operation. In the press release it is admitted in two paragraphs that the Law has not yet come into operation. One sentence reads and I quote:-

"As a result, even though it is stated on the face of the Law that it came into operation on that date it in fact did not do so."

In another paragraph it reads, and I quote:-

"Since the Matrimonial Causes Law has in fact not been brought into operation none of the provisions of it apply."

So, it is clear that the Law is not in operation and we cannot validate actions of a Law which are not in operation, without first putting the Law into operation.

Now, I heard about a certain notice which will be published today to put this Law into operation and the notice which I have a copy of cannot put this Law into operation today nor any other time, because if one looks at the Law in the first section, one will see that the Law says that it will come into operation on a day to be appointed by the Governor. The notice which is put out is saying that Executive Council, the Governor-in-Council is putting the Law into operation. There is no power in this Law for the Governor-in-Council to put it into operation. If one examines the interpretation to the Law, they will see that the word "Governor" is not defined. In most of our Laws, the word "Governor" is defined as meaning the Governor-in-Council. However, in this particular Law, the word "Governor" is not defined as Governor-in-Council. So, the word "Governor" here means the Governor in his discretion and the Governor alone. This, perhaps again was a serious blunder in the Law but the fact is that the Gazette notice, which I understand has gone out, cannot put this Law into operation, because the notice reads that the Governor-in-Council appoints the 2nd day of November, 1985 as the day on which that Law shall come into operation, and the Governor-in-Council has no authority at all under this Law. It is simply the Governor, which I have been told for ages that when the word "Governor" appears without a definition to mean Governor-in-Council, it means Governor alone, and does not mean Governor-in-Council. So, how can Governor-in-Council put out a notice in the Gazette to bring this Law into operation, when the Governor-in-Council has no authority under the Law?

So, here again, we have a very serious breach and I would think that we should amend the Law, the original Law, to change the word "Governor" to Governor-in-Council, or add it in the interpretation to the Law so that the Governor-in-Council can take the action it wants to take, or the alternative will have to be to cancel the notice which went out hurriedly as we were told, so that things can be put right.

MR. G. HAIG BODDEN (CONTINUING): If one examines the Law, one will see that even the Regulations in the original Law are not made by the Governor-in-Council. They seem to have been made by a Rules Committee for the court, and are called the Matrimonial Causes Rules and were made by the Rules Committee of the court and not by the Governor-in-Council. So, clearly it was the intention that the actions are actions of the Governor and the court, and not necessarily matters for Executive Council. So, this is a serious defect and our action today cannot do what we purport to do.

Furthermore, my strong objection to this Bill is that this Bill is an important Bill and should not be rushed. I said this in opposing the suspension of Standing Orders, but I think that it is worth repeating again. The important business of Government should not be handled in this fashion. While it is true that the Legislature must act whenever there are deficiencies in Laws, I think that those actions must be done in such a manner that they are not hurried and sufficient time is given to all people to study the Bill.

The Bill itself has not been published in the Gazette with time sufficient for the public to see it, and this is the purpose, I would imagine, in putting the Bill into the Gazette. The Members only heard of it on Friday and if everything is alright why is such a stealthy move being made to rush this through in one day? Can it stand up to public scrutiny? Is this the fear of the Government? I understand from the opener that he considers this a validation Bill rather than a retroactive Bill. However, here we are quibbling with semantics because it has the same effect. This Bill as it says in section 2 is making valid actions purported to have been exercised under this Law and whether those actions were done in good faith or not does not matter. The fact is that this Bill is seeking to right something which was done in the past, although it was believed at the time that the Law was operational when apparently it had not been operational.

So, if we are to correct the errors, I think that the Law must become operational by the proper publication of a notice in the Gazette following the form prescribed in the Law, that the notice in the Gazette would be signed by the Governor and not the Governor-in-Council.

The other matter is that previous administrations have been accused of rushing Bills through the House. They had been forbidden to pass retroactive legislation. Yet, all of a sudden it is alright. Members of this present House who spoke out strongly against an administrative exercise in the Prisons Law can now swallow wholesale a Bill which validates actions of a decade ago, and a Bill which certainly is right now being railroaded in one day.

The method which the Government has used is wrong. The fact that the necessity is strong for action does not in any way alter their handling of this matter. We hear about the end justifying the means and I think that that is happening here. The need is great but we should not use means which are doubtful. We should not use means which give to the public the idea that the Legislative Assembly is so afraid of this Bill, so afraid that an error was made in the past, that they will cover up this Bill and put it into Law before any public announcement is made. This is wrong and Members should stand up against this type of legislation and in important matters like this they should demand that the Bills be sent to them on time; demand that they be published in the Gazette and demand that the public get fair treatment and fair representation in the passage of its legislation.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply? Oh, alright the Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I support the Bill before the House for a Law to validate acts done under the Matrimonial Causes Law (Law 9 of 1976).

One Member said that he was supporting the Bill because the present Government needs all the help it can get, and suggested that when we were bringing this validating Bill the mover should have sought to amend this archaic Law as well. A second speaker said that the Government is in a dilemma and that he can sympathise with it. Mr. President, this dilemma was caused by the 1977 to 1984 Government, not the present Government nor the 1976 Government. The mover made it very clear why it was necessary to bring this Bill. That is that under Royal Instructions, 1972, which are the instructions given by Her Majesty to her Governor of this Colony, Laws dealing with the divorce of married persons fall under what I would broadly term royal prerogative, that is that Her Majesty's signification of her pleasure to the Law must be obtained. That was duly done and placed in the Law when the Law was passed in 1976. It was in February, 1977 when the oversight which now causes the problem took place. That was when the signification of disallowance was received, no date was published by the Governor to give effect to the Law as required.

I am surprised, Mr. President, that Members would take the position that members of the public who through no fault of their own did certain acts through the proper channels in the court, which in itself thought that they were acting properly, should be placed in embarrassing and unfortunate circumstances through their actions. I would have thought that Members would have welcomed Government's action in validating this Law. Mr. President, I hasten to add that I have no personal interest in this Law being validated. I am in fact surprised at the suggestion of the action of certain Members in delaying this which now that it has been brought to light, would have in some instances, in my opinion, the effect of even making bigamists of some of their colleagues.

I certainly disapprove of retroactive legislation or the suspension of Standing Orders to hasten legislation through this House. However, Mr. President, this is a Bill which can only benefit the community at large and it is therefore, in my opinion, incumbent on Government to do what it is proposed to do, and that is to pass this Bill through all of its stages today to put matters right. I do not believe that we would be serving the public interests to delay the passage of this validating Bill to give legal effect to anything which was done between the 14th day of February, 1977 and today, that is anything which was done or purported to have been done under the Matrimonial Causes Law of 1976.

I do not believe, Mr. President, that it should be difficult for Members to understand why a subject and matter as delicate as this was chosen to be dealt with in what might on first blush appear to be a quick way. However, Mr. President, serious illnesses need strong medicine and this is a serious oversight which could have varied and serious ramifications for members of the public. I believe that as a Member of this House and as a Member of Government, it is my duty to try to rectify the situation and to protect the position of people who have been caught in this unfortunate position.

HON. BENSON O. EBANKS (CONTINUING): As I said, I want to make it clear that they were not put in this position because of any acts or omissions of the 1972 to 1976 Government. This omission, if it can be placed on a Government, rests squarely on the shoulders of the 1977 Government.

MR. JAMES M. BODDEN: On a point of order, Mr. President.

MR. PRESIDENT: If you have a point of order, yes. Can you tell me under what Standing Order?

MR. JAMES M. BODDEN: Standing Order 34(a).

MR. PRESIDENT: Standing Order 34(a). Yes, if you would direct my attention to the point, then.

MR. JAMES M. BODDEN: Mr. President, I sat quietly when the Member spoke about this Law and laid it at the foot of the Unity Team Government the first time, and did not interrupt. The second time I could not do so. I have before me the Law in its printed version. The Law was passed under the Government of which the Member speaking was an integral part.

MR. PRESIDENT: I really do not think that this is a point of order. You have a speech to come and can make your point during the speech.

MR. JAMES M. BODDEN: Yes, Sir, but it is an integral part of it, Sir. I am explaining to you why I am objecting.

MR. PRESIDENT: You can object but it is not a point of order. The Member is not out of order in anything which he has said.

MR. JAMES M. BODDEN: He is out of order because it is an inaccurate statement.

MR. LINFORD A. PIERSON: On a point of order, Mr. President. It would seem, Sir, that if the Member is deliberately misleading the public and the Member speaking is trying to correct and give proper information, that it is a correct point of order.

MR. PRESIDENT: I think that it has been made plain already that the Law was originally passed in 1976 under one Government. However, the mistake was made in February, 1977 under another Government.

MR. JAMES M. BODDEN: Mr. President, this is incorrect also. Everyone in this House, particularly those who have served in Executive Council, is quite aware that the responsibility for enacting Laws once passed by this House, is not the responsibility of the Elected Members of this House. It is the responsibility of yourself and your Attorney-General. Laws of this nature never come back to Executive Council to be published or for advice as to when they should be published. I served there for eight years and I am fully aware of this. This Law has printed all over it the Matrimonial Causes Law (Law 9 of 1976). It is on every page of it. So, this Law cannot be placed at the foot of the Unity Team Government and I will not accept it and stay in this House, and keep my mouth shut.

MR. JAMES M. BODDEN (CONTINUING): I will also bring to your attention as I just have that this is the responsibility entirely of the Attorney-General, and the Attorney-General who was responsible for this happened to be Mr. Waddington who was an integral part of the Government of which the Member was a part of. If he had paid attention to his duties instead of playing politics....

HON. BENSON O. EBANKS: Mr. President, you ruled on a point of order. I sat when the Member rose on a point of order. Now I am not prepared to give way to the Member to make a speech.

MR. JAMES M. BODDEN: I am not making a speech, Mr. President. When it comes time to do that I will keep this House here until tomorrow and do it this evening. I am not worried about that. I am rising on a point of order that the Member is misleading the House. He is misleading the public of these Islands and I for one will not stand idly by and let that happen, because the....

MR. PRESIDENT: Very well, you have made your point. I will now rule on it. It is perfectly true that although the time at which the necessary notice should have been published in the Gazette was February, 1977, that is the time after a General Election at the time that the Government in power was not the Government which had been in power at the time the Law was passed. Yet, nevertheless it is the practice that it is for the Attorney-General and the Governor, not for Executive Council to see to the mechanics of having Laws brought.... (INTERRUPTION).... No, I will finish - brought into force and therefore I think that that is a fair point to make.

MR. JAMES M. BODDEN: Mr. President, I am very thankful to you for clarifying that that is the responsibility of you and the Attorney-General, not the Elected Executive Council.

MR. PRESIDENT: Just to repeat the point. The mistake was made in February, 1977. I think that it was the oversight of the officials concerned, the Governor and....

MR. JAMES M. BODDEN: That is quite correct. I am willing to accept that, Sir, but not to accept what the Member said that it was the responsibility of the Unity Team Government, because it definitely was not. It was passed under the Member's administration.

MR. PRESIDENT: I think that if the Member had been present, he would have heard one of his colleagues earlier making in a speech various representations about what people should and should not have been responsible for, and what they should not have done. That is not for me to say. However, I do think that it is unfortunate that this debate should be turning into an argument about House politics. I do not think that it was the Honourable First Elected Member of Executive Council who first turned it into such.

MR. JAMES M. BODDEN: Mr. President, again I take objection to what you just said that if I had been present. I have been here in the Chamber all morning since we started. I think that I was one of the first Members to arrive in the Chamber.

MR. PRESIDENT: However, you were out for a quarter of an hour, twenty minutes earlier.

MR. JAMES M. BODDEN: I was in the Committee Room having a smoke, but believe me, as you well know you can hear everything that is said in here from there.

MR. PRESIDENT: I beg your pardon. I did not know that you could.

HON. BENSON O. EBANKS: Mr. President, if the Member had been in his seat and paying attention to what I said, he would have heard that I prefaced what I said by the remarks, "if any Government is to be blamed".

MR. PRESIDENT: Well....

HON. BENSON O. EBANKS: That was in response to a remark made by an earlier....

MR. JAMES M. BODDEN: Again....

MR. PRESIDENT: Order, order. Would both Members sit for a moment because we cannot have everybody on their feet at once. I think in any case we are past the time when we normally break for lunch. So, that is what I shall do now.

MR. JAMES M. BODDEN: Mr. President, please....

MR. PRESIDENT: No, I am breaking for lunch, please sit. If you have a point of order you can rise immediately after lunch. However, for the moment I am suspending proceedings until 2.15 p.m.

AT 12.50 P.M. THE HOUSE SUSPENDED.

HOUSE RESUMED AT 2.23 P.M.

MR. PRESIDENT: Please be seated.
Before we proceed with the debate, I would just like to make one point because I think that I may unwittingly have misled the House late this morning when giving a ruling. I said that it would in my view ordinarily be the responsibility of the Governor or the Attorney-General to take action to ensure that any Law which had been enacted by the Legislature, and which contained a provision which said that it was to be brought into effect by a notice published in the Gazette by the Governor stating the date on which it was to take effect, was put into effect. I said that normally the Governor or the Attorney-General would be responsible for ensuring that that action be taken. However, it is a little bit more complicated than that.

It would depend on the content of the Law. If, for example, it was a Law which was the responsibility of, for instance the Member for Communications and Works and if it contained a provision of the kind which I have described, it would be for that Member to initiate the action because it would be for him to recommend the date on which he thought that the Law should come into effect.

MR. PRESIDENT (CONTINUING): He would probably ordinarily make the recommendation to Executive Council. What I said was still correct in respect of the Law which we have been discussing, because the Law which we have been discussing, the Matrimonial Causes Law (Law 9 of 1976), was the responsibility of the then Attorney-General. So, it would have been the Governor and the Attorney-General between them who should have taken the action.

However, I did not want Members to be left with the impression which I think I gave wrongly earlier, that it would always be for the Governor and the Attorney-General. It would depend what Portfolio Member was responsible for the Law in question.

The Honourable First Elected Member of Executive Council was speaking. However, I am not sure whether the First Elected Member for Bodden Town had another point of order.

MR. JAMES M. BODDEN: Yes, Sir, I have a point of order. The Member said; I do not know if I can quote his exact words, but in his speech he gave the impression that I was not in the Chamber and that I was not paying due diligence. I was in the Chamber as I am sure the Member recalls, because I rose at about the same time that he did. However, knowing that my colleague had previously spoken and wanting to hear what the response would be from a genius, I sat down in deference to him. For him to try to mislead the House....

MR. PRESIDENT: I think that this is getting beyond a point of order. A point of order has now been made. I did not hear him say that. I think that I myself said it and have, as it were, corrected myself subsequently. However, if the Member did say it, then it is noted that he may have been mistaken.

HON. BENSON O. EBANKS: Mr. President, I did say that the Member was not in the Chamber and I was correct. He was in the precincts of the Chamber but he was not in the Chamber. He was in the Committee Room as he admitted himself.

MR. PRESIDENT: Part of the time he was in the Chamber and part of the time he was in the precincts.

MR. JAMES M. BODDEN: Mr. President, at the point which he was discussing, I was in the Chamber and I rose to my feet to speak. He rose to his feet. I sat down and let him proceed.

HON. BENSON O. EBANKS: I am not blind. That is how I know that the Member left the House or the Chamber.

Mr. President, at the time of interruption I was making the point that my reference to Elected Members of Government was prefaced by the remarks, and this will be borne out by the Minutes when they are typed, that if any Elected Government was to be blamed for what happened, it could not be the 1972 to 1976 Government. It would have to be the 1977 Government and I stick by that, having made the qualification if any Elected Government is to be blamed.

The Law when it was passed in 1976 was properly drafted, properly passed, and the unfortunate incident which we are trying to correct today, occurred in 1972 when there had been a change of Government.

HON. BENSON O. EBANKS (CONTINUING): The mover clearly stated in his opening speech that this Bill, unlike many Bills, is one which is subject to what I call royal prerogative. Therefore it receives special treatment to be brought into effect. That treatment was overlooked. That is, no operative date for the coming into effect of the Law was stated and, as has been said, the Law is therefore not in effect.

I would have hoped, Mr. President, that this Bill today would have been passed without debate. It was not my intention to speak on the subject. However, there is one point on which I might as well serve notice now. That is that I will not repeat or allow to be repeated from here to 1988, if I am spared to sit in this House, what happened in 1975 and 1976 when playing the gentleman I sat down many a time and created erroneous impressions in the minds of the public. I am going to defend, and defend vigorously anything which I have done and I may do, because I have never done anything to be ashamed of and with the help of God I am not going to do it in the future.

This Bill, as I indicated, has my full support. There are many innocent people including children who can be affected and are affected by this Law. As I said, I believe that Government is doing the right thing in bringing this validation Bill and making it have effect from the 14th day of February, as though it had been brought in on that date.

There is very little more I can add, Mr. President, to what I have said and I believe that this Bill should in fact become Law today. Therefore, I am not going to belabour the points. I am just going to ask Members to give it the support which it deserves so that it could possibly receive its full passage through the House today.

There is a lot at risk now that this oversight has been brought to light, Mr. President, and a responsible Government can only try to correct the anomaly which exists. That is what we are trying to do and that is what I will support.

Thank you.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Mr. President, I will be very brief. However, I would like to bring to the attention of Members the short title regarding the Bill which we are now discussing. It says that:-

"This Law may be cited as the Matrimonial Causes (Validation) Law, 1985."

It would seem to me here that a lot of undue time has been spent and perhaps wasted here today. I thought by now that this would have been taken care of. However, I would like to re-emphasise what has been stated here by the Honourable First Elected Member of Executive Council. That is that there is a lot at stake in what we are trying to do here. There are innocent people who felt that the actions which they had taken were valid and legal. There are many children who have been born into homes since 1977 who we need to make things as easy as possible for. I feel that there are many other issues which will come before this House, that if Members want to create a stir and blow a lot of hot air about, they will have ample opportunity to do so. However, I feel at this point with this particular matter with which we are dealing, it is delicate and serious, and urgent.

I would recommend that Members put all ill feelings aside and consider those innocent people who have elected us to do our best for them. In matters such as this I feel that we need to cause them as little embarrassment and problems as possible.

MRS. DAPHNE L. ORRETT (CONTINUING): This present Government is only trying to rectify a situation which was, through oversight or otherwise not taken care of when it ought to have been. At this time, Sir, I would like to give my full support to the passing of this Bill, if possible today.

MR. PRESIDENT:
of Executive Council.

The Honourable Third Elected Member

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise in support of this very short Bill before the House. It is a most serious Bill and a very delicate one. I do not believe that either the 1972 to 1976 or the 1976 to 1980 administration is responsible for the unfortunate error of omission or oversight committed between 1976 and 1977. Until you just spoke, Sir, I was always of the opinion that once a Bill left the House, it was then in the hands of the Legal Department and it was neither the responsibility of Members of this House or of the Executive Council. I always thought that it was the responsibility of the Legal Department to follow through on whatever action was necessary to make the Bill into a Law.

Having said that, Sir, I think that we are only wasting valuable time trying to blame each other. I do not believe in retroactive legislation or the suspension of Standing Orders for the purpose of railroading a Bill through this House. However, this is an exceptional circumstance which requires immediate action on our part. We must not fail to act responsibly to correct this very unfortunate error. It is not only in the interests of some unfortunate people, who through no fault of their own will be in serious problems if this error is not corrected immediately, but it is also in the interests of the country.

I would like to ask all Members to put politics aside and act responsibly.

Thank you.

MR. PRESIDENT:
Town.

The First Elected Member for Bodden

MR. JAMES M. BODDEN: Mr. President, I would like to make it plain to all Members of the House that I do not rise to speak on this Bill from the sense of opposition, because I realise fully the seriousness of this Bill. In the final analysis I am prepared to support the Bill. That is not the point on which I rise to speak. I rise to speak remembering the things which have been said in this Chamber by the same Members who are now in Executive Council, in the past four years of the Unity Team administration. Those are the points which I am going to belabour.

This Law cannot be attributed, or the lack of this Law not being properly gazetted cannot be blamed on the Unity Team Government. It was not basically our responsibility. The Law was passed on the 25th June, 1976 and is known as Law 9 of 1976. The same Attorney-General who was responsible for piloting this Bill through the House in the years 1972 to 1976 happened to be inherited by the Unity Team administration into 1977. The gazetting of this Law was strictly the responsibility of the Governor and the Attorney-General. If the then Attorney-General had not been so busy playing politics, he would have paid full attention to his duties.

Gazetting and the legalising of Laws very, very seldom comes to Executive Council. I served as a Member of Executive Council for eight years, and as best I can recall, it would only have been on about two occasions that we in Executive Council were advised by the Governor of certain actions which were being taken in regard to the appointed day on Laws.

MR. JAMES M. BODDEN (CONTINUING): So that is one of the main points which I wish to stress. That is that once a Law is passed by this Assembly, it is then the responsibility of the Legal Department. This Law was piloted through the House by the Attorney-General of this country. It was a Law which fell under his Portfolio and therefore the responsibility to properly gazette it was his and then the Governor's. It was not the responsibility of any Members of the 1977 to 1980 Elected Government.

If this particular Law had been a Law which was piloted through by an Elected Member of Executive Council, and fell under the Portfolio of that Elected Member, then that Elected Member could have been blamed if he had not prodded the Attorney-General to see that these actions were taken. However, I said prodded, Mr. President, because that is about all that one can do. One cannot as an Elected Member of Executive Council force the Attorney-General to take any action which falls inside the ambit of his Portfolio. That is entirely the responsibility of the Attorney-General. I sympathise with the people who are affected by this Law. I even sympathise with my colleague who the Honourable First Elected Member of Executive Council spoke about. He said that we would not want him to be a bigamist. Even though he is not in this Chamber now, I still respect my colleague and I would have thought that the Member speaking would have been a big enough man with a big enough mind not to have brought individual personalities into this Bill. I think that it was a very....

HON. BENSON O. EBANKS: A point of order, Mr. President. I did not bring any personality in here. I spoke in the plural.

MR. LINFORD A. PIERSON: Mr. President, I think that you have stated in the House that a Member rising on a point of order must state the point of order. Can you say what point of order he is rising on now?

MR. PRESIDENT: In point of fact, I am not sure that it was a point of order. However, he sat down before I could stop him.

MR. JAMES M. BODDEN: Well, I hope that next time he will have a point of order.

I would say, Mr. President, that there was no doubt in the minds of the people assembled here and in the minds of the people who may be fortunate enough to hear this discussion as to who the Member was alluding to. However, that particular person who he alluded to has a bigger mind than he will ever live to be fortunate enough to have.

I fully realise the implications involved here, Mr. President, and I knew quite well that I was duty bound and under oath to keep this secret. I did not even accept a copy of the press release and I am certain that I did not open my mouth to speak of this to anyone. I would like to remind my colleagues here that I did not need a genius to remind me that I would have to keep this secret.

Mr. President, I can quite remember the actions and the words which have been spoken in this Chamber by the Honourable First Elected Member of Executive Council and some of his colleagues in regard to ramrodding of Bills, retroactive legislation and suspension of Standing Orders. The 1976 to 1984 Government of the Unity Team was caught in similar positions to this on many occasions when it was necessary to take quick action to put Bills through the House.

MR. JAMES M. BODDEN (CONTINUING): It was on several occasions necessary that we put to the House legislation with retroactive effect. I think that I can still hear the words of that Honourable Member ringing in my ears as to the fight which he and some of his colleagues would put up whenever Bills of this nature were brought to the House. I quite remember the many times he has fought against the suspension of Standing Orders to enable certain things to be done. I further can state that these were things which he took over into the political campaign and made much hay of. So, therefore with his being an integral part of this Elected Government, I must stand and throw back into his face some of the same things which he did to us in the past.

I do not support retroactive legislation more than anyone else. However, we found occasions when we would have to do it, and the Honourable Member is finding an occasion now when they have to do it. However, I would ask him to remember that retroactive legislation, the so called ramrodding of Bills and the suspension of Standing Orders will happen in the future in the administration of which he is a part of, an administration which will terminate, God willing, in 1988. So, when he is faced with such things being done after the 1988 election, I ask him to remember what I am saying today.

A further criticism that I would make of this legislation, Mr. President, is that it would seem to me that the judge or the judges who have dealt with this Law probably every day for the last eight years, would have researched the Law and found out that they were dealing legally or illegally. So, there is a complete oversight in many cases and in many areas, which cannot be placed at the feet of the Elected Government. As a layman I would venture to say that it is my opinion that the interpretation put to "Governor" in the respective Law which we are talking about relates to the Governor exclusively and not to the Governor-in-Council, because there is nothing in the interpretation section of the Law which interprets which is when. The lack of it being there makes me firmly believe that it relates strictly to the Governor and not to the Governor-in-Council with the Elected Members of Executive Council being a part of that.

The Honourable First Elected Member of Executive Council stated that it was responsibility of good Government trying to correct this anomaly. I agree with him. However, I would also ask him in the future to agree with future Governments when it is necessary for actions like this to be taken. There are also many other important things in this country which need to be corrected that I am hopeful that this responsible Government of which he shouts, when it comes time he will take the responsibility to see that we have continued good Government.

One Member got to her feet and said that there should have been no wasted time. Mr. President, even though I may disagree with what is said by a Member in this House I am of the firm opinion that there can be considered no wasted time in the House. That is why I have previously said that I am against the Standing Orders which limit debate in this House to four hours. Any Member who has been elected by the people and has had the confidence of the people to elect them, whether I agree or disagree with them, they have their time to speak. No Member should refer to it as wasted time. We may not agree but they have the right to disagree.

That Member also spoke about blowing hot air. Mr. President, I am not afraid of blowing hot air or cold air, because when I get up to speak I have always been known to be a man who will speak my mind in spite of Hell. I will continue to do it, and I take great affront to any Member who would make those aspersions. Is it because that particular Member did not have the ability to argue out her conscience?

MR. JAMES M. BODDEN (CONTINUING): One Member also stated that people elected us to do the best for them. That is quite correct and that is one of the reasons that in the end I will support and vote for this legislation, because I do not want to cause embarrassment or hurt to anyone. I speak against this strictly as a politician, strictly one who has borne the arrows from this respective group over the years. I hope that they will remind themselves that the people elected us to do the best for them in more areas than one, and certainly not in the area of taxing them to death.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, this is a very serious piece of social legislation and one which needs no fights in this House. It is a Bill which I have to support. Someone once said that, "cockroach has no business in rooster fight". I was elected in November last and as I see it, this is not a fight between this Government and the Opposition, or should I say the Government which was elected in November, 1984 and the Opposition. However, it is a disagreement between those who were in the 1976 administration and the Government of 1976 to 1984, because someone during those years should have picked up this very serious mistake. As I see it, Mr. President, if a Member of Executive Council knows of a mistake in his colleague's Portfolio, it is his bound duty to tell him about it and to make certain that serious mistakes such as the one which the Bill is trying to validate today are corrected.

I too, Mr. President, am against retroactive legislation. However, Mr. President, even the Holy Bible seems to be with the Government on this one. The Bible says:-

"When a man hath taken a wife and married her and it come to pass that she does find no favour in his eyes because he has found some uncleanness in her, then let him write her a bill of divorcement and give it in her hand and send her out of his house. When she is departed out of his house she may go and be another man's wife."

Mr. President, there are a lot of scriptures which I could quote this afternoon, but I have a funeral I want to attend. This dead piece of legislation has to be brought back to life. What is this Law all about? Let us quickly look at the facts. The facts are that the Law was passed in 1976 but it did not really get its legal sanction. A new Government was elected in November, 1976 and remained the Government for eight long years. They did not correct the mistake. Of course....

MR. JAMES M. BODDEN: A point of order, Mr. President....

MR. W. McKEEVA BUSH: What is the Member's point of order please?

MR. JAMES M. BODDEN: A point of order....

MR. W. McKEEVA BUSH: No....

MR. PRESIDENT: Please sit down.

MR. W. McKEEVA BUSH: Both of us?

MR. JAMES M. BODDEN: Mr. President, a point of order in that it has been clarified by you and I spoke on it, and I think that other Members have spoken on it, that this respective Law was not the responsibility of either Elected Government to see that it was gazetted. It was under the authority of the Attorney-General and the Governor of this territory.

MR. PRESIDENT: Yes, I think that has been made quite clear.

MR. JAMES M. BODDEN: Well, once more then I would like it made plain.

MR. W. McKEEVA BUSH: Mr. President, I do not care whose opinion it is. They have their opinion and I have mine. I am making the point here today that any Member of Executive Council who may find out a mistake of a colleague's, or a mistake in the Portfolio of his colleague should try and correct it, especially mistakes as serious as this one. I am saying that with all their brains that they claimed to have they did not correct it. They did not find it.

MR. JAMES M. BODDEN: We have got more brains than the Member.

MR. W. McKEEVA BUSH: Well, the Member should try to use them.

MR. PRESIDENT: Order, order.

MR. W. McKEEVA BUSH: Mr. President, those Governments, the one which ended in 1976 and the one which started in 1976 and ended last year, are to be held responsible for this Law. That is my opinion.

MR. JAMES M. BODDEN: Mr. President, no. This is not....

MR. W. McKEEVA BUSH: That is my opinion, Mr. President.
Let the Member sit down.

MR. JAMES M. BODDEN: A point of order, Mr. President. This Law....

MR. W. McKEEVA BUSH: What is his point of order, Mr. President....

MR. PRESIDENT: Please both sit down. All the Member said was that the two Governments are to be held responsible for the Law. He did not say that they are to be held responsible for failing to bring it into effect. I think that the two Governments are responsible for the Law. If he says that they are responsible for bringing it into effect I will correct him.

MR. W. McKEEVA BUSH: Mr. President, they failed anyway to pick up the mistake during their eight years. The fact is, Sir, that from January, 1977 to this day, there must have been hundreds of divorces, including Members of this House in these Islands. What about these divorces, Sir? The fact is that not one single divorce performed from January, 1977 to yesterday is valid. That is a very dangerous position for the citizens of this country to be in. Yet Members get up here and make a noise, keeping this Bill from being passed.

MR. W. McKEEVA BUSH (CONTINUING): To be in this position that not one single divorce in this country, since the country needs to be told so, from January, 1977 to today is legal, that is a bad position to be in.

MR. PRESIDENT: February, 1977 actually.

MR. W. McKEEVA BUSH: Well, it is 1977. Thank you, Sir, for the correction. Personally, Sir, this piece of legislation does not affect me. On Friday last I celebrated ten years of happy married life. However, we had better pass this Bill today and stop fooling around, because people might be guilty of bigamy under section 138 of the Penal Code, which carries a five year prison sentence. I tell you one thing, Mr. President. I do not mind seeing some people go to prison - they should have been there a long time ago. It was a mistake, a bad mistake which has wide ranging effects on the people. Even children, Sir, are affected. So, we need to do something about it, and this is all that this Government is trying to do. So, why are some people so worked up over the introduction of this validation Bill.

I feel, Sir, that an Opposition must oppose, but not for the sake of opposing. By the look of it some Members are opposing everything brought into this House. We cannot work this way and the country will not progress if this foolishness over these sort of Laws continues. When I am going to oppose, it is going to be certain tax measures. I am going to oppose that and if they need help, I will join them in that, but not this. This Bill should have been passed without any talk. Let us tell the country the truth. The fact is, pointing it out again, Sir, that not one single divorce from February, 1977 until yesterday is legal. That is a serious thing for lawyers and big brains to be in a Government and not be able to pick up a mistake.

Mr. President, I support the Bill. I am not going to oppose this. I would have thought that this Bill would have gone through quickly without letting the people know the seriousness, because it could put some people in a serious position. What if someone went to the court and filed a suit for bigamy? What would happen?

Thank you, Mr. President.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support a Bill for a Law to validate acts done under the Matrimonial Causes Law (Law 9 of 1976). I am very grateful to the Honourable Second Official Member for the way he presented this. I think that the press release was quite enough to explain to us the reasons and the necessity and the urgency of this matter. I am really surprised that so much time has been taken on an issue which I thought would have gone without debate.

I had no intention of speaking on this but I feel, Mr. President, being elected to represent our constituencies and to guide the legislative force of this country, it is our responsibility to rise to the cause when it is necessary to make things right. I do not come here for the sake of opposing, just to oppose. When I speak against the suspension of Standing Orders as I did during the last four years and I will continue to do when I feel that it is necessary, I shall continue to oppose them. However, as I said, when it is necessary, I support it and I will always be here with an open mind. I ask all my Honourable colleagues in this House, let us get along with the business. We have a long Meeting ahead of us. This is the Budget Meeting, the most important Meeting in my opinion, of the whole year.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): So let us put our hearts and our souls together for the betterment of the Cayman Islands, and let us get on.

With these few words, Mr. President, I support the Bill.

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: Thank you, Mr. President. I have listened in the hours which have passed since I proposed the Second Reading of this Bill, and I felt, Mr. President, that as much heat was being generated in this House as if it had been actually one of the cases to come before the Grand Court under the Matrimonial Causes Law.

I think, Mr. President, that the people who this Bill is important to are the people affected by it. It was to prevent uncertainty in the minds of those people; it was to prevent a period of time elapsing between knowing what the situation was and having it remedied, which would produce needless distress, needless worry, needless opportunities for aggrieved persons to take advantage of the defect in the Law, that it was my hope and is my intention that we should go through all the stages of this Bill today.

I do not want to delay the progress of it through the House but I think lest there be more uncertainty outside in the private sector, that I should perhaps clarify a couple of points which were made by Members in the course of the Second Reading debate.

The first is that there was circulated to Members of this Legislative Assembly a draft notice bringing the Matrimonial Causes Law into force under the powers granted by section 1 of the Law. I should inform the House again that an extraordinary Gazette is published today, and that extraordinary Gazette contains a notice bringing the Law into force with effect from today. That notice recites that it is brought into effect by the Governor-in-Council and that recital is correct, because whilst the Interpretation Law (Chapter 70) defines Governor-in-Council in its original form, in 1963, that Interpretation Law was amended by necessity by the provisions of the 1972 Constitution which says in section 7(1):-

"The Governor shall, subject to the following provisions of this section, consult with the Executive Council in the formulation of policy and in the exercise of all powers conferred upon him by this Constitution or by any other law for the time being in force in the Islands, except in the exercise of -"

(b) (UNQUOTE) any power which by the Constitution or by any other law he is empowered or directed, either expressly or by necessary implication, to do and exercise without consulting the Council.

As legal advisor to this House, Sir, as well as to Government, I would advise this House that the wording of the notice bringing this Law into force and effect today is proper and is made in the correct form. I hope that the Members of this House and persons on the outside will not have any doubts as to the validity of that notice.

HON. MICHAEL J. BRADLEY (CONTINUING): May I add also that a Law does not need to be in operation for it to be validated, because the essence of validating parts of it is to validate the parts which were in fact not in operation.

The second point I would make, Sir, is that as Attorney-General of these Islands I have got a criminal function and a civil function. In my criminal capacity, under the laws and the powers given to me by these laws, I act in my discretion. I determine and direct when prosecutions should be undertaken, taken over or discontinued. I have power to authorise moratoria. I have power to direct that a nolle prosequi shall enter.

In my civil capacity, Sir, I am Government's chief legal advisor and Government is in the capacity of a client of which I am the attorney. In that capacity, I seek instructions from Government and I act in accordance with those instructions in drafting legislation, in suing or defending actions, in all civil matters including negotiating agreements and leases. In 1976 and 1977 it so happened that the person with Portfolio responsibility for the subject matter of the Matrimonial Causes Law was the then Attorney-General. He was responsible for that, not in his capacity as Attorney-General simpliciter, but because he had Portfolio responsibility for it. That being said, it was his duty to bring the matter before and to the notice of the Government of the day to make sure that it was brought into effect.

I do not know the history of the past, but I only hope that if it will soothe matters within this House, that it will be acceptable for me in the continuing role of Attorney-General to accept responsibility for the deeds or lack of deeds in the past, so that in doing so we can get at least some agreement from Members of this House on one point at least.

Mr. President, this is a short Bill. It is a Bill which was brought before the House on the basis of urgency as soon as this defect was discovered. The people whom it is intended to benefit are the people who would suffer; who would worry; who would agonise; who would be unsure of their legal status, of the status of their children and of their status in the civil or criminal law if a period of time elapsed between the announcement of this defect and the passing of the legislation intended to remedy it.

Once this defect was discovered there was no question that it would be forgotten about, that it would be pushed under the carpet or that it would be delayed. I would be doing less than my duty if I did not recommend to Government and to Members of this Assembly the course of action which should be taken. As I said in moving the suspension of Standing Orders, they are the servants of this House and not the masters. The reasons that they are there for are good and valid ones. However, this particular Bill is the exception that proves the general rule.

Mr. President, for the sake of every person who has gone in as a party to any proceedings in the Grand Court under this Law in the eight and a half years since it was thought to be operative; for the sake of people who have remarried and who have adjusted their family and social life; for the sake of children who have been born into what were considered legitimate marriages; for the sake of the children and the inheritors of people who have died whom this Law would affect if it were not validated; for the sake of the people of the Cayman Islands as a whole, Mr. President, for the peace and good Government of this country and to show the world that once we discover a defect we will do all in our power as quickly as we can to remedy it to preserve the credibility, the good government and the stability of this country, and for the sake of all those people, I commend this Bill to Members of this House.

Thank you.

MR. PRESIDENT: The question is that a Bill entitled *The Matrimonial Causes (Validation) Bill, 1985* be given a Second Reading.

QUESTION PUT: AYES & NOES

MR. W. McKEEVA BUSH: May we have a division, Mr. President?

MR. PRESIDENT: Very well.

DIVISION
NO. 78/85

AYES

NOES

- Hon. Dennis H. Foster
- Hon. Michael J. Bradley
- 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. James M. Bodden
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller

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AGREED.

BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think probably it would be timely now to take our customary afternoon break. Before I do so though, perhaps I might just say that there does seem to be some continuing confusion, for some of which I am partly responsible, about exactly what procedures are followed under what circumstances, and who has what responsibilities after Bills have been enacted by the House, for seeing that they are brought into force. I think that it might be helpful to Members if I circulate, which I will undertake to do during the course of this Meeting, a brief note which explains exactly what the position is, so that all Members will know for the future. Then if after I have circulated the notes, people have doubts, or think that we should use slightly different procedures, it can be discussed. However, I do think that at the moment a lot of people are not altogether sure what is supposed to happen and who is supposed to be responsible for what. I think it would therefore be helpful if we did all know.

AT 3.20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.40 P.M.

MR. PRESIDENT: Please be seated.
The House is now in Committee. The
Matrimonial Causes (Validation) Bill, 1985.

THE MATRIMONIAL CAUSES (VALIDATION) 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. VALIDATION OF ACTS DONE UNDER LAW 9 OF 1976.

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 VALIDATE ACTS DONE UNDER THE MATRIMONIAL
CAUSES LAW (LAW 9 OF 1976).

MR. CHAIRMAN: The question is that the Title and
Enacting Clause stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee
on a Bill entitled a Bill to validate acts done under the Matrimonial
Causes Law. The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.

THE MATRIMONIAL CAUSES (VALIDATION) BILL, 1985

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, I beg to report that
a Bill shortly entitled "The Matrimonial Causes (Validation) 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.
Bill, Third Reading.

THE MATRIMONIAL CAUSES (VALIDATION) BILL, 1985

THIRD READING

CLERK: The Matrimonial Causes (Validation) Bill, 1985.

MR. G. HAIG BODDEN (CONTINUING): Under section 8 of the old Law, if land were needed for a public purpose, and if the negotiations to purchase that land had broken down, the Law said that the Administrator may by order under his hand, proceed to acquire and to enter upon and take possession of the land compulsorily in accordance with the provisions of this Law.

MR. PRESIDENT: If the Member is saying that the Administrator as it used to be, the Governor more recently, was empowered and ordinarily did exercise that responsibility by himself, then really I must correct him because, firstly, subject to his confirmation, I think that the House's legal advisor will say that it has always been Executive Council's responsibility and, secondly, throughout my time here, on the very rare occasions when land has been compulsorily acquired it has always been an Executive Council matter.

MR. G. HAIG BODDEN: What I am driving at, Mr. President, is that the very subtle change now makes it abundantly clear that it is the Executive Council which will in future take the decision to compulsorily acquire land.

MR. PRESIDENT: As it has been in the past.

MR. G. HAIG BODDEN: Mr. President, although I do not want to argue with the Chair, the Bill is here and the Bill is recommending the change from Governor to Governor-in-Council. So there has to be some difference or why do we make the change? The section of the Bill....

HON. MICHAEL J. BRADLEY: Mr. President, would the Honourable Member wish to give way to me on a point of explanation now. Or would he prefer to wait until I made a substantive speech. I am happy either way.

MR. PRESIDENT: I think that he has given way.

HON. MICHAEL J. BRADLEY: Mr. President, as I see it, what is being done in clause 4 of the Bill is to put in a definition, not to alter the meaning but because of the dichotomy of responsibility which existed under the Law as unamended. That is that the Administrator in that Law, subsequently the Governor, had both quasi-judicial and purely administrative functions. In carrying out his quasi-judicial functions which he, in practice, always delegated to the magistrate, then in such quasi-judicial functions he was not acting in accordance with the advice of Executive Council, because by necessary implication under the Constitution a quasi-judicial function would not in that respect be in the exercise of that one which he has delegated to the magistrate solely.

In administrative functions he would be, and I think subject to what the Honourable mover says, that this is put in for clarification so that Members like the Honourable Member are in no doubt in the future.

MR. G. HAIG BODDEN: That is precisely the point I am making, Mr. President, that in the original Law when it spoke about an Administrator there was no Executive Council involved. Today when we speak about the Governor there is the question of whether it is the Governor in his discretion or the Governor with his Executive Council.

MR. G. HAIG BODDEN (CONTINUING): I am saying that the change which has been made here now puts the onus or the responsibility to compulsorily acquire land in the hands of the Executive Council. It puts it beyond any shadow of doubt. This is the fear I have because if one looks at Royal Instructions on the question of land matters, and the Constitution as well, one will realise that it is such an important matter that land transactions are specifically given to the Governor. Under this particular Bill, what will happen in practice is that Executive Council can now take the decision to acquire land whenever they feel it is necessary.

Under the old Law, it is my opinion that it was doubtful whether they could do it without the Governor's consent. So, in practice we could have a situation where people perhaps of lesser calibre than the present Executive Council, might decide for political reasons to acquire land which might not be necessary. This is the subtle change which this Bill makes. All the other changes are really cosmetic changes. The change is so subtle that it is not mentioned at all in the Memorandum to the Bill. It was not mentioned during the introduction of the Bill by the Honourable Member, and apparently has even caught the Honourable Second Official Member unprepared to deal with it.

Nevertheless, it is a change which I cannot tolerate. I would like to see the compulsory acquisition out of the hands of Executive Council. Everyone knows that land transactions by their very nature are controversial in the Cayman Islands. There is nothing which can create more disturbance than any attempt to infringe upon the rights of the landowner. This is why I want this matter kept out of the hands of an Elected Government, because the Executive Council is by majority an Elected Government.

While I do not object to changing the fines from £5 to \$50, and I do not object to changing the word Administrator to Governor, I certainly object to changing from Governor to Governor-in-Council, with particular reference to section 8 and perhaps section 6 of the original law. If I could get the assurance from the Executive Council that this Bill would be passed and that those two sections would not be left in their hands, I would have no more to say.

So, this is not a simple Bill as we heard at the introduction. It was to my mind a Bill which confers upon the Executive Council a lot of responsibility which they did not have, in the convincing manner in which it has now been given to them. Because there have been so many problems in the past with land I do not want to go back into matters which have passed a long time ago. However, one will remember that there was a case under this same Law where land was acquired from a church right here in George Town. The church was so dissatisfied that I understand that they even took the case to the Appeal Court. I am not going to argue the merits of the case. I only want to point out that here we are dabbling with something which we should not interfere with.

As far as I am concerned, the Law has worked well in the past and should not now be changed in this manner. I certainly will not support section 4 of the Bill unless that section is amended so that the words Governor-in-Council do not apply to sections 6 and 8 of the original Law.

HON. BENSON O. EBANKS: Mr. President, since I have to leave in a couple of minutes, Sir, I would like to get in my two bits on this now.

I support this Bill and I can assure Honourable Members that they have nothing to fear under this. With respect to the last speaker, I remember well the controversy he mentions and I can assure him that the acquisition of that piece of land was done by the Governor with the advice and consent of the Executive Council. I would like to know, Sir, and I agree that we have had some interesting episodes about land in this country and I wonder if the last Member who spoke remembers the front page picture on the Compass of himself looking at a certain piece of Government land saying, "See, it is pure ironshore, fit for nothing"? I wonder if he was acting Governor at the time or he was there in his capacity as a Member of Executive Council.

The Law has always had the application, Mr. President, since 1972, with the Governor-in-Executive Council in those sections which the Member is talking about. Even in the area of selling Government property, I understand although I have not had any experience with that, but because of the picture I saw and the Member's remarks or the remarks attributed to him under the photo, I presume that it was also applied when we were selling land.

The Member seems not to remember, Sir, but I would like to remind him that it was what was known as the McGregor piece of land. There is a beautiful picture of him on the front page saying that.

Mr. President, as the Member said, this Bill is seeking to tidy up the Law in many respects as it has been applied over the years. The opportunity has been seized to reflect the changes which have taken place in the Constitution since the Bill was originally introduced.

I support it 100 per cent and assure the Member that I believe that the Governor will always only accept good advice when dealing with land. I think too that the Member should realise that the operative phrase in this Law is that the land must be acquired for a public purpose and needed for a public purpose. So, it cannot be acquired to fulfil a political desire. It has to be demonstrably required for a Government purpose.

I thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak?
The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: I am not really speaking in opposition to the Bill, Mr. President. However, I would like to give my endorsement to some of the words said by my colleague the Second Elected Member for Bodden Town. It is true that a major change is being made in the Law and it should have been pointed out by the Member piloting the Bill, because when this Law was passed on 31st December, 1963, we operated not under the Constitution which we operate under today, and in the Law of 1963 the Administrator there was the Administrator acting without any advice of any Elected Members. I can agree to an extent with the reasoning in changing the definition. However, it is quite evident, Mr. President, to this House, or it should be at this point, that that is a substantive change, because it is being changed to Governor-in-Executive Council. Under certain conditions the Governor is bound to accept the advice tendered to him by the Elected Executive Council, unless he sees fit to do otherwise and to notify the Foreign and Commonwealth Office for directions.

MR. JAMES M. BODDEN (CONTINUING): It is, in my opinion again, quite pointedly made clear that it is the Elected Members who will be handling this at this time, because otherwise on that this Bill would have been piloted by the Attorney-General or the Honourable First Official Member, or the Honourable Third Official Member. However, instead of that it is being piloted through the House by the Member responsible for Lands and Natural Resources. This proves that once this Bill is passed it will fall under his Portfolio and be subject to his actions with the consent of the Governor-in-Executive Council. So, it is a very substantive change which has been made, and I would take some opposition maybe to that point. I think that the House should have been told that this was a substantive change because it definitely is. It is being changed from where it fell under the Administrator to where it falls now under Executive Council, the four Elected Members and the three Official Members giving advice to the Governor. That advice has to be taken.

I would be alarmed knowing some of the moves which the Elected Executive Council of this country has made in the last year to further endow them with powers which could be used against our people.

With regard to the Honourable First Elected Member of Executive Council's speaking about the First Elected Member for Bodden Town looking at land, I fail to see really the relevancy of that contribution, because he as the Member at that time responsible for Land and Natural Resources was not compulsorily acquiring land. So, it is two entirely different things. The writer of that particular article may have been one of his bosom pals, we do not know.

However, Mr. President, I think that a further explanation of this should be given to the House and the point should be made that it is a substantive change and not the minor thing which we have been told it is.

I thank you, Sir.

HON. MICHAEL J. BRADLEY: Mr. President, I had not intended to intervene in the debate today. I thought that I had been on my feet long enough earlier in the day. There is, however, one point which has been raised which, I think should insofar as I am capable of doing so, be clarified. That is the question as to whether or not the proposed clause 4 of the Bill in effect is making a substantive change to the Land Acquisition Law.

Clause 4 of the Bill says, and I quote:-

"Section 2 of the principal Law is amended by inserting the following new definition immediately after the definition of "Court" -

"Governor" means the Governor in Council;".

Mr. President, the Land Acquisition Law was originally passed and brought into force on the 9th December, 1946. On the 9th December, 1946 it is my understanding that the constitutional status of the Cayman Islands was such that the Administrator of the Cayman Islands did not in taking actions which he was authorised to do under any Law including the Land Acquisition Law, have to take or abide by the advice of an Executive Council at that time. The effect of that was that Chapter 81, the Land Acquisition Law provided for the Administrator to do all the matters laid out in that Law in his discretion.

HON. MICHAEL J. BRADLEY (CONTINUING): In 1972 there was brought into force on the 22nd August, 1972, the Cayman Islands Constitution Order. That 1972 Constitution Order provides at section 57 a provision regarding all existing Laws. It says that all existing Laws shall continue in effect after the appointed day as if they had been made under or by virtue of the Constitution. However, it then in section 57(2) goes on to say:-

"Subject to the provisions of the next following subsection, the existing laws shall on and after the appointed day be construed with such modifications, adaptations, qualifications and exceptions as are necessary to bring them into conformity with this Constitution."

That means, Mr. President, that the Land Acquisition Law after the appointed day in 1972 had to be read and construed in accordance with the Constitution. The Constitution provides in section 7(1) that the Governor shall consult with Executive Council in the formulation of policy and shall exercise his powers in accordance with the advice given to him. That being so, a number of the non-judicial provisions of the Land Acquisition Law thereafter were a function of the Governor acting in accordance with the advice of his Executive Council.

Because the Law was originally passed some 39 years ago, out of clarity and out of explanation it was sought to put the present clause 4 in. Clause 4 in putting a definition of "Governor" as meaning Governor-in-Council does not in any way change the Law, because the judicial functions formerly held by the Administrator and then by the Governor in his discretion, are now being transferred to the magistrate. The powers which were exercisable with the advice of the Executive Council since 1972 would continue to be exercisable. If this clause were not in the Bill it would make, Sir, in my opinion, no difference.

Thank you.

MR. JAMES M. BODDEN: I thank the Honourable Member for the clarification, but I thought that it should have been put into the Introduction.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to reply?

HON. VASSEL G. JOHNSON: Mr. President, I am grateful to the Honourable Second Official Member for clarifying section 4 of the Bill. I was sitting here before introducing the Bill wondering what the Opposition would find in it to get their teeth going. Section 4, Mr. President, did not strike me as something which was considered a major change in the Law. In fact I will say, Mr. President, that having been in the Government for a long time I can remember on many occasions when Members objected to the Governor in his own right having prerogative in many of the Laws being introduced. They contended that that prerogative should vest in Executive Council. So, it is puzzling to me now to know why, when section 4 defines the Governor to mean Governor-in-Council, they have changed their minds. Why do so in any case when this Government is only deemed to be in office until 1988? They would just have to go over these Laws again and make that sort of amendment to give themselves or the Elected Governor the authority under these specific legislations.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, as I said before, it did not strike me that there was any need to comment on section 4 in particular, because it sets out there exactly what it means. That is the Governor means the Governor-in-Council. This is what has been recommended, Mr. President, and it does not strike me that there is any good reason for wanting to amend that section.

So, I recommend the Bill.

MR. PRESIDENT: The question is that a Bill entitled The Land Acquisition (Amendment) Bill, 1985 be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I make it about 4.26. Subject to Members' wishes, I am doubtful if it is worth embarking on another Bill now. Perhaps the Honourable First Official Member might care to move the adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 tomorrow morning.

QUESTION PUT: AGREED. AT 4.26 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., TUESDAY, 3RD DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

THIRD DAY
TUESDAY
3RD DECEMBER, 1985

PRESENT:

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 FISHERIES

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CBE, JT 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 MAFIY 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

APOLOGIES

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

TUESDAY

3RD DECEMBER, 1985

THIRD DAY

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR WEST BAY.

2. PRESENTATION OF PAPERS AND REPORTS

(i) HOUSE COMMITTEE REPORT (meetings held 18th September and 13th November, 1985).

TO BE LAID ON THE TABLE BY THE CHAIRMAN OF THE HOUSE COMMITTEE, THE SECOND ELECTED MEMBER FOR WEST BAY.

(ii) INTERIM REPORT OF THE SELECT COMMITTEE ON LABOUR LEGISLATION.

TO BE LAID ON THE TABLE BY THE CHAIRMAN OF THE SELECT COMMITTEE, THE HONOURABLE SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL.

3. QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 137: WOULD THE HONOURABLE MEMBER STATE WHETHER REVENUE FROM THE OWEN ROBERTS TERMINAL AIRFIELD AND TERMINAL MEET PROJECTIONS AND WHETHER IT IS SUFFICIENT TO COVER, OR MORE THAN COVER, PAYMENTS DUE TO THE CARIBBEAN DEVELOPMENT BANK IN RESPECT OF THE LOAN RECEIVED TO MEET PART OF THEIR COST?

NO. 138: WOULD THE HONOURABLE MEMBER STATE WHAT NEW ROUTES OR CHARTERS HAS THE NATIONAL CARRIER UNDERTAKEN IN 1985?

NO. 139: WOULD THE HONOURABLE MEMBER STATE WHAT IS THE COST PER FLIGHT TO OVERNIGHT THE PLANES IN CAYMAN BRAC?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 140: WOULD THE HONOURABLE MEMBER STATE HOW MANY NEW WORK PERMITS HAVE BEEN ISSUED FROM JANUARY TO OCTOBER, 1985, AND HOW DOES THIS COMPARE WITH THE SAME PERIOD IN 1984?

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. 141: WOULD THE HONOURABLE MEMBER MAKE A STATEMENT ON THE CRITERIA FOR ELIGIBILITY FOR GRADUATION FROM THE CAYMAN ISLANDS HIGH SCHOOL?

NO. 142: WOULD THE HONOURABLE MEMBER STATE WHETHER THE BODDEN TOWN DISTRICT NURSE IS OCCUPYING THE LIVING QUARTERS ABOVE THE CLINIC?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 143: WOULD THE HONOURABLE MEMBER STATE WHAT QUALIFICATIONS AND EXPERIENCE ARE REQUIRED FOR THE POST OF HOUSE-PARENTS AT THE FRANCES BODDEN GIRL'S HOME, AND WHAT ARE THE CONDITIONS OF SERVICE INCLUDING THE HOURS OF WORK?

GOVERNMENT BUSINESS

BILLS:-

FIRST AND SECOND READINGS

- (1) THE COMPANIES (AMENDMENT) BILL, 1985
- (2) THE EVIDENCE (AMENDMENT) BILL, 1985
- (3) THE FINGER PRINTS (REPEAL) BILL, 1985
- (4) THE SUCCESSION (AMENDMENT) BILL, 1985

COMMITTEE THEREON

- (5) THE LAND ACQUISITION (AMENDMENT) BILL, 1985
- (6) THE COMPANIES (AMENDMENT) BILL, 1985
- (7) THE EVIDENCE (AMENDMENT) BILL, 1985
- (8) THE FINGER PRINTS (AMENDMENT) BILL, 1985
- (9) THE SUCCESSION (AMENDMENT) BILL, 1985

REPORT THEREON

- (10) THE LAND ACQUISITION (AMENDMENT) BILL, 1985

THIRD READING

- (11) THE LAND ACQUISITION (AMENDMENT) BILL, 1985

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TUESDAY

3RD DECEMBER, 1985

10.00 A.M.

MR. PRESIDENT: Prayers. The Second Elected Member for West Bay.

PRAYERS

MR. W. McKEEVA BUSH: 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.

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.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.
Presentation of Papers and Reports.
The House Committee Report.

PRESENTATION OF PAPERS AND REPORTS

HOUSE COMMITTEE REPORT

MR. W. McKEEVA BUSH: Mr. President, I beg to lay on the Table the Report of the House Committee. The Committee held two Meetings. The first was held on the 18th September, 1985 and the second was held on the 13th November, 1985.

MR. PRESIDENT: So ordered.
The Interim Report of the Select Committee on Labour Legislation.

INTERIM REPORT OF THE SELECT COMMITTEE ON LABOUR LEGISLATION

HON. MICHAEL J. BRADLEY: Mr. President, Standing Order 72(1) of the Legislative Assembly Standing Orders (Revised) provides that every Select Committee shall before the end of the Session in which it is appointed make a Report to the House upon matters referred to it.

HON. MICHAEL J. BRADLEY (CONTINUING): Where a Committee finds itself unable to conclude its investigations before the end of the Session, it shall so report to the House.

It is my understanding, Sir, that this Meeting will be the last one before the end of the Session in which the Select Committee on labour legislation was appointed.

I beg to report, Sir, that in accordance with that Standing Order that the Select Committee is reporting that it has been unable to conclude its investigations and begs to lay its Interim Report upon the Table.

MR. PRESIDENT: So ordered.

HON MICHAEL J. BRADLEY: In doing so, Sir, I would like to mention briefly, not the contents of our deliberations but the scope of them so that Members of this Honourable House and the people of the Cayman Islands can be assured that we have been pursuing our task diligently.

The Select Committee was appointed in March of this year and you, Sir, nominated me to be Chairman of that Select Committee. Your Select Committee has so far held twelve Meetings this year, one which was attended by two representatives from each of the organisations which made representations to the Select Committee. We would like to place on record as a Select Committee our appreciation of all the organisations which submitted representations to us to assist us in our investigations. We are also very grateful that representatives from these organisations were able to attend a Meeting of the Select Committee and for their further assistance and the constructive advice given.

Your Select Committee, Sir, will report its recommendations to this Honourable House upon the conclusion of its investigations. It has now completed its investigations into the substantive proposals for the Labour Law and the Attorney-General has been requested in due course to have a first draft Bill embodying these proposals prepared for the consideration further of your Committee.

MR. PRESIDENT: Thank you. I take it that I am right that we are not at this stage required to adopt the Report or to consider any recommendations. We are simply taking note.

Item 3. Questions. The First Elected Member for Bodden Town.

QUESTIONS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 137: Would the Honourable Member state whether revenue from the Owen Roberts Terminal Airfield and Terminal meet projections and whether it is suffice to cover, or more than cover, payments due to the Caribbean Development Bank in respect of the loan received to meet part of their cost?

ANSWER: The revenue from Owen Roberts Airport for 1985 meets projections. Principal repayments to CDB will not commence until 1987 and projected revenue is sufficient to cover these payments.

SUPPLEMENTARY:

MR. JAMES M. BODDEN: Supplementary. Could the Member advise the House the amount of revenue collected so far in 1985?

HON. W. NORMAN BODDEN: Mr. President, I have here the original estimate for 1985, which was \$1,436,500.

MR. JAMES M. BODDEN: I know that was the projected amount. I am asking whether the Member has the amount which has been collected.

HON. W. NORMAN BODDEN: Mr. President, I do not have the exact amount but I have a revised estimate here for 1985, which is \$1,610,310.

MR. JAMES M. BODDEN: So, to the best of the Member's knowledge the income so far is more than was projected? Is that correct?

MR. PRESIDENT: I think that has been stated. That was in the answer to the original question. Well, no perhaps it was not quite. It is more than was predicted the Member says. However, I think it follows.

If there is no further supplementary I will invite the Member to ask the next question standing in his name.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 138: Would the Honourable Member state what new routes or charters has the national carrier undertaken in 1985?

ANSWER: CAL has undertaken its own charter programme from Tampa to the Cayman Islands commencing on 16th December, 1985. Cayman Express, utilising CAL's aircraft will be commencing a new programme from Detroit in December, 1985.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Supplementary. Would the Member advise the House whether these are actually new routes which have been negotiated in 1985, or whether these were contemplated and partly negotiated before 1985?

HON. W. NORMAN BODDEN: Mr. President, to the best of my knowledge these are new charter programmes which were dealt with during 1985. I have no knowledge of any such routes being contemplated previously.

MR. JAMES M. BODDEN: These new routes are being done, I think, with Cayman Express, the same people who have been doing the Chicago and New York routes. Just a minute. I have got a question and I would like to put it. It is not out of line. At least he should know what he is doing whether I am out of line or not. I am going to turn it into a question. These have been negotiated with the same people who have been carrying on the New York and Chicago routes. Is it not the truth that Detroit was another point considered from 1984 and partly negotiated with these people? Or is it somebody else who has taken on the Detroit route?

HON. W. NORMAN BODDEN: The Detroit route is part of the Cayman Express programme but I have no knowledge of any negotiations for Detroit prior to 1985. In my discussions with Cayman Express in the early part of this year they told me that they were contemplating operating a charter from Detroit but made no mention that it was previously discussed by the Member who is now asking the question.

MR. JAMES M. BODDEN: Could the Member confirm with his Principal Secretary sitting behind him whether or not negotiations had taken place with the same people in regard to Detroit, Dallas and Atlanta?

HON. W. NORMAN BODDEN: Mr. President, apparently he has no knowledge of this either.

MR. JAMES M. BODDEN: I am very pleased to see how both of them have eluded the question. I hope that we will be more accurate in the future.

MR. PRESIDENT: Order, order.

HON. W. NORMAN BODDEN: Any information I give here is accurate, Sir. If the Member is as sure of his questions as I am of my answers then he is alright.

MR. JAMES M. BODDEN: I am very sure of my questions because this would have to be in the papers in the Government Administration Building relating to this and relating to the discussion with these people.

HON. W. NORMAN BODDEN: I think the whole thing is that the Member is trying to take credit for something he had nothing to do with.

MR. JAMES M. BODDEN: I have never tried that. It is only other people that ride on other people's backs.

MR. PRESIDENT: Order, order.
Unless there is another supplementary....

MR. JAMES M. BODDEN: I will ask the Member the same question with regard to Tampa. Was Tampa ever contemplated as a point before 1985?

HON. W. NORMAN BODDEN: Tampa was contemplated, Mr. President, from the time I was the Managing Director of Cayman Airways, long before the Member ever came on the scene. As far as Atlanta is concerned, that was applied for in 1972 when Cayman Airways got its foreign air carrier's permit to operate to the United States. So many of these destinations which the Member is bringing up were thought about before he came on the scene.

MR. JAMES M. BODDEN: Mr. President, I do not see how that can be, because Cayman Airways was formed under the Unity Team Administration and the Member speaking happened to have been at that time the manager locally for the old Cayman Airways. He was then appointed Managing Director of the new company. So, I came on the scene in regard to Cayman Airways before he did.

HON. W. NORMAN BODDEN: Cayman Airways, Mr. President, since it has to be brought up, was formed in 1968. When the Unity Team took over Cayman Airways, they found a national flag carrier in place, operating to the United States under its own banner and in its own right. They came on the scene on 1st December, 1977, so I do not see why the Member is wanting to take credit for everything that happened to Cayman Airways long before they came in....

MR. PRESIDENT: Order, order.

MR. JAMES M. BODDEN: I am not taking credit for anything else....

MR. PRESIDENT: Order.

MR. JAMES M. BODDEN: I am asking this House to debate that one, Sir.

MR. PRESIDENT: I think that we had better leave further debate on that one until the debate on the budget when anybody can speak. I think that we have trespassed far enough from supplementaries to the question which was originally asked. We had better pass to the next question now.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 139: Would the Honourable Member state what is the cost per flight to overnight the planes in Cayman Brac?

HON. W. NORMAN BODDEN: Mr. President, I have the answer but before giving it I would like to preface this by these remarks. As was established in previous Meetings in this Honourable House, as the Member under whose Portfolio the subject of Cayman Airways falls, I am not responsible for the day to day management of the company. Nevertheless, I feel that this question is a border-line case and I will reply to it.

ANSWER: The cost per flight to overnight CAL's aircraft in Cayman Brac is CI\$311.85.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, my supplementary is to clarify a statement made by the Member who spoke last. We have heard in this House, Sir, that the Honourable Second Elected Member for Executive Council has said on several occasions that he is not responsible for the administration of day to day operations of Cayman Airways. I believe that this needs clarifying because the public out there needs to know who is ultimately responsible for the operation of Cayman Airways. Even though there is a Board of Directors I feel that somebody needs to know who is ultimately responsible for the actions of Cayman Airways, because what we have seen, Sir, is that a number of different Members are taking the credit for certain actions of Cayman Airways. We need to know.

HON. BENSON O. EBANKS: Mr. President, is that a question or a statement, Sir?

MR. PRESIDENT:

Well, let me....

MR. LINFORD A. PIERSON:
clarity.

Mr. President, I said that I wanted

MR. PRESIDENT:

Please, please. I was going to comment that I do not think that that is a supplementary question. I think that the Member has raised a point of some public importance. It is something about which it might be helpful if the Member concerned in the course made a statement. However, I do not think that it is really a supplementary to this question.

On one general point I would remind the Second Elected Member for George Town, who I think was probably here at the time, some six months ago, I cannot date it precisely but at a Meeting earlier this year, I did after consulting Erskine May rule on the question of whether a Member of Executive Council should be obliged to answer questions about Cayman Airways. Having consulted Erskine May and having found that the practice in Westminster was that United Kingdom Ministers did not answer detailed questions about the day to day running of nationalised industries in the United Kingdom, I ruled that the Member for Tourism Aviation and Trade was entitled to refuse to answer questions about the day to day operations of Cayman Airways.

However, that said I can understand that perhaps some sort of explanatory statement might be helpful. I will simply invite the Member's attention to the point which you have made and ask him if he would consider at an appropriate time making such a statement, so that the position is clear.

MR. LINFORD A. PIERSON:

Thank you, Mr. President. I think for the information of the Honourable First Elected Member of Executive Council if he was listening....

HON. BENSON O. EBANKS:

On a point of order, Mr. President....

MR. LINFORD A. PIERSON:

He would have heard....

HON. BENSON O. EBANKS:

He spent some time on that statement....

MR. LINFORD A. PIERSON:

He would have heard that I was not....

MR. PRESIDENT:

Please both sit down.

MR. LINFORD A. PIERSON:

....making a supplementary question.

HON. BENSON O. EBANKS:
Orders.

I come here but this House has Standing

MR. JAMES M. BODDEN:

I have a supplementary. The figure given is \$311.85 for overnight expenses. Could the Member advise how this is determined and what is it composed of?

HON. W. NORMAN BODDEN:

Mr. President, this relates to direct crew expenses for overnighing in Cayman Brae, hotel expenses for crew overnighing in Cayman Brae.

MR. JAMES M. BODDEN:
Is that correct?

This figure then is only hotel expenses?

HON. W. NORMAN BODDEN:

That is correct, Sir.

MR. JAMES M. BODDEN: Is it fair to assume that that is the only direct expense which Cayman Airways has on the overnighting in Cayman Brac?

HON. W. NORMAN BODDEN: In my opinion it is.

MR. JAMES M. BODDEN: What is the average number of passengers to and fro Cayman Brac on these flights?

MR. PRESIDENT: I do not really think that that is a supplementary which arises out of the answer to the original question. I think that it would have to be a separate question in itself.

MR. JAMES M. BODDEN: I will abide by that but it is relative to the cost. Would the Member....

MR. PRESIDENT: Well, it is relative to the cost of operations to Cayman Brac, but not really relative to overnighting, I think.

MR. JAMES M. BODDEN: Would the Member state what is the projected loss to operate five flights per week to and from Cayman Brac?

MR. PRESIDENT: I really do not think that that is a fair supplementary to the original question. I think that it would have to be a question put down in its own right.

MR. JAMES M. BODDEN: As far as that goes, Sir, it is going to be difficult to get all the questions answered which we have now, because looking at the amount that I put in, of which I think there are only three on the Order Paper for today, we will be here a long time.

MR. PRESIDENT: Unless there is a further supplementary, the Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 140: Would the Honourable Member state how many new work permits have been issued from January to October, 1985, and how does this compare with the same period in 1984?

ANSWER: The number of gainful occupation licences (work permits) from January to October, 1985, totalled 1,288. The number for the same period in 1984 was 1,777.

HON. DENNIS J. FOSTER: Mr. President, after answering the question I made further enquiries and they count every permit which they issue as a new permit. So, this includes things like a renewal because it is a new permit issued. It also includes transfers. If a person is working for such and such a company and goes to another company a new permit would have to be issued. That is all included in this, Sir.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member state the reason for the variation in numbers for the two years?

HON. DENNIS H. FOSTER: I can only assume, Sir, that there was not so much demand for people in 1985 as there was in 1984. That is all I can assume, Sir.

MR. G. HAIG BODDEN: Is it correct to say that the Member's assumption has been arrived at on the premise that since there was not the demand for the work permits, there also was not the concurrent activity in construction and other areas during 1985 as there had been in 1984?

HON. DENNIS H. FOSTER: I cannot really say that, Sir. The demands in various fields may be in the banking business or any other industry, bearing in mind that the Government has taken a policy to try to replace any expatriate people who we have working in Government with some of our new people coming on stream.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Did the Member just state that Government is replacing their people? Government expatriates are not on work permits. Are they included in this figure?

HON. DENNIS H. FOSTER: Mr. President, I am not sure on that. It is doubtful. It varies in various industries. Sometimes there is more need for a person in one type of industry than the other.

MR. D. EZZARD MILLER: Mr. President, I think that under the Protection Law, Government employees are exempt from Work Permits. So, there is no question or doubt, Sir. They are not included or they should not be.

HON. DENNIS H. FOSTER: Mr. President, I said that I doubted if they were. I can pretty well confirm that they are really not.

MR. D. EZZARD MILLER: Thank you, Sir.

MR. PRESIDENT: If there is no further supplementary I will invite the Second Elected Member for West Bay to ask the next question standing in his name.

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. 141: Would the Honourable Member make a statement on the criteria for eligibility for graduation from the Cayman Islands High School?

ANSWER: All students who complete a course of secondary education at the Cayman Islands High School are eligible to attend the graduation ceremonies unless they fail to meet the following criteria effective 1986.

1. The student must have attended not less than 80% of the annual school sessions. Validated illness, bereavement etc. would not count as absences.
2. The student must not have been suspended for three or more times.
3. The student's record must not reveal a pattern of bad behaviour.

4. The student must not have been convicted of a serious criminal offence in a court of law.

It should be stressed that students who do not take part in the formal graduation ceremonies, still receive the relevant diploma stating the external examinations passed or the certificate in the case of students having completed a course of general education not leading to external examinations.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if any attempt has been made to determine the demoralising effect these new restrictions would have on students hopeful of graduating?

HON. BENSON O. EBANKS: Mr. President, these criteria should have no demoralising effect on any student. What it should do is to encourage all students to attend school, behave well and work hard so that they are permitted to attend the graduation ceremony.

MR. G. HAIG BODDEN: Mr. President, my question was not answered. What I was trying to find out is if any survey had been made amongst the students themselves to get their reactions to this type of regulation which could well prevent a bright student from attending at the graduation because of maybe some vicious practice of a teacher who just hated the child?

HON. BENSON O. EBANKS: Mr. President, no survey was conducted among the students and I fail to see how any bright child would be affected by this criteria.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Could the Member give this House and the public the assurance that all the children and the parents have been appraised of these new rules?

HON. BENSON O. EBANKS: Mr. President, these criteria for graduation have been under consideration by the staff of the school from 1983. The staff of the school believing that the criteria had been approved by the Portfolio, in fact instituted the criteria for the 1985 graduation. When I found out about it I asked the Headmaster to please invite those students who had been debarred to take part in the graduation ceremony, which was done. I think that one student took advantage of the offer.

Mr. President, the reason why the criteria was not permitted to be implemented in 1985 was because I wanted to be assured that parents and students understood the criteria which are being set, and that it would have a reward and punishment effect.

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

MR. G. HAIG BODDEN: Mr. President, may I ask the Member who are the person or persons responsible for making the decisions as to whether certain children will graduate or not?

HON. BENSON O. EBANKS: Once the criteria has been set, it is for the pastoral committee at the school, an academic committee to decide it.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if there are any provisions for an appeal against the decision of this committee?

HON. BENSON O. EBANKS: I doubt, Mr. President, if there is. I think that this is an administrative decision and once the criteria has been followed there is no appeal.

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 FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 142: Would the Honourable Member state whether the Bodden Town District Nurse is occupying the living quarters above the clinic?

ANSWER: The nurse does not occupy the living quarters above the clinic.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Why not?

HON. BENSON O. EBANKS: Mr. President, there seem to be a number of reasons. However, chief among them is the fact that the accommodation at the moment does not suit the requirements of the nurse and her family presently stationed there.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Is it being occupied now?

HON. BENSON O. EBANKS: Yes, Mr. President, the premises are presently occupied by one Mr. Ng, a graduate assistant working with the Water Authority.

MR. W. McKEEVA BUSH: So, it is fair to ask, Mr. President, if Government is paying out rent then for this family, the nurse and her family somewhere else?

HON. BENSON O. EBANKS: Mr. President, no more than is paid for any other Public Health nurse, or in any other District. I would imagine that it would be no more than would be paid for the person who is occupying it.

MR. G. HAIG BODDEN: Mr. President, can the Member give us the details of why the premises are not suitable?

HON. BENSON O. EBANKS: I understand that there is insufficient accommodation.

MR. PRESIDENT: Unless there is any 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. 143: Would the Honourable Member state what qualifications and experience are required for the post of houseparents at the Frances Bodden Girl's Home, and what are the conditions of service including the hours of work?

ANSWER: The posts of houseparents at the Frances Bodden Girl's Home require persons holding a family teaching certificate with at least 5-7 years experience in a residential setting with children. Alternatively, the candidates could have 10-12 years experience working with children as well as demonstrate good administrative and general management skills.

The conditions of service are exactly the same as those applicable to all Civil Servants.

The houseparents live on site and therefore are essentially on duty twenty-four hours a day.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Supplementary. Were there other applicants considered for this position and if so, how many?

HON. DENNIS H. FOSTER: To the best of my knowledge, Sir, these were the only local applicants.

MR. JAMES M. BODDEN: Supplementary. Previously, what type of qualifications were advertised as being necessary in regard to the previous proposals affecting this job?

HON. DENNIS H. FOSTER: I am not sure if I understand the question, Sir. I think that what I read out in the answer was what was advertised. I am positive now that we only had one Caymanian couple apply.

MR. JAMES M. BODDEN: My question is, Mr. President, when the job was previously filled, what type of criteria did we use at that time for the fulfilment of that position, and what did we advertise as being necessary for the qualifications, and whether we used a similar criteria and a similar advertisement in this case?

HON. DENNIS H. FOSTER: Mr. President, to the best of my knowledge the previous houseparents were expatriates. I would imagine, Sir, that similar advertisements to the one which went out here would have gone out then too. However, I am not certain, Sir.

MR. JAMES M. BODDEN: Could the Member read to the House then the advertisement which was put out for this when the post was filled this time?

HON. DENNIS H. FOSTER: No, Sir, I do not have that with me.

MR. PRESIDENT: Would the Member care to undertake to obtain a copy and circulate it to all Members?

HON. DENNIS H. FOSTER: Yes, Sir, I would be glad to.

MR. JAMES M. BODDEN: I would not just like to see that one. I would like to see the advertisement before too.

HON. DENNIS H. FOSTER: I think that I can get both, Sir.

MR. JAMES M. BODDEN: Had the term or contract for the previous houseparents been completed? If not so, what happened to terminate it?

MR. PRESIDENT: I do not think that that is really a supplementary which arises out of the original question or the answer to it. The original question deals with the qualifications and experience required for the post and the conditions of service. It does not relate to what became of the particular occupants of the post.

MR. JAMES M. BODDEN: Well, all people can have different opinions, but the question does ask what are the conditions of service. The conditions of service can be broadly interpreted, Mr. President. However, if you do not want to have it answered at this time, there will be another occasion.

Could I ask another supplementary? Is it correct that the people who were employed before had about six months to go on their contract?

MR. PRESIDENT: I think that that is the same supplementary in another guise.

HON. DENNIS H. FOSTER: No, Sir.

MR. G. HAIG BODDEN: I was going to ask, Mr. President, if they had more than six months to go?

HON. DENNIS H. FOSTER: No, Sir.

MR. JAMES M. BODDEN: Who made the decision to employ these particular people?

MR. PRESIDENT: I think that that again is not something which is a proper supplementary. However, the Member should in any case know that decisions of that kind statutorily are taken by me on the advice of the Public Service Commission.

MR. G. HAIG BODDEN: Mr. President, may I ask if the present holders meet one or other of the two qualifications set out in the answer? That is, do they hold a family teaching certificate with at least five years experience? Or, do they have the 10-12 years experience working with children?

HON. DENNIS H. FOSTER: I think that they hold the latter, Sir.

MR. G. HAIG BODDEN: Could the Member tell us where their experience of working with children was obtained?

HON. DENNIS H. FOSTER: Mr. President, the Member should know that better than me. It is not even my Portfolio.

MR. JAMES M. BODDEN: Somebody should be able to answer these questions. However, I am sure that I cannot be ruled out of order on this one. This supplementary is covered in the question and it is covered in the reply. What is the pay per year for each of these people?

MR. PRESIDENT: That is fair.

HON. DENNIS H. FOSTER: Mr. President, the housemother gets \$19,344 per annum and the housefather \$14,316 per annum.

MR. JAMES M. BODDEN: Does the Member not agree that this has been the good political reward and a good political plum?

MR. PRESIDENT: Order, order.

HON. DENNIS H. FOSTER: I am....

MR. PRESIDENT: No, that was not....

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Could the Member say how many Caymanian couples applied for the position?

MR. PRESIDENT: The Member has, I think, already said that as far as he knows no other Caymanian couple applied.

MR. W. McKEEVA BUSH: I did not hear correctly, Sir.

MR. PRESIDENT: Let him confirm that. That was my understanding.

HON. DENNIS H. FOSTER: One Caymanian couple applied, Sir.

MR. W. McKEEVA BUSH: That is the one which got the position?

HON. DENNIS H. FOSTER: Yes, Sir.

MR. W. McKEEVA BUSH: Thank you.
A further supplementary. Is the Member allowed to say whether the work carried out at the Frances Bodden Girls' Home now is satisfying to Government?

MR. PRESIDENT: No, I do not think that is a....

MR. W. McKEEVA BUSH:not allowed, Sir?

MR. PRESIDENT: I do not think that that is a fair supplementary either, no. I think that we have probably exhausted this particular topic. No? Alright.

MR. G. HAIG BODDEN: In the Member's reply to whether the houseparents met the qualifications, is he saying that they have the ten years experience but he does not know where the experience was gained? Or is he saying that they do not have the experience? Or is he saying that they have it and he does not know where it was gained?

HON. DENNIS H. FOSTER: I am saying, Sir, that they have had the experience. If they have not had it with outside children, they have had it with their own.

MR. JAMES M. BODDEN: Any couple then would have been eligible for this job if there was no real criteria by which to determine it? Is that correct?

HON. DENNIS H. FOSTER: No, Sir, that is not quite correct.

MR. PRESIDENT: The Second Elected Member for West Bay and then the Third Elected Member for West Bay.

MR. W. McKEEVA BUSH: Is it correct to say, Mr. President, that the housemother is a retired teacher? Is it correct to say that the houseparents are first cousins of the Second Elected Member for Bodden Town?

MR. PRESIDENT: Order, order (LAUGHTER).

MR. G. HAIG BODDEN: They are not related to me, Sir. (LAUGHTER).

MR. W. McKEEVA BUSH: They cousins from both ends, Sir.

MR. G. HAIG BODDEN: They are not related to me, Sir.

HON. DENNIS H. FOSTER: I gather she was a teacher, Sir.

MR. PRESIDENT: Now, the Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, basically my question was that I was going to ask if it was fair to ask if the housemother was a teacher for many years. The Member just said that and that is correct.

MR. G. HAIG BODDEN: Just one question, Mr. President. The answer speaks about a family teaching certificate, which I think is altogether different from, say, a teaching certificate to teach in a primary school or a high school. Does the Member agree that there is a distinction between a family teacher and, say, a teacher at Triple C School?

HON. DENNIS H. FOSTER: Yes, Sir, they are different.

MR. JAMES M. BODDEN: I am sure that this question can be answered because it is a part of the reply. The reply states that the conditions of service are exactly the same as those applicable to all Civil Servants. Does this include attending courtroom sessions during the daylight hours, supplying papers around, and so forth and so on? Is that the usual service that a Civil Servant does?

HON. DENNIS H. FOSTER: No, Sir, the Civil Servant does not usually do that. However, to the best of my knowledge, Sir, a lot of their inmates there are sent there from the courts.

MR. JAMES M. BODDEN: It may have been good if the inmate referred to had been in this place but I do not think it applies. I am just asking is that a part of the usual Civil Service duty?

HON. DENNIS H. FOSTER: It is not a usual part, Sir. However, in these circumstances I think that they have to attend court sometimes, because some of these girls who are sent there are as a result of Juvenile Court orders.

MR. JAMES M. BODDEN: Well, in case someone else should start a newspaper, is that a way to get a job, a plum job with Government?

MR. PRESIDENT: I think that we have now got to 11.00.

MR. W. McKEEVA BUSH: May I have one more supplementary, Sir? It is very important.

MR. PRESIDENT: Well, you have got thirty seconds.

MR. W. McKEEVA BUSH: Yes, Sir. Is it correct to say that the latter criteria applied?

MR. PRESIDENT: I think that has been stated already.

MR. W. McKEEVA BUSH: Has it, Sir?

MR. PRESIDENT: Yes. You are meaning is it correct to say that the persons appointed were considered to have had the 10-12 years experience and the skills rather than the family teaching certificate? If that is your question, then that was answered and the answer was, yes.

So, we pass on to Item 4. Government Business. Bills. First Reading of the Companies (Amendment) Bill, 1985.

THE COMPANIES (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE COMPANIES (AMENDMENT) BILL, 1985.

MR. PRESIDENT: (LAUGHTER) I will take note that the Member will be listening in the Committee Room.

A Bill entitled the Companies (Amendment) Bill, 1985 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 88).

The Memorandum of Objects and Reasons, Mr. President, is as follows. Clause 2(a) seeks to reduce from three to one the minimum number of persons who may form a company. Mr. President, clause 2(a) is amending section 4 of the Companies Law which reads:-

HON. THOMAS G. JEFFERSON (CONTINUING):

"Any three or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association, and otherwise complying with the requirements of this Law in respect of registration, form an incorporated company, with or without limited liability."

The amendment is seeking to reduce "any three" to "any one".

The Companies Law, Mr. President, has been around for many, many years and some of its sections are archaic, not in keeping with modern day company legislation and practice. The requirement of three persons to form a company does not in any way help any particular Registrar of Companies. Neither does it help in any way the person who comes to form the company. What he does if he wants to own a company is that he gets three people to be nominee shareholders for him. Although he has three nominee shareholders, the company is owned by one person. Therefore, there is no need to have this requirement that one must have three shares issued in order to form a company.

Clause 3 seeks to amend section 29(2) by restricting further the registration of companies, the names of which contain certain words. When we look at section 29(2) we find that the Registrar of Companies has been over the years refusing to register any company whose name contains the word "bank" or "insurance", etcetera without having the authority in the Companies Law, Mr. President. It has worked very well so far. However, since we were amending the Companies Law, we thought it was an opportune time to correct this, thus the reason for clause 3.

Clause 4 makes the provision, or the provision is sought to be made for a new section 31(2) to be inserted into the Law, authorising the issue of fractional shares. Mr. President, fractional shares are big business in the United States. It is the mutual fund market and that market which was strong fifteen years ago, and has been weak for the last eight or ten years, is now booming again. The Companies Law at present does not legally authorise the issue of fractional shares or give it any legality at all. In the mutual fund business, Mr. President, a person decides how much a month or how much a week he is going to invest into this mutual fund. It could be \$25. It could be \$50. What happens is that at any given time, the \$50 may not equate to the full share which he is purchasing. So, when that company does its financial statements, it has money which represents a part of a share and the amendment in clause 4 is seeking to make that fractional share a legal one.

I know, Mr. President, that there have been a number of mutual funds operating in the Cayman Islands. It is certainly the reason why we as a Government put forward this amendment recognising fractional shares. I am also aware that in order to recognise the events of the past this Bill does say that any fractional shares issued prior to the coming into law of this Bill, in that case this Bill does not by itself make that act illegal. What it does do is to cover all previous activities. This seems to me, Mr. President, a very sensible move to make, because if we are going to recognise mutual funds which are going to come to us in the future, we certainly want to recognise the mutual funds which are already here.

Clause 5 and 7 seek to repeal section 54. Section 54, Mr. President, is a penalty for carrying on business with less than three members. As we are reducing the number of members from three to one there is no need for this section.

HON. THOMAS C. JEFFERSON (CONTINUING): Section 91(c) is also being repealed. It refers to the number of members being reduced below three, again, all consequential on the clause 2(a) amendment.

Mr. President, in clause 6 it is sought to remove from section 57(1) of the Law the requirement that a special resolution requires confirmation of a subsequent general meeting. This is another archaic provision, Mr. President. At the present time in dealing with winding up a company, a special resolution has to be passed. This means that the Directors have to come to the Cayman Islands and attend a special meeting. It requires a two-thirds vote. Following that meeting they then have to have, in accordance with the present Companies Law, another meeting called an extraordinary meeting. Basically, all it is, Mr. President, in my view, is a waste of time. In practice what happens is that Directors do come in for the special meeting. They do pass whatever business they have come to the Cayman Islands to do. They do it by two-thirds. Then when we say to them, "Look, we need now to have the extraordinary meeting", normally the reply is, "You take my proxy and you go ahead and have it, because I do not have any time for this". That is one of the reasons I said, Mr. President, that the extraordinary meeting is a waste of time, because if Directors have conducted their business by special resolution and passed that business by a two-thirds majority, I see no reason for confirmation afterwards.

Mr. President, there are many sections of the Companies Law which mention these two words "extraordinary resolution" and the various clauses which follow deal with the deletion of those words, in some cases substituting "special resolution".

In addition, Mr. President, the Legal Draftsman has seen that in the Schedule of the Law it refers to section 21A which is incorrect. It should be 21(1), and we have taken the opportunity of correcting that as well.

Also in that Schedule there are these words "extraordinary resolution" showing up in paragraph 3 dealing with shares, as well as in regulation 79 dealing with rotation of Directors.

Mr. President, these recommendations for amending the Companies Law, you will recall, Sir, that during the 1984 Budget Address given on the 18th November, 1983, we saw the need at that time to look at the Companies Law. Our first decision was that we should set up a Select Committee to do so and if my memory is not failing me, a motion was passed to that effect. Since that time, Mr. President, we have realised that - and there were some people who tried to tell us so at that time - it was not a very practical thing to do. We have established a Committee of what I would call practitioners in the private sector, people who are in the legal profession, the accounting profession, the banking and trust profession as well, and these recommendations are the first coming from that Committee. I wish in moving this motion for the Second Reading of this Bill to say how very grateful I am to them for these first recommendations. They certainly will be coming forward with others, but they have now reached that difficult technical portion of the Companies Law which deals with the winding up of a company, voluntary winding up, or winding up by court, or winding up under the supervision of the court, etcetera. These are technical matters, Mr. President, and will take some time before we will see the next amendment, and rightly so.

I recommend the Bill to all Honourable Members, Mr. President, and seek their support.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Companies Law be given a Second Reading. The motion is now open for debate. However, I think before seeking to catch anybody's eye I will give Members the opportunity to enjoy their customary morning break, and will suspend proceedings for approximately fifteen minutes.

AT 11.18 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.49 A.M.

MR. PRESIDENT: Please be seated.
Second Reading debate on a Bill for a Law to amend the Companies Law. Does any Member wish to speak?
The Second Elected Member for Bodden Town.

DEBATE ON SECOND READING

MR. G. HAIG BODDEN: Mr. President, with one exception I intend to support this Bill. The amendments put forward in it are quite necessary. As the Member introducing it said, the old Law was in some respects archaic and I think that it is time to make the amendments which are suggested.

One amendment is to allow a company to be formed with just one person. I understand that worldwide there are many people, particularly professionals who form a company with just one shareholder.

Also, I think that it is time to allow the use of fractional shares, especially with the demand for the sale of mutual funds and other types of investments which would require the use of fractional shares.

The other amendments are purely cosmetic and are justified. However, with regard to the amendment empowering the use of fractional shares, I see that the Government has seen fit to make this amendment retroactive. I must congratulate the Honourable Financial Secretary for his honesty in putting forward to the House the true position with fractional shares. It has been reported for a long time that some people may have issued fractional shares. Under the old Law it was illegal to issue fractional shares and perhaps those people who went ahead and did it hoped for the day when the Law would sanction the acts which they had committed. The Member putting forward this Bill has made it clear that this amendment does not in itself make the prior use of fractional shares illegal. In fact, it has gone further than that and sanctioned the illegal issuance of fractional shares in the past.

The last part of section 4(2) reads:-

"no issue or purported issue of a fraction of a share shall be invalid by reason only of the fact that it was issued or purportedly issued prior to the date of coming into force of the Companies (Amendment) Law, 1985."

MR. G. HAIG BODDEN (CONTINUING): What it is saying is that those people who in the past illegally sold mutual funds or formed companies whose Articles of Association allowed the trading in fractions of a share are now alright, and free from prosecution. What alarms me is that the new Government is continuously using retroactive legislation. We had one example yesterday which perhaps would be justified. However, there is no justification at all for the use of retroactive legislation in today's Bill. This Bill simply makes legal what a few people have done and it is only a few people.

It is my understanding that it was the considered opinion of the legal fraternity in this country that it was illegal to issue fractional shares in the past under this Law. There were only a few who dared to advise their clients or to do it themselves and to issue fractions of a share. I make myself clear on it that I agree that we put in a Law which allows the issuance of fractions of a share from today onwards. However, we should not make it retroactive.

We had Members stand up in this Chamber yesterday and say, "I am against retroactive legislation". I would like to see them put that into practice when the time comes to vote on this Bill. I do not want to go back into the last election, but the present Government was elected with a part of their campaign being that there would be public scrutiny of Laws and there would be no more retroactive legislation. They have had to eat those words because in two days they have brought forward two Bills with retroactive legislation. The one yesterday was called a validation Bill but no matter what name we apply to it, the effect is the same.

The principle is wrong. The Honourable Financial Secretary admits that mutual funds need the type of legislation we are putting in. I do not agree that we need to protect mutual funds which were issued illegally under the old Law. We should not condone the wrongdoing of a few people who perhaps did what they did for a few dollars. If it were illegal or not practicable under the old Law to issue fractions of a share, they should not have been issued. However, whether they were issued or not, this Bill should not now seek to go back into the past and to spread a blanket or an umbrella which will cover up the crimes which have been committed, because they were crimes.

I cannot find any good reason for this Bill to contain a clause which will go back into the past and validate any actions which may have been done by any person or group of persons.

However, the Bill as a whole is necessary and useful and I support the Bill with the one exception of the retroactive clause.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, the Bill before us is a Bill for a Law to amend the Companies Law (Chapter 22).

I offer my support to this Bill, Sir, in particular to the section under clause 2 which will allow the formation of a company by one individual. I believe, Sir, that this is simply going to legalise what has been happening in practice through the use of nominee shareholders. It will also remove a bit of doubt and distrust which might appear when someone comes here to form a company on their own, and they are told by the management company that they have to have three people but, "I will hold one of your nominee shares and my wife will hold the other".

MR. D. EZZARD MILLER (CONTINUING): I believe that this should stimulate some business in the company registration. I do not agree with the Second Elected Member for Bodden Town's interpretation of clause 4(a). I have never said that I am against retroactive legislation. There are going to be times when it is going to be necessary and I have tried not to make such broad based statements. However, Sir, section 31 of the Law which this seeks to amend, as I read it, is silent on fractional shares. It does not say that fractional shares are allowed. Nor does it say that fractional shares are prohibited. So, I do not think if the Law is silent on it that anyone who may have done it will have committed a crime. I think that we are now writing into the Law that fractional shares are allowed. I think it is a good move and I support it.

The rest of the Bill, I agree, is fairly cosmetic and those two amendments I see as very important to continued development of company management in the Cayman Islands. It was also good to hear that the Financial Secretary has a committee which involves people who are practising company management, because that is the kind of thing which will allow dynamic growth, and growth in the right direction of company management in the Cayman Islands. I hope, Sir, that his committee is also going to deal with the company management regulations, and the Company Management Law, as I have had complaints - not really complaints but I have had people mention certain areas of the Company Management Law which small local people who are managing a few companies are finding it difficult to meet, although I do realise that it is at the discretion of the Honourable Financial Secretary that personal indemnity insurance, for instance, is required.

I believe, Sir, that this is the kind of legislation which can only help in the development of the company management scenario in the Cayman Islands and I support the Bill, Sir.

MR. PRESIDENT: The Third Elected Member for George Town. I am so sorry, the Second. My apologies.

MR. LINFORD A. PIERSON: Mr. President, I rise in support of a Bill for a Law to amend the Companies Law (Chapter 22). As I look through the old Law, Sir, I notice that since 1961 we have had about five or six amendments up to 1973, and perhaps more since. I would, however, take this opportunity to congratulate the Honourable Third Official Member for the exceptionally good job he has done in preparing this amending Bill. Also I am aware, Sir, that the committee which worked with him also provided him with certain recommendations in this respect.

On the question, Sir, of fractional shares, since they seem to be the most topical point under discussion, even though this may not be specifically spelt out in the principal Law, for most of the lawyers and other management companies involved in the incorporation and management of companies, I think it was well understood that in incorporating a company three specific shares were necessary. In other words, it was necessary to have the subscribing names of three people, each owning not less than one share. I do not think that it was meant to mean that those subscribers to the Memorandum could have 0.5, 50 per cent of a share, 25 per cent or whatever. So, in support of what the Second Elected Member for Bodden Town said, in actual fact section 4 of the amending Bill which amends section 31 of the principal Law is retroactive legislation. However, it is retroactive legislation, Sir, which I feel is necessary.

MR. LINFORD A. PIERSON (CONTINUING): I also support the Honourable Third Official Member in that mutual funds are becoming a very important part of our financial operations in the Cayman Islands. Because of this and the mechanics of the mutual funds market it is not always possible to have a segment or a unit equating to a share. Perhaps, Sir, because of the illegal acts which have occurred with fractional shares, it might have been wise for it to also have a validation Law. However, be this as it may, I feel that this is necessary at this time and I believe that this will correct some of the problems which have been experienced in the past.

Taking the amending Bill in the chronological order set out in the Bill, I feel that section 2 of the amending Bill which amends section 4 of the principal Law is very necessary. By the substitution of one person for three, it makes it much more flexible for investors to come to the Cayman Islands and set up a company or invest in any other manner relating to a corporation.

One Member mentioned that this will correct the problem of nominee shareholders. Well, I believe that there may be a little misunderstanding in the Member's mind regarding the use and purpose of nominee shareholders. My understanding, Sir, is that a nominee shareholder acts on behalf of a shareholder. Under the old Law it was not possible for just a nominee shareholder to form a company. It was necessary for three subscribing shareholders to form the company. After the company was formed, then those substantive shareholders were in a position to appoint nominee shareholders. The same problem relates also to the question of Directors, where Directors may appoint Alternate Directors. So, to clear up that bit of misunderstanding, Sir, I feel that it is important to comment on that particular point.

Section 3 of the amending Bill is also important because it corrects an anomaly which has existed within the Registrar of Companies office for a number of years. In this respect, it will legalise some of the acts which he has taken over the years in not allowing some of the companies to register with the names "insurance", "assurance", "bank" or whatever. In fact, he did this under his own steam and not with the legal backing of the Law.

Section 54 of the principal Law is repealed, which is a consequence of the changes made in section 4 of the principal Law. There is no longer a need for three shareholders. Specifically Sir, I notice that there is a Committee Stage amendment with regard to section 129 of the principal Law, which I also feel is most important. I think that I again would congratulate the Honourable Third Official Member for bringing this about. I would also mention here that this was discussed with him by myself previously, and I agree that this is necessary.

The only problem which seems to occur is where there is one member of a company and one is using a special resolution, because it would then seem that it would be difficult to get two-thirds of one member. However, I am sure that in a case like that it would read that one person would then form the quorum for this special resolution.

The other sections of this amending Law are of somewhat of a cosmetic nature and change areas which refer to the "extraordinary resolution" to "special resolution", as it will no longer be necessary to have the "extraordinary resolution". I also agree with the presenter of this Bill that the "extraordinary resolution" is no longer necessary.

MR. LINFORD A. PIERSON (CONTINUING): This "extraordinary resolution" was subsequently brought about as a result of a "special resolution" which seems, as was explained by the presenter of the Bill, to be a colossal waste of time. This was most unnecessary.

In dishing out the congratulations, I think that it would also be in order, because they are not normally given in this House, to recognise the efforts made by the Legal Department, and in particular the Legal Draftsman. I think that he has done a fantastic job on many of these Laws.

Mr. President, with those few words, I give this amending Bill my full support.

Thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak?
The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I too would wish to compliment the Honourable Third Official Member for the vision in trying to streamline the Companies Law. It is timely and needed, and I do compliment him for his efforts on this behalf.

I would have liked to have seen a more comprehensive review at this time because the Companies Law has been on the statute books for many years. To keep in line with the worldwide economy, and to maintain our position as an offshore financial haven, it is incumbent on us to make the necessary Laws which will attract foreign investments. It is only from foreign investments that this country can develop and we should create the necessary climate.

I fully support this Bill, other than section 4, where once again we are offering to protect people who evidently made mistakes. I think that it is a wise move to put in the fractional shares but in the old Law, fractional shares were not allowed. Many Members of this present Government have campaigned bitterly in the past and have spoken bitterly in the House in regard to any retroactive form of legislation. Although I spoke about retroactive legislation yesterday, in the end I could support it because I could see where it was necessary to protect a wide spectrum of people in the community. However, in this particular case this is not so. We are only in this case, I think, protecting the hides of two legal firms in the Islands who have indulged in this in the past. I personally feel that this present Elected Government has handed out enough political plums like in the case of the management of the Frances Bodden Girls' Home, the repeal of the condominium tax and so on, and so on. This is only one more case of attempting to repay political debts. In that respect, Mr. President, I will find myself in the position of voting against the retroactive part of the legislation, but fully supporting every item of the Bill other than that.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak?
The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Briefly, Mr. President. I support the Bill. I believe the section in this Bill which makes it possible for one person to form a company is something which will bring revenue to these Islands. God knows, we need more and more revenue. I have quite a long shopping list, and come next year I want to see every project in my District accounted for. So anything which is going to help to bring in revenue, I will support.

MR. W. McKEEVA BUSH (CONTINUING): I would make one point, Sir, in respect to what I said yesterday concerning retroactive legislation. I said that I am against it. However, we had to pass that Bill yesterday, or else some very good friends of some people in this House might have been caught for bigamy. Retroactive legislation which I do not support, Mr. President, is retroactive legislation such as was brought to this House in 1983 in the form of the Prisons Law, the amendment to that which was soundly defeated. That was a Bill which tried to take away the power from the courts, or at least certain powers. Both Members complaining about this Bill which will help to bring in revenue, and who I know are going to talk vigorously against tax measures, as I will in some cases, were Members of the Executive Council taking away powers from the courts in 1983.

This Bill is going to give us revenue, I am certain of that, and for that reason alone, I support it.

Thank you very much, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak? Does the mover wish to... Oh, the Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, I would like to offer my support to this Bill, Sir, and in particular refer to what Members have said about the retroactive effect of section 4 of the Bill.

I would like to assure the Members in this Honourable House that if this provision were intended to protect any individual or specific group of people, I would not be supporting it. If that is the case, it is here without my knowledge and consent. However, Mr. President, I can see why this section is put in the way it is, because of what I know to be some of the other ideas for amendments to the Companies Law in due course. Certainly it was made clear that our Law at the moment does not provide for fractions of a share and for companies on the Register to be able to do that they will have, according to section 4(a)(2), to change their Articles of Association to give effect to that.

I realise, Mr. President, that we are not supposed to anticipate legislation in our debates. However, I know in the same way that Members express the view that they would have hoped to have seen possibly a more extensive review of the Companies Law being done, that consideration is being given to the possibility of emigration and immigration of companies at some point. It is possible that a company brought into this jurisdiction could have issued a part share prior to this Bill. I think that this would bring that company within the ambit of this amendment.

Certainly, Mr. President, this Government has never and will never as long as I am a Member of it, give out political favours in the form of legislation or otherwise. The direction from which that accusation comes, Mr. President, in my opinion is well versed in that type of thing, so I could see them believing that this Government would do likewise.

MR. JAMES M. BODDEN:

The Member is impugning under the Standing Orders my reputation. I can stand up in any place and say that no-one has got anything during the eight years that I was in the administration in the manner in which it speaks for itself that it has happened in this administration.

HON. BENSON O. EBANKS: See, Mr. President, when one throws a rock the....

MR. JAMES M. BODDEN: I am not throwing any rock. Everybody knew who the Member was talking about. I was the one who spoke about it.

HON. BENSON O. EBANKS: Exactly, I said when one throws a rock in a pigsty, the pig which hollers is the one which got hit.

MR. JAMES M. BODDEN: The only pig in here might be the Member.

MR. PRESIDENT: Order, order.

HON. BENSON O. EBANKS: Well, I object to that description, but the Member squealed.

Mr. President, as I said, I welcome these amendments and I too look forward to the more enlightened amendments which will come in due course which the Member who criticises this Government failed to do in his eight years in office. We will do it within the next year or two.

Thank you very much.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes, Sir. Mr. President, I will certainly try to be brief. Firstly, I thank Honourable Members for their support of the Bill. I think that they all have made many points of importance on the Bill.

The one point, Mr. President, which does seem to be still hanging in the air a little bit is the fractional shares. Perhaps I will try once more to explain it as I understand it.

The Companies Law does not refer to fractional shares. It is silent as far as fractional shares are concerned. Therefore, there is nothing illegal about issuing fractional shares. The reason for the amendment is to make certain that the Companies Law does recognise fractional shares. This committee which is studying the Companies Law, Mr. President, approximately ten or twelve months ago, requested Professor Moss who came here for a short period of time to lecture at the Law School to do a study on the United Kingdom Companies Act and to compare our Companies Law to all comparable offshore financial centres. That report is being reviewed by the committee and the recommendations which we have before us are the first from those. I too, Mr. President, as one Member indicated, would have liked to have put forward all the recommendations at one time. If we waited for that, Mr. President, the indications are that we would be doing it this time next year. I thought it prudent that in the interests of modernising our Companies Law by a few amendments put forward in this Bill, we would thus make it more attractive to offshore or international investors.

I was happy to hear the Second Elected Member for West Bay say that, and I hope that I am not quoting him wrongly, anything to raise revenue he would support.

MR. W. McKEEVA BUSH: Not on cars and garbage though. That should be kept in mind. (LAUGHTER).

HON. THOMAS C. JEFFERSON: I am sorry, Mr. President. It was jokingly done.

Mr. President, I too would like to praise and to commend the Legal Draftsman who put these amendments together, and obviously who has made much time available to me at short notice. Thank you very much, Mr. President.

MR. PRESIDENT: The question before the House is that a Bill entitled a Bill for a Law to amend the Companies Law (Chapter 22) be given a Second Reading.

QUESTION PUT: AYES & NOES

MR. W. McKEEVA BUSH: May I have a division, Mr. President?

MR. PRESIDENT: Very well.

DIVISION
NO. 79/85

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. James M. Bodden
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller

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AGREED: THE COMPANIES (AMENDMENT) BILL, 1985 GIVEN A SECOND READING.

MR. JAMES M. BODDEN: Mr. President, on a matter of clarification. I like to call for divisions also. However, how does it help to call for a division when everybody has voted in favour of a Bill and there is no dissent to it?

MR. PRESIDENT: That is not a question for me to answer, I am afraid and I cannot tell you. All I can tell you is that I have always taken the view that if a Member does call, he is entitled to it because I may have failed to hear somebody saying no.

MR. W. McKEEVA BUSH: That is it, you see, Mr. President. Some people do not want it on the record so that people can talk about it, but they have to vote when they say they will vote.

HON. MICHAEL J. BRADLEY: It also identifies, Sir, those who wish to abstain.

MR. W. McKEEVA BUSH: That is right.

MR. PRESIDENT: That is quite true. It identifies those who wish to abstain. Anyway, I think if a Member asks for a vote I must always allow it. (INTERRUPTION).

I think we have just time perhaps to start on another Bill and we will see how far we get. First Readings. The Evidence (Amendment) Bill, 1985.

THE EVIDENCE (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE EVIDENCE (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled the Evidence (Amendment) Bill, 1985 is deemed to have been read a First time and is set down for Second Reading.

HON. MICHAEL J. BRADLEY: Mr. President, I am always subject to your rulings in these matters. However, I think that if I start my Second Reading speech, that it will run into the time normally that we rise for the lunchtime adjournment.

MR. PRESIDENT: I see. I thought that perhaps it was quite a short matter. However, if it is long and complex, then probably it will suit Members better that we break now. Would the Members wish to resume as usual at 2.15 p.m., or, since we are breaking a little earlier to resume earlier? Would 2.00 p.m. suit Members? Well, then let us suspend proceedings now until approximately 2.00 p.m.

AT 12.35 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.09 P.M.

MR. PRESIDENT: Please be seated.
Bills. Second Reading.

THE EVIDENCE (AMENDMENT) BILL, 1985

SECOND READING

CLERK: THE EVIDENCE (AMENDMENT) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move the Second Reading of a Bill shortly entitled The Evidence (Amendment) Bill, 1985.

I would like to apologise to Members of this Honourable House for my diffidence and reluctance in commencing my Second Reading moving of this Bill before the lunch break. Previously in years gone by, I would have had no hesitation in doing so, because in a Bill such as this dealing with technical and legal matters, I would have been content as mover and with Portfolio responsibility to make a short Second Reading speech, and then deal with the details of the Bill when we come to Committee

HON. MICHAEL J. BRADLEY (CONTINUING): Stage and explain inasmuch as I was able to the intent, the meaning and the effect to Members. However, the present system whereby Second Reading debates are broadcast and Committee Stage debate is not has, I think, changed the whole tenor of the method in which we conduct our activities in this House. If I make a very brief speech, Sir, and leave the detailed explanations to the Committee Stage, the persons listening outside have not heard from me whose responsibility it is to make clear the details of such measures as are being proposed by this Government.

That being so, I hope that Members of this House will bear with me when I go into a little more detail than I have in the past of the rather technical provisions contained in this Bill before us.

The Bill which was distributed to Members a month ago and published in the Gazette, is a reasonably short Bill of six sections, which deal in four different respects with amendments which are proposed to our Evidence Law. Our Evidence Law was first passed in its present form in 1978 and is the Law which sets out in statutory form the procedures for the giving of evidence by witnesses through documents and in other manners in procedures in general, and in criminal and civil procedures in the courts of these Islands.

These measures which are proposed now have not been rushed. They have come up piecemeal from time to time, because as you are aware, from time to time suggestions are put forward by the judiciary, by private sector lawyers, by members of the police force and indeed by members of my own chambers, concerning omissions, changes and improvements which might usefully be made to the Laws dealing with the procedure, the evidence and the administration of the courts and justice in general.

Whilst in the past it has been my practice, with the approval and consent of Government, to bring forward such suggestions as they come by a series of short Bills, I intend in future that the practice shall be in respect of this Law and of similar Laws dealing with my Portfolio responsibility, that such suggestions shall be collated and at intervals of a year or more, be brought forward in a more substantial amending Bill covering the various suggestions.

This Evidence (Amendment) Bill is the first of such Bills which it is sought to bring before the Honourable Members of this House for their consideration. As I said earlier, the Bill deals with four separate topics and four separate ways in which our Evidence Law of 1978 may be amended.

If I may start with the first which is contained in clauses 2 and 3 of the Bill. Clause 2 of the Bill proposes adding to section 7 of the Evidence Law a few extra words. Clause 3 of the Bill proposes amending section 8 of the principal Law by adding a new subsection.

Section 7 of the Evidence Law is the section which deals with the mode of proof of entries in bankers' books, in that there is a procedure whereby copies of entry in bankers' books may be receivable in courts and prima facie evidence given. The section which we seek to amend now and which I refer to, is particularly amended in subsection (3) which provides that a court may order that the books be produced and the contents proved under subsection (1) of that. As it stands at the moment, Sir, it is in the opinion of the judiciary, at least a matter of doubt whether or not this provision is subject to the overall demands of confidentiality contained in our Confidential Relationships (Reservation) Law.

HON. MICHAEL J. BRADLEY (CONTINUING): As we all know, our Confidential Relationships (Preservation) Law is one of the keystones and one of the structures upon which the integrity and the stability of our offshore financial industry depends. What we are seeking to do is to amend section 7(3) of the Evidence Law so as to place it beyond all doubt that whenever such an order is made for production of bankers' books, that such order is made subject to the safeguards in our Confidential Relationships (Preservation) Law being complied with. It is for that reason that clause 2 of this Bill seeks to add the words in relation to an order being made by a court:-

"and any such order shall be without prejudice to, and compliance therewith shall be subject to the Confidential Relationships (Preservation) Law."

Clause 3 of the Bill is an analagous provision because it seeks to amend section 8 of the Evidence Law. Section 8 of the Evidence Law provides that the court may order inspection of bankers' books. Mr. President, the courts here have taken the view, which they admit is not necessarily widely shared, that subject to the provisions of the Confidential Relationships (Preservation) Law contained in that section as at present, means that the order can only relate to matters not protected by that Law. That is that the order cannot lead to disclosure of information which is protected from disclosure by that Law. As virtually everything in a banker's book is protected by that Law, section 8 as it stands at present, is meaningless.

The section 3(a) Confidential Relationships (Preservation) Law cannot be applied to an order under section 8, and there is no other way that a court can order disclosure.

The judiciary take the view, Sir, that if that is the state, then we might as well do away with the Confidential Relationships (Preservation) Law insofar as it relates to confidential information reposing in bankers' books. An interested party at present merely has to institute proceedings and then apply for an order under section 8.

In view of this, clause 3 amends section 8 of the Law by deleting all the present vague references to the Confidential Relationships (Preservation) Law and the Banks and Trust Companies Law, and adding a new specific subsection which says that any order under subsection (1), which is for the inspection of books:-

"shall be without prejudice to the Confidential Relationships (Preservation) Law, and for the purposes of that Law compliance with such an order by a bank or officer thereof shall, for the purposes of this Law, be deemed to be given in evidence of the matter in the banker's book to be inspected thereunder."

These two clauses deal in detail with and clarify a technical aspect of evidential proof of a particular subject, bankers' books. It has been considered appropriate and recommended by the judiciary. It has been approved by the Law Society and by lawyers in the private sector, and I commend these provisions to the Members of this Honourable House.

HON. MICHAEL J. BRADLEY (CONTINUING): Clause 4 of the Bill is brief, is simple and is un-understandable unless explained. Section 4 says:-

"Section 9 of the principal Law is amended by substituting "judge or magistrate" for "court" in the second line.

"Judge or magistrate" for "court" - what does this mean? Section 9 deals with comparison of handwriting and again the words which are contained in our Evidence Law which states:-

"Comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine may be made by witnesses";

etcetera. However, the Evidence Law itself confuses the issue and confuses the courts in the interpretation, because the Evidence Law for all purposes of the Law has defined a court to mean including:-

"in addition to the ordinary courts and juries of civil and criminal jurisdiction, every tribunal where civil proceedings are conducted and includes the judge or person presiding over or constituting such tribunal and includes also an arbitrator and an umpire";

In view of this interpretation section, our courts have said, and have said quite rightly, that the use of the word "court" in that section instead of the phrase "judge or magistrate", complicates and indeed obscures its meaning. They have produced, and I am satisfied with, the statutory court decisions made on this point. It has been said, and rightly, in court in view of the definition of "court" in this section at present, that it is difficult since words including "arbitrator, umpire" and "juries" are used, who should make the determination. What we are seeking to do is not to change the Law but to clarify its intent by making it quite clear that any writing and comparison may be proved to the satisfaction of the judge or magistrate.

Again, Sir, this is a technical provision, a provision recommended by our judiciary, scrutinised by the Law Society and the private sector, published in the Gazette, and commended to the Members of this Honourable House.

The next amendment, Sir, which we deal with is a much longer one. It is clause 5 of the Bill, and what clause 5 of the Bill seeks to do is to insert into the Evidence Law, two new sections, the margin notes of which are, "Proof of previous conviction by finger prints", and "Evidence of finger prints".

Honourable Members of this House will have noticed that on the Order Paper for the day, and also published in the Gazette, there is contemporaneously with this amendment to the Evidence Bill, a Bill which seeks to repeal the Finger Prints Law of 1964. What, Sir, in short is being sought to achieve with this amendment, is to have the evidence of finger prints contained, not as it is at present in an unsatisfactory and unenforceable form in our Finger Prints Law, but within the main body of our Evidence Law.

Our finger prints Law at present in the statute book, was originally passed in 1964 and made a number of provisions about the taking of finger prints and the recording of finger prints on conviction. It contained originally in section 7 a very important provision which provided that for the purpose of proving a previous conviction of a person convicted of any offence as listed in the Schedule to that Finger Prints Law, a certificate

HON. MICHAEL J. BRADLEY (CONTINUING): as issued by the finger print authority and purporting to be signed by certain persons shall be admissible in evidence without proof and shall be prima facie evidence that the finger prints to which the certificate relates, are the finger prints of the same person. There was a Long Schedule of some seven pages listing the offences for which such method of previous convictions could be proved.

Now, Mr. President, for reasons unknown to me, because I was not honoured by being a Member of this House at the time, when some ten years ago the Criminal Procedure Code was passed, assented to and made part of our Law, that Criminal Procedure Code, away at the end almost as an afterthought, in section 168, repealed section 7 of the Finger prints Law and Schedule. Now, the intention may have been at that time that there was to be brought in analagous legislation providing for the proof of previous convictions by finger prints. In fact, it has not happened and the taking of finger prints now has a procedure such that if one wishes to prove previous convictions, one must go through a very long, cumbersome and formalistic procedure of having a witness, of establishing the witness's credentials and going through a long procedure.

Mr. President, the other provisions which are still in force of the 1964 Finger prints Law, are very brief, are very cursory and do not deal with the subject in the exhaustive detail which one considers it should be dealt with.

As it is considered essential for the efficient operation of criminal investigations and of prosecutions, that previous convictions may be proved by finger prints, and that powers be given to adjudge the finger prints of persons charged in evidence, clause 5 of the Bill before this House seeks to introduce a new section providing for such evidence. The new clause 5 seeks to put into the main Law two new sections, one providing a method whereby a previous conviction may be proven against a person, subject to the safeguards always of the Rehabilitation of Offenders Law which we passed earlier this year, by showing that the finger prints and the finger prints of the person convicted are one and the same.

It goes on and provides for certificates signed by and on behalf of the Commissioner of Police certifying that copies of the finger prints exhibited with the certificate are true copies, and provides a method whereby those can be admitted in evidence.

There is a further provision which would be a new section 23B to our Evidence Law, which provides that in criminal proceedings, a report by a duly authorised person certifying that finger prints are those of the person charged with the offence, or of any other person shall, subject to the safeguards contained later, be sufficient evidence of that fact and of the authority of the person to make the report. In the absence of evidence to the contrary it shall be proof of the facts contained therein as to the finger prints.

However, subsection (2) goes on and provides a safeguard for the citizen, and provides that that method which I have just recited of giving evidence of finger prints, shall not apply in respect of a report tendered by the prosecution to the courts unless first of all a copy has been served on the person charged with the offence not less than 14 days before the hearing of the case, or where the person charged with the offence not less than six days before the hearing, has served a notice on the prosecutor challenging the fact or authority mentioned. So, not only has the prosecution who wishes to tender the evidence of finger prints to give a very long notice to the person charged, but the defence may serve a notice challenging either the authority or the facts of the certificate. If that challenge has been made, then evidence shall be given in the normal manner.

HON. MICHAEL J. BRADLEY (CONTINUING): The fourth substantive matter with which this amending Bill deals is in relation to written statements. Mr. President, at present in our Law, section 24 of the Evidence Law provides a system of proof in criminal proceedings by written statements. Our Law as at present stands says, and I will summarise:-

"In criminal proceedings, a written statement by a person over the age of eighteen years who is able to read and write is admissible as evidence to the like extent as oral evidence to the like effect by that person if -"

Then there are a number of conditions and a provision which says:-

"Provided that the conditions mentioned in paragraphs (c) and (d) shall not apply if the parties agree before or during the hearing that the statement shall be so tendered."

So, there is a procedure whereby instead of going through, especially in preliminary enquiries, a slow procedure of taking oral evidence, in most cases subject to the agreement of the defence, a person over the age of eighteen years who is able to read and write can make a statement admissible in evidence. That, Mr. President, may seem fair, reasonable and adequate to the Members of this House until one thinks of particular circumstances. Without labouring the many examples that there could be, can I just say and draw the attention of Members of the House to one particular set of circumstances. Say we have got an accused person charged in the courts of these Islands with an indictable offence of a sexual nature, attempted rape or rape. We have got the person who was alleged to be assaulted, a child, a female, a teenager or a person even younger, and that person merely because they are under the age of eighteen, has to go through the agony, the tension and the trauma of going to the magistrate's court first, to the summary court and giving the evidence in public, which will be exactly the same evidence as that child will have to give at the Grand Court when the case, if it does, comes up for trial.

The same arguments apply in respect of a person who instead of having, subject to sufficient safeguards a statement reduced to writing, and signed and witnessed by him with his mark, would have to go through the same agony and trauma, merely because of the fact that he is not like many others of us, advantaged by being able to read and write.

What we are seeking to do in clause 4 of this Bill, Sir, is to provide that those restrictions upon written evidence be removed so that subject to very adequate safeguards which are contained in the proposed new provisions which it is sought to put in the Law, that those persons shall be able to make written statements. In many cases, Sir, it happens that much though the defence and the prosecution agree for various reasons for the public good and for the interests of the accused that it would be better if such statements were taken in short form in writing, in our courts at the moment there is no ability so to do. Accordingly, it is proposed that in criminal proceedings that the restriction be removed, but that there be also a subsection which provides that if the statement is made by a person under the age of eighteen, it shall give his or her age. Also if the statement is made by a person who cannot read it, it shall be read to him before he signs it or attests it and shall be accompanied by a declaration by the person who read the statement that it was so made. Finally, if the statement refers to any other documents, copies shall accompany such statements.

HON. MICHAEL J. BRADLEY (CONTINUING): I think, Sir, that it is the wish of lawyers in this community, of my chambers and of the police as prosecutors, that the unnecessary restrictions relating to minors and illiterates to make written statements, be removed.

As a small postscript to this, clause 6 also seeks to amend section 24 of the principal Law by adding a new subsection (8), which says:-

"Whoever, in a written statement tendered in evidence in criminal proceedings by virtue of subsection (1), wilfully makes a material statement in those proceedings which he knows to be false or does not believe to be true is guilty of an offence and liable on conviction to imprisonment for a term not exceeding seven years."

This, Sir, was a matter which again was drawn to our attention by the courts of these Islands, who pointed out that whereas in our criminal Law a written statement under section 24 has to have in it a recital that the person making the statement realises that he or she would be liable to prosecution if anything is stated wilfully in it which is not believed to be true, that despite that requirement there is no sanction or penal provision in our Law for making such a false statement.

Mr. President, I have endeavoured as best I can to explain what may be self-evident to Members here, but which may be to other persons who hear the proceedings over Radio Cayman, a somewhat obscure and technical Bill. I apologise to the House if I have taken too long over it. I feel quite sure, Mr. President, that no matter how exhaustively I manage to cover all the points available, that the ingenuity of Members will not prevent them from finding something which I have not covered, or raising some point which I have not thought of. The only consolation which I am afforded, Sir, is that I have as mover a right of reply.

May I commend this Bill to the Members of this House.

MR. PRESIDENT: The question is that a Bill entitled the Evidence (Amendment) Bill, 1985 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 certainly wish the Member had carried on much longer because while I find nothing wrong with the first two major provisions of the Bill, I am convinced that all is not well with the two latter provisions which this Bill seeks to change in the original Law.

In dealing with the matter of evidence of finger prints in section 5 of the new Bill, under section 23B(1) of the old Law, I imagine, in criminal proceedings a report purporting to be signed by a constable authorised to do so by the Commissioner of Police and certifying that finger prints are those of the person charged with the offence or of any other person shall, subject to subsection (2) be sufficient evidence of that fact and of the authority of that constable to make the report and so on. I would like to see a change there. Instead of the word being a constable, it should be a police officer not below the rank of Inspector.

MR. G. HAIG BODDEN (CONTINUING): The reason for this is that finger print evidence can play a vital part in the case. Take a murder trial, for example. One finger print may determine the outcome of the trial. This matter should not be open for any constable despite the fact that he might be authorised by the Commissioner of Police. I think that this should be changed from constable to a police officer not below the rank of Inspector.

If we look at one part of the English Law where an application is made for finger prints in another matter dealing with children, the English Law says that the court may if it thinks fit, on the application of a police officer not below the rank of inspector order the finger prints of that person to be taken by a constable. So, although the two things are different, the Law does recognise that there is a difference between a constable and a police officer above the rank of Inspector. So, in our Islands here where the penalty, say, for murder could be death by hanging, it is very important that these matters are not left in the hands of a constable who may be quite inexperienced. I would like to see that word "constable" changed to read, "police officer not below the rank of Inspector".

One of the other matters which I am concerned with is the acceptance by the courts of a written statement which cannot be, unless certain prerequisites are met, cross examined. This is a very serious matter. In section 23B(2) it says:-

"Subsection (1) shall not apply to a report tendered on behalf of the prosecution -

(a) unless a copy has been served on the person charged with the offence not less than fourteen days before the hearing; or

(b) where the person charged with the offence, not less than six days before the hearing or by such later time before the hearing or by such later time before his trial as the court may in special circumstances allow, has served a notice on the prosecutor challenging the fact or authority mentioned in subsection (1):".

This seems to me to say that if one is going to cross examine or one is going to call this witness who has given this written statement, one would have to do so before the trial starts. After the trial starts there would be no provision to call this important witness who had put in the written statement. This is a very serious lack in this Bill because it denies the accused the right to cross examine the witness unless the accused or his lawyer had made an objection and had challenged the evidence before the trial. What it seems to me is that this happens quite often. New evidence can come up during the trial. The lawyer defending the accused might be changed just on the eve of the trial. Or, we might even have an instance where a person accused of a crime appears before the court without any counsel at all. Being a lay person he may not have taken advantage of the procedure which is open. Certainly this has to be a defect in the Bill.

The English Law has a provision which safeguards the right of the accused to challenge the evidence during the trial. Reading from this, it says:-

"Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section -

MR. G. HAIG BODDEN (CONTINUING):

(a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence, and"

this is the important one:-

"(b) the court may of its own motion, or on the application of any party to the proceedings require that the person require that person to attend before the court and give evidence."

So, no matter what stage of the trial we were at, the accused in the English Law would have the right to call the person who had put in the written statement to give evidence, so that this person could be cross examined. This right does not appear to be in our Bill. The accused does have the right to cross examine if he had challenged the evidence before the trial had started. However, once the trial has started, I think that there must still be a provision for the accused to call the person who had been the author of the written statement so that that person can be examined. If we do less, Sir, we would be infringing on the rights of the accused to a fair trial.

I would like to refer to some of the conventions on human rights. Article 14 of the International Convention on Civil and Political Rights says:-

"All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, every person shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by Law."

My contention is that the accused must have the right to challenge the evidence, whether it be written or oral, at any time during the trial. It goes on in (e) to say that he:-

"should have the right to examine or have examined the witnesses against him, and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him."

So, we should not limit his right to call the witness at any time, which apparently this would do. It would seem to me that he must challenge the evidence before the trial. I am saying that he should have the right to challenge it at any time.

The other convention of which I am fond is one that I quote often. That is that every person charged with a criminal offence has the following minimum rights. Amongst those rights is the right to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

I am alarmed by what has happened to our criminal Laws since November. We saw quite recently the presumption of innocence changed and nothing was said. Members just sat idly by and allowed it to happen, in my opinion, in direct contravention to the convention which says that every person charged with a criminal offence has the right to be presumed innocent.

MR. G. HAIG BODDEN (CONTINUING): Also, we saw another infringement of human rights when an attempt was made and would have succeeded if it had not been for the timely intervention of the Chief Justice, to say away with trial by jury under the Drugs Law. That was only stopped by the timely intervention of our Chief Justice. Here again, today we see that there is no provision for challenging the written evidence unless it is challenged before the trial. It is not always possible. So, I would like to see the provision added from the English Law to correct this grave defect in this Bill.

While it is not my desire to offer amendments to this House, I hope to circulate an amendment to correct these defects.

In section 6(a)(1)(c) of the new Bill, it says:-

"not less than seven days before the hearing,"

and I maintain that seven days is not sufficient, because here in many instances accused people have lawyers who live overseas. It is not always easy to communicate with them and the time limit of seven days is not sufficient.

Also, there is a grave defect in another section dealing with evidence from those persons who are unable to read and write. Subsection (2)(b) of section 6 reads:-

"if the statement is made by a person who cannot read it, it shall be read to him before he signs it or attests it by his mark and shall be accompanied by a declaration by the person who read the statement to him to the effect that it was so read;"

That section is too wide and can never be allowed to remain in this Bill. The statement should be read to the person by a Justice of the Peace or some other responsible person. It cannot be left wide open so that a statement can be read to the person, say by a constable who is investigating the case. This must be changed, because this is a matter dealing with criminal matters where the convicted person might be given a death sentence or a very long prison sentence. These matters cannot be treated lightly simply to speed up administrative matters.

To summarise some of the things I have been saying, I would like to see an amendment to section 5 of the Bill to change the word "constable" to "police officer not below the rank of inspector". Also I would like to see that section 5 of the Bill be amended by the addition of a new subsection which I spoke about:-

"notwithstanding that a report made by any person may be admissible as evidence by virtue of this section -

- (a) the party by whom or on whose behalf a copy of the report was served may call that person to give evidence, and
- (b) the court may of its own motion, or on the application of any part of the proceedings, require that person to attend before the court and give evidence."

MR. G. HAIG BODDEN (CONTINUING): I would also like an amendment to section 6 of the Bill to make it clear that the matters referred to in the new section 24 do not apply to preliminary enquiries.

I would also like to see the time of seven days changed to fourteen days. As I mentioned with regard to having a statement read over to a person who is illiterate, it should be done by a Justice of the Peace and not simply by any person.

Finally, I would like to say that in any of these matters, that any person giving any written certificate to the court or any written evidence to be used in a criminal matter, should be called if the defendant so wishes to call that person. While the prosecution, perhaps, would like to speed up and make easy the administration of justice, we have to make certain that people accused are given a fair trial and given an opportunity, either by themselves or through their own counsel to cross examine witnesses who may testify against them. This Bill is not one which should be political or should be laughed at. It is one which has to deal with the administration of justice and with basic human rights. While I have been disgusted with the attitude displayed to these human rights in recent months, I cannot tolerate and cannot accept this Bill without the substantial amendments which I have suggested.

MR. PRESIDENT: Does any other Member wish to speak?
Does the mover wish to exercise his right of reply?

HON. MICHAEL J. BRADLEY: Yes, Mr. President, I wish to exercise my right of reply.

Mr. President, the Honourable Second Elected Member for Bodden Town did not let me down. Man's ingenuity is untrammelled. I have tried, Sir, to take a note of the points which he has raised and I would like to deal with them, inasmuch as I can, in the order that he raised them very helpfully in his summary of his summary of his speech.

The first point, Mr. President, is that where we have in clause 5 of the Bill provided that in criminal proceedings, a report purporting to be signed by a constable, duly authorised, may be admitted, that the Honourable Member would like that to be changed to a provision which says that it must be a police officer not below the rank of Inspector.

Let us go back twenty-one years. Let us go back to the days when perhaps the Cayman Islands did not have the degree of forensic ability or sophistication which its police force has now. Let us go back to the person who was authorised in 1965 to be the authorised officer for the making of certificates under the Finger Prints Law, Law 19 of 1965. That person there was any member of the Cayman Islands police force of or above the rank of sergeant, or any prison officer appointed as such by the Administrator, or any sub-officer of the Jamaican constabulary. I would hope and I am sure that it was not the intention of the Honourable Member to infer that the standard of intelligence and standard of ability of the members of our police force have decreased in the twenty-one years since the original Finger Prints Law was taken that now finger prints certificates have to be made, according to his suggestion, by an Inspector.

Our Bill in its present proposed draft form seeks to provide similar provisions to those contained in the 1948 Criminal Justice Act of the United Kingdom, which says that a certificate purporting to be designed by or on behalf of the Commissioner of Police of the Metropolis, and then goes on to say or a certificate purporting to be signed by or on behalf of the Governor of a prison or other provisions by or on behalf of

HON. MICHAEL J. BRADLEY (CONTINUING): without restriction that the person who was signing it on behalf of anybody had to be a member of any police force or to have any qualifications.

If, at Committee Stage it is thought by this Honourable House that the phrase constable is worrying, or is too wide, I personally and I have not spoken to my colleagues, would not have any great objection to restoring it to the sergeant level of competence which has been in our Law for the past twenty-one years.

May I come to the second point, Mr. President. That is that the Honourable Member if I understood him correctly, said that he would not be able to support this Bill and that he would object to it vehemently unless there was a provision in it that notwithstanding the other provisions, that a written statement which is admissible as evidence, may be the subject of a requirement by the court or the application of any party to the proceedings, to attend before the court and give evidence.

I am sorry, Mr. President, if late in the afternoon I fail a little to understand why the Honourable Member wants this request, which he says is contained in the United Kingdom legislation. Indeed it is contained in the United Kingdom legislation in the Criminal Justice Act, 1967 which says that notwithstanding that a written statement made by any person may be admissible in committal proceedings by virtue of this section, the court before which the proceedings are held may have its own motion, or on the application of any party to the proceedings require that person to attend before the court and give evidence. My understanding, Mr. President, is that is what he wants in our Evidence Law. However, Sir, I cannot understand why he wants it in our Evidence Law twice, because section 24(3) of our Evidence Law at present enforced for the last seven years says, and I quote:-

"Notwithstanding that a written statement by any person may be admissible as evidence by virtue of this section -"

"(b) the court may, of its own motion, or on the application of any party to the proceedings, require that person to attend before the court and give evidence."

That he wants, Sir, is there and has been there since 1978 since our Evidence Law was put on the statute book. I do not understand why he wants it in again unless one thinks that by making a double knot it is any better than a single knot.

Mr. President, the next provision which he wanted inserted and the next amendment he wanted was to change section 6 of the Bill to provide that the admissibility of written statements would not apply to preliminary enquiries. As I said in my opening speech, one great reason why we should widen the authority already given to make written statements to persons who are under eighteen or illiterate, which already exists in respect of preliminary enquiries by persons over that age or literate, was to prevent persons having to go through the time consuming, agonising task of giving oral evidence when it was not necessary. The ability to give written statements in preliminary enquiries is already in our Law in respect of persons over the age of eighteen years and only limited to that and to literacy.

HON. MICHAEL J. BRADLEY (CONTINUING): The next point he made, Sir, was that he would like the period of seven days minimum that a written statement has to be served to other parties before it is tendered in evidence, to be extended to fourteen days from seven days. The whole intent of putting a time in the provisions of the Evidence Law is to strike a fair balance between giving the accused person or the interested party an opportunity to know the evidence being given against him and to have time to rebut it and the other balance of not delaying proceedings unduly. If there was a requirement of fourteen days, it could in certain circumstances mean that a person would be in remand and in custody for a longer period of time than would appear to be necessary.

Mr. President, the next amendment which the Member was seeking to be considered was the provision that a statement would have to be read over by a Justice of the Peace, whereas the present proposal does not contain any restriction. I, as all Members of this House are, are concerned and sensitive to see that not only is justice done but that justice is seen to be done. I would personally think that the burden of work upon the Justices of the Peace in these Islands would become very burdensome if day after day they were required to have these statements read out by them and taken over by them. I am sure that if at Committee Stage this amendment is made, it is a burden which the Honourable Chief Secretary, the Honourable Financial Secretary and all the other Justices of the Peace inside and outside this House will happily bear. If they will happily bear it, then they should propose and vote for such an amendment. However, I do think that the interests of justice would be amply served by a provision at Committee Stage, if thought necessary, that it was read over to the person, and that a clause was provided that the person who signed the declaration was satisfied that the person making the statement knew and understood the meaning of the contents of it.

Mr. President, the final point was made by the Honourable Second Elected Member for Bodden Town in relation, again, to clause 6 of the Bill, that there should be an opportunity for persons to have time to make statements. At the present time in clause 6 of the Bill, within four days of the service of the copy of the document upon the person, a notice can be tendered saying that they object to the statement, which would enable them to force the prosecution to give the evidence in parol form. Even if they are too late in this, under the section which is already in our Law, there is power for them at any time to apply to the court to require a person to attend.

Mr. President, I hope that I have allayed inasmuch as I can, the fears and the worries of the Second Elected Member for Bodden Town and I would commend this Bill to the Honourable House. At Committee Stage, if any Members feel that there is any point which has not been adequately or fully dealt with in the particulars in the Bill, I shall be happy and receptive to listen to their suggestions.

May I commend the Bill to the Honourable House.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Evidence Law, 1978 be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:

May I have a division, Mr. President, please

MR. PRESIDENT:

Yes.

DIVISION
NO. 80/85

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. James M. Bodden	Mr. Linford A. Pierce
Hon. Michael J. Bradley	Mr. G. Haig Bodden	
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		
Capt. Mabry S. Kirkconnell		
Mr. D. Essard Miller		
11	2	1

AGREED BY MAJORITY:

THE EVIDENCE (AMENDMENT) BILL, 1985
GIVEN A SECOND READING.

MR. PRESIDENT:

approximately fifteen minutes.

I will now suspend proceedings for

AT 3.23 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.42 P.M.

MR. PRESIDENT:

Please be seated.
Bills. First Reading.

THE FINGER PRINTS (REPEAL) BILL, 1985

FIRST READING

CLERK: THE FINGER PRINTS (REPEAL) BILL, 1985.

MR. PRESIDENT:

A Bill entitled a Bill for a Law to
repeal the Finger Prints Law, 1964, is deemed to have been read
a First time and is set down for Second Reading.

SECOND READING

CLERK: THE FINGER PRINTS (REPEAL) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move the Second Reading of a Bill shortly entitled The Finger Prints (Repeal) Bill, 1985.

As I stated in my Second Reading speech on the Evidence (Amendment) Bill, 1985, that Bill seeks to incorporate within the Evidence Law, 1978, such provisions as are necessary or expedient to provide for a system of finger printing within these Islands. If such Law is passed, as I hope that it will be, then our present Finger Prints Law will be redundant and of no necessity whatsoever.

In that view, Sir, I would therefore move the Second Reading for the repeal of that Law by the Second Reading of this Bill.

MR. PRESIDENT: The question is that a Bill entitled The Finger Prints (Repeal) Bill, 1985 be given a Second Reading. The motion is open for debate. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. THE FINGER PRINTS (REPEAL) BILL, 1985
GIVEN A SECOND READING

MR. PRESIDENT: Bills. First Reading.

THE SUCCESSION (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE SUCCESSION (AMENDMENT) BILL, 1985.

MR. PRESIDENT: The Bill entitled The Succession (Amendment) Bill, 1985, is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE SUCCESSION (AMENDMENT) BILL, 1985.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move the Second Reading of a Bill shortly entitled The Succession (Amendment) Bill, 1985.

The present Law in force in these Islands relating to succession and the administration of estates, is the Succession Law, 1975, which largely consists of a consolidation and reinstatement of a number of old Laws dealing with this subject. The provisions of this Law have been described as highly unsophisticated and geared to the requirements of a society untrammelled by foreign contacts. With the complex legal probate and administration work now being carried out in these Islands, the courts frequently encounter situations which are not dealt with or recognised under our Law, and the frequency of these occasions is increasing.

If I may quote a number of examples. There was an application made for resealing or alternatively probating a will which was made in Quebec on behalf of an executor domiciled in Canada, where the deceased was also domiciled in Canada, leaving assets in these Islands. In Quebec there are three ways of validly

HON. MICHAEL J. BRADLEY (CONTINUING): executing a will, two requiring probate in the appropriate court, and one prepared by, signed in the presence of a Notary Public and witnessed by him. The will in question was of the latter type, executed in Quebec but which could not be probated in a court in Quebec. Nevertheless, it was fully effective as a will in Quebec, but not here without resealing.

Section 23 of our Succession Law only recognises probates or letters of administration granted by courts in other countries. As no probate had been granted by a court in Quebec, section 23 could not be invoked. No other provision existed either. In the end, the courts here had to suggest to the parties application for letters of administration, which led to additional costs and appeared anomalous, where in fact a will did exist. If the courts here could have resorted to the procedures in the United Kingdom, there would have been little difficulty.

The present Succession (Amendment) Bill before the House seeks to do that, to resort to the procedure in the United Kingdom where our own Law is silent. What it seeks to do is to put an extra section 41A. into the Succession Law. That section 41A.(1) will say:-

"In any matter of practice for which no provision is made by this or any other Law or by any rules or other regulations made thereunder, the law and practice in similar matters of the Supreme Court of Judicature in England as nearly as may be applies, so far as local circumstances permit and subject to any directions which the Court may give in any particular matter.

- (2) If any difficulty arises in respect of the operation or extent of subsection (1), the Court may give directions, either with respect to a particular matter or generally, as to the procedure to be followed for the removal of such difficulty."

Those difficulties do crop up. I asked the courts to give me further examples and they quoted me a number of provisions of the probate and administration rules and of other matters which relate to reasonably sophisticated concepts. Rule 38 of the Probate and Administration Rules covers certain alternatives. However, it does not meet the case where a person abroad, who is entitled to a grant and who is not under a disability applies, as has happened, for a grant to be made to a person to whom he or she has granted a power of attorney to administer the estate or part of it which is found in these Islands. Under our Succession Law at the moment, that cannot be done.

Rule 35 does not go far enough in providing machinery and guidance for the protection of the interests of minors. The courts here are left to make innovations which may be of doubtful legality.

Rule 41 relieves a trust corporation of the requirement to provide a surety on application for letters of administration. However, nowhere do the Rules entitle a trust corporation to apply for or be granted letters of administration.

These are problems which have cropped up in our courts in relation to our Succession Law in the last twelve months.

HON. MICHAEL J. BRADLEY (CONTINUING): Mr. President, the complete answer would be for our present Law to be updated and a comprehensive and new Succession Law enacted, which would cover all the complex problems which we now encounter. However, as it will not be possible for such a Law, such is the pressure of our drafting programme, to be drafted in the near future, in the meantime as an interim measure I commend to Members of this Honourable House the provisions in this short amending Bill, whereby if our Law does not specifically cover any provision regarding succession, then with adaptations for local circumstances and subject to the directions of our court, that the British practice should apply.

This provision has had the blessing of the private sector of the legal community. It has the approval of the courts and has the support of the members of my chambers.

I commend this short Bill to the Honourable House.

MR. PRESIDENT: The question is that a Bill entitled *The Succession (Amendment) Bill, 1985* be given a Second Reading. The motion is open for debate. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. THE SUCCESSION (AMENDMENT) BILL, 1985
GIVEN A SECOND READING.

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled the *Land Acquisition (Amendment) Bill, 1985* and other Bills.

THE LAND ACQUISITION (AMENDMENT) BILL, 1985

COMMITTEE THEREON

MR. CHAIRMAN: Please be seated.
The House is now in Committee.
A Bill for a Law to amend the Land Acquisition Law (Chapter 81).

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF LAW.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3 - FURTHER AMENDMENT OF LAW.

MR. CHAIRMAN: The question is that clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4 - AMENDMENT OF SECTION 2.

MR. CHAIRMAN: The question is that clause 4 do stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, I would like to say that I disagree with the changing of the definition of Governor and defining it to now mean Governor-in-Council, because this in my opinion substantially puts certain actions in the hands of Executive Council. I think that they already have too much power and I would like it to remain as it was in the old Law.

MR. CHAIRMAN: I am sure that it would be improper of me to enquire whether that is an opinion which you have long held. However, you are not actually proposing an amendment to the clause are you? I take it that you will vote against the clause?

MR. G. HAIG BODDEN: The only amendment I would have is to delete clause 4, which would be done if I vote against it, I suppose.

MR. CHAIRMAN: Yes, so really you achieve that by voting against it. In that case, I will put the question that clause 4 do stand part of the Bill.

QUESTION PUT: AYES AND NOES

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

MR. CHAIRMAN: Certainly.

DIVISION
NO. 81/85

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
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

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

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2

CLAUSE 4 PASSED BY MAJORITY.

CLERK: CLAUSE 5 - AMENDMENT OF SECTION 9.

MR. CHAIRMAN: The question is that clause 5 stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6 - AMENDMENT OF SECTION 10.

MR. CHAIRMAN: The question is that clause 6 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7 - AMENDMENT OF SECTION 12.

MR. CHAIRMAN: The question is that clause 7 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8 - AMENDMENT OF SECTION 13.

MR. CHAIRMAN: The question is that clause 8 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9 - AMENDMENT OF SECTION 15.

MR. CHAIRMAN: The question is that clause 9 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 PASSED BY MAJORITY.

CLERK: CLAUSE 10 - AMENDMENT OF SECTION 24.

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.

CLERK: CLAUSE 11 - AMENDMENT OF SECTION 33.

MR. CHAIRMAN: The question is.....

MR. JAMES M. BODDEN: Did you ask for the noes on clause 10?

MR. CHAIRMAN: I did. I think that you were talking to your colleague. I am sorry if you missed it.

MR. JAMES M. BODDEN: I would like to be recorded with a no on that, Sir.

MR. CHAIRMAN: Well, the only way we could get a record would be if you asked for a division. Since I have not... I would be prepared to allow a division on clause 10 if you wish. Would you like a division?

MR. JAMES M. BODDEN: Yes, Sir.

MR. CHAIRMAN: Alright. This is clause 10 and the question is that clause 10 do stand part of the Bill. A division.

RECOMMITTAL OF VOTE - CLAUSE 10

DIVISION
NO. 82/85

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. James M. Bodden	Mr. G. Haig Bodden
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. D. Ezzard Miller		
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12	1	1

CLAUSE 10 PASSED BY MAJORITY.

CLERK: CLAUSE 11 - AMENDMENT OF SECTION 33.

MR. CHAIRMAN: The question is that clause 11 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 11 PASSED BY MAJORITY.

CLERK: CLAUSE 12 - AMENDMENT OF SECTION 34.

MR. CHAIRMAN: The question is that clause 12 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 division on that please?

MR. CHAIRMAN: On clause 12? Yes.

DIVISION
NO. 83/85

<u>AYES</u>	<u>NOES</u>
Hon. Dennis H. Foster	Mr. James M. Bodden
Hon. Michael J. Bradley	Mr. G. Haig Bodden
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. D. Ezzard Miller	
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CLAUSE 12 PASSED BY MAJORITY.

MR. JAMES M. BODDEN: Mr. Chairman, could we take section 13 in two steps? There is section 13(a) and 13(b). My conscience can allow me to vote for section 13(a) but not 13(b).

MR. CHAIRMAN: I do not think that there is any... If you can quote me a Standing Order or a precedent which says that we can divide a clause in two, that would be alright. However, I think that your only means of indicating your view is to move an amendment. Is there any known precedent for taking a clause in two bits?

HON. MICHAEL J. BRADLEY: I think that the Member could achieve his objective by moving an amendment to delete whichever of the two sub-clauses he considered objectionable. He could then vote for that amendment, and having succeeded in deleting it with the support of the House, could then vote for the entire clause or vice versa.

MR. CHAIRMAN: I think that that makes a major assumption. However, I am sure that the point could be made in that way. I do not think though that I can split up a clause unless you can quote me a Standing Order or something from Erskine May which tells me I can.

MR. JAMES M. BODDEN: No, these new Standing Orders, Sir, - I have not had time to read that junk really. I will move an amendment to clause 13. I will move an amendment that section 13(b) be deleted in its entirety.

HON. MICHAEL J. BRADLEY: I take it, Sir, that the Member is asking that you grant leave under Standing Order 52(2).

MR. CHAIRMAN: Yes, that is what I was just looking for.

MR. JAMES M. BODDEN: Well, it is getting pretty bad when we cannot move amendments to a Bill before the House, really.

MR. CHAIRMAN: It has in fact frequently been the practice here to allow Members to move, both from the Government side and the Opposition side, motions for the amendment of Bills, without conveyed notice for which Standing Orders provide. I am presuming that you are seeking leave to do what is....

MR. JAMES M. BODDEN: Well, we have had so much repression of human rights and freedom here, Sir, in this House that I do not know. However, I have been in the House now about fourteen years and I know that we have a Standing Order which deals with it, but in 90 per cent of the cases in Committee we have always been able to raise it on the floor.

MR. CHAIRMAN: That is what I was just saying.

MR. JAMES M. BODDEN: That is what I am asking. Now, if I have to ask for the Standing Orders to be waived I will ask. It will only take some more time. I will ask that Standing Order 52(2) be waived to allow me to make an amendment.

MR. CHAIRMAN: That is right.

MR. JAMES M. BODDEN:

The House can vote it up or down.

MR. CHAIRMAN:

That is it. Well, I will grant you leave, notwithstanding Standing Order 52(2) to move an amendment. My understanding of your amendment is that subparagraph (b), if that is the right description of it, of clause 13 should be deleted. So the question first before the Committee is whether clause 13 shall be amended by the deletion of subparagraph (b). Does any Member wish to speak to that amendment? In that case I will put the question that clause 13 be amended.

QUESTION PUT: AYES AND NOES.

MR. JAMES M. BODDEN:

May I have a division on that? I think that I heard a vote for my motion from that side.

MR. CHAIRMAN:

You would like a division?

MR. JAMES M. BODDEN:

Yes, Sir, I would like a division to find out where that eye came from on the other side.

HON. BENSON O. EBANKS:
Yes, Sir. (LAUGHTER).

I think that it was in the Committee

DIVISION
NO. 84/85

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Mr. James M. Bodden	Hon. Dennis H. Foster	Mr. W. McKeever
Mr. G. Haig Bodden	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. O'neill	
	Mr. Linford A. Pierson	
	Capt. Mabry S. Kirkconnell	
	Mr. D. Ezzard Miller	
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AMENDMENT TO CLAUSE 13 DEFEATED BY MAJORITY

MR. CHAIRMAN:

So, we now revert to the clause in its original form. Does any Member wish to speak to it? In that case, I will put the question that clause 13 do stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. JAMES M. BODDEN:

May I have a division?

MR. CHAIRMAN:

Yes.

DIVISION
NO. 85/85

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. James M. Bodden	Mr. W. McKeever
Hon. Michael J. Bradley	Mr. G. Haig Bodden	
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. Eazard Miller		
<hr/> 11 <hr/>	<hr/> 2 <hr/>	<hr/> 1 <hr/>

CLAUSE 13 PASSED BY MAJORITY.

CLERK: CLAUSE 14 - AMENDMENT OF SECTION 36.

HON. MICHAEL J. BRADLEY: Mr. Chairman, whilst on occasion the term "magistrage" may seem appropriate in our summary jurisdiction court, I feel that it is a typographical error and should be "magistrate".

MR. CHAIRMAN: Thank you for bringing that to my notice. I wonder whether rather belatedly I could ask for the Committee to agree, as we have in all recent Meetings, that any typographical or similar errors may be corrected by the Honourable Second Official Member? He has brought this one to our notice, but there may be others either in this Bill or in other Bills. Would that be agreeable to the Committee? I think that that is our normal practice now.

So, subject to the correction which has already been noted, to clause 14, the question is that clause 14 stand part of the Bill. I will put that question.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE LAND ACQUISITION LAW.

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: The second Bill is the Companies (Amendment) Bill, 1985.

THE COMPANIES (AMENDMENT) BILL, 1985

COMMITTEE THEREON

MR. CHAIRMAN: Before we start to discuss this Bill, I have certainly been given notice of one amendment which will be proposed to clause 8. My understanding is that copies of that proposed amendment have been circulated to Members. Is that correct? Yes, Members have got it. That is alright then. Well, when we come to clause 8 we can take it.

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 4 OF CHAPTER 22.

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 29.

MR. CHAIRMAN: The question is that clause 3 do stand part of the Bill.

HON. MICHAEL J. BRADLEY: Mr. Chairman, in clause 3 there is one small matter which needs to be drawn to the attention of the Committee, which does not fall within my general authority of typographical errors. That is in the second line there is an asterisk other, oblique, or "* other/similar word". My understanding is from my legal draftsman that these were left in as alternatives for consideration. However, in fact both have reached the Bill stage. Subject to what the Honourable mover of the Bill says, I feel that I should ask leave of you, Sir, under Standing Order 52(2), to move an amendment without prior notice being given, the amendment being that in line 2 of clause 3, that "* other/" be deleted.

MR. CHAIRMAN: Leave is granted. So, the amendment is that "* other/" should be deleted. If no Member wishes to speak to the proposed amendment, I will put the question that clause 3 be amended as proposed by the Honourable Second Official Member.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 3 PASSED.

MR. CHAIRMAN: We now turn to clause 3 as amended. If no Member wishes to speak to that I will put the question that clause 3 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 AS AMENDED PASSED.

CLERK: CLAUSE 4 - AMENDMENT OF SECTION 31.

MR. CHAIRMAN: The question is that clause 4 do stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, I strongly object to the latter part of that clause, which makes the issuance of fractional shares retroactive to time immemorial apparently. I feel that it is wrong. There is no necessity for it, and I certainly cannot support it.

MR. CHAIRMAN: I take it that you will be voting against it rather than moving an amendment. Am I right?

MR. G. HAIG BODDEN: Yes, I will vote against the entire clause because the result of the amendment would be the same as the result of voting against the clause.

MR. CHAIRMAN: In that case the question is that clause 4 do stand part of the Bill. I will put the question.

QUESTION PUT: AYES AND NOES.

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

MR. CHAIRMAN: Yes.

DIVISION
NO. 86/85

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. 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. James M. Bodden
Mr. G. Haig Bodden

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CLAUSE 4 PASSED BY MAJORITY.

CLERK: CLAUSE 5 - REPEAL OF SECTION 54.

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

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6 - AMENDMENT OF SECTION 57.

MR. CHAIRMAN: The question is that clause 6 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

MR. W. McKEEVA BUSH: Mr. Chairman. May I just query whether we can take more of these sections together in order to finish quicker?

MR. CHAIRMAN: If I had realised how many sections there were I might have done. However, in fact there is an amendment to section 8, so I think that it will be quickest if we go one at a time just at the moment. We might take some of the later ones together.

CLERK: CLAUSE 7 - AMENDMENT OF SECTION 91.

MR. CHAIRMAN: The question is that clause 7 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8 - AMENDMENT OF SECTION 129.

MR. CHAIRMAN: This is the clause in respect of which an amendment has been circulated by the Honourable Third Official Member. I will ask him formally to move it.

HON. THOMAS C. JEFFERSON: Mr. Chairman, I ask leave of the Chair to move the amendment to clause 8.

MR. CHAIRMAN: Leave granted.
Do you want to speak to it at all to explain it to Members.

HON. THOMAS C. JEFFERSON: Mr. Chairman, section 129 is broken into three paragraphs, (a), (b) and (c). Paragraph (c) is not necessary as "special resolution" is mentioned in (b). Therefore, the whole of paragraph (c) should fall away. The amendment which I am seeking to move at this particular stage would effect that. It is that clause 8 of the Bill be substituted by the following:-

"8. Section 129 of the principal Law is amended -

- (a) by inserting "or" immediately after the semicolon at the end of paragraph (a);
- (b) by substituting a fullstop for "; or" at the end of paragraph (b) and by deleting the last nine lines."

The nine lines are in paragraph (c). So, in effect we would put "or" at the end of paragraph (a), which leads on to say:-

"(b) if the company has passed a special resolution requiring the company to be wound up voluntarily."

MR. CHAIRMAN: Am I right in understanding that the last nine lines which are to be deleted are nine lines in the present substantive clause 129?

HON. THOMAS C. JEFFERSON: No, the last nine lines in section 129(c).

MR. CHAIRMAN: Yes, that is right.

HON. MICHAEL J. BRADLEY: What I was going to ask, Mr. Chairman is the guidance of the Chair as to whether this is considered a new clause for the purposes of Standing Order 52(8), or whether it is considered an amendment to the present clause?

MR. CHAIRMAN: I would have thought that it was an amendment. I must look at Standing Order 52(8) again.

HON. MICHAEL J. BRADLEY: It is not seeking to amend a clause in the Bill. It is seeking to substitute a new clause and I would be grateful for your guidance.

MR. CHAIRMAN: I think that it is really a marginal case. It is certainly arguable that it is a new clause. However, it is still a clause which seeks to amend section 129 of the principal Law. Therefore, for that purpose I would be prepared to regard it as an amendment, even if a somewhat drastic amendment of clause 8 of the Bill.

HON. MICHAEL J. BRADLEY: So, are you saying that an amendment which substitutes a new clause to a Bill, or a different clause to a Bill, is not a new clause? A new clause is only when you add an extra clause to a Bill.

MR. CHAIRMAN: Or if you substituted a clause which had an entirely different purpose. If for clause 8 there has been substituted a clause which sought to amend section 128 of the Law instead of to amend section 129, I would have felt bound to regard that as a new clause. However, we are still seeking to amend section 129 of the Law, which is what the original clause 8 sought to do. We are now seeking to amend it in a slightly different way. Without reading Erskine May very carefully I would not really know what the proper ruling is. However, it seems to me not unreasonable to allow an amendment to the clause as it stands in the Bill. I just wanted to be quite sure that the amendment where it ends, "and by deleting the last nine lines", I have not got the substantive Law with me, does make sense does it?

HON. THOMAS C. JEFFERSON: Yes, Sir, I have it here.

MR. CHAIRMAN: Oh, I am sorry, we have got it. Yes. Clause 129. Yes, I see.

The question is then that clause 8 be amended in the manner proposed by the Honourable Third Official Member. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 8 PASSED.

MR. CHAIRMAN: The question now then is that clause 8 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 8 AS AMENDED PASSED.

CLERK: CLAUSE 9 - AMENDMENT OF SECTION 132.
CLAUSE 10- AMENDMENT OF SECTION 135.
CLAUSE 11- AMENDMENT OF SECTION 136.

MR. CHAIRMAN: The question is that clauses 9 to 11 do stand part of the Bill. I will put that question.

QUESTION PUT: AGREED. CLAUSES 9, 10 AND 11 PASSED.

CLERK: CLAUSE 12- AMENDMENT OF SECTION 139.
CLAUSE 13- AMENDMENT OF SECTION 155.
CLAUSE 14- AMENDMENT OF SECTION 160.

MR. CHAIRMAN: The question is that clauses 12, 13 and 14 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 12, 13 AND 14 PASSED.

CLERK: CLAUSE 15- AMENDMENT OF SECTION 161.
CLAUSE 16- AMENDMENT OF SECTION 184.
CLAUSE 17- AMENDMENT OF SCHEDULE.

MR. CHAIRMAN: The question is that clauses 15, 16 and 17 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 15, 16 AND 17 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 AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: I think it is so nearly 4.30 p.m. that there really is no time to embark on the Committee Stage of another Bill. The House will therefore now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.

ADJOURNMENT

MR. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 tomorrow morning.

QUESTION PUT: AGREED. AT 4.31 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., WEDNESDAY 4TH DECEMBER, 1985

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

FOURTH DAY
WEDNESDAY
4TH DECEMBER, 1985

PRESENT:

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 EDANKS MEMBER RESPONSIBLE FOR HEALTH
EDUCATION AND SOCIAL SERVICES

HON W NORMAN BODDEN, MBW MEMBER RESPONSIBLE FOR TOURISM
AVIATION AND TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER RESPONSIBLE FOR COMMUNICATIONS
WORKS AND DISTRICT ADMINISTRATION

HON VASEEL C JOHNSON, CBE, JP MEMBER RESPONSIBLE FOR DEVELOPMENT
AND NATURAL RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MRS DAHNE 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 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

APOLOGIES

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

WEDNESDAY

4TH DECEMBER, 1985

FOURTH DAY

1. PRAYERS

TO BE READ BY THE ELECTED MEMBER FOR NORTH SIDE.

2. PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE SELECT COMMITTEE ON PROHIBITION OF LIQUOR AND CIGARETTE ADVERTISING IN THE CAYMAN ISLANDS.

TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL.

3. QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 144: WILL THE HONOURABLE MEMBER GIVE THE TOTAL COST TO DATE FOR ALL ADVISERS, CONSULTANTS OR SIMILAR EXPERTS EMPLOYED OR APPOINTED BY THE GOVERNMENT TO VISIT THE ISLAND SINCE 1ST DECEMBER, 1984?

NO. 145: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE AMOUNT OF THE NATIONAL BUDGET SPENT FOR AND ON BEHALF OF THE LESSEE ISLANDS IN 1985 AND HOW DOES THIS COMPARE WITH 1984?

NO. 146: WILL THE HONOURABLE MEMBER GIVE THE TYPES OF EQUIPMENT ALLOWED IN DUTY FREE OR DUTY EXEMPTED TO THE CONTRACTORS OF THE HYATT HOTEL SITE?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 147: WOULD THE HONOURABLE MEMBER STATE WHAT TOTAL TRADING DEBTS CAYMAN AIRWAYS HAS REMAINING UNPAID AS OF JUNE, 1985?

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. 148: WOULD THE HONOURABLE MEMBER STATE HOW MUCH GOVERNMENT CONTRIBUTES TO THE OPERATION OF THE PINES AND HOW MANY RESIDENTS HAVE THEIR FEES PAID BY GOVERNMENT?

4. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS, ON DAYLIGHT SAVINGS TIME.

5. GOVERNMENT BUSINESS

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING:

COMMENCEMENT OF DEBATE ON THE BUDGET ADDRESS.

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WEDNESDAY

4TH DECEMBER, 1985

10.04 A.M.

MR. PRESIDENT:
North Side.

Prayers. The Elected Member for

MR. D. EZZARD MILLER:

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.

The Lord bless us and keep us. The Lord make His Face shine upon us and be gracious unto us. The Lord lift up His Countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Please be seated.

Presentation of Papers and Reports.
The Honourable First Elected Member of Executive Council.

PRESENTATION OF PAPERS AND REPORTS

HON. BENSON O. EBANKS:

Mr. President, I beg to lay on the Table, Sir, the Report of the Committee of the Legislative Assembly appointed to study Private Member's Motion No. 11/85 and No. 13/85 dealing with the prohibition of liquor and cigarette advertising in the Cayman Islands.

MR. PRESIDENT:

So ordered.

HON. BENSON O. EBANKS: Mr. President, Private Member's Motion No. 13/85 which is the motion which extended the scope of Private Member's Motion No. 11/85, and was really the subject of study by the Committee, reads:-

"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, television and all other ways in which such advertising is communicated to the public in the Cayman Islands."

This motion was passed by division on the 23rd May, 1985. Private Member's Motion No. 11/85 which Private Member's Motion No. 13/85 amended, Mr. President, reads:-

"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 and/or cigarettes by local radio and billboards."

At the Sitting of the Legislative Assembly on the 23rd May, Mr. President, you appointed me as Chairman of this Committee. The Committee held three meetings on the 16th October, the 23rd October and the 30th October, 1985.

Your Select Committee, Mr. President, recommends that all tobacco products and liquor advertising on Radio Cayman be eliminated by allowing all contracts to expire and not be renewed, and that no new contracts be written. It also recommends that all Government statutory corporations and companies be requested to eliminate all tobacco products and liquor advertising on billboards, by allowing all contracts to expire and not be renewed, and that no new contracts be written.

Thirdly, it recommends that a warning be prominently placed on all advertising relating to tobacco products in anything printed or published in the Cayman Islands, as is required by law in the United Kingdom and the United States. The said warning is to follow the wording used in the United Kingdom and is to be determined by the Honourable Attorney-General's chambers.

Fourthly, all advertising placards in relation to tobacco products shall not be displayed in any place without the warning stipulated above.

It also recommends that tobacco products and liquor advertising be prohibited in advertisements emanating from television signals originating in the Islands in the future.

Sixth, it recommends that all tobacco products and liquor advertising in cinemas be prohibited. The Chairman declared an interest in that recommendation, Mr. President.

Seventh, it is recommended that that legislation be introduced to cover the recommendations as set out above.

Eight, upon the approval of the Select Committee Report by the Legislative Assembly, the Attorney-General's chambers are requested to draft such legislation.

HON. BENSON EBANKS (CONTINUING): This is the Report of the Select Committee, Mr. President, and as regards the specific recommendations, if this Report is accepted by the House, Government is prepared to proceed with the necessary legislation.

MR. PRESIDENT: I take it that I am right in assuming that in effect the Member is moving that the recommendations in the Report be adopted?

HON. BENSON O. EBANKS: Yes, Mr. President, I ask that I be excused for being so disorganised, but the rain has messed up my papers a bit.

MR. PRESIDENT: In that case, the Report is open for debate if any Member wishes to speak on it. If none wished to, then in accordance with the provisions of Standing Order 72(5), I could put the question. Nobody seems to be opposing it, so I will put the question that the Report of the Select Committee on the prohibition of liquor and cigarette advertising in the Cayman Islands be adopted.

QUESTION PUT: AGREED BY IN ACCORDANCE WITH STANDING ORDER 72(5)
MAJORITY. THE REPORT OF THE SELECT COMMITTEE WAS
ADOPTED.

MR. PRESIDENT: Questions. If the First Elected Member for Bodden Town is not yet here, perhaps he has been delayed by the rain, we could start with the other questions and move back if he has arrived by the time the questions have been asked.

So, the Second Elected Member for West Bay.

QUESTIONS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 147: Would the Honourable Member state what total trading debts Cayman Airways has remaining unpaid as of June, 1985?

ANSWER: CAL's trading debts remaining unpaid as of June, 1985, were US\$5,597,689.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Could the Honourable Member say whether this includes what is owing to Government?

HON. W. NORMAN BODDEN: No, Mr. President, the amount of US\$5,597,689 does not include amounts due to Government.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Could the Member state what time frame these trading debts relate to? Is it just 1985 or do they go back several years?

HON. W. NORMAN BODDEN: That figure would cover the accounting period up to 30th June, 1985. However, the debts would not have been incurred in that one year. They were amounts brought forward from previous years.

MR. W. MCKEEVA BUSH: Supplementary, Mr. President. Could the Member say how far back?

MR. PRESIDENT: I think the... Oh, no the accounts have not yet been laid for 1984/1985 have they? The accounts for previous years have been laid and that information is available from them. I think that the accounts for 1984/1985 are on the Business Paper to be laid during this Meeting.

HON. W. NORMAN BODDEN: That is correct, Mr. President. The accounts are ready up to 30th June, 1985 and they will be laid on the Table shortly. As regards the supplementary asked by the Member. This figure would cover all the previous accounting periods really. It is an amount which is brought forward from previous years. If the object is to make a comparison, I could point out that the trader debts as of 30th June, 1984 were US\$6,548,113.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member, the Finance Committee approved at the end of last year a sum of money which would be used to pay some of the debts of Cayman Airways. This money was to have been taken from the Reserves of this country. Could the Member tell us what amount of that money was used to pay the trading debts at that time?

HON. W. NORMAN BODDEN: Mr. President, only a portion of the amount which was approved by Finance Committee was used to pay some of the outstanding trading debts which Cayman Airways had at the time. The amount was US\$1.2 million.

MR. D. EZZARD MILLER: Could the Member state whether those were trading debts outstanding at the end of the financial year July, 1984, or were they from after that?

HON. W. NORMAN BODDEN: They were debts outstanding as of November, 1984.

MR. G. HAIG BODDEN: May I ask the Member if the figure given here is really the trading debts, or is it accumulated debts over the years?

HON. W. NORMAN BODDEN: If the Member is referring to the \$5.5 million as at 30th June, 1985, this is an accumulation of debts over the year. Naturally this covers the accounting period ended 30th June, 1985, and there would be balances brought forward from previous years.

MR. G. HAIG BODDEN: Mr. President, the question seemed to have been trying to elicit the trading debts, which I would think are trading debts over, say, the last twelve months. Is the Member in a position to say what trading debts are outstanding since the 31st October last year?

HON. W. NORMAN BODDEN: The trading debts? Mr. President, I will have to rely on my memory to some extent in this because those figures are not in front of me nor readily available. However, as of November, 1984 the trading debts of Cayman Airways at that time were found to be over US\$7 million.

MR. G. HAIG BODDEN: May I ask if the money paid from the Reserves was applied specifically to cover the trading debts during the last twelve months, or was it applied to accumulated debts in the past?

HON. W. NORMAN BODDEN: Mr. President, the amount of money, the \$1.2 million which was taken from the Reserves, was used to pay Texaco for outstanding fuel bills, Aerothrust for maintenance carried out on one of the aircraft engines. A third payment was a lease payment which was due at that time and the company did not have the funds to meet the payment.

MR. LINFORD A. PIERSON: Mr. President, supplementary. In view of the information which is being portrayed here through these questions, I wonder if the Member would say that if the accounts receivable at that same period at the end of June, 1985, of \$3,303,155 were applied against the accounts payable, that the net position owing would be \$2.2 million, and not the \$5.5 million?

HON. W. NORMAN BODDEN: Mr. President, I am not an accountant but I would need the Member to repeat that because we were dealing with accounts payable. I think that the Member is bringing in accounts receivable of \$3.3 million and deducting it from the \$5.5 million. Would he please repeat that question for me?

MR. LINFORD A. PIERSON: Mr. President, I would be happy to. The point I am trying to make is that here we are eliciting information as to trading debts, which are in fact accounts payable and accrued expenses. The figure of \$5.5 million is quite correct. However, it could give the wrong impression if we were not aware that the \$3.3 million is also an amount which should have been collected and it is outstanding to be collected by Cayman Airways, and could be applied against the accounts payable.

HON. W. NORMAN BODDEN: This is correct, Mr. President, and the accounts for the year ended 30th June, 1985, under the current assets column have accounts receivable of US\$3.3 million. This is so.

MR. PRESIDENT: If there is no further supplementary I will invite the Second Elected Member for West Bay to ask the next question. (PAUSE). The Second Elected Member for West Bay?

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. 148: Would the Honourable Member state how much Government contributes to the operation of the Pines and how many residents have their fees paid by Government?

ANSWER: In 1985 Government has contributed five thousand dollars (\$5,000) to the Pines. At present we are not paying fees for anyone in the Pines.

MR. PRESIDENT: If there is no supplementary, since the First Elected Member for Bodden Town is not here, has he deputed any other Member to ask his questions on his behalf, or to ask that the questions be postponed?

MR. PRESIDENT (CONTINUING): Standing Order 23(3) provides that when all the questions for which oral answers are required have been called, I may call again any question which has not been asked by reason of the absence of the Member in whose name it stands. In which case, another Member may, if deputed by the absent Member on his behalf, either ask the question or request its postponement.

MR. LINFORD A. PIERSON: Mr. President, I had not been asked by the Member but I would ask that the questions be postponed until a later date since he is not here to ask them. I would request that they be postponed until a later date.

MR. PRESIDENT: Technically, he should have deputed you to ask. However, I think we can probably stretch a point and it can be postponed. So, I will ask the Clerk to arrange with the Business Committee that they be put down on another day.

Item 4 on the Order Paper. Statements.

STATEMENT BY THE HONOURABLE FIRST OFFICIAL MEMBER

DAYLIGHT SAVINGS TIME

HON. DENNIS H. FOSTER: Mr. President, the question of introducing daylight savings time was raised in the Legislative Assembly during the May, 1985 Meeting. At that time an undertaking was given that the position would be kept under review.

Public response was invited by the Chamber of Commerce, by Radio Cayman's Open Line, and by the Caymanian Compass. Copies of the two Caymanian Compass editorials and the Government information news release are available for Honourable Members perusal. The following is the result of the three polls:-

Chamber of Commerce	61 for - 18 against and 16 indifferent.
Open Line	7 for - 15 against.
Caymanian Compass	6 for - 76 against.

The totals 74 for -109 against and 16 indifferent.

The total position indicates that the majority of people polled are not in favour of daylight savings time. Therefore the Government has decided that no steps will be taken to introduce it.

MR. PRESIDENT: Item 5. The Appropriation Bill, 1985. Continuation of Second Reading. Commencement of debate. Does any Member wish to speak? I will remind Members that on a previous occasion we were in some difficulty when there was a remarkable reluctance on the part of all Members to be the first speaker. I propose to wait for one minute. If at the end of one minute nobody has risen to speak, I shall put the question. So, does any Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

DEBATE ON SECOND READING

HON. VASSEL G. JOHNSON: Mr. President, I am sure that there are speculations as to why the Government Bench should be the first to lead off the debate on the Budget Address, an Address which is basically the Government's.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, as I am one of the honeymooners, I thought that I would lead off the debate with my honeymoon toast.

First of all, Mr. President, I would like to congratulate the Honourable Third Official Member on this year's Budget, the estimates of revenue and expenditure, the Appropriation Bill and his Budget Address. I would call it, Mr. President, a job well done.

I know the difficulties involved in balancing and presenting a Budget because I, myself was also Financial Secretary of this country for seventeen years until 1982, when I retired and handed over the job to my most able and worthy successor, the Honourable Third Official Member here, who in last week's newspaper called me the father of the Cayman Islands' financial industry. Mr. President, I want to thank him most kindly for those remarks. I too can say that he is indeed a worthy son and a most able successor for the job.

Mr. President, a Financial Secretary does not have an easy task by any means. It is a difficult task with the Budget juggling the needs of the country with the wishes of politicians against the money which is available in the Treasury. It is difficult in endeavouring to balance what is brought forward to this Assembly between what we receive and what we spend because, Mr. President, this is so necessary because this country has never subscribed to deficit financing, and it has never subscribed to direct taxation.

These are the factors which have made balancing the Budget, especially in these times so difficult. Mr. President, the 1986 Budget was one of the most difficult ever. This was my own experience and this is why I particularly want to congratulate the Honourable Third Official Member for a job well done. Mr. President, I would like to say at this point to all of us here that I wish that I could have stood here today to debate a Budget which did not contain an increase of revenue measures to the public, because I know that introducing new measures is not a popular thing to the public. It can provoke varying degrees of criticism. I wish too, Mr. President, that I could have stood here and said that with our combined effort we balanced the Budget without increases. Mr. President, that would have meant telling the public that Government services have not increased considerably over the past. Mr. President, that would really be bear stories.

We are not the one to carry to the public things which are not factual and, Mr. President, I must say this too that it has never been my policy to delude the people of this country on matters of finance.

This year's increased revenue, Mr. President, is not going into anyone's pocket. It is not going into any grand schemes which the country can do without. It is not going into increased pay for anybody in the Civil Service. It is not going to pay debts which have been accumulated over the years. Mr. President, it is really money which is being sought to pay for essential services, services which are of a priority nature and which we have viewed with some great importance.

Mr. President, I do not like increased revenue measures. None of us like it. I have only opted for increased measures to prevent deficit financing, of which I am less fond.

Mr. President, in my years as Financial Secretary before I retired, when requests for funding came from the various Departments of Government and they exceeded our revenue forecast, my first step as everyone in Government can tell us, was not to seek new revenue measures to cover those excesses or to balance

HON. VASSEL G. JOHNSON (CONTINUING): the Budget, but to go back to all the Departments and request again and again that their budget be trimmed as much as possible so that we could avoid increased taxes. Mr. President, it was only when Departments assured me and I was satisfied that they had trimmed down to absolute essentials, and the Budget was still in deficit, that we considered revenue measures or drawing from Reserves, whichever was more prudent at the time. Mr. President, I can say in all honesty that my successor the Honourable Third Official Member follows the same principle.

So, you see, Mr. President, the Budget is really a simple matter if we want to look at it in that respect. The people pay into Government revenue which is required to cover the services they need. All a Government does is identify the area of needed spending and allocate the funds, the revenue accordingly. In other words, Mr. President, the country pays for what it gets. When the cost of services increases, so does the payment.

Mr. President, the people are now in a position where we have told them that what \$100 bought years ago it certainly will not buy today. Any housewife can confirm this, Mr. President. The choice is to pay the increased cost for the same amount of goods, or spend only \$100, whichever the public chooses.

Mr. President, the choice is really up to the public. The public can elect whichever way they choose. We have told them what the expenses of running the country will be and the additional funds needed to cover the cost. The people of this country have the choice now. If they do not wish to pay increased revenue well, Mr. President, all they need to do is to tell us. It is as simple as all that. We are the people's servants and we will abide by their wishes. If we withdraw the increased revenue measures, we will then have to advise you, Mr. President, what services the people will have to do without, for the Budget is theirs, not ours. We were put here by them to administer the affairs of this country, no more no less.

Mr. President, every penny of this Budget is being spent on Caymanians and on their children directly and indirectly. The money is not going elsewhere, nor is the money being squandered. Before you decide on the answer, Mr. President, you should know the facts behind the increases and the financial position of the country generally, to better be able to decide what to do with this Budget.

First of all, Mr. President, the country has no General Reserves. Early in 1984 the reported Reserves were \$11 million. \$3.2 million was used to balance the 1984 Budget leaving \$7.8 million. This year, 1985, \$2.2 million is being used to settle Cayman Airways unpaid bills and that is it, Mr. President. The balance is held by the bank as collateral against the Tower Building loan. Otherwise there would be no need for new revenue measures as we are proposing in this Budget.

Mr. President, speaking of Cayman Airways, since 1977 the airline has cost this country \$24 million in cash, apart from \$14 million contingent liability on this Government. That contingent liability was in order that the leasing arrangement for the two jet aircraft now used by the airline could be put in place. That was negotiated in 1982.

We have heard that the airline carries a large deficit in its accounts. We have heard that millions of dollars of debts are still owing in spite of what the company was able to settle during this year.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, we should begin to ponder this drain of public funds. It is alright while we have money to support the national carrier. What happens to the time when there is no money? Are we going to approach the public year by year for this magnitude of new revenue? Mr. President, the Treasury can only pay what it has. For this Budget which we are presenting here, it can only pay what it earns in recurrent revenue in 1986. That money will cover the operation of Government services at a reasonably high level of efficiency.

Mr. President, what we must ask ourselves when we think about these new measures, is where do we get the funds to keep Cayman Airways flying? Where do we get money to improve essential services and to fund new services which should have come on stream years ago but did not, because Government funds at the time were committed and employed elsewhere?

Mr. President, the answer is simple. The answer is that we must seek funds by some means, and the only means which we have at our disposal is to increase revenue measures.

However, Mr. President, we do have other means, other choices. We can do without increasing revenue for the next three years if we do not improve services, and if we allow Cayman Airways debts to accumulate for another Government to pay. So, which shall it be, Mr. President? These are some facts which we must ask ourselves. We should not go around town and criticise things which we are trying to do to improve the country's image. We must ask ourselves too, do we go forward, or do we go backward? What kind of Government do the people of these Islands want? Do they want a Government which hoodwinks the people to gain popularity, or an honest Government which will tell them what needs to be done, and how much it will take to pay for this?

Mr. President, we were elected for our honesty and integrity, and we will hold fast to those qualities no matter what happens. Mr. President, during the last Election the people of these Islands were unsettled. Mr. President, let me tell you that we have intelligent people in these Islands. They knew that the cost of living had increased over the years. They suspected that the airline was costing Government more than they were told. They saw the Government Reserves moved to secure the purchase of the Tower Building. They saw the rising levels of improvement in the Government services and, Mr. President, they knew that the level of revenue they were contributing could not cover all these costs. How was the country to solve these problems? Mr. President, the people wanted the truth. They wanted a Government who would tell them the current state of the nation's economy and not be afraid to say how much it was costing the Government to operate its various services.

Mr. President, we have put before the people what the position of the country is, what we see of it today. We are hiding nothing. We are not going to say that the airline is making a profit when it is operating at a loss.

Mr. President, we have taken stock and a picture of the nation's state of affairs, and we have showed it to the people. We have showed it to them in the Budget which was presented, and we have outlined in that Budget, Mr. President, the problems as we see them. We have recommended solutions as we see them, too.

Mr. President, if you would prefer a different course of action, please tell us, and please tell us what. Should we disband Cayman Airways, cut our lifeline to the outside world and put hundreds of Caymanians out of jobs so that we do not have to find the additional revenue? Should we discard the West Bay

HON. VASSEL G. JOHNSON (CONTINUING): Beach sewerage scheme which is now being developed, and hope that contamination does not send tourism scampering from our shores overnight? Mr. President, should we abandon the George Town water scheme which is now being considered and then during the next drought tell the people after the existing well-fields have reached their limit, that they must do without water? Should we forget about improving social services, our health care and hospital services, our education system because, Mr. President, let me say this, that Cayman Airways, the poor, the sick, the young and the old, and proper sanitation is where most of the increased revenue is going?

As I said before, Mr. President, this Budget is the people's Budget and the people must ultimately decide what they want. They cannot live in a false economy spending today on themselves what they hope that someone else might be able to pay for them somewhere down the line. As I said before, Mr. President, the people of these Islands are intelligent and they are honest too. They do not want what they cannot afford. They want to pay for what they need and for what they get for what they can earn.

Mr. President, all we are asking today is can the people afford what they have? If not, where do they want us, the Government to start? Should we cut services? Or should we increase revenue?

Mr. President, we have heard a lot of public comments about the revenue measures which we are introducing. Some measures have been introduced already. Those measures represent on a per capita basis \$275 a year.

Mr. President, we want to ask if this is too much to pay for free education? Is this too much to pay for a heavily subsidised health service, an excellent water and sanitation system, good paved roads from one end of the Islands to the other, a heavily subsidised airline, efficient services which can keep tourism and the financial industry going, salaries for hundreds of Caymanians for, Mr. President, Government is the single largest employer in the country? Apart from all those services which I have just mentioned, there is also a social care system which allows everyone in the country to enjoy the same Government services even if they cannot afford them. It is no secret, Mr. President, that anyone unable to pay for Government services, that is social services and health, is relieved of those payments.

Mr. President, we are recommending revenue increases because there are no Reserves to help pay for increased expenses in services which have given the Cayman Islands one of the highest standards of living anywhere.

Mr. President, it is our hope that between new revenue measures introduced this year, next year and the upswing in the economy, that there will be no further need for revenue increases for a number of years.

In fact, Mr. President, the offshore industry business is always a choice area for taxing. However, Mr. President, we have reached a time when we should ask the question can we continue taxing the offshore business? Mr. President, my own opinion is that we have reached near saturation point at the present cost of fees, especially where banks and companies are concerned. If we are not careful, we will tax ourselves out of the market. We will drive business to other attractive and cheaper destinations if we, indeed tax ourselves out of the offshore market. If that happens, Mr. President, good-bye. For years we have endeavoured to diversify the economy. We have tried to introduce light industry. We have tried every other form. Yet there was none.

HON. VASSEL G. JOHNSON (CONTINUING): In the earlier years we saw that for the foreseeable future these Islands' economy would be based on only two activities, tourism and finance. Mr. President, let me say this. We have got to guard those two industries in every manner that we can, because they are the lifeline of this country today and in the foreseeable future, unless of course we strike oil.

Mr. President, it is our fervent hope that after 1986 we will not have many problems; that we will not only be able to cover new and recurrent service payments. We hope, Mr. President, that by 1988 we would have built up the General Reserves again to tide the country over should the Budget fall into deficit after that time. Mr. President, no one should operate without insurance if they can any better do. General insurance, Mr. President, is the country's only form of safety. General Reserves are that insurance, depleted before we came to office, but built up afterwards, we hope.

Mr. President, from many years ago, I remember back in the boom years of the early 1970s, this country took a very good note of the need to strengthen its Reserves. It was not only note taken of this, Mr. President, action was taken to build up the the Reserves. In those days this country enjoyed development aid from the British Government. While we were in receipt of development aid, we were told that it should not be a policy to build up Reserves, for if we had Reserves we would not need that form of aid. It was only after a strong plea to the British Government for them to understand our delicate financial position here regarding recessions and what would happen in such events, that we were given special permission to carry a General Reserve which would be equivalent to three months' revenue collection. In those days, Mr. President, three months' revenue collection was equivalent to \$2 million.

On the eve of the following recession, Mr. President, in early 1975, we had accumulated \$2 million Reserves and it was very fortunate for us that we had done so in the short span of time after approval was given for it, for the first year of the recession forced this Government to use that \$2 million Reserves. The recession was of such magnitude that the private sector construction went still. So, Government was left as the main employer for the private sector as well. It was the time that Government undertook some of its big construction programmes, George Town Fort, the Government Administration Building and other projects throughout the Islands. So, it was seen from that time, Mr. President, that Reserves featured as a very important aspect of the financial administration of this country. This is why it is important for us to give special attention to building up our General Reserves again.

Mr. President, although revenue increases are greater than in previous years, and I have explained why already, nevertheless those increased revenues are an integral part of this country's indirect tax system. We do not subscribe to direct taxation such as yearly tax on income and property otherwise, Mr. President, we would not have a financial industry if this were so, a financial industry which today we regard as the main facet of the economy. Mr. President, what we have here in these Islands instead is what is known as indirect taxes. Indirect taxes are merely charges for Government services. What we have in operation at the present time provides a modest level for residents. We do not overcharge these taxes, these new revenues. However, Mr. President, as costs increase so do charges. In other words, we pay for what we get.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, increased revenue has not always been raised in lean years. There have been increases in times of plenty as well. I recall especially those increases in the years 1980, 1982 and 1983 amounting to \$4.6 million, Mr. President, those years were boom years for this country. In fact, Mr. President, over the past eight years that Government has introduced tax measures for the years 1977 amounting to \$700,000. They introduced in 1978 measures amounting to \$937,250, in 1980 measures producing \$760,000, in 1982 measures producing \$2,550,000, in 1983 measures producing \$1,300,000, and in 1984 measures producing the same amount, \$1,300,000. These measures, Mr. President, spread over 20 items of revenue produced a total revenue of \$7,547,250.

MR. PRESIDENT: I have not wanted to interrupt the Member because we did not seem to have reached a natural break. However, we have passed the time when we customarily break. Does it suit the Member to stop now?

HON. VASSEL G. JOHNSON: Yes, Sir, I can stop.

MR. PRESIDENT: Then in that case let us suspend proceedings for approximately fifteen minutes.

AT 11.33 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.55 A.M.

MR. PRESIDENT: Please be seated.
The Appropriation Bill, 1985.
Continuation of Second Reading debate: The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I believe when the break was taken, I was giving a breakdown of the revenue measures introduced over the past eight years. Those measures, Mr. President, covered 20 items of revenue, and the total amount of revenue which they produced was \$7,547,250. Among those 20 measures, Mr. President, banks were taxed four times. Gainful occupation licences were taxed three times and postal rates three times as well. Liquor was taxed twice, cigarettes twice, companies twice, legal fees twice and trade and business licences twice.

During that time, Mr. President, the personal tax which was often referred to by the Opposition as income tax, was increased from \$2 to \$10 in 1978. That sort of drastic increase on the individual poor person was never considered before that.

Mr. President, there were, as I said, a number of items which were involved and I am just mentioning this so that this Honourable House will understand that it is not just as this new Government came into power again that new tax measures are going forward. They had in fact been a prominent part of the past Government.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, I will admit that the revenue measures which we are introducing on this occasion are no doubt higher than in any of the previous years. However, Mr. President, I have mentioned already the reason why this is so, and why regrettably this Government had to introduce new measures to that extent. It is simply that for the first time in many years there is no money left in the kitty to help pay for the overrun in expenses. No surplus revenue and no pure Reserves are left.

Mr. President, these new revenue increases which we are introducing were not embarked upon lightly or without much thought. They were undertaken only after much scrimping had been done to Departmental expenses. It was only, Mr. President, when we were faced with the choice of going into deficit financing or increasing revenue to balance the Budget. We chose the latter course, that is to introduce new revenues.

Mr. President, since coming to office, this Government has scrutinised Government spending and made cuts wherever this was necessary. In Cayman Airways alone we laid off a number of highly paid expatriate staff, promoting Caymanians instead, and increasing the efficiency of the operation at the same time. Mr. President, the same stringent line was adopted with Government spending within the Service. We did not rely on running to Finance Committee to ask for additional money for unnecessary expenses because, Mr. President, we are dealing with the people's money, and it must be spent wisely and honestly for the good of the greatest number of people and at all times.

Mr. President, without the people's cooperation and understanding we as a Government cannot function well, and cannot represent the people to the best of our ability. We need to keep our lines of communication and understanding open for without this there cannot be a true democratic Government.

Mr. President, we are here for one purpose and one purpose only. We are here to serve the people to the best of our ability and, Mr. President, our shoulders are very broad. We can take criticism but, Mr. President, criticism must be constructive, for constructive suggestions and honesty behind it can serve all of us even better towards building a better Cayman Islands.

I therefore, Mr. President, would encourage this Legislative Assembly to see the Government's case in presenting the Budget which it did, to understand clearly that none of us like the thought of increased revenue. It is the only alternative when we do so. The people must understand, Mr. President, that they have much in these Islands to be thankful for. The prestige alone which we have built here is something which has made the Cayman Islands the very envy of the Caribbean and many other parts of the world.

It is one of the things which will sell the country today in the international financial market. People go around and they visit the many offshore financial centres. Some of them have appealed but on every occasion if they set foot in the Cayman Islands, businessmen have made up their minds because the investment atmosphere is right here.

In recent times there has been concern over confidentiality in these Islands. That concern was created largely because of drug trafficking through these Islands, and because of the exchange of agreements between this Government and the United States for the release of confidential information in narcotics trading and trafficking. It is deemed in some areas of the financial industry that this has affected pure and good business because of the fact that the United States authorities used some of the information which was being related to narcotic investigation on what is known as pure tax matters, what is known too as tax avoidance and tax evasion.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, we are of the opinion that the few foreign investors who come to these Islands, even if they come here to dodge away and to do their business here, it is not really something which a foreign Government should insist upon investigating to the extent of damaging our reputation regarding confidential matters, because we are aware that in every country of the world, whether it is the United States, whether it is the United Kingdom or whether it is Canada or whatever, there are millions of people today who sit and do nothing other than plan strategy, means and ways of evading or avoiding taxes within their own country. If those Governments had spent sufficient time on looking at tax evasion and avoidance within their own jurisdiction they would have quite a task, and perhaps they would collect quite a lot too.

So, Mr. President, I cannot see the purpose or the reason for them to want to interfere with a foreign jurisdiction when in truth and in fact that interference can be very damaging to that country's main economy. This is what has upset many people in the financial industry. Mr. President, it is this Government's hope that the treaty which is now being negotiated between the United States and this Government through the United Kingdom will result in removing some of that fear from within our financial industry. I do pray that it will be so because as I have said earlier in my address, we have only two industries in these Islands which form the very lifeline of this country, and it will be so in the foreseeable future. The financial industry is considered to be the main-stream of the economy largely because, Mr. President, although tourism is regarded as a very important industry, when we examine tourism very closely we find that perhaps about 40 per cent of the traffic to these Islands which is included in tourist traffic, is really related to businessmen coming to these Islands to transact business. Had it not been for that, then tourism would perhaps be down by 40 per cent.

It is for that reason that we have classified, although the people in Tourism Department do not like to do so and do not agree, the financial industry as the main-stream of the economy. Regardless, Mr. President, it provides what we want here and for that very reason it must be our duty and we must be seen to be taking responsibility for that duty to protect the financial industry by every means that we can.

Mr. President, I have been supporting all this time the Budget which is presented in this House, or Budget which we have presented in this House. I have scarcely said anything about my own Portfolio. However, I cannot lose the opportunity to do so. So, I will say a few words about myself.

Mr. President, since the start of development in these Islands in 1968, the establishment of a public water and sewerage system was considered very important to the economy of these Islands, indeed if the economy was to flourish. At that particular time, Mr. President, the Seven Mile Beach was Government's main concern because we saw there that demand was outstripping the trucking service which provided water. Well, Mr. President, very fortunately in 1979 desalinated water was made available to that area by Cayman Water Company. Apparently the company is still keeping pace with hotel and condominium development and demand in that area, while at the same time, Mr. President, assisting truckers with water for private homes and commercial establishments.

In later years in 1981, the Water Authority was established with responsibility for water and sewerage in these Islands. The Authority immediately began looking at these subjects, and it was not long before it became evident that the priority was more water for the areas outside the Seven Mile Beach.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, this was confirmed in the awful drought which we experienced in these Islands earlier this year.

Also of priority was the need for a sewerage system for the Seven Mile Beach Area. For, Mr. President, the lack of this facility there posed a health hazard, which could in the event of an epidemic destroy the tourist industry and place these Islands in a serious financial problem.

Mr. President, regarding the water scheme, the Authority went ahead to develop the Lower Valley and East End lenses for the benefit of truckers and to avoid the problems of future droughts. The wells in those lenses are functioning satisfactorily. They are being closely monitored to ensure that no harm is done to the water table.

However, Mr. President, well water for the local residents is no substitute for cistern or catchment water unless it is processed by desalinisation. This system would in any case be very expensive to pipe from the eastern end of Grand Cayman. That is to say it would be expensive to pipe the water here from East End. Also we would have to give thought to the heavy extraction from the ground system. I am sure that people living in those areas would have certain reservations about that.

Mr. President, it became quite evident to the Water Authority that future water supply for George Town, or for that matter for other areas of the Islands will have to be by desalinisation process, whether one desalinates well water or sea water. However, to desalinate sea water is more economical because the supply is limitless. So, the Water Authority looked at the possibility of a water system for George Town. Mr. President, if we look at George Town today we will see it as a commercial centre. We will see it as a banking centre. It is growing very rapidly. If one walks around, one sees residential homes and other commercial buildings going up. The Water Authority made a survey of George Town to see what the demand would be like before it embarked on any system of supply for George Town. It was quite evident that apart from those people who use their catchment system, the demand was quite significant. So, with that, Mr. President, the Water Authority Board recommended to Government the establishment of a George Town water supply system and this is now going ahead.

There are two alternative supply sources being considered, utilisation of waste heat at Caribbean Utilities to distil sea water, and the second is providing water utilising sea water reverse osmosis. Mr. President, these systems are being examined very carefully to ensure a reliable supply while at the same time securing the best possible price for the public.

Mr. President, it is planned that piped water could begin flowing in George Town in the latter part of next year. However, of course it will take some time before the distribution can be completed.

Mr. President, in either of the two systems which I have mentioned, the water will be produced under a turnkey arrangement by the applicant, the one who wins the bid. The water will be passed on to the Water Authority for distribution. Mr. President, the Water Authority plans to build a one million gallon reservoir and do the piping house to house.

Mr. President, the 1986 Budget is proposing \$500,000 under loan funds for this project. The cost is estimated at \$1,000,000. The money will be on loan to the Authority to be repaid to Government as in the case of the Port Authority loans.

HON. VASSEL G. JOHNSON (CONTINUING): It is to be a financially viable scheme. In other words, its revenue will be able to meet its overhead cost and repay its loan. I should also mention, Mr. President, that an investigation of a ground water supply for Cayman Brac will be undertaken in early 1986. If sufficient ground water is located on the Bluff, a development similar to Lower Valley and East End will be provided for Cayman Brac.

Mr. President, the Seven Mile Beach sewerage scheme is also well on the way. The cost is estimated at US\$10 million. Caribbean Development Bank has now approved a loan for the scheme in the sum of US\$7 million. This loan is given on what we would regard as reasonable terms. Those terms are 9 per cent interest payable over 20 years, which includes a five year moratorium on principal repayment. The balance of US\$3 million, Mr. President, will be provided by this Government from local resources, however, on similar terms to the loan for the water scheme. So, in other words, Mr. President, although Government may be providing money for these schemes, those funds must be regarded as loans from the Government to be repaid from the revenue of the Authority.

Mr. President, the Seven Mile Beach area is one which should be able to meet the cost of the service and provide revenue to allow the Water Authority to operate with financial viability. The scheme will not be a burden to Government. The design for the project, Mr. President, is now completed and the programme has already been implemented and is on schedule, I should say.

Consultants for the project have been selected and will be employed in January, that is January, 1986. The project, Mr. President, is scheduled for completion in early 1988.

Mr. President, during this year there were complaints about an unusually large number of mosquitos, especially in the George Town area. On investigation of these reports the Director of Mosquito Research and Control Unit indicated that they were aware of the problem. They endeavoured to set out the reason for it which I will mention. He said that the light trap network on Grand Cayman revealed a similar number of the main pest mosquitos as last year, but higher than in 1983. Although the numbers were high in 1984 and 1985, they were still considerably less than any year on the record in that unit. He said that in the areas where insecticide spraying was the only method of control, mosquito numbers were occasionally very high, especially in the areas of North Side, Breakers and Frank Sound. This was due to the fact that the large mangrove swamp in these areas had not been flooded for at least nine months during the very dry season. This was coupled with the unusually low tides at the beginning of the rainy season. It was not until the end of August that tide levels rose significantly to prevent rain water from running off or soaking into the mangrove in these areas. By this time a very large egg band had accumulated on the mud, leading to a very large emergence of mosquitos.

Mr. President, the Mosquito Research and Control Unit plan for 1986 a programme to carry out extensive larva-ciding in the mangrove swamps. These areas are particularly behind Bodden Town and Breakers and in the North Side area. This should bring about reductions in mosquitos similar to those experienced on the west side of the Island. This is essential, Mr. President, not only to ease the situation in the eastern districts, but because mosquitos from these parts often migrate around the North Sound and affect the western end of the Island.

HON. VASSEL G. JOHNSON (CONTINUING): The problems of this year in Grand Cayman relating to dry season and low tides also caused a particularly bad mosquito season in Little Cayman.

Mr. President, I would also like to mention something about agriculture and some of my other Departments in the Portfolio. However, this might be a convenient time for the House to suspend.

MR. PRESIDENT: I was going to suggest perhaps let us suspend proceedings until approximately 2.15 p.m.

AT 12.42 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.24 P.M.

MR. PRESIDENT: Please be seated.
Continuation of the Second Reading debate on the Appropriation Bill, 1985. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, at the break at lunchtime I had got through speaking on Mosquito Research and Control Unit and I said that I would speak on agriculture.

Mr. President, agriculture in these Islands has been questionable for its viability over many years. In recent times, however, the Government decided that it was either that the Department meant something as far as the subject matter was concerned, or it should decide the future of the Department.

Mr. President, in recent times Government has been doing just this. At the beginning of this year an Agricultural Development Committee was established to look at policies under which the Department could be guided and to recommend these to Government for adoption. However, Mr. President, policy without a compass would be difficult on the seas where there was no destination plotted. So, it was decided to seek the advice of someone who was competent in this field to look at the Islands, what we have at present, and to say what the future holds for us if Government is prepared to further develop agriculture. So, we brought in an advisor from the *AgriV Dew* which is a Government affiliated department in Israel which assists people or countries with agricultural advisory need.

Mr. President, we had first of all an advisor who came to us who was stationed in Jamaica. He looked for a day or so at our needs here for a study, and then he arranged to send follow-up persons to do the study. Two persons recently arrived and did the study. They will submit their report shortly and so Government will look at the report and deal with the recommendations accordingly. It seems as though the priority need at the present time is to promote and develop our demonstration farm so that it can be truly an example to farmers who would need advice and examples of how to develop their own agriculture in their own way.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, the Department, nevertheless, has moved on in a number of areas. For instance, in the area of tick control the Department is now actively establishing cattle dips in various Districts of the Islands. This will continue in 1980.

The Department is continuing the development or improvement of livestock. During this year 18 heads of purebred Jamaican red cattle were imported into the Islands. This shipment consisted of pregnant heifers, bulls and weaners. This is of course, Mr. President, in keeping with Government policy to upgrade the local stock. The Government provided the necessary funds for this venture.

In the area of ground products, Mr. President, the Department is also moving ahead with this. In March this year a new variety of bananas known as the Williams Hybrid was introduced from Jamaica. Of the 1,192 suckers which were received, 840 were sold to farmers. 167 were planted at Smith Road Nursery and 168 were planted at the Demonstration Farm in Lower Valley. Those planted at Smith Road were shooting seven to eight hand bunches at five and a half months and attained a height of only six feet. Mr. President, one of the advantages in this specie of banana is that one can plant more suckers per acre. One gets a greater yield, better quality fruit, trees which grow shorter and thus are not easily destroyed by high winds.

Mr. President, the Department has now put together a spray team. This team is available and will serve the number of requests for spraying from both farmers and householders. So, the public has been advised of this. The service is available for anyone who needs it.

Mr. President, the Department has reported a number of foreign investors with interests here. Notable among them are Agri-System (Cayman) Limited, a local company interested in producing terragon, which is an amended soil with fertilizer, using 80 per cent of local material. The first product should be on market in December, or should I say this month.

The second is a proposed butterfly farm in Grand Cayman being established out near to the waterfront at the tourist landing. This is considered a useful development as a tourist attraction. It is hoped that the development will move ahead fairly quickly.

The other development, Mr. President, is the shrimp farm and Japanese garden in the Newlands area. The development has slowed down somewhat. However, it is hoped to be accelerated in January next year. The land preparation for this development has already started.

Mr. President, the Department also reported that the Agricultural Show which was held in February this year was the best show in five years. The exhibits were of a high standard despite the prolonged drought which we experienced at that particular time.

Mr. President, moving on to the Department of Planning. What I have found in the Department is a shortage of staff. Mr. President, that Department has the smallest complement of staff of any Department in the Civil Service. It has a total of eight people. It includes only one building inspector who has responsibility to cope with all the new construction in the entire Islands. Mr. President, this is a physical impossibility and it is no wonder that so many slum areas are being created in the Islands. Besides the slum areas, Mr. President, there is almost a disregard by many people, namely the builders, to follow the planning outline given by the Central Planning Authority.

HON. VASSEL G. JOHNSON (CONTINUING): There are many such cases and it is difficult when people disobey or ignore planning permission, especially when construction gets into advanced stages. In many of these, Mr. President, it is the public who is reporting it because the building inspector cannot get around to see nearly a half of them. So, Mr. President, it seems to me that this situation, a lack of adequate staff, must be borne in mind when we are recruiting staff for Government Departments. I do not think that we can ignore this need any longer. I am not saying that it was ignored, Mr. President. Perhaps proper submission was not made to Government for staff. In fact, I understand that it is just in recent time that concern is being expressed in the Department about this situation.

Otherwise, Mr. President, we will continue to have slum areas surrounding our more improved environment. So, when we come to the estimates, we will be making requests for an increase in staff there.

Mr. President, the Department of Lands and Survey has just moved into the Tower Building. Most of these smaller Departments are moving. Agriculture, for instance is moving to new premises on North Church Street. They were currently in the old Public Works Department compound. The Department of Lands and Survey is now in the famous Tower Building. They are doing quite well according to reports. Their final statistics for this year will show a slight drop in registerable transactions in some areas, although this does not necessarily reflect a downturn in the economy. On the contrary, Mr. President, the market forces indicate a steady and healthy market in the real estate sector. It indicates that this has continued. So, it is anticipated that there will be a rapid growth, according to indicators, in the condominium development, that this will continue on the basis of demand and market levels, and for quite some years ahead.

Mr. President, there has been an indication that during 1985 a new focus of development emphasis is turning towards the east side of the West Bay Road. Several important land transactions have occurred in this area recently which reflect confidence in the commercial development in particular.

Mr. President, going back to some of the matters I mentioned this morning, in speaking about cash injection and contingent liability in Cayman Airways, the currency which I used was United States dollars. In the case of direct cash injection, I said that the amount was \$24 million. In fact, on reflection the figure is \$20.5 million instead. I should have mentioned too, Mr. President, that with all the money which has been injected into Cayman Airways and the contingent liability which is held by Government for the airline, Cayman Airways at the present time is the owner of only the small Trislander. In other words, Cayman Airways will perhaps reflect in its books a large capital taking into consideration the recommendation which was made to Finance Committee recently and approved by them, not yet laid on the Table here. The accounts reflect a large capital but that capital is represented in deficit and other things. The asset of it does not reflect more than the small Trislander. So, Cayman Airways is more or less operating as a paper company.

Mr. President, I mentioned this morning that we are not the only one to introduce new measures. I gave a statement of some of the measures which were introduced over the past eight years. However, first of all I mentioned that it is not only in lean years that we consider revenue measures, because if we look at the years 1980 to 1983 which were considered the boom years and referred to as the most prosperous period in the history of the Cayman Islands, we will see that new revenue measures were introduced in three of those years, 1980, 1982 and 1983, and that these three years' new measures totalled a sum of \$4.6 million.

HON. VASSEL G. JOHNSON (CONTINUING): Those were the years when Government had Reserves and I am not guessing at this. Yet revenue measures were introduced.

In 1978 the personal tax, which is so often referred to as income tax by the Opposition was increased from \$2 to \$10. Imagine, and you know, Mr. President, this is not like motor car taxes. Anybody who can buy a motor car can afford to pay \$120 a year tax on it. However, that \$10, \$2 to \$10 is what the small man, the poor man has got to pay. Yet it was increased from \$2 to \$10. How much per cent is that? The Opposition are the people who always talk about percentage increases. They should calculate that.

Mr. President, you know what we have done this year. I bet you cannot guess. We have repealed that tax so no more income tax exists in the country.

Mr. President, over the last eight years from 1977 to 1984 the Government of the time introduced new tax measures on 20 items of revenue, totalling a sum of \$7,547,250 in new revenue. Mr. President, during that time the banks were taxed four times. gainful occupation licences were taxed three times and postal rates were taxed three times. Well, no doubt the Government of the day will argue too that there was need to do this. We are not doubting that, Mr. President. However, when we come to a situation when there are no Reserves and improvement in the services of Government must continue, when there is no money left in the kitty to finance these additional costs and we have come forward with a few revenue measures to supplement the need and, Mr. President, that need is not only what operates in this immediate Government, that need expands as well into the need of the national airline. If we add what money was injected in it earlier during this Administration, what is being requested in the 1986 Budget, what has been written off recently, Mr. President, had those needs not been there the airline would have been able to pay its debts and there would be no need for new measures.

So, we must not lose sight of the fact that if we are to maintain that image of a national carrier, we must pay the cost. Of course, I would not encourage any Member of this Government to go as far as what Members of the past Government declared, that every penny of the Treasury would be spent to keep Cayman Airways in the air. I think that we would have to take a good look at the position before we came to that decision.

Mr. President, I would recommend to this Honourable House that the Budget as presented is what we would term a minimum requirement for this Government. We spent long hours and many days toiling over this Budget and we are not all novices. We have pared our Portfolios and I personally, Mr. President, have pared my Portfolio so much that I do not know if there is anything left in it. What we are presenting here, Mr. President, is almost the bare bones. If we have to pare any more, I would prefer somebody else to take my place.

Anyway, as I said earlier in my address, we are presenting a Budget. It is largely the people's Budget. The money being provided there is to pay for services which all Caymanians and their children enjoy. It is entirely up to them to say whether they appreciate those services and I have outlined those services, free education heavily subsidised, health service and all the others. People are paying very little for these services and you know why, Mr. President, because the offshore business is being taxed for most of what we enjoy. However, I have warned this House too that we are nearing a saturation point where the price of service to the offshore business is concerned. If we are not too careful, we are going to shortly price ourselves out of the market. If that happens, Mr. President, good-bye.

HON. VASSEL G. JOHNSON (CONTINUING): We have no way of diversifying the economy. Our livelihood and in the foreseeable future must be built around the two industries which we have, tourism and finance. We should not do anything to damage any of those. This is the reason why Government is moving on to establish a sewerage scheme for that Seven Mile Beach, because the potential of health hazards have been seen there already. We cannot afford to delay the implementation of a proper sewerage system, otherwise one morning we could awake and find that this country is without a tourist industry.

So, Mr. President, let us not kid ourselves and go around making careless remarks and not giving proper thought as to the delicate situation which we face today as far as our economy is concerned. We tend to become complacent at times, to believe that everything is free and easy and that they will last perpetually. Well, that is not so, Mr. President. A lot of hard work has been put into the building of the Cayman Islands by this Legislative Assembly over the years. The toil has paid off because we were always considered to be reasonable people in all that we did. We tried to maintain a stable Government and an attractive atmosphere to investors here. Investors who go around looking for an offshore base in which to do business and come to these Islands, usually never go any further. This is a great credit to all of us who have shared in the development over the last two decades or so.

Mr. President, I imagine that these words have been heard in this Assembly in the past. However, I can assure you that they cannot be repeated too often. If we have any respect for our homeland and for the people who live here, then we should indicate that attitude in the manner in which we deal with the business of this House. I know that a few politics get into our deliberations from time to time. However, to all of us there must come a time of seriousness when we forget about the politics in ourselves and give pure thought to the needs of the country and its people.

Mr. President, I support the Appropriation Bill covering expenditure for 1986, and all the measures pertaining thereto. I would like to thank you in particular, Mr. President, for your patience during the time I have been on my feet, and I want again to thank the Honourable Third Official Member for his detailed and most comprehensive Budget.

Thank you, Sir.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I also would like to take this opportunity to congratulate the Honourable Third Official Member on a very thorough and concise Budget Address, presented in a most articulate way.

Having said that, Mr. President, I did not agree with, nor did I support the amendment to Standing Order 32(6) which limits the time of speech to four hours. So, Mr. President, I have a little bit to say and I am going to crave your indulgence and that of Members to allow me to refer closely to my copious notes so that I can get it all into four hours, because I would hate to have to ask for the Standing Order to be suspended.

Mr. President, this Budget Address contains very few surprises to me, having observed the flow of the economy over the last few years and recognising that we now have a conservative but courageous Government, who are also realistic in their approach to the running of the country.

MR. D. EZZARD MILLER (CONTINUING): However, there is one surprise, Sir, and that is that no reference at all was made in the Budget Address to the Economic Plan. On the 14th March, Sir, between the hours of 11.47 a.m. and 12.29 p.m. I successfully piloted Private Member's Motion No. 4/85 through this Honourable House and the vote was unanimous. The last paragraph of that motion, Mr. President, read:-

"AND BE IT FURTHER RESOLVED that such economic advisory committee shall prepare the said Five-Year Economic Development Plan and lay it on the Table of this Honourable House for consideration at the Meeting of this Honourable House in which the 1986 Budget is being presented for consideration."

That is what it says, Sir.

Mr. President, from the day that that motion was passed I have heard very little about this economic plan. I realise that it is a difficult and time consuming task but at the very least, Sir, I expected a progress report. I hope that the Honourable Third Official Member who I see is taking notes, will in his winding up debate, Sir, shed some light on what has happened to the Economic Plan and why it was not tabled as the motion said, with the 1986 Budget because, Sir, I firmly believe that the continued prosperity and success of this country depends very heavily on sound economic planning. I believe that it is vital to the continued prosperity of this nation that we take the time to plan where we are going and how we are going to get there. Sir, motions which are passed, especially unanimously in the House should not be lightly disregarded.

Mr. President, the revenue measures introduced in this Budget are in some cases drastic and far reaching, and they are going to affect all areas of the economy and all the people of these Islands, not only the little man. However, Mr. President, I do not believe that any of these measures are excessive, nor catastrophic. I know that they are barely adequate to cover the needs of the country, realising the financial straits that the country is in. Quite recently, Sir, there was an article in the newspaper entitled "Honeymoon is over". Mr. President, that is true. The honeymoon is over. However, Sir, like all good honeymoons, including my own, for eight years we had a good time. When I took my wife on our honeymoon we had a good time. We went to the finest restaurants. I bought her the finest gifts. We stayed at the most expensive hotels. We even gambled a little in Nassau. However, Sir, I am still paying the Royal Bank of Canada back for it and that is the exact position which this country is in today. We have had some years of great prosperity and honeymoon and now, Sir, the time has come to pay.

These measures might create some minor difficulties in some areas of the economy. They might even have some inflationary effects on the cost of living. However, Mr. President, I do not believe that they are going to really create any great hardship on the people, because the services are being provided and the services have to be paid for. However, Mr. President, having introduced these measures to increase the revenue we as legislators must make certain that the citizens of this country who are going to pay these taxes get services which they deserve. They have to get value for money. I hope I did not upset the Honourable Official Member so badly he had to leave, Sir. (LAUGHTER). He said he is going to North Side, Sir.

MR. PRESIDENT: I wonder, as the Member has told us that he is going to speak for four hours, or do his best, whether he might like to pause for breath for a moment while other Members are given a chance to take their customary afternoon break. Would that be a convenient moment for you?

MR. D. EZZARD MILLER: Yes, Sir.

MR. PRESIDENT: Very well. I will suspend proceedings for approximately fifteen minutes.

AT 3.16 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.44 P.M.

MR. PRESIDENT: Please be seated.
Continuation of the Second Reading.
Debate on the Appropriation Bill. The Elected Member for North Side.

MR. D. EZZARD MILLER: Yes, Mr. President. Mr. President, while agree with the sentiments expressed by the Honourable Financial Secretary that the Budget, like himself, now has a new lean look, I believe, Sir, that both could be more healthy and could lose a few more pounds. Mr. President, I would like to point out some of the areas which I feel this Budget can lose those few pounds in.

First, I would like to look, Sir, at the recurrent side of the Budget. Let us look at sub-head 02-006-007-003 which are mileage, car allowance and leave passages for Civil Servants. Now, Mr. President, in the 1960s and early 1970s when Civil Servants pay was \$500 or \$600 per month, the environment in which they worked was very poor, was not air-conditioned and the quarters were cramped, I could justify some of these perks and additional benefits. However, Mr. President, today when we are paying a Civil Servant \$3,000 to \$4,000 per month I find it difficult to rationalise his need for a \$75 per month mileage allowance. The Civil Servants are an expanding group of people. In 1983 there were 1,220 Civil Servants. In 1984 there were 1,288. In 1985 there were 1,338 and in 1986 it is proposed that there will be 1,397. Mr. President, the working conditions of the Civil Servants today in this country as are as good as those found in the offices of the private sector in this country and better than those found in the private sector of most countries. Mr. President, when one looks at who is getting this \$75 per month, for instance, we find that it is going to Principal Secretaries, Department heads and people of that level who do, Sir, very little travelling on their time. Most times if they do have to travel, Government has vehicles in the funding scheme which cost a lot of money as well, which are usually available if they need them. Mr. President, I would like to serve notice that in Finance Committee I will be moving a motion that these three sub-heads be removed entirely from the Budget.

MR. D. EZZARD MILLER (CONTINUING): The money involved in these three sub-heads, Sir, is not a few pennies. In 1984 it was \$123,810. In 1985 it was \$143,768. In 1986 it is going to be \$186,870. That is a sizeable sum of money to be paying out in perks for mileage and such. That is one of the areas which I believe if we remove from the Budget, the savings could be reflected in either reduced revenue measures or increases in the country's Reserves which do not exist today.

Sir, we find also in the recurrent Budget a figure of \$80,000 under Personnel for recruitment. If that has to do with sending delegations to London to recruit people or to advertise for posts in the press, that is a lot of money for recruitment. It is good to see, Sir, that \$140,000 is included under Personnel for training. However, Mr. President, I hope that this training is going to be beneficial to the Civil Servants who get it and that they are going to be given the opportunity to use it, because I can well recall, Sir, as a Civil Servant attending many management courses in Government. At the end of the day we were told, "Now, boy you are young. One of these days you will get a chance to use it, but you know we have to find somebody to put in your place before we can promote you". There seems to be a dual sword, Sir. One side is experience and the other side is qualifications. If one does not have the qualifications they tell him he needs the qualifications. He goes off to university and gets a degree and comes back with a qualification and they tell him that he needs experience. So, I hope, Sir, that the Service is going to reflect the benefits which can be derived from these training programmes and those people who attend them and do so successfully are going to be given the opportunity to perform and advance in the Civil Service.

Another area of the recurrent expenditure, Sir, which gives me grave concern is sub-head 14-005 and also sub-head 07-042. These are for what they call radio maintenance. In 1985, Sir, this figure was \$315,312. In 1986 it is proposed to be \$364,400. Now, Mr. President, this Government must be using a lot of radios and they must be the disposable kind, Sir. The word maintenance refers only to maintaining the numerical number of radios which exist in the Service. I raised this point in Finance Committee in March, and the Honourable Third Official Member promised that he was going to investigate it and look at the possibility of putting this area out to public bid. I can only assume, Sir, that it is still under investigation as I have seen no advertisements for tenders in the newspaper.

Add to that, Mr. President, that we are proposing to spend under Capital Budget \$79,900 to buy radios for hospital, police and fire communications. So, Mr. President, unless something is done to reduce the cost of maintaining these radios in Government, we can expect this figure to be even higher in 1987. Mr. President, something is wrong. The wool is being pulled over somebody's eyes on radio communications in these Islands.

Geographically, Sir, I think that the highest point in this country is 60 feet and that is supposed to be part of my District of North Side. Yet, one can observe that Government already has in place at least three radio towers which are over 150 feet tall and that does not include the Radio Cayman tower at Gun Bluff which could be utilised. I am not a radio nor an electronics expert, Sir, but I believe that there is a system of repeaters which could be used. That would better enhance the communications system than the erection of additional towers. I have a small boat, Sir, and even with those three towers I have great difficulty communicating with the Port Authority from as near as Rum Point. Something needs to be done, Sir. My radio is good. I got Cayman Brac from 60 miles off when I was coming from Jamaica, Jolly Giant.

MR. D. EZZARD MILLER (CONTINUING): Another area, Sir, which gives me even more concern is sub-head 01-109, Housing. Now, Mr. President, in this Budget we are proposing to spend \$1.8 million on housing of, I can only assume expatriate Civil Servants in this country in 1986. Plus, again in the Capital Budget there is a figure of \$52,000 for improvements and renovation to Government houses. Mr. President, that total \$1,873,000 is approximately a third as much as we are going to spend on health care. It is twice as much as we are going to spend on social services. It is three times as much as we are going to spend on the postal services. Mr. President, I do not know what we need to do to reduce this figure but it needs to be reduced. \$1.8 million to house expatriate Civil Servants is an astronomical amount of money. If we have to fire all of those whom we have now and hire new ones under new contracts, there have to be savings which can be realised because, Mr. President, let us be realistic, the Cayman Islands is the place in this world today where I can think that anybody would want to work. There is no direct taxation. We have a good climate. What some of these people save in winter clothes in England or elsewhere for the year can probably pay for their house down here. There is a low crime rate, a stable Government. We do not have to worry about like in the Middle East that there might be a completely new Government the next morning, though we have heard rumours that there might be. However, I do not really believe that that is possible, Sir. There is peace and quiet. There are all kinds of benefits to be gained by working in the Cayman Islands. These people are getting big salaries and you know, Sir, we could offer them condensed milk. We do not have to give them honey. We do not have to get it this sweet, \$1.8 million in housing alone.

I will also be moving a motion in Finance Committee to remove that vote from the Budget. Is the Jolly Giant getting frightened? There is more to come, Sir.

Mr. President, also in the Budget there is a \$2.5 million which it is said is subsidy for the domestic route of Cayman Airways. Now, Mr. President, I really do not believe that this country can afford nor, Sir, do I really believe that it needs to subsidise the domestic air route, because I believe that there are private firms who are willing to provide as good a service as the Trislander provides today, or a better service at no cost to Government. Every time those private firms land on the runway either in Grand Cayman or Cayman Brac they are going to have to pay landing fees so they would be revenue for Government. They are going to be charged parking fees on the ramp. They are going to rent office space in the airport building and, Sir, anything which can increase the revenue to that air terminal we have to do, because we have a lovely air terminal. It will probably serve us well for years to come and there again, Sir, the honeymoon is over. We are going to have to pay for it.

Mr. President, I cannot with a clear conscience ask the people of this country to pay taxation to subsidise Cayman Airways Limited's domestic routes to the extent of \$2.5 million when in the case of the Trislander, Sir, we have a foreigner who is the pilot of that aircraft. I know at least five young Caymanians today who are fully qualified commercial instrument rated pilots of the FAA standard. Of course, Sir, they are being told that this is a British territory and to work as a commercial pilot for the airline they have got to have 700 hours flying. Now, Sir, how do we expect these young aspiring Caymanians to get 700 hours flying if we do not allow them to fly with the service which they and their parents are paying taxes to subsidise. It comes back again to the dual sword, Sir, of experience and qualifications.

MR. D. EZZARD MILLER (CONTINUING): You know, Sir, I happen to know of instances where other young people have come back to this country with the same qualifications, but they obviously had connections which none of these five young people have, because they were hired by the airline without the 700 hours experience.

Mr. President, going back to the case of the Trislander, they are telling these young Caymanians that British rules say that we must have 700 hours and we are operating under the premise that the strictest rules must apply. They are fully qualified commercial and instrument rated pilots by United States standards but the British rule in this case is more stringent. 250 hours are not enough. They must have 700 hours. However, Sir, the Trislander carries 19 passengers. That is allowed to fly without a co-pilot under the same British regulations, but the FAA regulations which are more stringent say that over, I think it is, 16 passengers, and I speak subject to correction on that, they must have a co-pilot. We cannot have this fluctuation, Sir. It is either, or. Either we are going to abide by one set of rules or we are going to abide by the other set of rules. We cannot have them changed for convenience to suit certain individuals.

We had an instance very recently where two of these five pilots, one of whom is a member of my constituency and that is how I got involved in it, came back qualified. I think all five people applied to Cayman Airways and they chose these two young people because they said that they were the most qualified of the five. Now, Sir, I do not believe and I would hate to even imagine, Sir, that these young people's lives were played with or that they were set up to make room for some people with connections who might be coming behind. However, Mr. President, these people were hurriedly recruited. They were sent off on a course with Braniff in Dallas and the story gets very interesting from there on. First, they were told that they would be given familiarisation flights in the jet. They kept calling for weeks but none of these flights materialised. The day came when the two young people were sent off to Dallas. They had in writing, Sir, that they would be given a schedule of their instructors, a schedule of their classes, etcetera, etcetera. Sir, in the final analysis all they were given was about a quarter of a page of a standard letter size writing pad with one name and one telephone number. The two young people used their initiative and decided that they would go anyway and do the best that they could. They arrived in Houston and there were no onward reservations or connections to Dallas. Again, they used their ingenuity and they got to Dallas. They found a hotel and a place to stay.

The next day they went to the building which they were told that the classes were going to be held in only to find out, Sir, that they were in the wrong building. They persevered, asked questions and eventually found the right building. They attended the classes. They were told on the first day by the instructor that they were not going to pass. They persevered, sat the exam, and by the way, Sir, both of these young people had previously passed the FEX which is the required FAA exam for a flight engineer to go to a simulator, but they were not told that they had to do an exam at the end of this ground school. They were told that this FEX exam was adequate and it was absolutely essential. They could not get to the simulator without this exam.

They sat the exam for the ground school. Both got in the 70 grade and 70 per cent is the pass grade for any FAA exam. Now, Mr. President, any airline can set its own standards as long as they are above that of the FAA. They asked the instructor what was the passing grade for Cayman Airways. The instructor said that he did not know and he would have to call the Cayman Islands to find out.

MR. D. EZZARD MILLER (CONTINUING): However, this instructor, Sir, is supposed to have previously trained a number of pilots for Cayman Airways. There were all kind of little things such as their being given the wrong manuals. They did not have enough manuals and things like that. They were told after the exam that the pass grade was 80 per cent for Cayman Airways. They were booked to start their simulator training on Monday night at 7.00 and they received a call from the Cayman Airways people to return to Grand Cayman on the first available flight because they had failed.

Now, Mr. President, after they got back to Grand Cayman, my constituent member came to me and that is how I got involved in it. I attended a meeting and my colleague the Baptist minister friend from West Bay, the Second Elected Member for West Bay was also there. These people put in writing, Sir, to the Chairman of the Board, of which I received a copy, exactly what had happened to them in the whole scenario. At the meeting, I asked those in attendance at the meeting to read the letters which I had received, which they did. I was told that the letters were an accurate account of what had happened. Mr. President, I asked a few questions at that meeting and it was strange, Sir, to know that our national airline has a fluctuating standard, a fluctuating pass grade. Some people who have been trained as flight engineers had a pass grade of 70 per cent. However, these two young people had a pass grade of 80 per cent. I and my colleague the Second Elected Member for West Bay left that meeting with the impression that something was going to be done to assist these two young people. They were going to be given another opportunity. That is five weeks ago, Sir. They are still waiting for schedules for that new opportunity.

Yesterday afternoon I was told what they are going to be offered. They are going to be offered, Sir, the opportunity to fly on what they call the "red light special", that is the Colombia connection, the Fawcett flight from 12.00 to 3.00 in the morning. They are going to receive absolutely no remuneration. They are expected to get jobs somewhere else. However, Mr. President, I doubt that these two young people can fly from 12.00 to 3.00 a.m. and put in a decent day's work with any company the next day. Mr. President, I know that other people, for whatever reasons, whether it was because of connection of one kind or another, were allowed to work in the operations section of this airline and gain experience before they were sent on this course. Mr. President, in the final analysis, what these young people are being offered is absolutely no offer whatsoever.

So, Mr. President, I cannot support and ask the families of these people and other people in this country to pay taxes which are going to provide an unnecessary subsidy for the domestic route. We must have one standard and it must be for all people, Sir.

Mr. President, as I said earlier on, while I support these tax measures to increase revenue to provide services for the people of this country, I also want to see, Sir, improvements in those services. While I understand from the Honourable Elected Members of Executive Council that they have to managed to pare and cut some \$20 million from the Budget which was presented to them by the Administration section of the Civil Service, I believe, Sir, that there are still some Departments where there is too much wastage in Government. I also believe, Sir, that there are some unnecessary Departments and bureaucracies in Government.

MR. D. EZZARD MILLER (CONTINUING): The first of these Departments, Sir, which I think is an unnecessary bureaucracy, is the Water Authority. Two years ago, Sir, I was given a survey which was prepared by the present Director of the Water Authority which was to convince me of the absolute necessity for a Water Authority and of the desperate need for a Water Authority in this country. The interesting thing about that study, Sir, is that he had his salary fixed for three years at \$25,000 or thereabouts per annum. You know, Sir, in the 1986 Budget, that salary has somehow managed to climb to \$35,268. I wish that all of the other suggestions in the study had been kicked aside like his fixed salary. The total personal emoluments in this Budget for the Water Authority are \$243,468.

Now, Mr. President, I would be the first to admit and to encourage that some planning needs to be done about future water supply in this country. I also recognise, Sir, that this monster, the Water Authority, is not the creation of the present Government. However, Sir, I am warning the Elected Members of Executive Council that unless they put this monster in a cage, we are going to have another Cayman Airways on our hands. The reason why I feel that the Water Authority is an unnecessary bureaucracy, Sir, is that I feel that it should be confined to a regulatory division of Public Works Department. The sewerage system which is part of the Water Authority and which I will be the first to agree that this country desperately needs, belongs under the Public Health function of Government where the solid waste disposal is.

Mr. President, I see under Capital that we are proposing to spend \$675,000 to provide a water supply for George Town. Now, Mr. President, I believe that this money can be better spent in other areas, because if I recall some years ago, Sir, the wellfield which was developed in Savannah we were told was going to be the salvation of our water problems for years to come for George Town, Savannah and Bodden Town, and even West Bay. I do not know, Sir, whether the water up there is so unfit that it cannot be sold any more or what the problem is. However, if this proposal is to provide piped water for George Town I question two things, Sir, the need and the desire. Most of the people in George Town including the big commercial buildings around town have their own storage facilities. Often I have seen a water truck extracting water from the Bank of Nova Scotia Building.

Mr. President, these people who have storage facilities are not interested, I do not believe, in a piped water supply. In fact, I believe that what most people in this country want is a source where they can get good potable water when their cisterns run dry. I believe that very few people would connect to piped water supply in George Town. I certainly do not believe that the Water Authority, as it is expected to do as a Government corporation, will pay its own way from water sold under a piped system.

Mr. President, when I read in the press that Government is doing what I consider wasting money to investigate reverse osmosis units, and we drive by the agricultural fields and there are hundreds of feet of four inch pipe lying on the ground connecting wells, I doubt very much, Sir, that this country of 18,000 people can sustain any of these fancy supplies of water. What the people of this country are used to dealing with, Sir, is desalination. There are people in this country who can run desalination plants blindfolded, because when they were on a ship leaving New York bound for Kure, Japan three and a half to four months away, they had to keep that little desalination plant in that engine room running or they would run out of water half way across.

MR. D. EZZARD MILLER (CONTINUING): I do not believe, Sir, that the solution for the future provision of water in this country lies in reverse osmosis, nor ground water of which we have precious little, since despite all scientific tests they want to perform in Savannah, Sir, I can tell you that I know at least one house where the well water has been reduced in quality because of the pumping of well water for that reservoir. I remember hearing the Second Elected Member for Rodden Town say in a Meeting, Sir, that one thing we would not get from that water was when we boiled the water for the coffee, there would not be any scum. My sister lives in that area, Sir. When she went there to live three years ago, that was true. When we boiled the water we did not get any scum on our coffee. However, if she boils her well water today she gets scum on her coffee so she has to provide rain water. So, their scientific tests are one thing, Sir, but the factual evidence and the experience of the people in those areas will tell you that the ground water is being depleted and reduced in quality.

Mr. President, this country has wisely avoided involvement in other public utilities. We have left the electricity provision to a private firm. The telephone system is being run by a private firm. The greatest demand for water in this area, on the Seven Mile Beach is being provided by a private firm. All of these things are being done well at no cost to Government and are revenue producing for Government. I think in 1985 the Water Company will pay royalties of about \$100,000 to Government. I would humbly suggest, Sir, that what we need to do about water in this country is to franchise out its provision to private firms who could do it through desalinisation. We are not going to pump the Caribbean Sea dry.

I do not think that Government has any business in involvement with the production of water. The other idea which is being tossed around about producing fresh water from waste heat by the Caribbean Utilities Company, I will tell you what my opinion of that is, Sir. I believe that that is a carrot for new contract negotiations. If they get those new contract negotiations completed before the water provision is in place, there is not going to be any water provision, because all of a sudden we are going to hear that it cannot be done economically.

Sir, I have seen some alarming correspondence from this Water Authority. I think, Sir, that we should leave the production of water to the private sector. All the country needs is an adequate provision of water for emergency purposes. People of this country, Sir, I believe only need and are only going to be willing to pay for a water supply which when they need it they can call a trucking company and it can be delivered to their house. At least, that is my personal position, Sir. They could run fifteen pipes past my gate and I would not hook up on it. This would allow the various water companies to stay in business and we have to encourage small businesses in this country, Sir.

Here again I would take the time to sound a warning to the Government Bench, or to inform them as the case may be, that I will be bringing a motion in March asking for the introduction of anti-trust and anti-monopoly Laws in this country. I would have brought it in this Meeting, Sir. However, I did not get my copies of the various countries' anti-monopoly and anti-trust laws in time to intelligently debate the subject. The Baptist Minister is going to check on this, Sir, so it will be here.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, another Department which gives me great concern and where I know that the people of this country are not getting value for money, is the Public Works Department. Mr. President, one of the revenue areas which we are going to drastically increase in this Budget is car tax. That is what it costs to drive on the roads of the Cayman Islands. I believe, Sir, that if we are going to ask people to pay more to drive on the roads of the Cayman Islands we are going to have to make sure that money is spent by Public Works on the roads, is wisely spent and is not wasted.

Mr. President, I will give you a few illustrations of what I think is wastage in the Public Works Department in the building of roads. What happened in my District in 1985 I suspect happened in some other Districts as well. During the year I took the time out, Sir, to observe Public Works at work and on one day this is what I found.

On the Graveyard Road in Old Man Bay, there was a grader and a roller. They were building a road with material which was being delivered by a six to eight yard truck. Mr. President, I parked my truck for 45 minutes. In that 45 minutes time period that grader sprayed one six to eight yard load of marl. The roller and the driver were idle for the full 45 minutes. There were no level markers on the side of the road to guide the grader as they were building. As a result the road now looks as if the grader blade went wherever the tyre went. So it is a very undulating piece of road.

On the same day on what is called Bullrush Walk Road, I made the following observation.

MR. PRESIDENT: I hate to interrupt the Member in the middle of this fascinating tale. However, we have reached 4.30. It seems to me fairly plain that we are not on the point of concluding a particular piece of business. I think that the Member is probably continuing for a while yet and therefore proceedings will be adjourned in the usual way in accordance with Standing Orders.

MR. D. EZZARD MILLER: Alright, Sir.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The motion 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. THURSDAY, 5TH DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

THURSDAY
5TH DECEMBER, 1985

PRESENT:

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

GOVERNMENT MEMBERS

MR DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

MR MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

MR THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

MR BENSON O EBANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

MR W NORMAN BODDEN, MBE MEMBER FOR TOURISM AVIATION AND TRADE

MR COLT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

MR VASEL G JOHNSON, CBE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR V McKEEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR D. FINN L ORRETT THIRD ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD J PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

MR MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR JAMES M BODDEN FIFTH ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR EDWARD 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

THURSDAY
5TH DECEMBER, 1985

FIFTH DAY

1. PRAYERS

TO BE READ BY THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS.

2. PRESENTATION OF PAPERS AND REPORTS

(i) FINANCE COMMITTEE REPORT

(Meeting held 27th November, 1985)

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, CHAIRMAN OF THE STANDING FINANCE COMMITTEE.

(ii) REPORT OF THE SELECT COMMITTEE ON THE ESTABLISHMENT OF RADIO CAYMAN AS A GOVERNMENT CORPORATION

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, CHAIRMAN OF THE SELECT COMMITTEE.

3. QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 144: WILL THE HONOURABLE MEMBER GIVE THE TOTAL COST TO DATE FOR ALL ADVISERS, CONSULTANTS OR SIMILAR EXPERTS EMPLOYED OR APPOINTED BY THE GOVERNMENT TO VISIT THE ISLAND SINCE 1ST DECEMBER, 1984?

NO. 145: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE AMOUNT OF THE NATIONAL BUDGET SPENT FOR AND ON BEHALF OF THE LESSER ISLANDS IN 1985 AND HOW DOES THIS COMPARE WITH 1984?

NO. 146: WILL THE HONOURABLE MEMBER GIVE THE TYPES OF EQUIPMENT ALLOWED IN DUTY FREE OR DUTY EXEMPTED TO THE CONTRACTORS OF THE HYATT HOTEL SITE?

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

(1) PRIVATE MEMBER'S MOTION NO. 19/85

AMENDMENT TO THE PORT AUTHORITY REGULATIONS

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

AMENDMENT TO
PRIVATE MEMBER'S MOTION NO. 19/85

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. 20/85

ESTABLISHMENT OF A NATIONAL SPORTS AWARD

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

GOVERNMENT BUSINESS

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE:

THE ELECTED MEMBER FOR NORTH SIDE TO CONTINUE.

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THURSDAY

5TH DECEMBER, 1985

10.09 A.M.

MR. PRESIDENT: Prayers. The First Elected Member for the Lesser Islands.

PRAYERS

CAPT. MABRY S. KIRKCONNELL: 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. All together.

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.

The Lord bless us and keep us. The Lord make His Face shine upon us and be gracious unto us. The Lord lift up His Countenance upon us and give us peace now and always, Amen.

MR. PRESIDENT: Please be seated.
Presentation of Papers and Reports.
Finance Committee Report. The Honourable Third Official Member.

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 the Meeting held on 27th November, 1985.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, on Wednesday, the 27th November, 1985, Finance Committee considered a recommendation made by the Chairman of that Committee after having received the approval of Executive Council to put the matter forward.

HON. THOMAS G. JEFFERSON (CONTINUING): It dealt, Mr. President, with the financial position of Cayman Air Holdings and Cayman Airways Limited in respect of sums of money due to Government. The total sum of money, Mr. President, is \$10,191,313.75. Approximately \$7.2 million of this sum, Mr. President, is the loan which was granted in March, 1982. That loan which was granted in March, 1982 was a part of the total sum of \$14 million. The \$14 million, Mr. President, was divided into \$6.5 million for share equity in Cayman Airways and \$7.5 million in loans.

Cayman Airways have not been in a position, Mr. President, to make any repayment on that loan. We have in recent years written off against the interest due to Government from Cayman Airways on the loan, all official travel. We have applied the interest which accrues on the escrow funds at Mercantile Bank in Dallas, a sum of \$4 million which was paid for the BAC 1-118 and is presently held in escrow in the name of the Cayman Islands Government and Inter-First Bank of Dallas which holds the lease on the two Boeing 727s.

A breakdown of this roughly \$10.2 million, Mr. President, is the principal loan due to Cayman Air Holdings of \$3 million, the principal loans due from Cayman Airways of \$4.2 million and interest on loans to Cayman Airways, that portion of the interest, Mr. President, which remains after charging off all Government official travel against it of \$164,000, also sums due to Government Departments by Cayman Airways in respect of landing fees, customs, overtime and Mosquito Research and Control Unit disinfection fees. Lastly, Mr. President, there are advances granted by this Government in the summer of 1984 and January, 1985, totalling approximately \$1.5 million.

The proposal, Mr. President, was to convert all sums due to Government to share equity. In essence, Mr. President, there is no cash movement at all because the advance which was given in December and January of this year, the cash that is, has already been given out and is presently sitting in an advance account. Therefore, the loan and the interest on those loans and the sums due to Government Departments will be converted to share equity and the advances presently sitting on the books should be charged off against the 1985 advance provision under Head 10, and also converted into share equity.

Therefore, Mr. President, it is all a paper entry. On the one hand we say we have a loan due from Cayman Airways and what we are seeking to do at this stage is to say to Cayman Airways to let us have some share certificates equivalent to the sum which we have as a loan, and further share certificates to cover the advance and the sums due to Government Departments.

It is one way, Mr. President of cleaning the slate as regards sums due to Government by Cayman Airways through the 31st December, 1985. Hopefully, with the subsidy which is provided in the 1986 draft estimates, subject to it being approved, we cause the airline to pay its debts to Government each year.

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 of Select Committee: The Honourable First Official Member.

REPORT OF THE SELECT COMMITTEE ON THE ESTABLISHMENT OF
RADIO CAYMAN AS A GOVERNMENT CORPORATION

HON. DENNIS H. FOSTER:

Mr. President, I beg to lay on the Table of this Honourable House the Report of the Select Committee on the establishment of Radio Cayman as a Government Corporation.

HON. DENNIS H. FOSTER (CONTINUING): Mr. President, the Select Committee had two meetings, one on the 16th October, and one on the 23rd October.

Mr. President, the discussions at the meeting centred around the first part of the motion, that is to say whether or not Radio Cayman should operate as a statutory corporation or not.

There was much discussion about that, Mr. President and eventually it was put to a vote and it was defeated nine to one. Mr. President, it may be of help both to Members of this House and to the general public if I amplify what is said in the Select Committee's Report. The motion which led to the appointment of the Committee stated amongst other things that in many democratic countries, such media as Radio Cayman are outside the direct control of Government. Mr. President, this statement is perfectly true. However, it could be said with equal truth that no political interference in radio programmes is permitted here. Some people may suppose otherwise. Rumours always abound on the local circumstances and too often gain credibility when not contradicted.

So, let me now contradict them without any qualifications whatsoever, Sir. I have every confidence in the professionalism and the judgement of Radio Cayman's senior staff and I leave them to judge as they should be left, what programmes are to be put on the air. That is not to say that they never seek any advice. They would be foolhardy if they sought none at all, for advice is sometimes necessary.

Let me give a recent example. Members may recall that the controversy over sending Miss Cayman to the Miss World contest was to be the subject of an Open Line programme. Soon after this had been announced a letter was delivered to the Director of Broadcasting saying that there was likely to be a court case about this matter. This raised the question whether it had to be regarded as sub judice. The Director very wisely consulted the Attorney-General. On the basis of the advice which he was then given, he decided that the subject should be dropped. I cannot regard that as improper. It was nothing more nor less than good sense. It is equally good sense to ensure that nothing likely to lead to libel proceedings is broadcast either. Nor do I believe that the majority of the Caymanian people would want sacrilegious or pornographic material to be broadcast, or anything offensive to friendly, neighbouring countries.

So, the Director is free to seek guidance from me about such matters if he considers that it may be helpful and I do not consider this improper either. It is quite certainly not political interference.

Let me give another example of what I regard as necessary guidance. Before the last General Election a suggestion was made that all candidates should be offered an opportunity to broadcast. This had to be considered and when it had been accepted, rules had to be devised. I advised the Director about these matters and in my view that was as it should have been. I can nevertheless understand the attraction of trying to introduce safeguards against even the appearance or the possibility of interference. However, I doubt whether watertight safeguards could ever be devised. Even if Radio Cayman became a statutory corporation, there would be some sort of Board of Directors and somebody would have to decide who was to be appointed to the Board. In the United Kingdom where the British Broadcasting Corporation has an inevitable reputation for independence, appointments to the Board are made by the Government of the day. If we followed that example, I suspect that the public would believe that the members were chosen for political reasons.

HON. DENNIS H. FOSTER (CONTINUING): Moreover, most of the Members will know what a row there was in the United Kingdom a few months ago when pressure was brought on the British Broadcasting Society not to broadcast a programme about Northern Ireland. So, there can be pressure even on a statutory corporation with the British Broadcasting Society's legendary freedom from control. Such pressure is rare because public opinion will not stand for it. That, in my view, is the only real safeguard and it is a safeguard here too, the knowledge that any impropriety would become public knowledge and would lead to widespread complaint is quite sufficient to ensure that nothing improper happens.

Mr. President, I hope that that will help to clarify things a bit on this and I move that the Report be adopted.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I have to object, Sir, to this Report being laid on the Table of the Assembly for two reasons. The Minutes attached are inaccurate and, Sir, it was heartening to hear the dissertation of the Honourable First Official Member who was Chairman of this Committee, because the dissertation we just heard was probably longer than the whole Committee session on the decision as to whether Radio Cayman should operate as a statutory body or not.

The discussions in the Committee, Sir, did not, as the Minutes suggest, centre around the address. This says, and I quote from the Minutes, Sir:-

"Business

Discussion ensued in relation to the advantages and disadvantages of Radio Cayman operating as a statutory corporation."

The discussions, Sir, were confined as the Member rightly said, to the first paragraph of the motion. The first paragraph of the motion says:-

"WHEREAS Radio Cayman has demonstrated its ability to sustain itself financially."

We were told that having been told earlier on that Radio Cayman was making money and was a successful operation, we were told in that Committee Meeting that it was not even breaking even because things like electricity, telephone etcetera, had not been figured in. However, I notice in the Honourable Third Official Member's Budget Address this year, Radio Cayman is once again making money.

Secondly, Sir, and it is unfortunate that I was unable to attend the Meeting at which the Report was approved, because of study commitments in Florida, the Minutes of the second Meeting which I was absent from, Sir, and which the Minutes indicate that I was absent from with apologies, state in the first paragraph:-

"Motion by Mr. D. Ezzard Miller

Mr. D. Ezzard Miller having previously submitted apologies for absence at this Meeting tabled a motion in the Clerk's office on the 21st October, 1985 for the Select Committee's consideration that three of his views be recorded in the Minutes of the Committee's first Meeting."

MR. D. EZZARD MILLER (CONTINUING): That is incorrect, Sir. The views which I asked to be recorded in the Minutes which were expressed at the first Meeting, were not the views of "D. Ezzard Miller". They were the two views of the Chairman which stated, and this is what I asked in that letter which I tabled with the Clerk of the Assembly on the 21st October, 1985:-

"(a) The fact that the motion, that is its merits, implications, advantages, disadvantages, methodologies or suitability were never discussed. Rather the discussion centred around what was concerned with the Chairman's subjective opinion, who dominated the Meeting with his preconceived opinion.

(b) The statement,"

and the statement was made by the Chairman, Sir, not by "D. Ezzard Miller":-

"made by the Chairman that the Director was under specific instructions to clear all sensitive news with him before they were put on the air.

(c) The statement made by the Chairman that the Director was to inform him what the topics for Monday night's Open Line programme were on the Friday before for his approval."

That is what I wanted recorded in the Minutes. Unfortunately, it was not recorded on a technicality because I was not here to move it. However, Sir, my hope and aspiration on bringing this motion to the Assembly was that that Select Committee would have taken time to look at the present establishment of Radio Cayman as a Government Department, discuss the advantages, disadvantages of changing the present set up to a public owned corporation and after thoroughly examining the issues, advantages and disadvantages, a decision would be taken which would have allowed the Tabling of a report today which could have put to rest once and for all whether the present establishment of Radio Cayman as a Government Department is the correct one, or whether it was better to put it as a public corporation.

However, Sir, a one page Report as is Tabled here from a Meeting in which the question was put in less than ten minutes, cannot achieve that objective. I am very disappointed that we did not achieve that objective, but I will serve notice that although I could not bring the motion to this Assembly because the six months as required by General Orders have not expired and will be expired in March, I will then be Tabling a motion for Government to divest itself of Radio Cayman and sell it to the public of this country, and let the public vote the Directors, etcetera, etcetera. Let it be a public owned corporation because this will only serve to fan the flames of doubt.

Mr. President, I object to this Report being Tabled.

MR. PRESIDENT:

Does any other Member wish to speak?
In that case I will put the question that the Report be adopted.

QUESTION PUT:

DON. MICHAEL J. BRADLEY:

I am just enquiring whether the person bringing the motion has a right of reply?

MR. PRESIDENT: I am so sorry. You are quite right.

MR. D. EZZARD MILLER: The question has been put, Sir.
With respect, Sir, I think that you already put the question.

MR. PRESIDENT: I did but I think that I am entitled to correct a mistake if I made a mistake. It has been my practice if I have made a mistake and deprived a Member of an opportunity to speak always to allow him. I think that the rights of Members are that it makes sense, the backbench Members as well as the Members of the Government Benches.

MR. D. EZZARD MILLER: Yes, Sir, it will be very interesting to hear his reply.

MR. PRESIDENT: Does the Member wish to reply?

HON. DENNIS H. FOSTER: Yes, Sir. (LAUGHTER). I am afraid that the Member will be very disappointed, Sir, because what I am going to say is short and sweet.

The whole substance of the thing is, Sir, that there were nine votes to his one. That is why he is so disappointed and that is why he objects to the Report as it is. He must learn, Sir, to take his defeat properly when he gets it.

I am not going to prolong it, Sir. There were ten Members and nine voted against it. I am sure that I could not dictate as he says, to a Committee with nine people there. However, be that as it may, Sir, I would just like to say that it is regrettable that things should end like this. When I am defeated, Sir, I am defeated and I shut my mouth. I think that is what the Member should learn to do.

Thank you, Sir.

MR. PRESIDENT: Now I will put the question. The motion is that the Report of the Select Committee be adopted.

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER: May I have a division, Sir?

MR. PRESIDENT: Certainly.

DIVISION
NO. 87/85

AYES

NOES

ABSTENTIONS

Hon. Dennis H. Foster	Mr. D. Ezzard Miller	Mr. W. McKeeva Bush
Hon. Michael J. Bradley		
Hon. Thomas C. Jefferson		
Hon. Benson O. Ebanks		
Hon. W. Norman Bodden		
Hon. Capt. Charles L. Kirkconnell		
Gen. Vassel G. Johnson		
Mrs. Daphne L. Orrett		
Capt. Mabry S. Kirkconnell		
Mr. James M. Bodden		
Mr. G. Haig Bodden		
Mr. John B. McLern		

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REPORT OF SELECT COMMITTEE ADOPTED BY MAJORITY VOTE.

MR. PRESIDENT: Item 3. Questions. The First Elected Member for Bodden Town.

QUESTIONS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 144: Will the Honourable Member give the total cost to date for all advisers, consultants or similar experts employed or appointed by the Government to visit the Island since 1st December, 1984?

<u>ANSWER:</u>	<u>NAME</u>	<u>CONSULTANT</u>	<u>AMOUNT</u>
	Dennis Whitty	Customs Advisor	10,154.18
	Gordon Lyth	Financial Regulations	24,967.85
	D.M. Scott	Economic Development Expert	26,986.05
	John Allgrove	Review operations of FWD	12,576.25
	John Bradbury	Formulation of CUC franchise	3,945.48
	Anthony Teal	Computer Advisor	28,096.86
	John Cantwell	Museum	2,001.12
	Gray & Company	Legal advisor-Narcotics Agreement	83,307.28
	J. Bynoe	Education	122.80
	Sir Ian Percival	Legal advisor for MAT negotiations	35,565.63
	Steve Boyington	Cayman Turtle Farm	51,160.78
			<u>\$278,884.28</u>

HON. THOMAS C. JEFFERSON: Mr. President, if I may. With regard to Mr. John Cantwell, I think that a better explanation is that he came to study Government documents and whether they should be microfilmed or whether they should be put on microfiche, and the whole aspect of Government records. The subject put down as Museum may be somewhat misleading.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the firm of Gray and Company is a legal firm or a public relations firm?

HON. THOMAS C. JEFFERSON: Mr. President, perhaps in the answer I should have clarified that as well. It is a public relations firm although it does have many legal people working within it.

MR. G. HAIG BODDEN: Mr. President, may I ask if it is correct that we received very little for the \$83,000 paid to this firm?

HON. THOMAS C. JEFFERSON: Mr. President, this is almost bordering on an opinion. I think in essence, Sir, the firm was contracted at a time when we were trying to deal with a lot of negative publicity about the Cayman Islands and what it offered its financial offshore centre operations, etcetera. I do think that the firm did perform, in my view, very well and the \$83,000 which was spent I would not object to.

MR. G. HAIG BODDEN: Mr. President, I think that we heard during this Meeting about some advisors in the Portfolio of Planning and Agriculture. Are any of them included in this list?

HON. THOMAS C. JEFFERSON: Mr. President, if the Member is referring to the advisor for the Building Code who has just arrived, no, he is not in this list. If he is referring to any other advisor I think that he needs to be more specific so that I can say whether he is here or not.

MR. JAMES M. BODDEN: I think that we have been told that there have been advisors from BESO and some of the other agencies in the United Kingdom. I do not think that I see any of these down on this list. The advisors from BESO and the other United Kingdom agencies and the advisors who I think we have had in regard to the field of tourism, I do not see any of these down here either.

HON. THOMAS C. JEFFERSON: Mr. President, perhaps we should have been more specific as to where the advisor came from. The customs advisor and the following advisors were recruited from British Executive Services Overseas. They were the customs advisor, the financial regulations advisor, the economic advisor, the computer advisor, John Cantwell and that is the list. I am not sure if we had an advisor on tourism.

MR. G. HAIG BODDEN: Some time ago there was a report about an advisor being brought in to teach us how to kill stray dogs. I think that it is mentioned in the Budget Address. Has this advisor been included in those figures?

HON. THOMAS C. JEFFERSON: Mr. President, I agree that we have a stray dog problem. However, I do not think that I am aware of any advisor who came in to tell us how to get rid of them. Certainly this list does not include that person. I am not aware that he ever came here.

MR. G. HAIG BODDEN: What about the consultant from Israel on agriculture? Is he included in that?

HON. THOMAS C. JEFFERSON: Mr. President, I tried to answer the question in relation to whether the person was employed by Government or not. The Israeli advisor was not employed by Government. He did come here but he came at somebody else's expense.

MR. G. HAIG BODDEN: I think that I remember hearing in the Member's speech something about an iguana problem. Would there also have been a consultant to pinpoint this problem? Would the cost be included in that?

HON. THOMAS C. JEFFERSON: Mr. President, I think that the Second Elected Member for Bodden Town does have a good memory. It was mentioned that there was going to be an iguana survey and probably an *agouti* one as well. However, I do not think that any cost has been derived by having an advisor to do this for us as yet.

MR. G. HAIG BODDEN: Some time ago I heard about an expert taking a parrot census. Is the cost of that parrot expert's work included, whether he was employed or simply advising?

HON. THOMAS C. JEFFERSON: We did not have an advisor to do that for us, Sir. I understand that it was done internally, within Government.

MR. PRESIDENT: My eye was caught by the Third Elected Member for West Bay first.

MRS. DAPHNE L. ORRETT: Mr. President, I am aware that the Honourable Member for Health Education and Social Services is a very frugal and careful spender. However, how did he manage to get away with \$122.80? Could the Member advise us what these charges were for?

HON. THOMAS C. JEFFERSON: Mr. President, the answer to the Third Elected Member for West Bay is that Mr. Bynoe's expenditure here was \$122.80. He came from one of the international agencies. I am not sure whether it is UNDP or the other one. Sorry, he came from UNESCO.

MR. PRESIDENT: Yes, Commonwealth Finance....

HON. THOMAS C. JEFFERSON: I think I got it right now. It was Commonwealth Fund for Technical Corporation. The only cost to Government was \$122.80.

MR. PRESIDENT: The First Elected Member for Bodden Team.

MR. JAMES M. BODDEN: I would like to ask if there is any money included, or any expenditure included here for the expert on the red shank census?

HON. THOMAS C. JEFFERSON: Mr. President, I am not sure if this is one which the Honourable Member is going to carry out or not. This is the first I am hearing of it. (LAUGHTER).

MR. JAMES M. BODDEN: Believe me, I do not carry them out. It is only the present Government which has all these experts.

HON. BENSON O. EBANKS: Mr. President, I would like to ask a supplementary in two parts, Sir. I would like to know if the Honourable Member could tell us if when the expert was proposed to advise on how to kill stray dogs, whether that was during the administration of the Member who asked the question or his successor? Secondly, I would like to know if when the parrot census was done if it included those in the Assembly?

MR. PRESIDENT: (LAUGHTER). Order, order. The first part of the question may be answered. The second supplementary I rule out. Well, there is a question to answer.

MR. JOHN B. McLEAN: I was wondering, Sir, if I would have an opportunity to answer that for the Member? (LAUGHTER).

HON. THOMAS C. JEFFERSON: Mr. President, either I am bad at answering questions or good at answering questions, because whenever I answer I get more supplementaries than anybody else. However, my understanding of it is that the dog control programme was something which was initiated some years ago. It is either late 1983, or some time in 1984, maybe further back.

MR. JOHN B. McLEAN: Mr. President, I am not really satisfied with that answer. Since I was the Member before the present Government, I wonder if I would have an opportunity to elaborate a bit on that?

MR. PRESIDENT: I think that would be perfectly fair.

MR. JOHN B. McLEAN: Thank you, Mr. President. First of all, let me clear the air. No such programme was set up during my time. To me, Mr. President, this is another means of wasting money. I feel, Sir, that during my administration we had a system set up which worked well. We had cages constructed, or I should say, traps, and it is a fact that it worked well. We collected many stray dogs. We followed the Law and those which were not collected were put down. I cannot see why we have to find another means....

MR. PRESIDENT: I think that the Member can explain what has happened. However, we must not start a debate on the merits of your policies as against the merits of others.

MR. JOHN B. McLEAN: No, Sir, I am not doing that. I am just clearing the point because it was said by the Member who asked a supplementary a while ago was it done in my time or the other Member's.

MR. PRESIDENT: Yes, I was just nervous that we started a debate about the merits of the particular programme followed at one time as against the programme followed at another.

HON. VASSEL G. JOHNSON: Mr. President, as the Member now responsible for the Portfolio I wonder if I could make a statement as well?

MR. PRESIDENT: Well, I do not want to have a long debate about the merits of.... You could tell us whether you have imported an expert or inherited a programme. However, I do not want a debate about whether the current programme is better or worse than the earlier programme.

HON. VASSEL G. JOHNSON: Mr. President, the dog programme as I understand it was organised back in 1983. What method was used to control stray dogs I am not too sure of. However, I know that there is a big howl from the public about the present situation of stray dogs. As a result of that we are looking into the matter at the present time. Whatever old system was used certainly cannot apply today. The programme is being assisted by World Health Organisation.

MR. JAMES M. BODDEN: Based on that, Mr. President, could I ask a supplementary? According to a statement....

MR. PRESIDENT: Not too much about stray dogs.

MR. JAMES M. BODDEN: Well, the statement just made would lead us to believe that there is an expert then come in to study the stray dog matter. Is that correct?

HON. VASSEL G. JOHNSON: Mr. President, I should have said that we have no experts employed in this particular study of stray dogs. We are being assisted by World Health Organisation outside of the country.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Could the Honourable Member say whether the Government has any tourism study expert in this answer here?

HON. THOMAS C. JEFFERSON: Mr. President, the answer to that is no.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Could the Honourable Member say whether the Government has any on labour?

HON. THOMAS C. JEFFERSON: Mr. President, the answer to that is no.

MR. JOHN B. McLEAN: Mr. President, I would like to get one thing clear. It is a supplementary. Am I to understand the Member that there will be absolutely no cost to Government for the Israeli agricultural advisors?

MR. PRESIDENT: I think that the original question was about past costs, not about future costs. So, I think that the answer was that there has been no cost. Whether there will be no cost, maybe the Member can answer.

HON. THOMAS C. JEFFERSON: Mr. President, in answering the question, I looked at whether the person was visiting the Islands, whether he was an expert and whether he was being employed by this Government. The Israeli advisor was not employed by this Government. Neither am I aware of any cost which may accrue to Government.

MR. PRESIDENT: I think that perhaps we could pass to the next question if the Member would like to ask it.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 145: Would the Honourable Member state what was the amount of the national budget spent for and on behalf of the Lesser Islands in 1985 and how does this compare with 1984?

ANSWER: The amounts of the national budget spent for 1985 and compared to 1984 are:

<u>Lesser Islands</u>	<u>1984</u>	<u>1985</u>
Recurrent	1,861,132.78	2,066,500.00
Capital	1,454,668.71	1,080,000.00
	<u>\$3,315,801.49</u>	<u>\$3,146,500.00</u>

1985 figures are actual up to October, plus estimate for two months ending 31st December, 1985.

SUSPENSION OF STANDING ORDER 23(7) AND (8)

MR. JAMES M. BODDEN: Mr. President, at this point I would like to request that we invoke Standing Order 23(7), which would allow my additional question to be answered this morning, in view of the numerous motions which went on and were debated, which took the time which would ordinarily be required for Question Time?

MR. PRESIDENT: The motion which the Member is moving is that in accordance with the provisions of Standing Order 83, Standing Order 23(7) be suspended to enable supplementaries to this question and the one remaining question on today's Order Paper to be asked today.

HON. MICHAEL J. BRADLEY: Standing Order 23(7) and (8).

MR. PRESIDENT: Sorry? Standing Order 23(7)?

HON. MICHAEL J. BRADLEY: Standing Order 23(7) and (8).

MR. PRESIDENT: Well, perhaps Standing Order 23(7) and (8) technically. I thought that if Standing Order 23(7) was suspended and the questions were asked, Standing Order 23(8) would fall away. However, for an abundance of caution Standing Order 23(7) and (8), if you like. Does any Member wish to speak?

MR. D. EZZARD MILLER: I second the motion, Sir.

MR. PRESIDENT: I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE SUPPLEMENTARY QUESTIONS TO QUESTION NO. 145 AND TO ENABLE QUESTION NO. 146 TO BE COMPLETED.

SUPPLEMENTARY:

MR. JAMES M. BODDEN: These figures, would it not indicate that in 1984, the Member of Executive Council who was responsible for the Lesser Islands, namely the Honourable First Official Member, apparently did a good job in getting revenue for the Lesser Islands, right?

MR. PRESIDENT: I do not think really I can allow that supplementary. I am sure that the point has been made already. However, it elicits an expression of opinion which really is.... Is there any further supplementary? Perhaps the Member would like to ask the next question then.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 146: Will the Honourable Member give the types of equipment allowed in duty free or duty exempted to the contractors of the Hyatt Hotel site?

ANSWER: No equipment, other than some special aluminium interforms and stud forms with accessories (i.e. scaffolding) not available locally, have been imported duty free or duty exempted by the contractors of the Hyatt Hotel.

The above mentioned scaffolding has been imported duty free for a period of eight months from 26th July, 1985, at which time, it will be re-exported. Failure to re-export within the specified period will result in the payment of U.S.\$17,000 in import duty. This payment is guaranteed by the contractor's local bankers.

SUPPLEMENTARY:

MR. JAMES M. BODDEN: Did they pay the duty then on the cranes and the other heavy equipment which they brought in?

HON. THOMAS C. JEFFERSON: The answer is yes.

MR. PRESIDENT: Is there any further supplementary? In that case we can move to Item 4 on today's Order Paper. Private Members' Motions. Private Member's Motion No. 19/85. I think that all Members will have had circulated to them a notice of amendment to the motion. Since in accordance with the provisions of Standing Order 24(7) - yes - I agreed to the amendment, the Member may now move the motion in its amended form.

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 19/85 - AMENDED

AMENDMENT TO THE PORT AUTHORITY REGULATIONS

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No. 19/85 standing in my name. Permission was sought from you, Sir, and the motion amended to read as follows:-

"BE IT RESOLVED that Government consider amending the Port Authority Regulations to reduce the conflict between dive-boats, divers and anchored fishing boats in relation to when they may approach each other within 200 yards".

MR. D. EZZARD MILLER: Mr. President, I second the motion.

MR. W. McKEEVA BUSH: Mr. President, ever since the Port Authority Regulations were amended in 1978 by the then Executive Council there has been growing conflict which has bothered me. All this motion is seeking to do is to reduce the tension. I am asking this Honourable House to make it possible for the fishermen to have the same rights as the diving boats. Mr. President, in my first debate here in March, I reported the situation to the House and I quote:-

"The situation if not looked into and rectified would cause something ugly to take place and our tourists might be caught in the middle."

Sir, this is something which we cannot afford to happen and this is why I have brought this resolution. We, as a Government must do everything within our power to see that both sides have equal rights. Probably, Sir, I will be told that the diving industry is vital to our economy and it is true. The diving industry does seem to contribute quite a bit to our national income. However, while fishing is not too great an industry, nevertheless, it is something which a lot of our people do to provide their families with food. I dare say in the future this is going to become even more necessary because money will be needed to pay for basic necessities. So, money might be short to buy food.

Some people are not going to like what I am trying to do because they feel that the sea should only be for diving. However, Sir, if that was the only thing which Almighty God intended the sea to be used for, he would not put so many edible fish in the sea.

MR. W. McKEEVA BUSH (CONTINUING): Diving has not been around for too long, but fishing has been around since Jesus Christ told Peter, James and John to cast their nets on the other side.

It is a tradition which cannot be taken away from our people the way some people would like to. Human beings being what they are, will not continue to be restricted and restricted on something like trying to get an honest meal. They will react.

Fishermen in these Islands for many years now have suffered quite a bit of aggravation over having their fishpots dragged into the deep; their towing lines cut; having fish on their lines and the lines being cut. This conservatism, if it can be called that, is going a little too far. There may be some nasty reactions in the future. I see it building. I move amongst my people and I know what they feel.

All I am asking this Government to do is to let us sort out this problem sensibly. I ask all Members for their support.

Thank you, Sir.

MR. PRESIDENT:

The motion is now open for debate. Does any Member wish to speak? The Honourable Third Elected Member of Executive Council:

DEBATE ON PRIVATE MEMBER'S MOTION NO. 19/85

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the motion before us cannot be over simplified as it is a serious and delicate matter which must be resolved. We have to look at the rights and the privileges of the fishermen, and also at the rights and importance of the dive operators to the Islands.

I can well appreciate the feeling of local fishermen and their resentment towards anyone who may interfere with their means of livelihood. However, Sir, we have a diving industry which plays a very important part in our tourist industry which employs hundreds of Caymanians. Tourism is vital to our Islands and is one of our major industries. As everyone knows, tourism is both fragile and fickle, and we must be cautious of whatever actions we take.

I have in my possession, Mr. President, a copy of a letter written by the Cayman Islands Watersport Operators' Association and it is signed by 21 of these operators. They state that since they formed an association in 1981 no one has ever approached them about their dive boats interfering with the local fishermen. Also, they claim that they have established fixed moorings at the various dive sites. Thirdly, their concern about publicity of this matter, which may have an adverse effect on tourism in our Islands, is shown. Fourthly, they said that their research indicates that only a small number of fishermen are fishing for a livelihood. The majority of fishing boats are fishing for pleasure.

Mr. President, I feel certain that we can expect the cooperation of the Cayman Islands Watersport Operators' Association. I would like to say that I support this motion and I believe that we can resolve this problem, and Government will use its best efforts to do so.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I wish to support this motion and to re-emphasise points made by my colleague the Second Elected Member for West Bay. This has been a growing area of concern. It is like a festering sore, Sir. It is getting worse by the day. I had a public meeting in North Side last Thursday night and two people expressed their concern about interference from divers. One person said that he was fishing off the north coast with a colleague in a boat, and had his line over the side. His colleague was watching the fish, as local fishermen do, through a water glass. Well, of course the divers who come here have probably never heard of a water glass, so they probably figured that the poor fishermen up in the boat could not see what they were doing. The diver went and tugged on the fisherman's line for quite some distance. The fisherman made a very big hitch as we call it here, Sir, but fortunately he did not hook the diver as he had hoped to do, and his colleague had instructed him when to hitch as he was watching the diver in the water glass. Sir, knowing the two individuals involved, that would have been an unfortunate incident, because had he hooked that diver, Sir, I can assure you and this Honourable House that unless the line broke he was going to pull that diver to the surface and I will tell you what his words to me were, Sir.

"I have never in my life caught a diver while fishing so I was going to treat the object which I retrieved from the bottom as a monster, and I was going to pound it to pieces with my muttle."

I fully believe, Sir, that that man meant that literally. (LAUGHTER). Unfortunately, he had had several run-ins with the law.

Secondly, Sir, one person at the same meeting said that he was trolling along, again on the north side of the Island, two days prior to that. On approaching a site which is commonly used by divers from shore he was not really paying attention to what was in front of him because he had observed it generally and there were no divers' flags floating on the water. So, he was watching his rod and reels in anticipation of a big catch when three heads suddenly popped out of the water less than 100 feet away. Now that fisherman asked me to question as to what would have happened to him had he run those divers down. I think, Sir, that the law would have been unable to prosecute him because the divers did not have up a flag.

So, it is not only those people who dive from dive boats but also those people who dive from the shore who cause problems. Mr. President, of the people in my District, some of them fish for a livelihood. There are a couple of families who depend on fishing for their livelihood. Most of the people in my District, Sir, do not fish for sport. They fish to get something to eat. Fishing is a serious matter when those boys are fishing. They have to get fish to carry for lunch the following week, etcetera, etcetera, and to feed the family. I have seen instances where a fisherman is anchored, in fact this happens quite often right behind my father's house. The fisherman will be anchored. He has spent half an hour breaking conch shells, chumming up fish and trying to catch fish with his line, when a big dive boat will come and drop anchor less than 50 feet away. It will put over maybe 50 to 60 divers. The fisherman has no choice but to pull up his anchor and move on because in all likelihood the divers are going to interfere with him from his experiences.

They have been avoiding a confrontation, Sir, and I believe that unless this Law is amended to make it reciprocal, fishermen - and it also affects the pleasure of boat people you know, Sir. If I am out in my pleasure-boat taking my family for a ride I cannot go within the 200 yards of a dive boat but the dive boats anchor wherever

MR. D. EZZARD MILLER (CONTINUING): they want. If I am out on the side of the ocean water skiing on a calm day in a particular area and there is a dive site nearby, the dive boat will come and anchor and I will have to find somewhere else to ski. That in itself is a problem which is facing us which we have to deal with. I think that it is incumbent on us and a good time to consider some amendments to the Port Regulations to deal with other watersports like water-skiing when they are considering the amendments to this Regulation, to make it reciprocal.

Let us not kid ourselves, Sir. The only answer to this problem, the only fair and equitable answer to this problem, is to make the Regulations reciprocal, 200 yards for both parties. However, the other problem is people who like to water ski. The Regulations say that this has to be done 200 yards from shore. There are few days in the year in the Cayman Islands when water skiing can be done pleasantly 200 yards from shore anywhere in these Islands. It can be done, certainly. However, the bouncing of the waves, etcetera 200 yards from shore is going to remove the pleasure and it is going to become punishment rather than pleasure. However, we water skiers have to now endure the punishment and interpret it to be pleasure. I would like to see, Sir, some provisions made to the Regulations. I fully realise that this is not covered in this motion, but I think that this is a good time to raise it. Maybe, along Seven Mile Beach, and in the Rum Point area which is used frequently by pleasure boats who would like to water ski, every mile or quarter mile could be designated as a water ski area and the boats can probably approach to, say, within 50 feet of shore. I think that that would be a good idea, Sir. We have had some unfortunate incidents in our District. I personally have been threatened with being arrested by a citizen for water skiing at Rum Point. I have had my picture taken by tourists who are here on pleasure. I have had those same tourists call the police because we are within the 200 yard limit and we were. However, we had no choice. There was no other area to do it. Yet, those same tourists were beyond 200 yards from shore without any kind of a marker. Their masks and the snorkels which they were using did not even have the standard orange stripe on them. When I suggested to those same tourists that they should not be out there without a marker because they were endangering their lives, the language which was used to me, Sir, is unfit to be repeated in the House of Assembly.

So, Mr. President, this is a growing area of contention and I firmly believe that the only fair and equitable solution to this motion before us, is that the Regulations be reciprocal. I do not think that the fishermen should accept any less.

Thank you, Sir.

MR. PRESIDENT:

I think that this may be a convenient moment to take our morning break. I will suspend proceedings for approximately fifteen minutes.

AT 11.25 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.46 A.M.

MR. PRESIDENT:

Please be seated.

Continuation of debate on Private Member's Motion No. 19/85. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, the motion now before this Honourable House I am able to support because any suggestion or motion which would avoid any possible confrontation which could damage the image and good name of the Cayman Islands from a tourism point of view, I feel should be supported by all concerned.

It is true that if we have a problem and we recognise it as a problem, that some effort must be made to find a solution. There is no doubt that the dive market is important to tourism. It is very important to tourism and we all acknowledge the importance of tourism to our economy.

What has been related I do not see actually as a situation of two opposing sides. I would not like to consider it as such, as the dive operators on one side and the fishermen on the other. However, I see it as two needs which can be met on amicable grounds within reason and by the application of common sense.

I feel that if we place our priorities in order we can meet the needs of the majority and the public's interests can be best served in this manner. It is true that we have a very limited area to work with and perhaps the distance might need to be re-examined and different distances established. I believe that consideration of this problem must be given early attention, and that dialogue should be opened by the two sides with the proper authorities, so that a set of rules can be developed which will be recognised and both sides can work within that framework.

So, Mr. President, with those few words, I have no difficulty whatsoever in giving this motion my support.

MR. PRESIDENT:

Does any other Member wish to speak?

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I would just like to say that, seems to me a matter which could have been handled quite easily by a simple letter to the Member in charge of the Portfolio. He would have taken the necessary steps to amend the Law. I do not see any need for this motion to be before the House.

MR. PRESIDENT:

Does any other Member wish to speak?

Does the mover wish to exercise his right of reply?

MR. W. McKEEVA BUSH:

Oh yes, Mr. President, certainly,

briefly.

I thank those Members who spoke and who supported the motion. To say that it is not necessary is a joke. I will deal with it in a few points, Sir.

First of all, I want to say most seriously that the motion is not over-simplified. Our tourism industry is one of the greatest contributors to our national income.

MR. W. McKEEVA BUSH (CONTINUING): If there are situations existing which could hurt in any manner the tourist industry, we as a responsible Government have to do everything to sort out that problem.

The other point is that the diving industry is employing hundreds of Caymanians. Mr. President, that is not a correct statement. I do not want to get in the bad graces of the Government Bench. I think that we have been moving along quite well in this Meeting. However, that is not a true statement. Let us not be deluded that the diving industry employs hundreds of Caymanians. Also, Mr. President, speaking for myself I am sick and tired of protecting areas and restricting our people so that we can find employment for foreign labour. That is all that is happening.

However, I am glad that we do have a diving industry and I will do all that I can to help preserve it, but it has to work both ways.

The other point was that the motion was not necessary. Mr. President, when I Table a motion to this House I have done so because I see a need which I think can be rectified. I am sorry if Members who say they are Opposition do not pick it up. That is their duty. That is what they should be here doing. The people who complain, Mr. President, are some of the same people who they drag off to their political meetings who clap and say, "Yes, Mr. Haig. That is right Mr. Haig". Some of the same people....

MR. G. HAIG BODDEN: On a point of order, Mr. President.

MR. W. McKEEVA BUSH: Mr. President, those same people....

MR. G. HAIG BODDEN: A point of order. I must object to the use of my name. If this....

MR. PRESIDENT: Quite right. You must not call Members by their names. You must refer to them under Standing Orders....

MR. W. McKEEVA BUSH: Yes, Sir, I quite understand that but I was only quoting. I know that he is the Second Elected Member for Bodden Town.

Mr. President, as I said, when I Table motions here they should be taken seriously. I take them seriously. As far as this thing being done. I wrote letters to the Portfolio in or around 1979. I wrote a letter then and again some time in 1980 or 1981 I think it was. Letters were written to the press so they cannot say that nobody was contacted or that nobody knew about the problems. The same Member who is saying that this need not have been done was a Member when I wrote the letter.

MR. G. HAIG BODDEN: It is not true, Mr. President. No letter came to me.

MR. W. McKEEVA BUSH: Mr. President, I have copies of that letter. I might not have it here today but I can bring it, and I will bring it.

MR. G. HAIG BODDEN: He might have copies of a letter but no letter came to me.

MR. W. McKEEVA BUSH: Mr. President, the letter went to him. However, at that time they would not pay McKeeva Bush any mind. They were not paying the people whom they should have been helping any mind either, or this need not have been done today. The Member is correct, if he had done his job.

Mr. President, anything to increase or better tourism I will support. I am not going to say any more. I just hope that Members use their conscience and vote a yes on this motion.

I thank you, Sir.

MR. PRESIDENT: I will put the motion to the vote. The motion is that Private Member's Motion No. 19/85 in its amended form, that is, as introduced as amended by the Member be carried.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: Mr. President, may I have a division?

MR. PRESIDENT: Very well.

DIVISION
NO. 88/85

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. James M. Bodden	Mr. Linford A. P. ...
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. W. McKeeva Bush		
Mrs. Daphne L. Orrett		
Capt. Mabry S. Kirkconnell		
Mrs. D. Ezzard Miller		
<hr/> 11 <hr/>	<hr/> 1 <hr/>	<hr/> 3 <hr/>

AMENDED PRIVATE MEMBER'S MOTION NO. 19/85 PASSED BY MAJORITY

MR. PRESIDENT: Private Member's Motion No. 20/85.
The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 20/85

ESTABLISHMENT OF A NATIONAL SPORTS AWARD

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No. 20/85 standing in my name which reads:-

"WHEREAS Sports have become more recognised in the Cayman Islands and a vast number of young people are participating therein

MR. W. McKEEVA BUSH (CONTINUING):

BE IT RESOLVED that the Government appoint a Committee for the establishment of a National Sports Award, which shall be determined by the recommendations from a Committee of the various sporting associations.

BE IT FURTHER RESOLVED that this award be considered for official presentation at each Queen's Birthday celebration."

MR. D. EZZARD MILLER:
Ident.

I beg to second the motion, Mr. Pres-

MR. PRESIDENT:
and is now open for debate. I am sorry. You are quite right. It is the mover who speaks first.

The motion is duly moved and seconded

MR. W. McKEEVA BUSH:

Mr. President, the thinking behind the creation of a national sports medal goes way back with me. The idea first came about, I believe some time in 1979. I spoke about it in many political meetings and in other forums as well. The idea came about when I first envisaged a complete re-vamping of the Social Services Department to include a youth and community affairs section which would have responsibility for sports.

I do not know, Sir, whether I will see that re-vamping now, or perhaps when a younger Government is in power. However, I am still of the same opinion that we should have such a Department in Government as youth and community affairs.

Mr. President, our youth, our young people need all the encouragement they can get. Our young people dream of a better world. However, if all around them they witness misery, injustice and discrimination they will react with some disillusionment.

If we add all this to their frustrations over unemployment, and there are some, or finding the kind of job they are best suited for or were trained for, and the double standards and hypocrisy of some adults, we are going to have trouble. At times our young people's frustrations are genuine. At times they are justified in their impatience for changes and improvements of their lot. At times the insincerity of adults offends them and at times, cut off from the mainstream of life, some of them are kept in the dark and are ignorant of the problems and difficulties faced by us, their national leaders. They then decide their own course of action.

Mr. President, they simply want a share in the shaping of the world which they must inherit, a world where they have fast realised that declared and actual objectives are poles apart. A good percentage of our young people have taken refuge in the drug culture created by some worthless people in our community who should be in jail. Parents, Mr. President, all over are bemoaning this fact and say to me, "Why cannot my child be more like me when I was their age". However, Mr. President, in today's world of change and casual carelessness, it is hard for young people to keep aims or morals and standards high. Everywhere today, young people are rebelling and rejecting the cultures of their parents, and are creating for themselves sub-cultures and the usage of hard drugs is the greatest temptation of all.

Mr. President, I was heartened last night when I attended the Christmas exercises of the John Cumber School where the evening was opened by a group of young people, children, putting on a skit on how we spent Christmas long ago. My heart was glad to see young children remembering something of our culture and performing it.

MR. W. McKEEVA BUSH (CONTINUING): When we hear of bad things happening in West Bay, I shall remember all these little children, the future of our Islands. Encouragement, Sir, is a great thing to me and getting down to the meat of the motion, this is what it is all about; encouraging our young people in the field of sports.

One great writer years ago said:-

"The youth gets together his materials to build a bridge to the moon, or perchance a palace or temple on the earth. At length the middle aged man concludes to build a woodshed with them."

Encouragement for our young people.

Mr. President, as everyone knows mostly all the honours in this country are given by Her Gracious Majesty. Well, Sir, I am of the humble opinion that the national role of our country brings us to the point that this one medal can be created and awarded by the authorities here.

It will, I believe help to build up more feeling of national consciousness and pride, knowing that we have created an honour which springs from our very own soil.

Sir, what is going to be most important is that the award of this honour should be made on a level which people will respect. That is vitally necessary for the future and that is why the last Resolved section of the motion is asking that the awarding of this honour be considered for official presentation at Her Majesty's birthday celebration.

I am specifically asking this because of Caymanians' high regard for our Sovereign Lady. Mr. President, if any attempt is made to reduce the prestige of such an award if it came into being, as sure as night follows day it will gain no respect, and no significance whatever in the eyes of our Caymanian people.

I think that in the early days, great care probably will have to be exercised in order to convince the people of the country that whoever gets such an award justly deserves it. I am looking forward to the time when the first award will be made. I look forward with a great deal of anxiety, Mr. President.

Sir, the young people of the Cayman Islands have proved without a doubt that they are in the upper league when it comes to sport. We have those now who are recognised internationally to the point that they have been offered scholarships to attend various colleges. All of us in this Honourable House and the entire Cayman Islands as well should take our hats off to these fine young athletes who have trained under such adverse conditions as those existing.

I believe too that we must pay tribute to those over the years who have worked to train our young people to become better athletes. They have done a good job considering the absence of sporting facilities and I say a big word of thanks.

Sir, we see young Caymanians coming back from overseas games with gold medals, silver medals and bronze medals. Just this year, Mr. President, and I am not bragging but it is good for people to know that I have the young people at heart and am trying to do a good job as a representative, if I should say so myself, I went all out and organised a function in my constituency in honour of our athletes returning from CARIFTA and also to begin the fund raising project of our playing fields in West Bay. Mr. President, I was encouraged by the large turn out at that function and inspired by the many calls afterwards. However, most of all I was extremely happy with the handshakes and the kisses from the athletes, whose faces were lit up, and whose eyes had a twinkle at being recognised.

MR. W. McKEEVA BUSH (CONTINUING): No matter how humble one is, Mr. President, one always likes to be recognised a little bit.

Many of them said to me that they were encouraged and would work harder to bring more medals to the Cayman Islands. We have a fine group of young people. We have to work to do something to help them. I believe that sport can foster a cultural and national identity and that it will bring solidarity among the youth of our country. If the classes are split there are no classes, Mr. President, they are all there together. It opens up facilities for education and employment. Most importantly, it helps to prepare our young people for the important job of leadership in the community.

Mr. President, if this motion is passed we would be creating history in these Islands. The creation and receiving of such an award, I believe, gives our young people something to work towards; something they could be well proud of in years to come. Let us as a Government, pave the way by making this bold move, one giant step I say for sport and its participants in the Cayman Islands. What say the Members?

MR. PRESIDENT:

The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I would like to congratulate the mover of the motion on his able presentation and, in fact, for his thought in bringing this motion. Government is pleased to accept this motion.

There are just one or two points I would like to make in regard to the Member's presentation, Mr. President, that is on the motion. The motion refers to the vast number of young people who are participating in sport. In his presentation he referred to, I think he said, the hypocrisy and double standard of adults. I would just like to call to the Member's attention that many people not so young are also deeply involved in the sporting areas in the community as coaches, supporters and sponsors.

I would like to congratulate the Member too, Mr. President, for having arranged the function for the athletes who did so well at CARIFTA. The only disappointment I have is that he arranged it when I was off the Island.

MR. W. McKEEVA BUSH:

Plenty of initiative, you see.

HON. BENSON O. EBANKS: I too attended the concert he referred to last night, Mr. President. To be frank I was flabbergasted at the high standard of performance at that concert. It was something to be proud of. I told the Member last night and I am telling him again that I hope having witnessed that performance, he can now support unreservedly the very small increases in the revenue measures which are proposed in the Budget, because he must realise now that at least what is spent on education is being well spent.

With those few words, Mr. President, I would like to support the motion. Thank you.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, I rise in support of the motion for the establishment of a national sports award. Anything which we can do to encourage our young people certainly is something which I would like to wholeheartedly stand behind.

MRS. DAPHNE L. ORRETT (CONTINUING): I am sorry that I was unable to witness the fine performances which my two colleagues were able to last night in West Bay. However, I was made aware of this only during the Sitting here yesterday. I received a note saying that this was going to be taking place last night and I had an earlier engagement. However, I most certainly am pleased to learn that the children in the West Bay school are continuing to do what they have been doing over the years.

I am heartened by the positive results which have taken place in many of the lives of young people. I know especially in West Bay, many whom I know are from family backgrounds which otherwise would not have even been able to travel overseas. Being involved in sport has given them an opportunity to travel to foreign countries, to participate, to meet other athletes and to set their goals high. We have had a few who have dropped by the wayside but the majority of them have done extremely well. I have been pleased and I am ever so grateful for the good results which I am seeing the discipline amongst young people, the many of them who are avoiding the drug culture because they realise that their bodies have to be fit in order to participate in sports. I am extremely pleased.

If there is any way at all possible in which we can encourage, and any way in which we can give due recognition to our athletes, I wholeheartedly support it.

I would like to take this opportunity, Mr. President, of saying how grateful I am to the many adults who I see taking time out to work with these young people. There are those who are participating during early morning hours with riding or jogging, in swimming meets and in other areas. Adults who otherwise could find other things to do are taking time out to work with our young people. Many of them are expatriates. We have locals who work with our young people but I must give credit where credit is due and we have a vast number of expatriates who are living on our Islands who not only participate in sporting events themselves, but they give wholeheartedly of their time in helping our young people. I am extremely grateful for that.

I am hoping that the introduction of such an award will be a real encouragement to many more of our young people; that they will see that there are other ways of using their energy and their time, rather than becoming involved in drugs and eventually in crime, and ending up at Northward Prison.

It is for this reason, Sir, that I feel that our sights should be set on prevention rather than cure. I will elaborate on this a little bit more later on. However, again I would like to take this time to give my wholehearted support, and to congratulate the Second Elected Member for West Bay for his initiative in bringing this forward. Certainly I would like to give my thanks to the Member responsible for Health Education and Social Services for the wholehearted support which he has given.

I thank you, Sir.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I too would wish to congratulate the mover of this Private Member's Motion No. 20/85. I think, Sir, that he has done an exceptionally good job in presenting this motion and in many ways he is expressing the sentiment of many of us here today.

I would too, Sir, wish to mention, without wanting to project myself personally, that I have over the years, been very, very keenly interested in sports. For those of my fellow Caymanians who have in any way followed my career or know my past, will know that as early as my primary school days I excelled in sports and have shown a very keen interest ever since.

MR. LINFORD A. PIERSON (CONTINUING): As far back as 1956 I recall having won the all Island sporting trophy for the primary schools. This was, Mr. President, not only in one specific area of sports, but entailed many areas. I too, Mr. President, supported the views of the Third Elected Member for West Bay when she said that it is most important that we protect our body, not only physically but mentally if we are to excel in any aspect of our lives, and in particular in sports.

I remember about two years ago, perhaps less time, I sat with a bunch of young men from a sporting club in the football association and had a talk with them. My main area of discussion had to do with keeping themselves physically fit, avoiding smoking, avoiding drinking and other very harmful habits.

I am also heartened to hear, Mr. President, that the use of drugs is being reduced by the youth in this country. I think that that is indeed a very positive step forward.

The mover of this motion, Mr. President, has chosen a winner because I believe that each Member of this Assembly has in one way or the other shown a keen interest in sports in this country. Unfortunately, this was not brought in the form of a Private Member's Motion and I would say here that if our Education and Health Department and our Social Services Department had been keen on this matter, it should have been addressed at a much earlier date. Then perhaps this Private Member's Motion would have become redundant.

The idea of a national sports award is indeed timely. As a matter of fact, I feel that it is long overdue. There is no reason at all why our sports people should not be given equal recognition as those in other countries. Even in some of the less developed countries their sportsmen and sportswomen are given very high recognition. It was very sad indeed, and somewhat unfortunate, to learn that our cyclists who recently returned from the CARIFTA games with gold and silver medals, were not even met at the airport by somebody from Government. This type of attitude, Mr. President, must cease.

In this particular regard I would congratulate all those people in the past who have promoted sports in any way. In particular, I would congratulate Mr. Dalmain Ebanks for the very good work he is doing in boxing. I would also support my colleagues who spoke before me in thanking all the expatriates and others who are doing such a wonderful job in this regard.

For this particular reason and other reasons, Mr. President, I piloted successfully a Private Member's Motion through this House for the establishment of a youth and community centre. It was with the youth in mind, Mr. President, that I felt it most important that we should focus our attention on appropriate facilities for the youth of this country. This is why I found it very easy today to support this motion, because more and more attention must be focussed on the young people of this country. We must be appreciative that the young men and women of today will be our leaders of tomorrow.

However, Mr. President, I see one of the basic problems in this countries as not starting in the home, but indeed in our school system. The problem which I see in our school system is that while we have a comprehensive system of education, we are nurturing a glorified grammar school system. I say this without any fear of contradiction because at each graduation ceremony the emphasis seemed to be more and more on how much better we have done with our G.C.E. O Level passes. No significant emphasis is placed on our technical and vocational area and invariably, Mr. President, the number of young people we see involved in sports today form the majority of those 85 per cent who fall in the category of non-academics.

MR. LINFORD A. PIERSON (CONTINUING): This is one of the reasons, Mr. President, why a national sports award will give tremendous encouragement to those individuals. Specific grants should be made in our Budget for all sporting associations in this country. However, alas, Mr. President, this area is woefully neglected. Only in certain areas are grants given. Many of our sportsmen and sportswomen have to practice and do their training in their spare time. They are given no particular encouragement or incentives through financial grants to help them. Therefore, it becomes a special need for this Government to give more and more in assisting these people.

Mr. President, as I stated, I am a bit disappointed that to date the Government Department of Health Education and Social Services has not yet understood the necessity for a youth and community centre in George Town. I was told at a meeting that I have to convince them of this necessity. I wish, Mr. President, that I had some more omnipotence about me. Then I would try to impress on their minds the importance of such a facility.

I have done all in my power to try and impress on them the need for this facility. If they cannot understand the need, then God help us. I cannot do any more to impress this. The people of this country deserve more. The people of this country have been neglected. The little people of this country are being neglected, and when I say little people of this country, I do not refer to dwarfs, as one of the Honourable Members stated on his political platform. I am sorry for people of that mentality, when they will think of the 80 per cent of the people of this country as dwarfs. What short memories we have. In November, 1984, just before the Election I saw the very Member who referred to the little people as dwarfs, sitting with them playing dominoes, trying to get their vote. They were not little then, they were big because they could help. Any time I hear any Member of this House try to belittle the little people of this country, or take any potshots at me in particular, believe you me, I have my forum for dealing with this. I can handle it as well as the next Member in this House. So they can all go ahead. I will have my say.

Mr. President, I have shown a particular interest in the young people of this country and I have also shown a particular interest in the sporting and social organisations of this country. I have given trophies to the footballers, to the Domino Association, to the Music Association and to many, many more. However, I do not intend, every time I stand up in this House, to pound my chest and ask for congratulations. I do this because I see the need for this in this country. It is time, Mr. President, that the leaders of this country recognised the little people in this country. The sporting associations will recognise these people for what they are.

I intend to say a little bit more during my Budget debate. So any Member who feels that he can get up after I sit down and speak against what I am saying, let him go ahead, because I will deal with this in further detail in my Budget debate. I will have the opportunity to say what I like as long as it is in keeping with the Standing Orders of this House.

The national identity of the people of this country can be promoted through a national award for sports. Mr. President, in closing may I again congratulate the mover of this motion. I trust that this Honourable House will give the motion its full support.

Thank you, Mr. President.

MR. PRESIDENT:

The Elected Member for North Side.

Does any other Member wish to speak?

MR. D. EZZARD MILLER: Mr. President, I too would like to offer my congratulations to the mover of this motion on his able presentation. He told me five minutes before that that he was not prepared. I do not know whether that meant that he had not had time to consult his Bible. However, I guess that that will come in the winding up because he has been taking notes ever since.

Mr. President, I feel, Sir, in supporting this motion that it is a timely one. Our youth are excelling abroad in track and field, football and other sporting events. We of this country have always provided adequately in our Laws for the punishment of our youth when they go wrong. I think that it is time to start rewarding them when they do something right. I do not believe, Sir, that the mover of this motion is entirely after getting any more kisses, because I believe that he got enough in West Bay. If he had 1,000 people there his cheeks must have been red for a long time. His intentions are genuine, Sir, and I support this motion. I hope that the award is ready for the 1986 Queen's Birthday celebrations. Thank you, Sir.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I too rise to support Private Member's Motion No. 20/85 calling on this Honourable House for the establishment of a national sports award.

Mr. President, sports in any country excel as a social activity. I cannot think of anything else in the social sector which comes before sports. I would say that the greatest boost is to recognise achievement in sports. So, the motion which is brought by the Second Elected Member for West Bay is endeavouring to achieve just that, recognition of sports.

Mr. President, we cannot say very much about sports in the Cayman Islands, a small country of merely 20,000 people. However, we must realise too that sports have gained prominence in just recent years and that all the things which we would like to see established or promoted in this direction would take time. I am sure that as time goes on there will be need and more need to promote sports in various aspects. I am sure that as time goes on too, that we will be producing good material who can perhaps bring greater rewards to the country.

Mr. President, it is not all small people who take part in sports. Sports spread over the entire community. People of all walks of life become involved in sports because it is one of the means of keeping fit. So, I do not see the need for the small people to be brought into this particular debate as far as sports is concerned, because they have taken a very prominent part. I am sure that they are being assisted by many people in developing themselves in the field of sports.

Mr. President, I have not given trophies to organisations or to individuals. However, I can assure you that I make my contribution in sports in different ways. It is not put on the blackboard or in prominent spots.

Mr. President, I am sure that every individual in the country and organisations see the need to promote sports in the community. I am sure that all those who can afford to assist it are doing so.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, I do not think that there is need for long debate in supporting this motion. The motion said what its intention is and I think that it will have the support of this House.

So, I will give my support to it, Mr. President, and hope that other Members will do the same.

MR. PRESIDENT: I think that we have come even slightly beyond the time when normally we would break for lunch. I imagine that there may be one or two other Members who wish to speak as well as the mover exercising his right of reply.

So, I think that I will suspend proceedings until approximately 2.15 p.m.

AT 12.43 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:27 P.M.

MR. PRESIDENT:

Motion No. 20/85.

Please be seated.

Resumption of Debate on Private Member's

Casser Islands.

Does any other Member wish to speak.
The First Elected Member for the

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support Private Member's Motion No. 20/85, Establishment of a National Sports Award.

I have a long association with sports. I feel it is a step in the right direction, in recognising our youth for their achievements.

I had the opportunity as a youngster of receiving an Athletics Scholarship to attend the university. It was very rewarding to me to receive the reward, and more rewarding to receive the education along with it.

I hope this can be generated into an award which will really be meaningful, and lasting throughout the history of the Cayman Islands.

I would like to congratulate the Second Elected Member for West Bay for bringing this Motion to the House, and also to congratulate him on his presentation. I feel he is a young man who can do much to get the co-operation of the youth of our country, and I appreciate his efforts. With these few words, Mr. President, I support the Motion.

MR. PRESIDENT:

Does any other Member wish to speak?
The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, the Motion before us for the appointment of a Committee for the establishment of a National Sports Award, is one that I can support.

I feel, Mr. President, that whatever it takes to continue the promotion of sports in these Islands, should be done.

Sometime ago, I was very pleased when Mr. Moore was recognised for his work in this area. I feel it is a very good move, and these Islands will benefit from it.

Today, Mr. President, we see a growing interest in sports. We see not only football, but various other kinds of ball, dominoes etc. We see also that it is a turning point for some, especially some of our youth.

I know for myself, Sir, of several cases where we may say that someone was on a bad track, perhaps in some instances, involved in drugs, and quite recently I have seen a turnaround, and every effort is now placed on sports.

Today, Mr. President, I took note that several Members patted themselves on the shoulder, as to how far they had worked along for the benefit of sports in these Islands. I would like to say that I am no exception. I have had the opportunity to serve as President of the Cricket Association. I have also for several years, been very active in trying to promote for my District and the youth, facilities which they could enjoy, and will enjoy for many years to come.

MR. JOHN B. McLEAN (CONTINUING):

In 1976, Mr. President, that was part of my platform. I preached the importance of sports. When I was elected, I tried my endeavours to secure properties in my District for the first play-field, which I am greatly thankful to the Government of that day, and I am hopeful that the Government of the day will continue to give me their support, as this is one of the things I have included in my shopping list for my District.

We need to place every emphasis on sports.

Mr. President, the evil forces are out there. As in every one, we have those who are weak in mind and are easily influenced. This seems to be the problem we are faced with. It is nothing new, it is not only here in the Cayman Islands, it is a world-wide thing. But being a small territory, it gives us an opportunity to be able to attend to it much more easily.

I would like to congratulate the Member who has brought forward this motion. I feel it is a good one, and like I have said, I have no hesitation in giving it my support.

MR. PRESIDENT:

right of reply.

Does any other Member wish to speak.
Does the Mover wish to exercise his

MR. W. McKEEVA BUSH:

Mr. President, I will be brief. I will quickly thank those Members who spoke in support of the Motion, and for their kind remarks, although some of them should not have given me credit in one pocket, and try to take it out of the other one.

Mr. President, I am a small man I believe, and can count myself, if any in this House can be counted as, a small man. One thing I had hoped that this particular debate because of its nature, would not turn into something big, or small. Nevertheless, I will thank all Members. I think there has been a lot of sincerity in what has been said.

Mr. President, I am not a player of any kind of sports, and will not be eligible for the medal. I just sit on the sidelines and cheer them on, and give them a helping hand where I can. But Sir, especially, I could never get involved personally in any kind of sports where I would benefit financially.

Mr. President, I believe we are making history, and all I can now say to our young people is, there it is soon to be, now rise to it.

I thank the Honourable Members for their support of this Motion.

Thank you Sir.

MR. PRESIDENT:

I now put the question. The question is that Private Member's Motion No. 20/85, moved by the Second Elected Member for West Bay, be adopted.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH:

Mr. President, may I have a division.

MR. PRESIDENT:

Certainly.

DIVISION
NO. 20/85

AYES

NOES

Mr. 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. James M. Bodden
 Mr. G. Haig Bodden
 Mr. D. Ezzard Miller
 Mr. John B. McLean

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PRIVATE MEMBER'S MOTION NO. 20/85 PASSED.

MR. W. MCKEEVA BUSH: Now all the horses are hooked to the cart.

MR. PRESIDENT: Lets hope it does not get pulled off the rails through having too many horses.

We now go on to Item 5. Government Business. Continuation of the Debate on the Second Reading on the Budget Address. The Elected Member for North Side was speaking.

THE APPROPRIATION (1986) BILL, 1985

CONTINUATION OF SECOND READING DEBATE:

MR. D. EZZARD MILLER: Mr. President, before I continue, could I enquire from the Chair how much time I have left. Not that I am going to be that long. I just want to be sure.

MR. PRESIDENT: Yes, just give me a moment and I will work it out. I reckoned you had used about 52 minutes, that is give or take a little. I have not actually timed it on whatever machines they keep. But by my own watch you have had about 52 minutes.

MR. D. EZZARD MILLER: Thank you Sir.
Mr. President, yesterday while discussing the reasons why I could not support the subsidy of Guyana Airways, I made a statement subject to correction, that I thought the FAA Regulations required a co-pilot on aircraft of 19 seats or more. I would like to correct that statement, Sir. The particular regulation as contained in the 1985 Federal Aviation Book, is Part 135-99. Composition of Flight Crew.

MR. D. EZZARD MILLER (CONTINUING):

"(A) No certificate holder may operate an aircraft with less than a minimum flight crew specified in the aircraft operating limitations of the Aircraft Flight Manual for the aircraft, and required for this part for the kind of operation being conducted.

(B) No certificate holder may operate an aircraft without a second-in-command, if that aircraft has a passenger seating configuration excluding any pilot seat, of ten, not 16, Sir. Ten seats or more."

Part 135-101 also requires a second-in-command when flying in IFR conditions, or in conditions when instrument flying is necessary. I believe that the Trislander often flies through inclement weather, and this regulation requires that there should be a co-pilot on board.

I expect to be told later on, Sir, that we are a British Territory, and that we operate under the British Air Navigation Order, and the British Regulations. But I have also been told that we utilise the stricter rule which applies, and in this case, Sir, I think the United States Federal Air Regulations is a stricter rule, in requiring a co-pilot for ten seats or more, and one if you are carrying passengers through IFR conditions. I have tried to research the Air Navigation Order, and the British requirements for a private and commercial license, and actually, Sir, I found them quite confusing, but I believe that they do require a co-pilot for 19 seats or more. So all I am saying, Sir, is that if we are going to apply this strictest rule, it should apply in all circumstances. Further, Sir, on this topic, since qualifications have suddenly become a big requirement, I would question how many of the present Captains flying the jet, have their ATP, that is their Air Transport License, or how many have their British Senior Commercial License. I also hope, Sir, that the stricter rule regarding 'battle to travel' is being applied. I hope it is, for the safety of passengers.

Mr. President, to continue my debate when we finished yesterday, I was telling some interesting tales as you call them, about the Public Works performance in my District. I had related the one concerning the Graveyard Road. On the same day, Sir, I visited what is called the Bullrush Walk Road, and I made the following observation. When I arrived, the equipment there was one bulldozer and one driver, both idle at the time I arrived. I spent one hour and 15 minutes there, and in that time only one sixteen yard load of crushed rock was delivered from High Rock, which the driver of the bulldozer spread in ten minutes, and went back to idle. This is the road, Sir, that the Financial Secretary told us in his Budget Address, that \$25,000 had been spent on it. Sir, for that \$25,000 we received exactly 235 feet of road, give or take an inch or two, because my son was holding the other end of the tape. Sir, that is a very expensive piece of road, because I have just received a quotation from a private firm to build a road for myself and some partners in a subdivision of George Town. If we assume that this 235 feet of road is roughly 30 feet wide, it has cost roughly \$100.00 a foot. The quotation I received from this private firm, Sir, which includes a sub-base of a minimum of two feet six inches, and barbegreen blacktop of four inches thick, works out to roughly \$32.00 per foot, that is \$32.00 per running foot by 30 feet wide.

MR. D. EZZARD MILLER (CONTINUING):

Mr. President, if we are expending \$100.00 per running foot on a 30 foot road, this is not barbeque road in this instance, Sir. It is not even road which has been graded by a grader, this is road which has been pushed over by a bulldozer. You can well understand Sir, that in that particular spot, the road was first built over the hill. I drove over the hill in my truck with my three-year old son standing beside me on the seat, and he did not fall down. Public Works, after buying the material to fill the holes up over the hill, then drilled the hill and blew it all up in the air, pushed the rocks to one side and then marled it. We can well see where the expense went. It gets worse Sir. On the same day I went to Water Cay in Run Point. The equipment there being a truckloader and driver, who were again idle, when I arrived. I stayed there for two hours and ten minutes, and only one 16 yard truck was loaded with gravel in that time frame.

Mr. President, there are other instances. There is 500 feet of road that was built several years ago by a private firm. That road, Sir, built by the private firm was built in less than eight hours. The bulldozer and carrier arrived at about eight o'clock. The bulldozer was unloaded, the man went to work and he was building the road through pasture and cliff. At about 11.30 a.m. the bulldozer carrier arrived again bringing a grader and took the bulldozer away. Trucks brought the fill from High Rock at the time. At about 2.30 p.m. the bulldozer carrier arrived again bringing the roller, and took the grader away. At four o'clock I wrote the cheque for the man who had completed the road, to grade and press standard which was later examined by Government and approved, for the sum of \$5,700.00, and the man went on his way. During this year, that same road had about three inches of marl added to its 500-foot length by Public Works, and one coat of chip and spray. It took them Sir, fourteen working days to do it.

Mr. President, I could give other examples of wastage in my District. The fact is Sir, we have to start giving the people of this country value for their money. The honeymoon is over, and we have to produce if we are going to tax the people to provide services.

I have been told Sir, that a study has been done to reorganise the Public Works Department. For which, I give the present Member full credit, but I will tell him that I do not think that this will solve the problem. I see the solution to the Public Works Department, Sir, in its conversion to a Planning, Design, Regulatory and Inspection Department, with actual construction whether it is roads, houses or whatever, being put out to the Public Sector on a public tender basis. I believe Sir, that until this country moves to programming budgeting, this is the only way we are going to have any kind of cap on what Public Works spends in any particular area.

The line item budget will constantly have funds vired from one head to another, to cover up inefficiency.

I do not think we have to worry Sir, about putting the people who presently work at Public Works, out of work. The private firms will hire them. Or better still, they can become entrepreneurs, and form their own construction companies, and do the work.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, during the Debate on the 1985 Budget in March, the Member responsible for Communication Works and Local Administration, promised me that they were going to place a Janitor at the Civil Centre in North Side. The person would look after the Town Hall, the Clinic, the Post Office, the School and the grounds, and it would be a full-time job. I hope it is tucked away in this nine-item budget. I have been unable to find it. Sir, the present service being rendered in terms of caretaking of the Town Hall is terrible. The last two occasions when I had a public meeting there, (every time I hold a public meeting in that Town Hall I pay Treasury \$10.00) I have been in the embarrassing position of having to apologise to the people present for the dirt that was in the Town Hall. Last Thursday night I had to go as far as to clean chairs myself, for people to sit on. I think the present caretaker is getting a handsome sum of money to look after that Town Hall. Mr. President, I look forward to the appointment of a full-time caretaker for the Civic Compound in North Side.

Mr. President, while I agree with the sentiments expressed by the Honourable Third Official Member regarding the Port Authority. I too hope that it continues to meet all its financial obligations. I have reason to doubt its efficiency of operation. Mr. President, it is unfortunate that on some occasions one has to rely on one's own experiences with these organisations, to determine the level of efficiency of performance. Sir, one of my constituents, has been trying for over a year to provide pilotage of ships in the harbour of George Town, as required under the present Port Authority Law. He wants to do so legally, and is going to do it with people who are qualified to do it. Mr. President, this particular man of whom I am speaking, if Mohammed Ali is the greatest boxer that ever lived, I believe Sir, that this particular Captain is the Mohammed Ali of Cayman Captains. I do not think, bar none, that they can find a person who has higher or more qualifications as a Master Mariner. I doubt very much whether in this place they can apply the other side of the sword of experience, because this particular Captain has done it all, including taking out the biggest ship the 'Tokyo Maru' when it was launched afloat. Mr. President, this man has been battered around for over a year. This country owes a debt to people like him, who have sailed the seven seas and the five oceans, to build this country, so that people like myself and others can enjoy what we are enjoying today. When they return, and there is an opportunity for them to provide a service to the Country, and earn a living, we have an obligation to provide it. Especially, Sir, when the present service is being provided illegally and by unqualified people. I am not speaking on any of this, Sir, subject to correction, because I have the documents here to prove it. Mr. President, fortunately this gentleman is a commoner like myself. It appears that he is being kicked around by whom so ever is responsible, and is being deprived of earning himself a livelihood, by people who have a stranglehold on the economy of the Cayman Islands. We have to be very careful when dealing with people like him, Sir. I can assure this House that in this instance, we are dealing with no little boy, or no fool. In the final analysis, he might not get the opportunity to provide the pilotage legally, but Sir, pilotage is going to be provided legally in the port of this country in the very near future, even if it has to be decided by the Honourable Judges in this Country.

Further Sir, when I read in the paper the Members of Committee who have been appointed to locate the mooring anchors for the cruise ships, I have to smile or laugh or cry, I do not know which one to do Sir. Those three people whom I see have been appointed, I doubt very much whether they have anchored a ship of anything over 100 feet in their lives, and they are talking about anchoring ships of over 1,000 feet, and locating anchors in the proper positions.

MR. D. EZZARD MILLER (CONTINUING): The Navigation Officer, Sir, on the staff of the Port Authority has not been consulted. I can assure this Honourable House that he is qualified and capable of locating these moorings in the right location, because he has also anchored a few ships in a few different harbours around this world, in his day. Mr. President, I can assure this Honourable House that if these moorings are installed according to the plan that I have been shown, the Port Authority will never, ever again, meet its financial obligations. I understand that these plans have been put to rest. I hope so, Sir.

Mr. President, another area of the Budget I would like to mention, Sir, is Education. It is good to see that this country can still afford to meet the expanding demands of the educational requirements of the people of this country. In a recent letter in the paper Sir, I observed the former Member taking credit for the recent good marks in the education system. Sir, I never, ever heard that Member offer any credit to the present Member, who is both his predecessor and his successor for the years 1977 to 1980. I am sure that the 'jolly giant' will be glad to give the former Member his credit for what happens in the next two or three years. Mr. President, one concern I have about our education system is that I believe it should be producing two types of graduate. One graduate who is career oriented, and will go into the professions, whether it be law, medicine, accounting, banking or whatever. The other, will be self-employable, businessmen and entrepreneurs. In other words, skilled graduates who can provide a service and employ themselves. At this time, Sir, I have my doubts as to whether the present system is producing enough of either of these two types. I would also hasten to add, Sir, that I think we need to place increasing emphasis on our primary education system. I give the Member credit, Sir, for the new graduating standards. Like him, I feel that rather than discouraging students, it should inspire them to greater heights. The total tax revenue to be derived from the new tax measures, Sir, will not even cover the Education Budget. So the people are only going to get the services of the twice that they pay.

The Health Services are still a shambles, Mr. President. The physical plan left by the former Member and his administration is so disorganised, that I do not even believe our 'jolly giant' can reorganise it into anything productive in the future. His alternative might well be the erection of a new facility, but I would hasten to add, Sir, that he should not consider the erection of a new facility until proper healthcare policies are put in place, and management is provided to better utilise the facilities when they are built, and offer better services to the people. I get complaints daily, Sir, about the healthcare institution. I get so many Sir, that I have begun asking people to put them in writing, and one of these days, Sir, I am going to compile a book about them.

Mr. President, I see in the Budget, a request under New Services for three new doctors. As I have stated on the floor of this Honourable House, many times Mr. President, I do not believe additional doctors are necessary to provide a 24-hour service. An explanatory note says that one of the doctors is going to be a Cardiologist, who is presently employed on a part-time basis at great expense. But, Mr. President, if the three doctors posts are approved, which I am not going to support, I trust that the 24-hour service at the hospital will be implemented, and that we can all rest a little easier at night knowing there will be a doctor available if we, or any of our families need one.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, I look at this line item budget. I see all kinds of funny things, Sir. Under Health Services Sub Head 01-110 there is a vote of \$14,000 to be paid to doctors in lieu of private practice. Now, Mr. President, I hope that the Honourable Member can explain this. We are not paying physicians at the hospital, peanuts you know, Sir. We pay them between \$26,000 and \$35,000 per annum, and that is not including all their perks and other allowances that they get. I really, Sir, could never support paying them an additional \$14,000, because they are not allowed to do private practice. I think Sir, they made that choice when they accepted a post with Government, and the Civil Servant Regulations prohibit Civil Servants from working in Private Practice without permission of the Public Service Commission or the Governor. If these people wanted to work in Private Practice, then they should apply for permission, and it be granted or denied. We should not, Sir, be giving them a dole because they could practice in private if they were not working for Government. This Budget even includes laboratory coats for doctors, a point which I will also be fighting in the Finance Committee, Sir.

Mr. President, the administration of this country for the Civil Service section of Government, is once again taking a large percentage of the annual budget. Mr. President, I will be the first to admit that we have many good Civil Servants. Many of them are working hard, and many of them are working long hours, but Mr. President, I believe something has to be done to stop the expansion of this bureaucracy. I believe, Mr. President, that this country needs now, as I said in March, as a matter of urgency, a proper Organisation Management Survey - a survey that is going to deal with manpower requirements, manpower utilisation, time and motion studies, space utilisation etc. Mr. President, I am not suggesting an expert who is going to come here and create permanent posts on the Establishment for himself, and when he is ready to leave, we have to do what I see we are doing for one of our consultants in this Budget, and that is give him \$9,000 in cash for leave. Mr. President, they are there Sir, I was up late several nights looking for these little things, but they are there. Mr. President, if all the Civil Servants to the best of my knowledge, do not take their leave by the 31st December they lose it, or they have to get special permission to carry it forward. I am dumfounded, Sir, that we have to pay one officer \$9,000 for retroactive leave, whether he is a contracted officer or not. It is unfair if he is allowed to accumulate his leave and get cash like this, in lieu of it. There are many Caymanians in the Service who would probably also like to accumulate their leave and get a cash payment like this. Mr. President, in the Establishments of Government, there are 136 Clerical Officers, and as I said in March, and I say it again Sir, that Government should investigate the possibility of using typing pools because, I believe that there are certain benefits to be derived from these typing pools, and I believe we could cut back on the number of Officers. Sir, the minimum requirement is a typing certificate of 50 words per minute, and I know the Government produces a lot of paper, but Sir, if each Clerical Officer typed for 37½ hours per week, they should produce at 50 words per minute roughly 183,600.00 words annually. There is a big budget in there for printing etc. We are in a computer age and as we are using word processors etc., we should be able to cut back even more on these Clerical Officers, because they do not have to put the second copy in the typewriter, when they make a correction they do not have to correct the top, they can correct one paragraph at a time, and they can edit their letters. This technology is supposed to reduce the manpower requirements, Sir, not increase them.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, I note with satisfaction that the new Public Service Regulations are finally out. I believe Sir, that they have been worked on for the last four or five years by one officer. I hope Sir, that it is not going to take that same consultant another four or five years to rewrite Government's General Orders. I was a Civil Servant the last time the General Orders were rewritten, and I think they were rewritten in less than a year. The fact that we are going to take four or five years does not guarantee that we are going to get any better product. We will not know whether the product is good or bad until we get it. We have to evaluate the Public Service Regulations now after four or five years of development, and determine if they are good or bad. It is better to write them in one year, and do an evaluation. If they are good we can rewrite them, not wait four or five years to get them written.

Mr. President, the Elected Members of Executive Council have done a good job Sir, of tightening the purse strings, but Sir, they have got to pull them a little tighter. There is still some fat in this thing that can be cut out.

Mr. President, I support the Police Department, especially the continued and increased effort to train local officers. Mr. President, what I am now going to say, I know is dabbling in your responsibility. There is one thing that concerns me, Sir, and that is the fact that I have had a number of reputable citizens approach me with an expressed suspicion of corruption in the Police Force. Now Mr. President, in a way, it is rather unfortunate that we as legislators, nor the public have seen the reports that have been produced on the Police Force some years ago, because maybe all these rumours could be put to rest. I trust Sir, that there is no corruption in the Police Force. A few Officers in the Force have mentioned their concern regarding what they believe is a growing potential or possibility of corruption. I have given them an undertaking to work with them, to document what they can find. If we find anything, Sir, I will bring it to you and this Honourable House in March.

The Traffic situation in this country, Mr. President, in terms of road deaths is bad and it is decaying. Sir, solutions such as the ones in the paper a few days ago, written by some Mr. Jackson from Naples, Florida, are not solutions to our problems, Sir. I would take this opportunity to encourage Mr. Jackson to put these regulations in place in Naples, and I can permanently avoid them by using I75 instead of I41 to get to Tampa. Mr. President, we give a lot of big service to drunk driving. What are we doing about it? I would like to see added to this Budget, Sir, a provision for three portable breath-alisers, for the Police Force, and let the policemen start putting up blocks, not excluding one near the Rugby Club, on Seven Mile Beach, up around Cayman Foods, and give people the benefit of the doubt. When they are stopped, they are given a breathalisher test, if they are over the limit they are warned and a note is written in their drivers license. Thereafter, any time they are caught, they are prosecuted to the full extent of the law. In three or four months, Sir, we will have a lot of the drunk drivers off the road. It is not only those under 25 that are driving on these roads drunk, and it is not only those who are driving Trans Ams, Corvettes, Camaros etc., who are driving fast or who are driving drunk. The solution to the traffic problem in this country is not to ban Camaros, Trans Ams and Corvettes, because Mr. President, I drive probably the fastest most powerful car in this country, it can do the quarter mile in an estimated 12.5 seconds - top speed is between 170 and 180 miles an hour if I cared to open it up, it is calibrated and I have never driven it that fast. Five years of owning the car, Sir, and I have never received a speeding ticket in that car. If we are going to talk about banning cars that are killing people, let us talk about banning the Toyotas, the Japanese cars that have no steel in them, Sir, There are men in this country who can catch these cars and pull the bumpers off them.

MR. D. EZZARD MILLER (CONTINUING): The people who are being killed in this country are not being killed in the big American cars, the fast cars, Cammarros, Trans Ams and Corvettes, they are being killed by cars like Toyotas which have no steel in them. The cross member or the safety bumper that is required by United States regulations in a Cammarro, Trans Am or Corvette has more steel in it than a whole Toyota car. I have letters on record from the officer in charge of traffic, indicating that they feel the solution to the traffic problem in the Cayman Islands, is to ban the big and high powered cars. Mr. President, we have heard enough about Bermuda, we do not want to start telling the people in this country that they cannot drive a Cadillac, you cannot drive a Mercedes Benz because the engine is too big, you can only drive something that has enough power to get you out of the way, if you need to get out of the way. There are two sides to this story, Sir, the problem lies in better education of the drivers, and stricter driving tests. When I am stopped on the road by a traffic officer today, the only thing he inspects presently, is the particular license sticker on my car. I would like to see that traffic officer take his brethaliser and test my breath, have me produce proof that I have insurance, have me produce proof that I have a current driving license, and let the people go through a drivers examination when they go back every three years, to get their drivers licenses. Another alternative is that people should only go for their drivers test after they have gone through an approved school of driving. However, now Sir, they learn in somebodys back yard, and they go to the Traffic Department and take their exam over and over again until they pass. There are a few people who go through the approved school, but I do not know if it is approved by Government or not, but the driving school which is available. I know of one little fellow who went to get his license four times now, and he has failed. I think he has been involved in an accident on three of the occasions, the last time he was making fun of it and asked if the policeman was frightened, as he had only hit a tree. If you are putting this type of person on the road, Sir, (and also, although I do not have any proof of it, there are rumours that a \$25.00 bill in your log book gets your license approved without the car even going to the Police Station), I hope that is not true. Mr. President, part of the solution lies in better roads, at least keeping the turns trimmed clear, so that we can see around that traffic is coming. I will be the first to admit Sir, that a lot of young people in this Country drive stupidly, but not every person who drives a car fast is a stupid driver. Most people have to pay more attention to the road, when driving at 50 miler per hour in Frank Sound, than they have to do driving at 30 miles per hour on the West Bay Road. They might go to sleep driving at 25 miles per hour in some of the Districts, but at 50 miles per hour they are going to be attentive. So, Mr. President, I would like us to stop giving lip service to drunken driving, and lets do something about it - take the drunks off the road.

Mr. President, these are some of the areas that I believe this Budget can be pared down, and as I have said, I will be fighting in the Finance Committee. I did not put up much of a fight the last time, because we really did not know the ropes, but this is the second time around Sir. I would like to say to the Honourable First Official Member, that if we were to do what he suggests, or if Churchill had done what he suggested I do this morning, "Sit down and shut up", after loosing one battle of the War, Hitler would rule the world today. He can be assured that he might have won that battle, but the war is not over Sir. It is not the first time that I have been told to "Shut Up", by that Member, but it rolls off my back like water off a duck, Sir. He can always be assured that we will always be in a fight, Sir.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, I note with satisfaction the Government Minute. I had intended to debate it, but you beat me to the question Sir, before I could find my Minute you had put the question. Government did a good job on the Government Minute. I note with particular satisfaction that they are going to do something to increase the effort and the emphasis on the collection of revenue from the areas where people are supposed to be paying revenue. I have heard Members mention that they have done surveys in their communities, and out of 20 houses, two people are paying garbage fees. Now Mr. President, we do not want to have happen to these revenue measures we are introducing today, what happened to the last two price increases at the Hospital. The only things which increased were the receivables on the book. We need Sir, desperately, the cash to be collected from these revenue measures, to be spent on the services for the country.

Mr. President, as I have said, I support the revenue measures as proposed by the Honourable Third Official Member. After all, Mr. President, the little man of which so much was said in the 1985 Budget Debate, is not the only one hit here - in fact, he is probably the least hit. I am getting to the point Sir, where I think it is becoming important for the public in this country to have a definition of the 'little man', because I am not sure what he means any more. If it does mean the less well off financially or the less fortunate people, then Sir, the only area of this Budget which is going to affect them is the garbage fee. They do not have any businesses, and you cannot really consider them a 'little man' if the man is an entrepreneur and has his own business. If he has one or two cars, a couple of drivers licenses, he is not so little Sir, and is doing well somewhere. Sir, asking the 'little man' to pay \$50.00 for a garbage fee is only 50 cents each time his garbage is picked up. I believe that most areas in this country now have at least a twice per week garbage pick up by the Public Health Service.

Mr. President, those of us who own cars, are going to be asked to pay \$130.00 per year to license a car, \$15.00 per year for a drivers license, \$10.00 for an inspection fee, grand total \$155.00 per year, to drive on the roads, or 42 cents per day. This has to be the lowest in the world today, and any country which has roads of comparable quality to the Cayman Islands and who are receiving comparable services to those being made available in the Cayman Islands, taking into consideration the fact that there is no direct taxation of any kind - they have even removed the only direct taxation there ever had been of \$10.00 per head per man.

Mr. President, the people of this country are constantly demanding, and rightly so, more services and improved services. The Roads Programme, planned under the 1986 Budget Sir, which is going to include new road construction, improvements in maintenance is \$2,125,000. Mr. President, I am sure the Honourable Financial Secretary and all his guard will not collect that sum from the increases under all the sub-heads in the Traffic Law. So the people are going to get the services Sir. The minority in this House believe, and the Honourable Second Elected Member from West Bay, we are going to ensure this, Sir. We are going to continue to prod the Government to provide better and better services. We are going to support the revenue measures, Sir, but they are going to have to perform first.

MR. PRESIDENT: We have already passed the time when we normally break. If the Member has reached a natural break in his speech.....

MR. D. EZZARD MILLER: Yes Sir.

MR. PRESIDENT: Then I will suspend proceedings for approximately 15 minutes.

AT 3:26 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:52 P.M.

MR. PRESIDENT: Please be seated.
Second Reading Debate on the
Appropriation Bill to continue. The Honourable Elected Member for
North Side.

MR. D. EZZARD MILLER: Mr. President, over the last few days, I have read several articles in the local paper about the revenue measures being introduced. One article in particular complained that the revenue measures were being introduced at the time when the economy is down & jobs are hard to find. Here again, Mr. President, my personal experience in my own small business tells me a different story.

I find it very hard to get people to work, I certainly do not have people knocking on my door every day looking for a job. I may have had five or six applicants in the last ten months for a job. The figures of my business on a daily gross intake basis, Sir do not indicate that the economy is down. On the contrary, Sir, my monthly gross intake for every month from July to November this year is above what it was in 1984, and the smallest increase in any month was 34 per cent over last year. Now, Mr. President I am not a business genius, and some of this can be attributed to a new location, or what might be considered a better location, and some of it to my prudent management. Sir, if I am taking in the funds, they have to be in circulation. November, just past, Sir, shows a 63 per cent increase over November 1984, and in talking to one particular restaurant owner on Seven Mile Beach last night, she has found the same thing. Her words to me were "I do not know what has happened or what the Government has done, but November has been a marvelous month". November 1985 showed a 12 per cent increase over September, but my indications are Sir, that business is growing. I take with a grain of salt the hoopla of business being so bad, and that the increase in trade and business licenses are so terrible, that they are going to be catastrophic to businesses and will close them down.

My business will have a business increase in the license from \$150.00 to \$800.00 or 2.19 cents per day. I believe I can absorb this with the present growth indications and not suffer any great hardship.

Mr. President, I said earlier, and I have repeated it several times, that I support the revenue measures because Sir, to me the choice of either of the other two evils or alternatives of deficit financing or increasing the public debt is only going to postpone the day of reckoning.

Mr. President, I have confidence that the Government bench can further tighten the purse strings of the Government, and reduce the wastage in the areas that I have already pointed out in my debate, but as I said earlier, I believe the minority and the opposition will be kept well in line.

MR. D. EZZARD MILLER (CONTINUING): I also believe Sir, that they will take an intelligent and an informed decision in the very near future about the National Airline.

I supported the decisions taken in the Finance Committee, and I believe, Sir, that 1986 should be the year when Cayman Airways Ltd. swims or sinks Sir. I have not been one that has been entirely convinced over the years, that this country could never exist without a national flag carrier in the air. Their accounts which will soon be tabled, I believe will show a positive move in this direction, and will in fact give some hope for the future.

Mr. President, this Government of which I am a part has been in power for one year. I feel they have done a good job, and have displayed the ability which I believe they have, when I voted for them to Executive Council. I will agree that at times we have had to squeeze that ability out of them, but in the final analysis, when it comes down to brass tacks, they have delivered. When it is necessary to squeeze them Sir, I will help to squeeze them.

I believe, Sir, that we have rightly the course of this nation, and under their guidance the country is once again set on a course of prosperity and development as a nation.

Mr. President, it is with this confidence in the Government, that I support the Bill before us today.

Before closing, Mr. President, I would like to take the opportunity of publicly thanking the Government for the services they have provided for my constituency during the last year. I would like publicly to voice appreciation of the people of my district, for the projects which have been completed and which are in progress. For example, the addition to the North Side Primary School, the grading and chip and spraying of the Town Hall parking lot and access road, the site plan for the development of the Civic Centre, the widening of the road at Rum Point, the extension of the Bullrush Walk Road (even though it was only 235 feet), the clearing of the three channels in the reef, the clearing of the three sandbars, the repairs to the road on the Bill Riley farm, and also Sir, for the improvements to the Queens Highway, which I would like to remind the Honourable Third Official Member, is the official name of the road which connects East End with North Side via the north coast of the island. In saying this Sir, maybe I should bring to the attention of the Member responsible for Communication and Works that the monument erected to the Queen, and as I live quite near to it, is being very poorly maintained, and I doubt if the writing now can be read because of the corrosion and the salt spray, so I would urge him to get Public Works out there, because if they go before he reorganises them, it is going to take them about a week to get it clean.

For these things Sir, I express the gratitude of the people of North Side, not that there have been handouts or is less that the people deserve, because they have been paying their taxes like every other citizen. In most cases, all of these things have been long overdue, but I realize that without their help I could not have achieved them.

I am also pleased Sir, to note that there are items which were on my shopping list Sir, but my demands for the people of North Side for 1986 have been put in the Budget. I can assure them that I shall be knocking on their door to make sure they are completed.

Mr. President, with these few words Sir, I support the Bill for a Law to appropriate certain expenditure for the services of the Financial Year 1986.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, fellow Members, the last speaker proved a very important point. We are all aware that he is in the pharmaceutical business, and his sales have increased tremendously. It follows, that the people of this country need to buy more medicine in order to accept the bitter dosage that they have been handed. I am very pleased that someone of a professional nature can back up what I will be saying in my speech.

MR. D. EZZARD MILLER:

My choice of profession Sir.

MR. JAMES M. BODDEN:

I would like to complement the Honourable Financial Secretary for his able delivery of an onerous task. I have never wondered or lost faith in the capabilities of this Honourable Member. By reading his speech, and dissecting the Budget, I can readily understand the difficult task he has had to perform. My heart goes out to him, and I complement him. In complementing him, I would also like to add some words of complement at this point to the Honourable First Official Member, who has seen fit to retire, and I hope, go into politics as some of the other Civil Servants have done. The country is really going to miss him, as everyone in this Chamber will miss him. I have had the privilege of associating with him for many years now, in Government Service and I have very high regard for him, and will hate to see him leave, but hope he will enjoy his retirement.

Once more, Mr. President the Government of this country, I speak of the elected Government, is trying to hide under the cloak of recession. It appears to me that any Government with which these two particular Elected Members are associated, we get the cry of recession. I have heard it many times in the past, so it was nothing new to me to think that it would be anything different this time.

In our neighbouring countries, on whom we depend to build up our country, business is booming, and we should have a better business atmosphere that we have. The present Government came into power saying that they would cure all ills which humanity had ever experienced, and they would bring a utopia to the Cayman Islands which everyone would enjoy for the next one hundred years, because of them being here. By this time, Mr. President, the whole country knows that this is hogwash. We know by their performance, it is nothing new to me I predicted it, because I have had experience of them. They have brought us not utopia, but they have sunk us into a pit of despair.

It is just the same for the District of Bodden Town which my colleague and I represent. I have always had the feeling, that once elected to this House one looks on the Islands as a whole, and not in an insular way at ones District. However, this time I have to take exception, because Bodden Town has not even been thrown the crumbs from the masters table.

The Budget Address speaks about increased employment, but I do not know where this increased employment is. I move around this country, and everyone is crying, and they are crying bitter tears because of the lack of employment. Are you telling me about the possible employment at the Hyatt Hotel, when I understand that they are paying carpenters the price which the local community usually pays for labourers. I understand that we have people labouring down there for three Dollars and 40 cents an hour, I think it is. They are wages which were payed to labourers in this country many, many years ago. If this is the increased employment of which we are talking, we do not need it.

MR. JAMES M. BODDEN (CONTINUING): One very heartening thing in this speech, is the disclosure by the Honourable Financial Secretary, that the year 1985 had shown an increase in the number of banks which had been registered in this territory. This is a complete vindication, as far as I am concerned, of the Narcotics Agreement, which had been entered into by the Unity Team Government with the United Kingdom and the United States of America. Many people predicted, people who are now willing to fall under the blanket and say it is a wonderful thing, but a year ago it was a terrible thing. We heard people from the banking community say it would destroy the country, etc. I am very pleased to see that the actions we took to protect the welfare of this country have been vindicated. Along with this, I would also warn that the Agreement is not to be carelessly handled. At this stage in our development, we should proceed on the slow course, rather than have any ideas of entering into a full-blown treaty at this time.

The figure for foreign assets in the Cayman Island Banks of 150 Billion Dollars, is a very satisfying idea. It is a large amount of money, and I am sure that if we knew the accurate amount, it would be much more than this. However, it is disheartening to know that so little of this money can be utilised in the local economy.

Regarding the projected Budget for this year, we are seeing an increase, and some of these increases by taxation, I will oppose. The revenue of this country since 1976 has risen substantially, rising from \$11,887,841 in 1976 to \$55,350,000 in 1984, or an average increase of 365.6 per cent, annual increase, which represents a very large increase in revenue. We are not showing this type of increase anymore, and at this part of my deliberation, I will not attempt to deal with it, but I will as I proceed.

In 1975 when I was given these figures, as illustration to prove that this Elected Government has continually deceived the people of this country, when it came particularly to financial affairs. The same trend which happened in the Administration of 1972-1976 is now happening during this period. 1975 showed a General Reserve Fund of 1.1 million Dollars, and a deficit of \$2,430,794.00 after the Government of that day had borrowed \$2,357,261.00 which was on an overdraft basis and did not appear in the public debt. Therefore, the actual amount of deficit for that year was 1.5 million Dollars instead of a reserve. This has continually happened to this country, and from 1977 to 1983 there was a show of 43 million Dollars in general revenue being used towards capital expenditures. In the years under the administration which is now headed up by two of those Members of the 1972-1976 Government, there was only 6.7 million Dollars, that could be used from the general revenue - compare that with the 43 million Dollars which we used. During that period they borrowed between 1972 and 1976, \$8,369,823.00 compared with a volume between 1977 and 1983 under the Unity Team Administration, of only 5,143,192.00.

In 1976 the public debt stood at 58.8 per cent of the local revenue for that year, and it required 12 per cent of the general revenue to service the long-term debt. A point to which you are warned in any economic theory, namely that you should not get to that point. In 1976 we had reached that point. In 1983, after the many significant things which had been done by our administration, it only required 18.9 per cent, the loans being 18.9 per cent of general revenue. It only took two and a half per cent of general revenue to service the long-term debt.

MR. JAMES M. BODDEN (CONTINUING): In 1986 after two years of this Administration, the country will then again be faced with a mounting debt structure, and the public debt will be nearly 30 per cent of general revenue. In two more years they will have it up to the 58.8 per cent that it was in 1976.

According to the speech given by the Honourable Financial Secretary, in the ten months of 1985 there has been no increase in the assets of the Currency Board. I note that for the two years of their Administration there has probably been a contribution of nearly two million Dollars from the Currency Board. I would warn them at this point, Mr. President, that they have used up in this short time all of the general reserves that were left by the Unity Team Administration. They are using up the Currency Reserves at a very fast rate, and if they keep it up, by 1988 our Cayman Dollar that we are so proud of, will be on a par with the Jamaican Dollar.

Another point in the Budget Speech that I would like to comment upon, and of which I feel very proud because this was again set up by the Unity Team Administration, is the great step forward that has been taken in the training of our local people for positions in the legal profession. It is right that our people, who have the ability, should be able to share in the big rewards in this field.

Another point, is to see the increase in the insurance business of this country, which was another bold step which we took. The ground work was all laid for this by the Unity Team, and it has shown a lot of success, and has brought a lot of prosperity to the country.

Again, referring to the Speech, I see that it is estimated that 1985 will show an increase of approximately 32 per cent or 65,000 cruise passengers over 1984. Again, I am proud to say, contrary to what the Member may be able to get up and say, that the groundwork for this was laid by our Administration. If it had not have been for that good groundwork, they really would be in a hell of a mess today. Mr. President, the problem with some of these people is, and I will deal with this later in my submission also, is that they have never got over that serious Central American infection known as laceritist. At a point in my speech, I will deal more fully with this very terrible disease.

I refer to the Speech on page 11 where it says a useful start has been made in providing a reliable flow of news about Government affairs to the local media. Mr. President again this was something that we set up and saw fit to bring to the people. Under our Administration, we felt that it was not adequately covered before. It is being done under a different guise now, but it is costing us about the same amount of money, and we are giving out the same news, other than in a more doctored version. The present Government accused us of managing news. I would like everybody to look at the news that is coming out now, and tell me whether it is managed or not managed. Look at what we are getting now, and look at the version that they selected to head it up.

This elected Government promised balanced budgets, and curtailment of expenditure. These are the two particular untruths that have to be exposed and brought out fully, for the people to understand. This is why I have taken so much time, and I will ask the indulgence of the House, when I get to it, to let me read it because a lot of it is figures, and I would not want to misquote any of them. We can see what has happened, when we read it. A large deficit is on hand. The current Government did not balance the Budget, they did not curtail expenditure, in fact expenditure in many, many areas has increased tremendously.

MR. JAMES M. BODDEN (CONTINUING): I predict that when the actual audited figures are presented to this House sometime next year, for the year 1985, it will prove that we will have had instead of a deficit of about 2.5 million Dollars for 1985, it will probably be somewhere in the nature of 4 million Dollars.

These same elected Members of Government from every soapbox in the land were quick to say that there was no reserve, and they manipulated figures to the point where they thought everyone must have been a two-year old school boy, in order to try and prove their point. I did not believe that people who put themselves up as being such financial geniuses could ever have misquoted things in the manner they did. Thank God, Mr. President, for one thing, those reserves were there, but thank God further, they have used them up now. Now, the present Government will have to get out and put some back before they can pull any more out. This is what I want to find out, how are they going to put these reserves back, particularly when they are presenting the type of Budget which is being presented to this House.

During last year's Budget, I remember one Member speaking on it and he said "They had nothing to do with the Budget, it was not their Budget, it was a Unity Team Budget". This was not the Unity Team Budget, and this year it is not their Budget again, it is the people's Budget. Who the devil will we have the Budget for in 1987?

Mr. President, I happen to have been a Member of the Government for eight years. I am quite aware of how the Budgets are put together. What I would call the 'Standing Budget' which deals with the expenses within the Portfolios, which cannot be curtailed, is always prepared by the Financial Secretary and his staff. The other Budget, which is for New Services, Capital Expenditure, the decision on loans and the decision on increased taxes, is completely within the responsibility of the four Elected Members of Executive Council. So they must not try to pass it off on the shoulders of someone else. They must stand up and take responsibility for what they have done to this country in such a short time.

On page 20 of this Speech, it says that we are going to have a Building Code, and that we would be having another Adviser from Bermuda or the United Kingdom to do this for us. We will probably have to go to the bank to borrow the money to pay him when he leaves.

We are very close to Florida, and Florida has many hurricanes usually every year. It was decided to adopt the South Florida Building Code, and as far as I am aware, subject to correction, an expert did this for our Government, we employed them once in a while too, and it is somewhere up there on the shelf. However, I imagine it will grow and become radioactive as the Land and Development Planning Law did many years ago.

The current Members speak of the Petroleum Agreement. The Petroleum Agreement or the finding of petroleum products in this country could have a negative effect as well as having a positive effect. I would not try and stand here at this point, and tell you which side I would stand on, with regard to it. There is one thing that I will speak against, and that is under the present system, the landowners can only claim for damages. There is no royalty to be attached, if it should be found on his property, and I think this is incorrect. I do not think that this will go down too well with the people of this country. However, I would have thought that by this time, the Members of this Legislative Assembly could have been circulated with either a copy of the Agreement, or an extract from the Agreement, saying what was involved.

MR. JAMES M. BODDEN (CONTINUING): Although again, Mr. President, let me correct myself too. I do not want this group to take credit for all of this, it has been sitting on the Glasshouse shelf up there for several years, and we did not see fit to do anything about it because of what I have just said. We were of the opinion that something should have been done with regard to the royalty rights for the local people. I still stand by this belief.

I was very, very pleased to see that we thought it was of such great national importance that we had spent untold amounts of money, I imagine, in conducting two surveys in the Cayman Islands. I think they may have been censuses. I think we took a census of the parrots - the poor parrots, and now we are going to take one of the iguana. Of all the important things that affect this country at this point, this is what our elected Government is doing, spending their time hiring experts to conduct studies to count the parrots and the iguanas. Why do they not get down to the problems that affect the country, and can help the country to improve and get going. I will be anxiously awaiting the results of the redshank and lizard census, as this is undertaken by this Government.

MR. PRESIDENT: Since it is now half past four, perhaps we can hope to give the Honourable Member the full results of the redshank survey in the morning.

MR. JAMES M. BODDEN Yes Sir, I would like to reserve all day tomorrow please.

MR. PRESIDENT: I will invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

MR. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The motion is that this House do adjourn until 10.00 a.m. tomorrow.

QUESTION PUT: AGREED

AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M. FRIDAY, 6TH DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

SIXTH DAY
FRIDAY
6TH DECEMBER, 1985

PRESENT:

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 FRANKS MEMBER RESPONSIBLE FOR HEALTH
EDUCATION AND SOCIAL SERVICES

HON W NORMAN BODDEN, MBE MEMBER RESPONSIBLE FOR TOURISM
AVIATION AND TRADE

HON CAPT CHARLES U KIRKCONNELL MEMBER RESPONSIBLE FOR COMMUNICATIONS
WORKS AND DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CRE, JP MEMBER RESPONSIBLE 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 MADRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSEE 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

FRIDAY
6TH DECEMBER, 1985

SIXTH DAY

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

2. PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE SELECT COMMITTEE ON THE ELECTIONS LAW

TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE SECOND OFFICIAL MEMBER.

3. QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BORDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 149: WOULD THE HONOURABLE MEMBER STATE WHEN DID THE RATE INCREASE IN FARES GO INTO EFFECT FOR CAB?

NO. 150: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE TOTAL COST OF THE SWISSAIR RETORT INCLUDING HOTEL AND GROUND TRANSPORTATION?

NO. 151: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE CARGO REVENUE OF CAL IN 1985 COMPARED TO 1984?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 152: WOULD THE HONOURABLE MEMBER STATE WHETHER GOVERNMENT RECEIVED STAMP DUTY ON THE SALE OF PROPERTY TO MRS GREER IN RELATION TO A CONDOMINIUM PURCHASED FROM OCEAN CLUB?

NO. 153: CAN THE HONOURABLE MEMBER SAY HOW MANY COMPANIES WERE REGISTERED IN AUGUST, 1984, AND HOW MANY ARE REGISTERED NOW?

NO. 154: WOULD THE HONOURABLE MEMBER SAY IN WHAT FIELDS AND AT WHAT COST HAVE FOREIGN ADVISORS, CONSULTANTS OR SIMILAR EXPERTS BEEN EMPLOYED OR APPOINTED BY GOVERNMENT TO VISIT THE ISLANDS FROM JANUARY, 1977, TO NOVEMBER 14TH, 1984?

4. GOVERNMENT BUSINESS

(a) MOTIONS:-

(i) GOVERNMENT MOTION NO. 11/85

CARIBBEAN DEVELOPMENT BANK CREDIT SCHEMES

TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER.

(ii) GOVERNMENT MOTION NO. 12/85

BARCLAYS BANK PLC - CARIBBEAN DEVELOPMENT BANK

TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER.

(b)

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE:

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FRIDAY

6TH DECEMBER, 1985

10.15 A.M.

MR. PRESIDENT:

Prayers.

The Honourable First Official Member.

HON. DENNIS H. FOSTER:

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.

The Lord bless us and keep us. The Lord make His Face shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Please be seated.

Presentation of Papers and Reports.

Report of the Select Committee on the Elections Law. The Honourable Second Official Member.

REPORT OF THE SELECT COMMITTEE ON THE ELECTIONS LAW

HON. MICHAEL J. BRADLEY:

Mr. President, I beg to lay on the Table of this Honourable House the Report of the Select Committee appointed to study the Elections Law.

MR. PRESIDENT:

So ordered.

HON. MICHAEL J. BRADLEY: Sir, there was in 1983 a Select Committee of this Honourable House appointed to study the then existing Elections Law. I had the honour to be Chairman of that Select Committee as I have had the honour to be Chairman of the present Select Committee. At that time the Members of the Select Committee who were all the Members of the House, went through very carefully the existing Elections Law and made a number of recommendations which were embodied in the 1983 Elections Law, which was presented to the then Legislative Assembly, passed on the second day of December and came into Law at the end of December, 1983.

It was on the basis of this Elections Law, 1983 that the last General Elections for the Cayman Islands were held in November of last year. After that Election it was thought fit and proper, since there had been so many innovations and so many changes, that Members be invited to make representations and recommendations to His Excellency the Governor. A number of Members availed themselves of that and on the basis of those, the House determined that it was appropriate that a further Select Committee be appointed to study and make recommendations in the light of the experience of the 1984 General Elections, what further, if any, changes either to the Law or administratively should be recommended.

Accordingly, Sir, at the second Meeting of the 1985 Session, on 21st May, Government Motion No. 7/85 was passed establishing a new Select Committee consisting of all the Members of the House, to study the recommendations already made and to receive further recommendations with a view to preparing an amending Bill.

As previously stated, I, Sir, had the honour to be appointed as Chairman once again. Your Committee held four Meetings, at the first of which admittedly no business was conducted due to the lack of a quorum. However, there were three long substantive Meetings in September and October. At these Meetings the Select Committee considered representations and recommendations made by the Supervisor of Elections, by four Elected Members and by one Official Member. In addition to those considerations the Supervisor of Elections, Mr. Kearney Gomez, at the wish of the Committee attended the Meetings and expressed in fuller detail his views and his experiences in relation to the 1984 Elections.

Honourable Members of your Select Committee also went carefully through the Elections Law and it is on the basis of those deliberations that the recommendations contained in the present Report are made.

The present Report, Sir, contains eight important substantive recommendations concerning changes to the Law and also three important recommendations concerning administrative and non-Law amending matters.

In addition thereto, there were recommendations made, seven in number, of a typographical or cross-referencing matter, and a further seven relating to minor changes in the Law. Honourable Members will see those in the Report.

However, there were a number of substantive recommendations made and I would propose briefly to go through these.

The first is perhaps in many ways the most significant and it relates to section 4 of the Elections Law. At present, Sir, the Cayman Islands is divided into six Electoral Districts which are defined in the first Schedule to the Law. Two of those Electoral Districts are represented by three Members. Two Electoral Districts are represented by two Members and two Electoral Districts are represented by one Member each.

HON. MICHAEL J. BRADLEY (CONTINUING): The recommendation of your Select Committee is that the Electoral Districts in Grand Cayman which have multi-Representatives be sub-divided into single Member constituencies to correspond with the number of Representatives, but that the general Electoral Boundary remain the same. Also it is recommended that due to the particular circumstances that no change be made to the District of the Lesser Islands.

The effect of that recommendation, Sir, would be that in Grand Cayman there would be, if implemented, ten one Member constituencies and there would be one further constituency of two Members for the Lesser Islands.

When I have gone through the recommendations, Sir, I think that it would be only fit and proper to return to that recommendation and to say to Members what I consider should be the procedure to be followed in considering that recommendation.

The second substantive recommendation made was that there be an amendment made to section 11 of the Law. At present, section 11 which deals with the enumeration provides that the Registering Officer shall, among other things, proceed to ascertain the name, address and occupation of every person qualified to vote in the Electoral District for which he has been appointed, and shall obtain the information he may require by a house to house enquiry.

The proposal made by the Select Committee is that that section be amended to provide for the establishment of a Registering Office by the Registering Officer in each constituency, where any person who wishes to register may do so, and where the Registering Officer may, if he is satisfied, register anyone who due to physical handicap is unable to attend in person.

The next substantive recommendation for change to the Law is to provide a further amendment to section 18 and section 18 deals with the time and place of nomination. The recommendation is that if there are less candidates than seats, the candidates nominated shall be declared to be the Elected Members, and that within three months a By-Election shall be called to fill the vacant seat. I may say, Mr. President, that personally I consider that a rather unlikely hypothesis. However, it was thought fit and proper to include it in the event that it should happen.

The next substantive recommendation was that whereas nowadays a candidate duly nominated may, not less than three clear days before the date fixed for taking of the polls, withdraw his candidature by giving notice, that the period before which he must give notice be extended from three clear days to ten clear days.

A further recommendation is that section 39 of the Law be amended to provide for postal voting by persons who will be absent from the Islands for whatever reason on Election day.

The next recommendation is that a definition be placed in the Law in the Interpretation section of an Election Agent, and that an Election Agent be so defined as to provide that it shall be somebody who is a registered voter in the Electoral District in which the candidate is standing.

The next recommendation was a direct result of an uncertainty which occurred at the last Election. It is proposed that the Election Rules which are contained in the Election Law be amended by changing Rule 18(3) to provide that a Returning Officer shall immediately upon receipt, either by hand or by post, of a covering envelope in respect of a postal ballot, place it unopened in a postal voters' box locked and sealed in accordance with Rule 16.

HON. MICHAEL J. BRADLEY (CONTINUING): There had been a certain amount of uncertainty because whereas the United Kingdom Election Rules, which in other respects were very closely followed in our Election Rules over many years, clearly stated that delivery could be either by hand or by post, there is presently in our Law no such clarification.

The final recommendation of substance in respect of the Election Law relates to the situation which, with the experience gained it was considered undesirable. That was that there was no provision whereby if a person who was a postal voter had received his ballot paper and had through inadvertence or haste spoiled the paper, there was no procedure whereby he could obtain a further paper. It is proposed now that there be a provision to the effect that if a postal voter inadvertently spoils his paper, he may return it by hand or by post to the Returning Officer and, subject to certain provisions, then there may be issued to him another postal ballot paper.

Those, Sir, are the recommendations concerning changes to the Law. There were other recommendations which were made by the Select Committee of this Honourable House.

The first relates to the Supervisor of Elections and the recommendation is that the Supervisor of Elections should, not necessarily be a Civil Servant, be appointed on a continuing on-going basis and be paid on a per diem basis. I would, Sir, emphasise that in making the recommendation that the Supervisor of Elections should not necessarily be a Civil Servant, that the Select Committee was in no way criticising the present Supervisor of Elections. I think that we are all agreed that in the last Election he did a superb job. What the Select Committee is saying is that in the future a situation could arise where there could be somebody of stature in the community in the private sector able and willing to take on this onerous job. In that situation it would be appropriate for a Civil Servant to be relieved of the very onerous duties attached to that office.

The second administrative recommendation was that in future Elections that the Supervisor take administrative steps to ensure that there is a sufficient distance between the building provided for the counting of the votes and the members of the public in the precincts.

The final administrative recommendation is that if and when this Report is adopted and it is to be implemented, that the Attorney-General have the authority to make any further necessary consequential amendments to the Law.

I said, Mr. President, that the first matter I mentioned was perhaps the most significant. That is the recommendation that for Grand Cayman the present multi-Member constituencies be changed into single Member constituencies. I think that it is true to say that it is the feeling of your Government that the Report should be accepted and adopted, but that it should be made quite clear to the public of the Cayman Islands that in accepting and adopting the Report, that Government has not yet reached a firm view on this particular recommendation and that it is the feeling of Government that there must be much more public debate and public input before this recommendation is to be implemented.

If in fact, Sir, the recommendations were to be implemented, I think that it is only fair and proper to say that it would be the intention of Government to introduce such provisions as regards the dividing up of the present multi-Member constituencies as would ensure that it was done in a fair, impartial and informed way.

HON. MICHAEL J. BRADLEY (CONTINUING): It is traditional in other parts of the Commonwealth, and it is a tradition which I feel sure that Members of this House would wish to follow, that when boundary divisions are made, or when boundaries are changed due to population changes, that there be appointed a Boundaries Commissioner who would be a person from without the jurisdiction, and a person who had held high judicial office in some other place; that that Boundaries Commissioner would come to the Islands if such change were to take place; that he would stay there; that he would invite representations; that he would make enquiries; that he would take a very long, slow and careful look before making his decisions in regard to boundaries.

This is particularly true, Sir, because it is my understanding, based on the two Select Committees on the Elections Law which I have had the honour to Chair, that the boundaries in the Cayman Islands are traditional boundaries which have existed for many, many years. In fact, it might be true to say that they have existed from time immemorial. In fact, the boundaries in the old Elections Law were very simply defined and it was to produce exactitude that there were in the Schedules to our present Law in force, cadastral descriptions made of the Electoral Districts, so as to provide certainty and to remove any question that a person would not know in which area he should vote.

Since those boundaries are traditional, very careful thought would have to be given if they were to be divided up into two or three constituencies.

Our Constitution, Mr. President, is an unusual one in that in other jurisdictions there is usually a provision not only for the post of Boundaries Commissioner, but particularly provisions relating to the Electoral Districts, to the number of seats as we have and to the boundaries of those. It may be, having considered the matter, that Members might feel that such provisions determining the boundaries of constituencies could be more suitably and aptly embedded in a Constitution, which would require change by Her Majesty by Order-in-Council rather than in our own domestic Law which is within the authority of this Assembly to change. This is another matter which I throw out so that people may consider it.

I would further say what I said earlier, that the recommendations should be the subject of consideration and debate both within and without this House, this particular recommendation, and it should be considered on a national basis.

Finally, I would say that if and when such a Bill implementing this and the other recommendations were to be brought to this Honourable House, it may well be at that time that you, Sir, would feel it fit and proper that in such a situation, the normal tradition of collective responsibility not be applicable, and that in fact in all these matters, that a re-vote be afforded to Members of Government and of the Executive Council.

Mr. President, I beg to report.

MR. PRESIDENT: The motion before the House is that the Report of the Select Committee on the Elections Law be adopted. Perhaps it would be helpful if I did just say at this stage to the House that I think it was the final point, certainly one of the last points which the Honourable Second Official Member made, the point about collective responsibility, is one which I endorse. That is to say both now really voting on this if it comes to a vote, and in any future vote on the Elections Law I think that the matter is one in respect of which Members should be entitled to vote according to their individual wishes. This would not be a matter for which Executive Council were collectively responsible, because something like an Elections Law is in my view best done by trying to reach a consensus which goes across the lines of grouping and parties.

MR. PRESIDENT (CONTINUING): The question now is that the Report be adopted. Does any Member wish to speak? I think that the Elected Member for North Side actually caught my eye first.

MR. D. EZZARD MILLER: I would have readily given way to the Second Elected Member for George Town, Sir. However, I rise, Sir, to support the recommendations contained in this Report. Sir, it is a sweet taste of victory with which I observe the first, and I will agree with the Member laying the Report on the Table, the most significant recommendation made in the Report. Had I done what the leader of Government business suggested yesterday, maybe this recommendation would not have been here. However, it proves, Sir, that the longer the battle and the more wars we lose before we win, the sweeter the victory.

I can hear from the guarded comments of the Honourable Second Official Member that there is still going to be some fighting down the road. However, I believe, Sir, that this is a significant and a necessary change in the Law. I believe that it will bring equality, although I can vividly recall the slurs and accusations thrown at me when I moved a Private Member's Motion in March this year, suggesting the same thing.

This, Sir, as I said then, will bring equality of voting. It will not divide the people of these Islands in any racial class or economic standards, because any of these present Electoral Districts could be divided by an independent person in such a way so as to contain its share of all classes, colours, creeds and economic levels.

The other changes to the Law, Mr. President, I also recommend and, Sir, I think that it is prudent for the public to take note of those people who were present and those people who were absent during the deliberations of this Committee. The recommendations made to clean up the Laws in the forms, etcetera, are certainly going to help when the next Election is held to avoid any confusion.

I also support strongly, Sir, the recommendation to create a permanent Supervisor of Elections, and the appointment of a Registrar, so that hopefully the registration of voters can be an on-going process rather than just three to four months hurried exercise prior to each Election to ensure that all those people who are entitled to vote are given the opportunity.

I also support strongly, Sir, the recommendation that those people who are entitled to vote but have to be absent from the Islands should be allowed to vote by postal vote.

Mr. President, I recommend this Report to the House.

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

MR. LINFORD A. PIERSON: Mr. President, the Report before us, the Select Committee on the Elections Law, is one which I recommended should be set up and should be dealt with in this House, mainly because I felt that more time should have been given to deliberating amendments to a Law as important as our Elections Law.

When Government Motion No. 7/85 was brought to this House, I expressed in no uncertain terms my misgivings not only with the actual changes which were recommended but, in my opinion, what I felt spurred these changes.

MR. LINFORD A. PIERSON (CONTINUING): So, Mr. President, my position in this respect has not changed. It is unfortunate that because certain Members of this House seem to be favoured over other Members, that they appear to be able to push any nonsense through.

Mr. President, the only avenue open to me is to take such a matter to the public which, together with this matter and others, I intend to do, God willing, on Wednesday night on the steps of the court building at 7.30 p.m. It is not that I feel that this will make any substantial or material changes, because it is well established that nearly anything which certain Members want passed through this House will be passed, mainly because of the numerical advantages they have in the House, whether or not this is good for this country.

The Elected Member for North Side, Mr. President, boasted of the sweet taste of victory. I wonder if he would be feeling the same way if he was running in one of the Electoral Districts which will be directly affected by the changes being recommended by him.

Mr. President, I have no objection to the procedure, or system or policy of one man, one vote. What I do object to is the reasoning behind this, because it was well established; it was said; it was broadcast after the last Election, that because certain candidates were favoured with one vote that the whole system would be changed. I have looked through the amendments to this Law and while I will commend the Honourable Second Official Member for some of the changes made, I submit, Mr. President, that a major change has been left out of this Law, and I say this as a Caymanian. This has been my position from long before I considered politics and it is my position today that no candidate should be elected to this House who is not a born Caymanian. This can be written on the front of the Caymanian Compass or it can be shouted from any political platform. I stand by that remark that no man or woman should stand as a representative in the Parliament of the Cayman Islands unless he or she is a born Caymanian. That is a major omission from these amendments.

MR. PRESIDENT: I think that the Member is out of order in the sense that a matter of that kind would not have been within the purview of the Committee, because it would require a change to the Constitution, not a change to the Elections Law.

MR. LINFORD A. PIERSON: Thank you, Mr. President. A man convinced against his will is of the same opinion still. I bow to your ruling, Sir.

The system which now exists within the Law has been happily accepted by the people of the Cayman Islands. There is no need why the people in the George Town District, or the West Bay District or wherever cannot still vote the way that they please. There are three seats in these two Districts just mentioned. Why should not the people from South Church Street, South Sound, the West Bay area, Crewe Road or central George Town vote for the three people who they feel should represent them in George Town? Why are we splitting up the constituencies to serve the purpose of certain individuals?

Mr. President, as I said in May of this year in debating the motion before the House, I consider this a very separatist policy. I consider that we are bordering on the line of apartheid in the Cayman Islands and I believe that there are a lot of racial overtones in these changes. I believe, Sir, that it will not serve the interests of this country to start splitting up the people

MR. LINFORD A. PIERSON (CONTINUING): in this country into one area or the other. We have lived in peace and harmony in this country for ages, blacks and whites alike. It did not matter. We all mixed together.

Such a change in our Elections Law will bring about a lot of separatism in this country, not that we do not already have it. However, now we are legalising it.

Mention was made about attending the Meetings. The reason I did not attend the Meetings is the reason which you will see here in the vote which was taken on section 4 of the Law. It would have been a waste of time. I cannot afford to waste my time. If we look at the Minutes of the Meeting of the 9th October where the amendment to section 4 was recommended, we will note that the people present who voted for this by majority were the Honourable Second Official Member, the Honourable First Elected Member of Executive Council, the Honourable Second Elected Member of Executive Council, the Honourable Third Elected Member of Executive Council, the Honourable Fourth Elected Member of Executive Council, the Second Elected Member for West Bay, the Elected Member for North Side, the Third Elected Member for West Bay.

This is why I consider it a waste of time to attend a lot of these Meetings. We come here to these Meetings and we already know what the position is going to be. A lot of the Meetings are a waste of time. If I was a Civil Servant with a steady salary, then I could come here to every Meeting. However, as a Member who has to hustle in the private sector I have to count every minute of the day.

Mr. President, the most offensive section of these amendments is section 4. I could stand here and talk until I am blue in the face and it would not make any difference, because if the Government Bench decides that this will be accepted, it will be accepted. However, I hope that the people of the Cayman Islands and in particular the constituency of George Town will take note of the names of the people who are supporting this change, not that it will affect some of us because I believe that some of us will have the ability to encourage some of the people in the other areas to come into our areas. The difficulty with this section is that people will be torn apart. The danger of this section is that we are going to split the country right in two. We do not want this in the Cayman Islands. We have seen this sort of thing happen in Jamaica. We have seen it happen in the Windward Islands. We have seen it happen all round us. Yet we have certain individuals with ambition who would like to see the Parliament of the Cayman Islands consist of one type of individual. I will not comment on that point further because I know that a lot of the Members know what I am talking about. However, remember....

MR. W. McKEEVA BUSH: Mr. President, on a point of order, Sir. I wonder if the Member would read section 4 of the Elections Law Report. I wonder if he could say whether there was a dissent in that particular section.

MR. LINFORD A. PIERSON: This is not a point of order, Mr. President.

MR. PRESIDENT: I agree, it is not a point of order.

MR. W. McKEEVA BUSH: I was just giving the Member a chance to clear up the mistake he made.

MR. PRESIDENT: You will have a chance when you speak yourself.

MR. LINFORD A. PIERSON: If the Member wants to interrupt in this House, let him learn the Standing Orders and interrupt me on a proper point of order. This is no point of order. What I am talking about here is a system which would destroy this country. It is unfortunate that some of our less informed and some of the new initiates do not understand this. The trouble is that there are too many extension cords in this Assembly who will do whatever they are told. They do not think for themselves. They cannot see beyond their noses.

Another point, Mr. President, before I am rudely interrupted again, is the changes made in the administrative side of the Law. I do not know whose interests it will serve to change the system of a senior Government Civil Servant as Supervisor of Elections. The reports I got on the last Election were that it was one of the most efficiently run Elections in the history of this country and congratulations go to Mr. Kearney Gomez. Why are we changing something which has worked and worked well? Whose interests are we trying to protect? Mr. President, as I said, I could stand here and talk until I am hoarse.

If it is the decision to support one of the cronies of the present Government, then this will be done.

MR. D. EZZARD MILLER: Mr. President, on a point of order, Sir, Standing Order 35(3) and (4), I think that the Member is using offensive or insulting language about other Members, and I think that he is also imputing improper motives to other Members. May I have a ruling from the Chair, Sir?

MR. LINFORD A. PIERSON: Mr. President, that is a lot of nonsense.

MR. D. EZZARD MILLER: Will the Member please sit down until the President rules.

MR. PRESIDENT: My understanding was that the Second Elected Member for George Town was starting to say that the proposed amendment, or that the proposal made in the Select Committee Report was made in order to enable certain other Members to appoint their cronies to a position. If that is so, then it is out of order.

MR. LINFORD A. PIERSON: Mr. President, a rose by any other colour is still a rose. Call it crony. I will take back crony. However, say one of their satellites or one of their supporters. It is still the same.

MR. PRESIDENT: It is still out of order, I am afraid.

MR. LINFORD A. PIERSON: One of their supporters is not out of order, Mr. President, with respect.

MR. PRESIDENT: Oh, yes it is, because it is imputing an improper motive, and the appointment is in any case not made by Elected Members.

MR. D. EZZARD MILLER: Thank you, Sir.

MR. LINFORD A. PIERSON: Mr. President, regardless of the position, we know the position and the people know. I am not here shouting for Linford Pierson, the Second Elected Member for George Town. I am here speaking about amendments which will affect the people and generations to come in the Cayman Islands.

I realise that it was the Elected Member for North Side who piloted the Private Member's Motion and I also know the reasons why it was done, and the Member knows that I know because I have told him. So, regardless of how many times he tries to interrupt me in this House it will not nullify the effect of what I am saying.

MR. D. EZZARD MILLER: Mr. President, on a point of order, Sir, I think that the Member is misinforming the House, because it was not me who piloted the motion. The motion now under discussion was piloted in this House by the Leader of Government business, the Honourable First Official Member.

MR. LINFORD A. PIERSON: Mr. President, I have the motion before me moved by the Honourable First Official Member, which is correct. However, I think that the record and Hansards of this House will show that the Elected Member for North Side was the most vocal in supporting this.

HON. MICHAEL J. BRADLEY: Mr. President, in the small pause could I say now to alleviate certain Members' anxiety that since it has been my Select Committee Report which is taking up so much time, that I would propose in due course the suspension of Standing Orders to enable Question Time to be taken.

SUSPENSION OF STANDING ORDERS

MR. JAMES M. BODDEN: Mr. President, I would like to request time in regard to the Standing Orders covering questions. I would like at this point to register my exception. The House is clear on the time for questioning and that questioning shall expire at 11.00 a.m. I think that it is ridiculous for whoever prepared the Agenda for the day to be placing motions of this nature, which they know would be controversial, before Question Time. It means that the people on this side, the minority have no right at all to question because then the Question Time is eaten up by these motions. I look at the paper here today. We have the Budget to be debated. I came prepared to debate the Budget. Yet here we have three Government motions which will take up all of the time of the House today. Why could they not have been interspersed through it? This is another ridiculous thing, like this particular motion before the House. I have to stand and raise objection to it, because I am prepared on that particular point to go through the country and see, if this is ever adopted, that this is done by a referendum rather than by the Members of this House.

Mr. President, the way that this House is being run now, I can only do but one thing. That is to call on you as President of this House, as Oliver Cromwell called on Parliament in 1653, "Dismiss the House. They have sat here too long doing nothing and let us be on with the work of the country in the name of God".

MR. D. EZZARD MILLER: Mr. President, as a Member of the Business Committee, Sir, can I draw the Member's attention to section 14 of the Standing Orders which clearly lays out the order of business for the day. The Business Committee has no choice but to follow the orders as defined in the Standing Orders. The orders are as follows:-

- "(a) PRAYERS
- (b) ADMINISTRATION OF OATHS OR AFFIRMATIONS
- (c) READING BY THE PRESIDING OFFICER OF MESSAGES AND ANNOUNCEMENTS
- (d) PRESENTATION OF PETITIONS
- (e) PRESENTATION OF PAPERS AND OF REPORTS...."

MR. LINFORD A. PIERSON: Mr. President, on a point of order. Each one of us got a copy of the Standing Orders. We do not need the Member to waste time reading them out.

MR. D. EZZARD MILLER: That is not a point of order, Sir. Would he please quote the chapter and verse of the Standing Orders which he is referring to?

- "(e) PRESENTATION OF PAPERS AND OF REPORTS...."
- (f) QUESTIONS."

MR. PRESIDENT: Would the Member please sit down. I think that we have all moved beyond points of order. The Second Elected Member for George Town was first interrupted on a point of order. However, we have strayed a long way from it.

I would like to say in response to the First Elected Member for Bodden Town that I quite take and sympathise with his point. The only way in which we could today meet it would be, of course, by suspending Standing Orders to enable questions to be taken after the discussion of this particular Report has been completed. That I think will be the wish of the House.

As to the future now...(INTERRUPTION)
I think that I would just like to finish if I may.... As to the future, it is certainly true, as the Elected Member for North Side pointed out, that the Standing Orders do require that Reports be laid before questions are taken. However, I think we ought to consider whether we cannot devise some arrangement whereby either Reports which are known to be likely to be the subject of debate like this one are laid, but are debated at a later stage in the proceedings, or that they are not laid until sufficiently late in the course of a Meeting that all questions have been exhausted. I think that we ought to find some way of avoiding them interrupting Question Time and obliging us to....(INTERRUPTION) I will let you speak as soon as I have finished, because I have not quite finished yet.....obliging us to suspend Standing Orders each day. I would invite the Business Committee to have a look at what might be possible.

MR. JAMES M. BODDEN: Mr. President, I thank you for that because I have been a Member of this House now for 14 years and I do not need to be reminded every time of this rule or that rule which cannot be broken. We have never in that time placed controversial debates before Question Time. The Question Time was sacrosanct and it was left out. If we had a motion which would only require a few words before being laid on the Table and we could then go on to Question Time, that is what was done.

MR. JAMES M. BODDEN (CONTINUING): What I am saying is, this is taking away the rights of the Private Members of this House. I am not asking at this point for Question Time to be advanced today. What I am asking is that the Question Time be put off until some time next week and we go into the Budget debate. The important point here now is the Budget debate, rather than these motions, rather than the questions.

MR. W. McKEEVA BUSH: Mr. President, I as a Member have questions on the Order Paper. I do not care what damned Report we are talking about here today. I want my questions answered today.

MR. JAMES M. BODDEN: I thought the Member was supposed to be a Christian. I did not expect to hear such words from the Member.

MR. W. McKEEVA BUSH: I am as much a Christian as the Member.

MR. JAMES M. BODDEN: I do not...

MR. PRESIDENT: Please sit down. Order, order.

MR. JAMES M. BODDEN: ...like the Member.

MR. PRESIDENT: Order, order.

MR. W. McKEEVA BUSH: If the Members...

MR. PRESIDENT: Please sit down. Please. No. Both Members please.

May I enquire whether there are, as I imagine, a largish number of Members all of whom wish to speak on the Report of the Select Committee on the Elections Law? Could any Members who are going to wish to speak on that just stand for a moment? Yes, well clearly it is going to be a long debate. Under the circumstances, some Member might care to move a motion and I speak subject to guidance from the Honourable Second Official Member, but I would have thought that it would be possible to suspend Standing Orders in such a way that further discussion of that Report should if it is the wish of the House, be deferred until later in the Meeting. Could we not suspend Standing Orders to enable that? It may be that everyone wants to go on, or at least that the majority want to go on debating this particular Report. In that case, that is another matter.

HON. BENSON O. EBANKS: Mr. President, the debate has taken me somewhat by surprise. However, because of certain inaccuracies which have been stated already, I propose that this debate carry on so that they can be cleared up.

MR. W. McKEEVA BUSH: That is right.

MR. JAMES M. BODDEN: Mr. President, we do have a Standing Order which would cover it, Standing Order 85.

MR. PRESIDENT: Yes, I think that it would be possible. It is just that it is a question of what the majority of Members wish. If you wish to move that Standing Orders be suspended to enable items which are later on today's Order Paper to be taken now, and the continuation of the debate on the Select Committee Report to be taken at a later date, I would accept the motion. However, it is a motion against which others may vote. It does not mean that the motion will pass.

STANDING ORDERS 83 AND 14

MR. JAMES M. BODDEN: I quite understand that and I understand the way in which democracy works here. However, I am moving under Standing Order 83 as the debate on the Budget Address has started and two Members have given their presentation, I am of the opinion that the debate on the Budget Address should continue. This definitely is going to take days of debate along with the other motions which are on the Floor. I am asking the House to bear with the indulgence and please let us set Question Time back to Monday for the questions which are on the Order Paper today, set these motions down for debate after the debate on the Budget Address has taken place, and let us proceed into the debate into the Budget Address.

MR. G. HAIG BODDEN: Mr. President, I would like to second the motion just moved that the matters before the House be suspended or adjourned so that we may continue with debate on the....

MR. PRESIDENT: If I have understood it correctly, the effect of the motion would be to bring item 4(b), that is the Second Reading debate on the Appropriation Bill to the top of the Order Paper in effect, so that we....

Does any Member wish to speak to that motion?

MR. D. EZZARD MILLER: A matter of clarity, Mr. President. Standing Order 83 allows for Standing Orders to be suspended. I wonder if you could direct me to the relevant Standing Order which is going to allow the change in the order as suggested, Sir?

MR. PRESIDENT: I think that probably it would be Standing Order 14(1) because we have an Order Paper which I imagine is issued in accordance with and under the general provisions of Standing Order 14. We govern our discussions today in accordance with the order in which matters are set out. The motion is that Standing Orders should be suspended in order that we may be able to take the items on today's Order Paper in a different order, in a different sequence. I think that that is perfectly in order.

MR. D. EZZARD MILLER: So, we are suspending Standing Order 14?

MR. PRESIDENT: Well, in accordance with Standing Orders 83 and 14 we are varying the order in which, or the sequence in which items on today's Order Paper are taken. I think that that is a perfectly proper motion. Does any Member wish to speak? I think that the Third Elected Member for West Bay was trying to catch my eye, but I am not sure. Yes?

MR. DAPHNE L. ORRETT: Mr. President, the motion before us which was moved by the First Elected Member for Bodden Town, I would like to say here, Sir, that as the Business Committee spends a lot of time in putting these Order Papers together, and because of the fact that for two full Meetings of the House, plus all the other Committees of the whole House at which the First Elected Member for Bodden Town should have been present and was not, I see it very unfair and inconsiderate of him to move such a motion so that he can now get through with his debate on the Budget Address. I wonder, Sir, whether or not he has other business overseas again that he has to get away from here for. However, as far as I am concerned, when one is elected to this House, one attends to the business of this House in order to represent the people, or gets out of the business altogether.

MRS. DAPHNE L. ORRETT (CONTINUING): I would like to say here, Sir, that I am not in support of that motion.

MR. JAMES M. BODDEN: Mr. President, Let me answer that, Sir. If I have business overseas or I have it here, or wherever I have it, I still am a Member and I still have my own affairs to look after. Also, I am still a person who is not subject to the guillotine rules of this House. If the Member would like to see what has kept me absent from some of the Meetings I will be very glad to take my shirt off and let her see it in public. Does she want to see it?

MR. PRESIDENT: Order, order. Does any other Member wish to speak?

MR. JAMES M. BODDEN: Maybe scars like this would keep the Member away too.

MR. PRESIDENT: The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I suggest that we move on with the... Well, now that the motion has been put it will have to be voted on but I am not going to support it. I think that we follow the Orders of the Day as are before us and we get on with the business.

MR. PRESIDENT: Does any other Member wish to speak?

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT: May we have a division?

DIVISION
NO. 90/85

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Mr. Linford A. Pierson	Hon. Benson O. Ebanks	Hon. Dennis H. Foster
Mr. James M. Bodden	Hon. W. Norman Bodden	Hon. Michael J. Bradley
Mr. G. Haig Bodden	Hon. Capt. Charles L. Kirkeconnell	Hon. Thomas C. Jefferson
Mr. John B. McLean	Hon. Vassel G. Johnson	Capt. Mabry S. Kirkeconnell
	Mr. W. McKeava Bush	
	Mrs. Daphne L. Orrett	
	Mr. D. Ezaard Miller	
4	7	4

MOTION THAT THE SEQUENCE OF THE ORDER PAPER BE VARIED DEFEATED BY MAJORITY VOTE

MR. PRESIDENT: Since it is in any case past the time when we normally suspend proceedings for our morning break, I will suspend proceedings for approximately fifteen minutes.

AT 11.20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.48 A.M.

MR. PRESIDENT:

Please be seated.

The Second Elected Member for George Town was speaking.

MR. LINFORD A. PIERSON:

Mr. President, just before the break I was dealing with the Report of the Select Committee on the Elections Law. At the point of the break, Sir, I believe that I was pointing out what in my opinion was a disservice to the people of the Cayman Islands and was most offensive and objectionable, also in my opinion.

Mr. President, the amendment of section 4, the first Schedule states that Electoral Districts in Grand Cayman which have multi-Representatives shall be sub-divided into single Member constituencies to correspond with the number of Representatives, but that Electoral District boundaries shall remain the same. It further says, Mr. President, that further due to the particular circumstances, no change will be made to the District of the Lesser Islands.

Mr. President, I wonder what particular circumstances would apply to the Lesser Islands which would not to one of the other Electoral Districts within the Cayman Islands. As I stated, Mr. President, I see this amendment to the Law bringing a further separation within the people of the Cayman Islands, people living in the Districts which will be directly affected. I see the net result of bringing not only political boundaries but racial barriers within the Cayman Islands. Until recently, Mr. President, we in the Cayman Islands have been able to rub shoulders with one another regardless of our social, financial or racial position. However, Mr. President, this situation is fast eroding.

Mr. President, we are being faced in the Cayman Islands now with a situation where we are being relegated to the position of second class citizens within our own country. This amendment to the Elections Law is, in my opinion, is totally unnecessary and a waste of the time of the Members of this House to discuss it. It should never have come about.

It appears to me, Mr. President, that any work which is unacceptable to certain Members of this House can easily be done by others. I wonder whether we as Representatives of the people of the Cayman Islands are representing the Executive Council or the people whom we were elected to represent.

One Member in this House has said that he would put himself on record that he would not stand in this House without speaking up. Well, I can assure that Member that he is going to have a lot of company because I too have the ability to express my views. I know, Sir, that there will be a number of Members jumping up to prove me wrong today. However, I believe that time within the history of the Cayman Islands, will prove that I am right but then, Mr. President, I am not dismayed by opposition because I believe that it is true to say that I am the only true independent candidate in this House. Of course, I have been relegated for the company I keep. Be this as it may, Mr. President, many times water seeks its own level, and it is hard to mix water with silver.

Mr. President, we want to get away from a situation where on the street we cannot still go up and say hello to another Caymanian or visitor to this country, regardless of the ethnic, racial or social position of that individual. We want to continue to talk and laugh with our fellow Caymanians and residents.

MR. LINFORD A. PIERSON (CONTINUING): We want to continue to intermarry within the Cayman Islands. I would like, Mr. President, before closing to clarify a remark I made earlier regarding those present at the Meeting of the 9th October, 1985. The names I read, Mr. President, are shown in the Minutes as present. The only individual shown as absent with apologies were as follows, the Honourable First Official Member, Mr. George McCarthy who was then Acting Honourable Financial Secretary, myself, the First Elected Member for the Lesser Islands, the Elected Member for East End, the First Elected Member for Bodden Town and the Second Elected Member for Bodden Town. I am not suggesting, Mr. President, that all the names shown as present in the Minutes voted in favour of this amendment because I stated categorically that it was agreed by the majority.

Mr. President, I have before me a dissension report from the Second Elected Member for West Bay where he stated while he believed in the concept of one man, one vote he could not agree with the Committee's recommendation because he felt that he needed the opportunity to discuss it with his people, and he was right. An amendment as important as this needs to be taken to the people. This is exactly what I intend to do on Wednesday night. Perhaps I will also take that opportunity to present my debate on the Budget.

From the recommendation made by the Elected Member for North Side, he totally supported it. Then we have others in favour, the Third Elected Member for West Bay, the Elected Member for East End and myself stating our concern with the amendments suggested.

Mr. President, as I said, I know that a lot of Members will be jumping up to try and vindicate their cases and to try and make their position right to the people. However, I hope that the people will bear in mind the travesty of justice which we see meted out to them. I trust that they will also remember this in 1988.

Thank you, Mr. President.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I will start my debate using some of the words of Winston Churchill. He said in World War II:-

"We will fight on the battlefields. We will fight on the beaches. We will fight on the farms but we will never surrender."

Please let this House know today that that is my personal motto and it is the personal motto, I am sure, of my other colleagues. We will never give up when we think that we are right. Too long have we sat in Parliament this year and found out that the tail is continually wagging the dog. I speak on the Report which was Tabled here this morning. The contents of that Report are very, very controversial. This is something, in my opinion, which should be dealt with after we have tested the feelings of the populace as a whole.

Some of the political upstarts may be quick to jump up and say that I am speaking this way because I come from a constituency which has two Members. I can run in any section of that any way one wants to re-District it and when, and so can my colleague. However, that is not the point in my mind today.

MR. JAMES M. BODDEN (CONTINUING): The point is that we have had something which has been tried, proved and tested. Why bother with it today? I know why it is being bothered with, because there are areas like George Town. If one re-Districts it, one will have an Englishman sitting in the House in the next Parliament as we have had Cubans sitting in this one.

If the Constitution has to be changed to allow that only Caymanians or Caymanians of descent can sit in this House, well then let us change that Constitution and let us make that move today. The Constitution of the Cayman Islands is a Constitution to protect its people and to protect the people of the Cayman Islands, the people who can go to the graveyards here and look out and see people of 100 years back who they are related to with their bones mouldering in the dust. Those are the people I am speaking about.

I do not want to seem insular. I do not want to seem outlandish in my approach. I have tried to maintain over the years a very open mind. However, I see that it is impossible to continue to do that any more. We are going through an era of nepotism, cronyism and political plums being meted out. We have sat in this House for this year and have had nothing but insults tendered against the minority in this House, and the minority's rights in this House have not been protected by the Chair in the manner it should have been done. We have watched idly by, being able to do nothing as the country's economy has been ruined, high taxation measures have been introduced with no thought for the good of our country, and all our human rights have been abused. What happened here this morning in regard to tabling these things was completely out of line. This is a very controversial motion and if it takes a referendum of the people to decide it, so be it. However, we will not accept it in this House in this manner. The people's confidence has been betrayed. Their individual rights have been betrayed and we will not allow another South Africa to happen in the Caribbean.

I say to you, Mr. President, that it has become incumbent on you to protect the local rights of our people and I am calling on you as Oliver Cromwell called on the Long Parliament in 1653, and as Leopold Amery repeated to Neville Chamberlain on 8th May, 1940:-

"You have sat here too long for any good you have been doing. Depart I say and let us have done with you. In the name of God, go."

I refer to the Parliament which is existing in this country at this time. It is time we held a Parliament with people in it who can protect the rights of the people. At this point, Mr. President, my colleagues and myself in the Unity Team group have found it impossible to be able to debate intelligently anything in this House, or to raise any motions which can affect our people. I pointed it out briefly yesterday to show what Bodden Town District has got for the entire year out of over \$60 million. So, therefore, Mr. President, the Elected Member for East End, the Second Elected Member for Bodden Town, our colleague of an independent nature, the Second Elected Member for George Town who has ably defended himself on the Floor of the House this morning, and myself at this point give notice that we are prepared to walk out of the House and let the rest of the Members among themselves debate their own dose of medicine in regard to the Budget. We are prepared to advise the country that we will be holding a large public meeting in the very near future when we will then discuss with the people the Budget and explain to those people just what this Government has done to them.

Thank you.

HON. BENSON O. EBANKS: Mr. President, could I call your attention to Standing Order 36, Sir, relevance?

MR. PRESIDENT: As the Member has finished, I think really that the point of order has ceased to arise and I shall not need to rule on it. Does any other Member wish to speak?

HON. W. NORMAN BODDEN: Mr. President, I rise to speak on the Report of the Select Committee on the Elections Law which is presently before this Honourable House. I first wish to clear up an erroneous statement made by the Second Elected Member for George Town. I do not know what document he was reading from when he said that I had supported section 4 dealing with single Member constituencies. I would refer him to the Minutes of the Select Committee held on the 2nd October, 1985. The Members present are clearly listed and the apologies received were from the Honourable First Official Member, Mr. George McCarthy, the Honourable Second Elected Member of Executive Council, the Second Elected Member for George Town and the Second Elected Member for Bodden Town.

In section 2(b) of those Minutes it says that discussion ensued and the Elected Member for North Side moved the following motion:-

"That Electoral Districts in Grand Cayman which have multi-Representatives be sub-divided into single Member constituencies to correspond with the number of representatives, but that Electoral District boundaries remain the same."

Further it says that:-

"Due to the particular circumstances, no change be made to the District of the Lesser Islands."

The question was put. There were six ayes and one no, and this was passed by majority. I am surprised that the Second Elected Member for George Town with his claim for thoroughness would not have checked the Minutes of that Meeting of the Select Committee before standing in this House and making such an erroneous statement.

I would also like to say that he has referred to extension cords and I really do not know who he refers to. However, I want to assure him or anyone else inside or outside of this House that I am capable of standing on my own two feet. I might not shout as loudly as he or the next man, but I am just as bold. He nor anybody else need take my composed manner for weakness.

I do not support single Member constituencies and I have my valid reasons. As I said, I was not at that Meeting and I did not vote on the subject. I want the public of George Town who staunchly supported me by a large majority in 1980, and again in 1984 to know that I see myself as a true representative of the people regardless of their colour or class. I am a true representative of the people of George Town and I want to continue to be able to represent all of my people all of the time, because my support comes from a cross-section of George Towners, the poor, the middle class, the well off, the expatriate, the black, the brown and the white. The First Elected Member for George Town is capable of representing them.

HON. W. NORMAN BODDEN (CONTINUING): I believe, Mr. President, that such a move could bring division amongst our people, real or imagined. It would have a psychological effect no doubt and I see no reason for this to be introduced at this time. I would not support such a move unless I had a strong indication from the people in my constituency whom I represent that this would be the position that they would want me to take.

I trust, Sir, that I have made my position clear on this. Another point I would like to make is that I am surprised that the Opposition have taken this and jumped on it, and put it across as a foregone conclusion that some Law was being put in effect which would bring this division about. There was no such thing. This is merely a Report from the Select Committee and I think the public should understand that there was no move to put this across without further consultations with the public of this country.

Thank you very much, Mr. President.

MR. PRESIDENT:
of Executive Council.

The Honourable First Elected Member

HON. BENSON O. EBANKS: Mr. President, as I said, the length and tenor of this debate has taken me by surprise. However, I believe that I am capable of debating the motion and defending my position on it even though I did not write reams of foolscap paper as some of the Members who walked out did, and were still unable to get it right.

Mr. President, as one of the architects of the 1972 Constitution which we now operate under, I would like to refer Members to the report of Lord Oxford and Asquith, the gentleman who came out to advise on the... (PAUSE). Sorry, Mr. President, some Members seem to think that I am not being heard. I was saying that I would recommend to Members that they read the report of Lord Oxford and Asquith, the Constitutional advisor, and really the gentleman who advised on the formulation of our present Constitution.

In that report he mentioned that it was to his regret that he had been unable to convince the people to introduce single Member constituencies and that he would hope that the new Parliament would give serious consideration to it.

The idea, Mr. President, of single Member constituencies is not for any sinister move such as was suggested by the Second Elected Member for George Town, who of late seems to be possessed of some feeling about class and colour in this country, something which had never been introduced into politics, as far as I am aware of. The reason for single Member constituencies, Mr. President, is to demonstrate true democracy. In a democracy, there is one man, one vote. Under our system in the multiple Member constituencies, everyone has three votes and it is possible for a minority of people to elect a slate of candidates even though one candidate in opposition might be preferred.

The other point is, Mr. President, as the Honourable Second Elected Member of Executive Council has said, this is a Report from a Select Committee, and I think that you in putting the matter before the House and the Honourable Second Official Member in presenting it, made it quite clear that there was no intention to introduce these recommendations, even if they were accepted, without further debate and consultation with the public.

HON. BENSON O. EBANKS (CONTINUING): My reason for supporting it, Mr. President, was specifically to get public input on the matter. My own feeling is that we should have single Member constituencies but I do not intend to ram it down anybody's throat. If the majority of people in these Islands feel that what we operate under is what they want to remain under, so be it. That is democracy.

Certainly, Mr. President, the intention behind the recommendation in this Report is not what the First Elected Member for Bodden Town suggested it was, to enable an Englishman to sit in the next Parliament as we have Cubans in this one. What that Member should have reflected on, Mr. President, before making such a rash statement, was the fact that he as an American citizen stood and was elected to this Legislature in contravention of our Constitution. It took an order of the court to unseat him. That is the depth of his sincerity, Mr. President. I am not sure that he is still not an American citizen.

His announcement, Mr. President, that he and his colleagues found it impossible to debate the Budget intelligently came as no surprise to me. His forty-five minutes yesterday made that clear, and the four days he spent earlier this year. As for him talking about fighting on the battlefields and fighting on the beaches, one can only fight if they are here, Mr. President. While I can understand that the Member was ill for one Meeting, he certainly was not ill for the last. He has not seen fit to attend all of the Sittings even of this Meeting. He quarrels about his questions not being asked. Half of the questions on the Order Paper on Tuesday morning, I think it was, were in his name. He was not here to ask them. He did not delegate anybody to ask them. So, Mr. President, let me assure that gentleman and his colleagues that they can have as many public meetings as they want but this Government will not be run from the Back Benches of this House. He can take that and put it in his pipe and smoke it.

MR. PRESIDENT: I have an engagement for which I would like to withdraw. However, the Honourable First Official Member has agreed to preside in my absence. So, I need not interrupt your speech. If he would kindly take over from me, I will just quietly withdraw. I will be back by, I imagine 2.15 p.m. you will probably resume proceedings.

HON. BENSON O. EBANKS: Mr. President, I will sum up what I have been saying on the matter which has caused the controversy, that is this Report of the Select Committee. The public of these Islands should be under no illusion that this was a recommendation which was intended to be accepted and passed in this House today. It was made clear by the mover, or the person presenting the Report, that before a recommendation of this nature could be considered further or implemented, it would have to be the subject of much wider debate, both in this House and on the outside. I want to make it clear that in my opinion it is not an impossible task to divide these multiple Member constituencies in such a way as to have fair and equal representation of all groups and divisions within our community. If I thought otherwise, I would not support it. However, one man, one vote is a true democratic process.

If this were to come into effect and I were to run in the 1988 Election, I would have to pick which seat I would be seeking in West Bay. I do not know how it is going to be divided but I have enough confidence in my ability, and enough trust in the confidence of the people of the District of West Bay, that wherever I stood I would be elected.

HON. BENSON O. EBANKS (CONTINUING): That is why I am not afraid of one man, one vote, a true democratic process being introduced into our Elections.

Again I say that what the First Elected Member for Bodden Town should be concerned about was the fact that he had no more respect for our Constitution than to run knowing that he was an American citizen and that he was forbidden under the Constitution from running. That is only a little bit, I will not say incompetence as he knew what he was doing, of the calibre of the man, getting up here talking about democracy and fair play being eroded in the last couple of months.

As I said, I would like to go on record again, Mr. President, as saying that his announcement that he could not debate the Budget intelligently came as no surprise to me.

Thank you.

HON. DENNIS H. FOSTER: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President.

I had not intended to speak on this matter but I think that in all fairness, being a Member of the Committee dealing with this matter, that I need to shed some light on what actually took place. I was a little bit surprised that the Second Elected Member for George Town would refer to Members here, Elected Members of Executive Council I imagine he was referring to, as being extension cords and not being able to see beyond one's nose. I think it was just a couple of days ago that the First Elected Member for Bodden Town also referred to my ability to debate any subject matter brought forward in this House. I would like to make it quite clear that it is not necessarily in the abundance of words that wisdom is found. As far as I am concerned, if it were my privilege to have been re-elected and sat here as a Member for as long a time as the First Elected Member for Bodden Town has done, I would hope that in the eyes of the public anything which I might have done would have been seen to be much more competently done than has been the case with that Member.

I would like to say here and now that I am concerned at the actions taken in this House. I think that it reflects clearly the calibre and the deep down sincerity displayed by these people. I feel that the representatives from each District which they represent have been slighted here today and have not got fair representation.

As far as being an extension cord is concerned, if that is the name which I must carry for the present Members of the Government Bench, I will be happy to be stamped with that title. I would like to assure the Second Elected Member for George Town that no matter how much current we have, unless there is some type of an extension cord, usually we never get anything done on the other end. With a Government in whom I have the faith which I have in these Members, I stand here proudly to be associated with them.

I would like to bring to the attention of this House, Mr. President, that it was the recommendation of the Second Elected Member for George Town. He said that he felt that there were certain areas of the Law which required minor amendments, which amendments initially could be better dealt with within the forum of a Select Committee of the whole House, and he would therefore recommend that such a Committee be appointed during the next Meeting of the Legislative Assembly.

MRS. DAPHNE L. ORRETT (CONTINUING): The Committee was appointed. The Member was supposed to have been sitting on that Committee and to join in its deliberations and to have stood behind the recommendation which he made. His absence perhaps resulted in his not being able to contribute to that Meeting all that he might have done otherwise. However, the blame should not lie at the feet of those Members who were there. The very thought of bringing in anything like racism into this House is really bordering on immaturity and childishness. I do not know what the Second Elected Member for George Town is experiencing in his District of George Town but I can guarantee him right now that we do not have any racial problems in the District of West Bay. If there is anything which we do not have to worry about down there, it is who is black, white or in-between. There is not any section of West Bay where one can go that it is not mixed up. One just does not know exactly which colour it is, because some who say that they are white, if we go back far enough we will find out that they are not all white. There is just not a problem.

I think and I wonder perhaps if an effort is not being made to stir in the minds of those people within our Islands who may be of one colour or another, that this Government would introduce such a measure as this because of trying to set aside a certain group for one thing, and a certain set for another. I am appalled, I am disappointed, in fact, I am hurt that mention should be made in this House about who is Cuban and who is American and who is English. As far as I am concerned the First Elected Member for Bodden Town should hang his head in shame, because if an Englishman wanted to stand for election in these Islands, is there any different reason why he should not stand as against he who as an American citizen having stood for election here. I am still wondering whether he has produced concrete evidence that that American citizenship has in fact been renounced.

I am of the opinion that the Members who walked out of this House this morning want to stir up problems amongst our people. However, I can assure them that the majority of our people have enough sense to think for themselves and to know that this Government is here to rectify a mess made by the Government of the last eight years and to see if we can get the people's confidence once more regained. They should know that this Government is not here to in any way deprive them of what is justly theirs.

I would like to remind the First Elected Member for Bodden Town that there are some things which I do not intend to lose while I am in this House. One, first and foremost are my Christian principles. I will be the lady that I am and I will be a sincere, responsible and honest representative of my people. The last thing that my name will be associated with is any drug related case, any set of kick-backs from Government spending, or anything else of that sort. Whether I am here for four years or forty, my name will be clean when I leave this place. I hope that the Member will be able to say the same when he is through here.

The Member mentioned that he had been insulted. I do not care to insult anyone but I feel that if a Member of this House is ill and cannot attend a Meeting, this should be recorded in the House. I stand here today to say that the District of West Bay will know about these recommendations which have been made and that the three Members of West Bay will be presenting this to our people. We have never tried to ram anything down the throats of our people and we will not do it now. However, perhaps there are other Members who now sit in this House who are clearly worried that the one man, one vote concept will be adopted.

With that, Mr. President, I thank you very much and I would like to say that I have supported the recommendations made thus far and I will continue to do so unless perhaps for other reasons I have to change my mind.

MRS. DAPHNE L. ORRETT (CONTINUING): However, right now I do not have a problem, because as far as West Bay is concerned I can stand from Barkers to North West Point, Bosun Bay to Heady Bay and my people know who I am. They do not have to worry about any sinister motives of mine.

Thank you, Mr. President.

MR. PRESIDENT:
of Executive Council.

The Honourable Third Elected Member

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I had no intention whatsoever of debating any aspect of the Select Committee Report today. However, the turn of events make it necessary for me to say a few words so that the public of the Cayman Islands will know the calibre of people who have walked out of this House leaving their business unfinished.

Mr. President, I would like to congratulate the Honourable Second Official Member for his Report to the Committee on the Elections Law and for the job he did from day to day in the Select Committee Meetings. It is regrettable that the Committee's Report has been taken out of context and twisted. It is only a Report. Whether this Report is accepted by the House or rejected is another matter. The reason why the Select Committee met was to clear up anomalies found in the Elections Law and to ensure that anyone in the Cayman Islands enjoys real, genuine democracy by being able to vote one man, one vote.

I am becoming very disillusioned and disappointed in some Members of this House who repeatedly seek to divide our country by bringing in such matters as little man, big man, middle man. Again this morning I have heard the introduction of racial overtones being introduced in this House. This is most regrettable, Mr. President. This is not in the best interests of the Cayman Islands. Everyone knows that these Islands are quite free and that anyone can go anywhere he wishes without being debarred in any way. I am asking myself now is it really not the person who is constantly bringing these matters up who is suffering from a complex, because I do not know of any incidents where he or any other person in the Cayman Islands have been denied or deprived of going anywhere by anyone?

Mr. President, the first Elected Member for Bodden Town I would say is insulting the Chair. I was surprised that our President did not stop him when he said that no fair play has been meted out by the Chair, and that they were being denied their rights. Two days ago, Mr. President, when this Member should have been here to ask his questions, he was not present. He delegated nobody in the House to ask that his questions be put forward but the President graciously allowed his questions to come forward. I do not know how much further the Chair can go, Mr. President, but I will say this. It is time that this Member realised that he is no longer cock of the roost and he accepted his position as the minority in this Government. He spoke about extension cords, Mr. President. Thank God this House has no extension cords, to the best of my knowledge. I will be very honest with you though, I can prove and I know of extension cords which it had prior to 1984.

He got up like every other spoilt child would when you take a candy from it, because he could not have his way. He picked up his broken cookies and lollipops and he walked out of this House. I think, Mr. President, he did us a favour because the way that his debate was leading and what he said yesterday was misleading the public. For the eight years that he was in this House and supposedly the head of the Government, he has brought us to our knees. He has ruined the country. We have had to take the pieces and try to put

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): them together. The Budget reveals this, Mr. President. We have picked up the pieces. We have put them together. We are presenting them to the public and we are saying, "This is the position which the Cayman Islands is in, and here is the true picture". We are laying the foundation for a real, honest, hard working Government and we hope to bring this Government back to where it will one day again have Reserves and we can all feel comfortable in it.

Several Members have never attended these Committee Meetings. Yet they come here to make a big to-do about nothing when they had all the opportunity of a democracy by attending the Select Committee Meetings and making their objections, and making their contributions. They never showed up one day. They never even had the decency to write in and apologise for not showing. What he has just done, Mr. President, or what the Members on the other side have just done, will not solve the country's problems. This is exactly what they have done, walked away from the problems which they have created for the country. They are trying to get out and deceive the people and make them believe that this Government which has been working from November, 1984 to the present time morning, noon and night to clear up the mess which the First Elected Member for Bodden Town and his colleagues have put this country in is not doing its job.

Yes, Mr. President, the Member is talking about the honeymoon we have had. I can assure you, Mr. President, it has been many moons away that I have not had a honeymoon, and I can assure you that it has been no honeymoon to succeed him and his colleagues. I am just wondering if he has gone back to his honeymoon when he walked out so fast. Yes, walking away from a problem will never solve it. We have to stand and face our problems, and solve them that way.

I hope that the country will hear and see for itself how irresponsible and incompetent the past Government has been. I hope the people will know and hear how they have walked away from a mess which they have created and left for us. Mr. President, I believe and know that the present Members will bring this country back to its feet where we can once again feel that we have a country worth living in.

I thank you, Sir.

MR. PRESIDENT:

I think that it has come to the time when we normally take our lunch break. So, I will suspend proceedings until 2.15 this afternoon.

AT 12.46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:21 P.M.

MR. PRESIDENT: Please be seated. Debate on the Report of the Select Committee on the Elections Law.
Does any further Member wish to speak.
The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I am greatly distressed and disturbed by the statements made in this Honourable House today.

It is my understanding, the purpose of a Select Committee being formed in this Honourable House, is that each Member can meet in secret, behind closed doors, and can freely express his opinions. It is my conclusion, had this been done, in this particular Election Law Select Committee, we would not have seen what we have experienced here today.

Some Members made no effort at all to attend. I myself was absent from two, it was because I could not get air transportation from Cayman Brac here in time. It was not that I had no desire to attend, or as the Second Elected Member from George Town said, that we would be discussing nonsense, and that the Government Bench would out-vote us.

I feel that I have an equal opportunity in a Select Committee to express my opinion. I have done it during the number of years I have been in this House, and I am very thankful for Parliamentary democracy.

I do consider it as much a part of my responsibility as a representative, and a Member of this Legislative Assembly, to attend Select Committees, as I do, meetings held in this Chamber. Apparently, this view is not shared by all Members here.

I did not support this recommendation No. 4. in Select Committee, as I do not fully understand how it would work in George Town, West Bay and in Bodden Town. I am fully aware, Mr. President, it would cause considerable difficulty in the Third Electoral District which consists of Cayman Brac and Little Cayman.

Again, referring to the Second Elected Member for George Town, he asked what particular differences or particular circumstances exist in the Third Electoral District. I am surprised that he would state this, for we are the only two-island constituency, with our constituents occupying an area of many miles. Again, we are even separated by water between the two islands, and about 40 miles from the western tip of Little Cayman to the eastern end of Cayman Brac.

My colleague the Honourable Third Elected Member of Executive Council and myself, from the time I came into this House, have worked as a team for the benefit of the Cayman Islands and the Third Electoral District in particular. The benefit we experience with him residing in Grand Cayman, and I residing in Cayman Brac is that if a constituent calls him, and it is something that needs to be attended to in Grand Cayman, or if they should call me also, he is here in Grand Cayman where he can easily attend to it with Central Government. By the same token, if a constituent calls either of us, it is referred to me, and I can take care of it there. If we were elected to represent say the eastern part of Cayman Brac, one representative, and the other, the remaining part of Cayman Brac and Little Cayman, this teamwork could not exist because I would be obligated to look after the people who elected me. I am not speaking for the two of us, for I realise there is another election in 1988, but it would be extremely difficult to have 'one man one vote' exist in the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): This is the reason why I did not support this recommendation. I have no racial ideas, and I am very disturbed to hear these introduced in this Honourable Chamber.

We have been blessed over the years, for not having had this problem, and I assure you that with the many other problems we face, we do not need to try to raise this one to futurity.

Mr. President, again I would like to say that I am very distressed, about what we have heard here today, and I would like to ask all my honourable colleagues, unfortunately they are not all present now, but let us assume the responsibility, and exercise the confidence the people placed in us in November of last year, when they elected us to serve as their representatives. Let us all support the Members of the Executive Council. I trusted them when I cast my vote for them to put them in the Executive Council, and I have no less trust in either of the four elected Members today. They have my full support. I do not consider myself an extension corde and I never will, but I do feel that I will not oppose for the sake of opposition, when the Government Bench is right, I shall always support them for the betterment of the Cayman Islands.

Thank you Mr. President.

MR. PRESIDENT:
of Executive Council.

The Honourable Fourth Elected Member

HON. VASSEL G. JOHNSON: Mr. President, I will say as others have said, I did not intend to debate this Report, but unfortunately, because of the embarrassing situation which arose here this morning, I must rise and say my piece as well.

Mr. President, when I was invited to become involved in politics in 1983, and I attended the first meeting of the group, a draft manifesto was prepared, and the first item on that manifesto was the recommendation for single-member constituencies, and the principle 'one man one vote'.

Mr. President, this is nothing new to the Legislature of this country, for in the report of the Constitutional Commissioner in 1971, the Rt. Hon. the Earl of Oxford and Asquith, he said on page 22. of his report, Mr. President, that in the absence of political parties or strongly marked divisions of interest, the present systems of constitution seemed to work quite satisfactorily. He considered, in the long term, that single-member constituencies would be preferable, and likely to reflect more closely the wishes of the electorate. So Mr. President, what the Committee is recommending here is closely associated with what was contained in that report. The report went on to say too, Mr. President, that under the present system, a well organised party with superior electioneering tactics, could secure a majority of seats in the Assembly by gaining control of only three constituencies, with a small majority of their votes. Although in the Colony as a whole, two thirds of the votes might be opposed to it. Under a single-member system, the chances of such unfair results would be much less, while a form of proportional representation with transferable votes, could avoid them altogether. A single-member system would give the advantage noticed above, of a clear relationship between constituents and their members. So, the pace was set there, Mr. President for single-member constituents to be introduced in the Cayman Islands at the appropriate time.

HON. VASSEL G. JOHNSON (CONTINUING): Whether we are moving on to the appropriate time or not, is a matter of testing the waters. This is exactly what the Legislative Assembly is doing now. There are many people on the outside of the Legislative Assembly, who believe that we have approached the time when single-member constituencies should be considered in these Islands.

Mr. President, as I have said, the tone of the Debate this morning by the Second Elected Member for George Town was very unfortunate. Imagine that he said here in the House that he could not afford to waste time. Now, Mr. President, I do not know how he is going to defend this before his constituents, the people who voted for him to represent him in this Assembly, but I know one thing, that when I committed myself to represent the people of this constituency, I committed myself full-time to the duties of this country. I have reflected on this ever since I returned to the Legislative Assembly.

'Waste of time' was also mentioned, now Mr. President, if he is referring to attending the Committee Meetings, well these are a part of the duties of this Legislative Assembly. Matters come here, they cannot be dealt with in detail, so they are sent to the Committee. If he goes to a Committee, and he does not like the decision of the Committee, there is a recourse, where his decision can be made known publically, but not to come here and say it is wasting time. I would be ashamed to let the public here this coming from my mouth.

Mr. President, mention was made here this morning about the Cuban who is a Member of this Legislative Assembly at the present time. I do not know to whom the reference is being made, but I can tell you, and for the record of this Legislative Assembly, that I am not a Cuban. While I might have lived a few years in Cuba, I was not born there, and I have at no time counted myself as a Cuban. I tell you what, Mr. President, I, just for the record again, I have lived in this country for 51 years. I have served the Civil Service of this Government for 37½ years, and two and a half years in the armed forces, making a total of 40 years that I have served this country. In that time, Mr. President, I served in this Legislative Assembly for 17 years, and during that time, Mr. President, I was the Financial Secretary of this country, responsible for Finance and Development, and the entire development of this country Mr. President, until the time that I retired in 1982, was my responsibility. I do not think I need to say any more, because the development of the country speaks for itself.

Mr. President, while myself and other legislators were here building the economy of this country, many who are now calling themselves 'champions' of this country, went roaming the world looking for wealth and riches, & playing detective, policeman, all over the world. Mr. President they are back here teaching us the ways of the world. I should not doubt that some of the evils of the world might be included in this as well.

Mr. President, I think we need to examine ourselves very carefully when we make rash statements in this House. We are here representing the people of this country, and I think it is our duty to represent them fairly and as they wish.

Mr. President, although there is peace and quietness and calmness across the wall over there, where this morning we saw a storm or a hurricane irrupt, it is not altogether pleasing to me, Mr. President, although anything I have to say, and people are aware of this now, it does not matter who is present, I am going to say it, it is very unfortunate to see those empty seats across the way.

HON. VASSEL G. JOHNSON (CONTINUING): What are they going to tell the public, Mr. President. What excuse are they going to the public with. I personally can see none, but I am glad I am not in their shoes, having to go to the public to explain the reason why they are not there this afternoon.

However, Mr. President, I want to say this, that I have put my signature to the Report, because I think that it is right for us to examine the recommendation for a single-member constituency. Whether I agree that the time is appropriate to introduce this recommendation, or not, I think it is right to test it, to bring it to the public to see what the reaction is, and that is the reason why I support the Report.

But you are aware, Mr. President, of my views on it, that unless the public are satisfied that we should take this giant step to establish single-member constituencies in these Islands, that we would not be supporting it. So, I am sure that the Honourable Second Official Member in presenting the Report this morning, made that quite clear as well. It is not something we are trying to ram down the throats of Members here, or the public, it is just a proposal, something to be tested.

So Mr. President, I support the Report as it is presented.

Thank you Sir.

MR. PRESIDENT:

Second Elected Member for West Bay.

MR. W. McKEEVA BUSH

Mr. President, what is this debate all about. The debate is about a recommendation made by a majority of the Members of this Honourable House. It is a recommendation which I dissented from because I first want to discuss it with my people, and I hasten to say, Sir, that I will be guided by their wishes.

Mr. President, the Second Elected Member for George Town, this morning, although when he was debating this report, and although I did not quote the relative, or pertinent Standing Order, I rose to object to him deliberately misleading this Honourable House, and also misleading the people of this country.

I asked him to clarify it, which he would not in the beginning, for his own reasons I guess, but knowing that I have never failed in my duty in this Honourable House, he quickly at the end to have said what should have been said at the beginning, concerning this Member, and that I dissented from the Report.

Sir, from the time I entered this House last year, I have at all times tried to do what I feel is best for my people, whether they are coloured, or whatever their colour, even if they are not one of my supporters. But most of all, I tried to do everything within my power as a representative of the people, to take care of the poorer people whom I know, and who find it impossible to help themselves. I do not care if he is white, I do not care if he is black or blue. If he or she has a need, I am there to help, and I am there to help those Unity Team supporters in West Bay, because they have no Unity Team Member in West Bay. I am there to represent the people.

Mr. President, I am not like some people I know, the only time they know the coloured people of whom they speak so much, is when they want to get on a platform and holler, trying to get their vote. You know what, Mr. President, the Caymanian people today are well aware of wolves in sheeps clothing. They know who have their interests at heart.

MR. W. McKEEVA BUSH (CONTINUING): The only time some of them care about white folk is when they want to date them.

I represent both sides, I can move amongst anyone, I am not scared of anybody, there is nothing to be scared of in this country, I will get to this.

Mr. President, every time there is a Debate in this Honourable House, why, why is there talk of black or white. Do we in this Honourable House, do we realise what is going to happen in this country, which we love so dearly. The country is going to be destroyed. Sir, when this racial talk starts, it will not stop, it does not stop, and when Members of this House get up and talk about racial discrimination, they are doing this country no good, because there is no racial discrimination on a large scale. I am not going to be a hypocrite, and tell you that there is not some prejudice in this country. We know that there is some prejudice, which has always been in this country, but there has never been any real division between white and black. It is the height of irresponsibility to talk in such a way. Right now in this country, there are more coloured girls dating white boys, and white girls dating coloured boys than ever before in the history of our country. There is nothing wrong with this, variety is the spice of life, and we produce better looking children anyway.

This is our Cayman, and there is not another country in the world which enjoys better racial relationships, than we do, thank God for this. Let us all be responsible, and see that it stays this way, and those who may try to do otherwise, for political reasons, Mr. President, this is all it is, let them stop and think that this racial subject is like a hornets nest. If you leave it alone and go about your business, you will not get hurt, but when you fool around with it, we, all of us and all of our children, in this country will be hurt. Mr. President, when the ball starts rolling on this racial subject, it will not stop, all of us will be hurt, and I am sick and tired of it. I know that these people are only talking about it for political reasons. Mr. President, let them call an election, let them get the mandate for an election. This Member can walk and talk on any day, and am prepared to get on the soapbox and talk with them. I am not scared, Mr. President, they will have to bring a good candidate to West Bay to beat me. Let me tell them that. I am not scared of an election, and I tell you what, if I feel today, and I say this with all sincerity, if I feel today that I had a seconder, I would ask for this House to be dissolved, but I know I would not get a seconder. Mr. President, the people have not forgotten the people who destroyed this country.

The electorate in this country are an educated electorate. There are some disgruntled people, I know, Mr. President, but they have long memories. Caymanians have memories like an elephant, and the person whose activity has destroyed a country will be named, will be named in this Budget Debate, because with or without the four Members who walked out this morning, I am going to have my say on the Budget.

Mr. President, there was so much said in this House this morning, that I would like to refer to, it is impossible for me to do all of it, but there are two things. Mr. President, one referred to was that from the time they entered the House this year, in this new Government, they have been held in disrespect. Mr. President, are their memories short, how do they expect me, as a Member of this House, to respect them. They have to respect me too, and firstly they have to do something so I can respect them. Have they forgotten what it was like between November 1976 and November 1984. Mr. President, I have not, and the people have not, and let those Government Members in this House remember also. I am talking now about our three Honourable Official Members, they more than I, know what went on in this country, and I trust that their memories are not short.

MR. W. McKEEVA BUSH (CONTINUING): They knew then what the country was like, they know what it is like today, and they know who put it in this position.

Mr. President, my Debate might be a little bit hopperscotch, but I trust you will bear with me.

MR. PRESIDENT: I am bearing so far, but I am hoping you are coming back to the Motion fairly soon.

MR. W. McKEEVA BUSH: But you will agree though Mr. President, that there has been a lot of varying debate in this House this morning.

MR. PRESIDENT: That is why I have allowed you to vary a bit.

MR. W. McKEEVA BUSH: Alright.

MR. PRESIDENT: Do not vary too much.

MR. W. McKEEVA BUSH: No Sir, not too much. The other thing was, Sir, that the Government put the four of them together. Now, Mr. President I remember well the composition of this House, the seats, and I am the Member, or the Chairman for the House Committee, and I believe I instigated the formation of seats as they are here today. I have no apology for this Sir. Let me tell them that light and darkness can not mix, and I had good reason when I suggested that they should sit over there, because some of those same Members were breathing down my neck between the 14th November and the 20th November, trying to get me to support them for Executive Council, and that is what is burning them today, that they are not in Executive Council. So, I just want to tell them, with regard to that remark, that as the Second Elected Member for George Town said, oil and water cannot mix. However, Sir, I am sorry to see that they are not hear today.

Now, Mr. President, as you have said, I have been straying a little bit. Let me get back to the Committee, because I have not finished yet.

The Committee was appointed by Government Motion No. 7. of this year. Mr. President, I believe I am correct in saying that going through the Minutes, the two Members from Bodden Town were never there. I think I am correct in saying this. They never attended one meeting. Mr. President, it is one thing to complain about what went on in a meeting, but you just can not come back after the Committee has met. You can not come back and expect to go all over it again, and if Members attend, they must come to some decision, and a decision was reached there. If those two Members had this country at heart, they would have been in the Committee Meeting, and not only in that Committee Meeting, but in the other ones as well, but they were on their honeymoon you see.

Yes, Mr. President, on this Committee there were four meetings, four Committee Meetings, John McLean, the Elected Member from East End....

MR. PRESIDENT: The Member must not name Members by name, he knows that.

MR. W. McKEEVA BUSH: Thank you Sir.

MR. W. McKEEVA BUSH (CONTINUING): The two Elected Members from Bodden Town, and the Second Elected Member from George Town never attended once. The Second Elected Member for George Town who got up and talked about apartheid, and talked about racial discrimination, the poor, the small, the big, I have never heard more in my life. Mr. President, I do not agree with everything the Government says, and I have been as much in opposition to the Government, which I have put there, as the four of them. I can be most effective to my people when I come here, or when I attend a Committee Meeting. The Second Elected Member from Bodden Town would show up to a Committee Meeting, Mr. President, and he would tell you straight, if the Government Bench could not drive out their majority, he is not making up the quorum, so we sit there when our meeting is supposed to start at 10 o'clock, and stay till 11 o'clock, because some people were sharp in attendance. I am getting to this too, not now, but in the Budget Debate. He would not make up the quorum. Mr. President, these Members have no responsibility to this country, or they have it, but they are not carrying it out.

Now, Mr. President, the Motion made by the First Elected Member from Bodden Town this morning, to cancel or whatever he was trying to do, with the Debate on this Report, which I am debating, I want to talk about this a little bit.

Mr. President, as I see it, we have three Official Members in this House, who were put here by the constitution. Mr. President, they are the Government, they make up the Government. Why, is it, that every time it suits them they seek to abstain. Mr. President, I am fed up with this, and I will tell them in a minute why I am fed up. Before I get to this, Mr. President, the Honourable First Official Member is the leader of Government business in this House, and he had no right in my opinion, to abstain on the voting of that Motion. He is the Chairman of the Business Committee and he knows full well what we decided upon in the Business Committee. We took all the reports and looked at them, and tried to figure out which one would cause the most debate, and I knew that this would cause debate, Mr. President, but I did not feel that this would have caused as much. So, I feel that it was wrong for him to have abstained. Mr. President, their abstention was an abrogation of their responsibility in this House. I have seen too much of it. They did not abstain when they were voting on the Tower Building Motion. I sat up there and took my blows. I have high respect for them, but if they are going to be part of this Government, and they are a part because of the constitution, they must learn to work along with this Government. Let me tell them this. If they do not co-operate with us, who will, the opposition left.

We need your help in this country, but you must act in a responsible way when it comes to these matters. Do not tell me that I am wrong.

Now, Mr. President, the opposition, the role of a responsible opposition, Mr. President, one very famous statesman said that the business of the opposition is to oppose, it is their first business, their second and third business, but nobody has ever said that it was not the business of the Government in power to resist the opposition. The opposition is just this, and those four people over there who tried so hard to get in to the Executive Council, should realise that they are the opposition. I would hasten to say, Mr. President, that we need an opposition in the country, but we need a responsible opposition. Without an opposition in this country we are heading for dictatorship. If they cannot be here, how can they say they are the opposition.

MR. W. McKEEVA BUSH (CONTINUING): What does walking out mean, Mr. President? I am sorry to see that they have taken this attitude. Mr. President, the First Elected Member from Bodden Town said that the opposition could not raise a Motion in this House. Mr. President, this is the sort of thing which happened between 1972 and 1976. The untruths, the misleading of the people, any Member of this House can very well move any Motion. They can move any Motion. I have moved Motions, and I have to count it, because I am going to report it back to the House, and I was defeated too. But Sir, like McArthur, I will return. So this is a bunch of rubbish which they are telling the people, that they can not raise a Motion. I will raise a Motion on any issue I see, and if the Government tells me that they are doing something about it, they do not have to prove to me that they are doing something about it. They can hold it down, but when I see something substantial, is when I will stop.

Mr. President, you are right. I have strayed. There was a lot of talk also from the Elected Member for Bodden Town, and the Second Elected Member for George Town. They were right in my opinion, about foreign people in this House. When I say this, Caymanians want Caymanians to represent them, we know this. Nobody is going to tell us differently, and everybody living in this country knows it, it is no secret. Why do they not talk about the 60 per centers. If it is not good for one, it should not be good for the other. There are plenty of 60 percenters in this country. I believe you know what I am talking about, Sir, I will not elaborate.

Mr. President, I am quite distressed about what went on here this morning. They talked and preached to me about decorum, yet you saw a Member strip naked. If all those people could claim that they had so much Parliamentary experience, I wonder where they learnt that one from.

Mr. President, my dissension is recorded, and when it becomes time for me to get on the soapbox, and talk to my people, there is no man in this country who could do it any better. I do not care who he is. I might not talk good Queen's English, but they understand me. That is why I am here, and I will do just that.

I have dissented from the Report.
Thank you, Mr. President.

MR. PRESIDENT: I think perhaps before I invite any further Member to speak, or if there is no further Member, the Honourable Second Official Member to exercise his right of reply, it might be helpful to the House, if I commented on one point, which the last speaker made. He made it during one of those rather frequent occasions when he was straying more than somewhat from the substance of the matter, we were supposedly debating. But since it is a matter of some importance, I think it is perhaps worth clearing up. He was expressing his concern, or more strongly than that, about the fact that the three Official Members of the Assembly abstained during one vote this morning. The position is that all the Members of Executive Council, both Elected and Official, are bound by collective responsibility to support Government measures. But that does not mean that everything that is debated in this House has necessarily to be supported by all of them collectively. The particular examples that come to my mind immediately as exceptions to what is the normal rule, are firstly, matters of conscience, were, for instance, there ever a debate about capital punishment here. Then I would certainly expect that there would be a free vote, and none of the Members whether elected or official of Executive Council would be obliged to vote in a particular way, as a result of their membership of that Council.

MR. PRESIDENT (CONTINUING): A second class of matter, that it seems to me does not fall within the category of Collective Responsibility, is, as a general rule, what we have been discussing, or at least what we have supposedly been discussing most of today, that is the question of Electoral reform. Because it is I think, generally acknowledged by most Commonwealth Parliaments which do still practice two-party systems, and practice democracy, that it would not be appropriate for the party in power at a particular time, to determine of itself in what ways the Electoral Law should be amended, lest it appear, or actually be that that party is changing the law to its own advantage in order to secure a victory at a coming election. Certainly in the United Kingdom, and I think in most of the Commonwealth democracies, it is the case that where the Election Law is to be amended, it is as we hoped it would be here, a matter for discussion, not on party lines by the Legislature as a whole. That was the purpose of having a Select Committee with all Members of the House, to consider it here. That was why the Honourable Second Official Member said this morning, that if in due course, legislation was introduced it was unlikely that it would take the form of a Government measure of the usual kind, obliging all Government Members to vote under the principle of collective responsibility for it.

Thirdly, I think there is a category of matters which could be called broadly 'proceedural', which are matters to do with the procedure of the Legislature itself. Because, again by custom, in most Commonwealth Parliaments, certainly in Westminster, it is the practice that the Government and the opposition, where there are political parties, or people of different opposing views, seek to determine by agreement in what way for instance, the business of the House shall be conducted. By that, I mean in what order business should be taken. It is not, therefore, a matter for the Government as such to determine that business shall be taken in a precise order. It is of course, for the Government to determine which bits of Government business shall be taken before which other bits. For the Government to decide that they want to introduce this Bill first, and that Bill later. But otherwise, where it is a question of sorting out which questions are to be put down, or in what order, various things are to be done. It is ordinarily a matter in which one tries to get the agreement, and suit the convenience of Members as a whole, and therefore, and this is the point I am seeking rather laboriously to make, it is not a matter of collective responsibility, for the Government, that is the Executive Council as a whole, and under the circumstances, I do not think it is necessarily the case that it is either appropriate or desirable for the Official Members always to vote when their are proceedural motions. I think that abstention can be perfectly reasonable and perfectly proper. In deed, there may be occasions when abstention by the Official Members is more appropriate than anything else would be. I think it is desirable that all Members of the House should realise that, and I hope that if they reflect on it, when excitements and passions have cooled, they will come to the conclusion that that really is the sensible way of ordering matters.....

MR. W. McKEEVA BUSH: Mr. President, I know I cannot rise to speak again, but with due respect, Sir, can I beg to differ with you.

MR. PRESIDENT: You can come and tell me afterwards how you differ with me. If you convince me that I am wrong, I will say publically.....

MR. W. McKEEVA BUSH: I trust Sir, that you can show me in our constitution all that you have said.

HON. MICHAEL J. BRADLEY: Mr. President Sir, on a point of information, I will presume for the moment the Honourable Member still on his feet, has given way to the point of information.

I think Sir, that when the more youthful Executive Council that he prophesied earlier this week comes to take office in the future, that the Members of that more youthful Executive Council should look closely at Section 9. sub-section 2. of the Constitution, which I shall read:-

" It shall be the duty of a member so charged with responsibility (that is a Member of Executive Council) to act in the exercise thereof in accordance with the policies of the Government as decided in the Council and in accordance with the principles of collective responsibility, and to support in the Legislative Assembly any measure decided upon in the Council, unless he has received the prior permission of the Governor to act otherwise or not to support such a measure. "

That is the constitutional responsibility and constitutional directive addressed to all Members of Executive Council, elected and official.

MR. W. McKEEVA BUSH: Section Sir, what section.

MR. PRESIDENT: Section Nine, two.

MR. W. McKEEVA BUSH: Well, I must still differ Sir, because it was a Government Motion that brought all this talk this morning, it was a Government Motion.

MR. PRESIDENT: It was in fact a Motion that the Report of a Select Committee be adopted. It was not actually.....

HON. MICHAEL J. BRADLEY: With respect Sir, I was laying the Report on the table, there was no motion on that, was there. Was it a motion, that it be adopted?

MR. PRESIDENT: Did you not in your speech move that the Report be adopted? I think that is what we have been debating. If we have not been debating that, then I do not know what we have been debating.

MR. W. McKEEVA BUSH: He is a good lawyer Sir, he is a good lawyer. I agree.....

MR. PRESIDENT: I mean, I hope we have been debating this, I have been under a misapprehension all day otherwise. I think if you read the tape, you will find that you laid the Report, and then you spoke and you asked the House to adopt it, and we have been debating its adoption. But my point to the Second Elected Member for West Bay is, it is not really a Government Motion, it is the Report of a Select Committee and it was made plain by the Member, the Government Member who laid it, that the Government did not really have a view, other than the view that the public should be given an opportunity to have further input. The Government was not saying that it accepted or rejected particular recommendations.

MR. PRESIDENT (CONTINUING): It was saying, especially in respect of the recommendation which is controversial, the public ought to have a chance to consider this. So, it is not a Government Motion, not in my view anyway. Let us suspend proceedings for approximately fifteen minutes.

AT 3:16 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:36 P.M.

MR. PRESIDENT:

Please be seated.

Report of the Select Committee on the Elections Law. Does any other Member wish to speak. The Honourable First Official Member.

HON. DENNIS H. FOSTER:

Mr. President, I did not dream that this Report of the Select Committee would have created so much debate, otherwise I would have really tried to persuade the Business Committee to leave it for a later date. However, this is the result of sending things to the Select Committee, where most meetings you have to wait half an hour for a quorum.

I trust Sir, that the House will take note of this, so in future they will not be so anxious to send things to Select Committees.

Now, Mr. President, I am going to try and comment on what the Member from West Bay said about Three Official Members. Mr. President, let it be clearly understood Sir, that we support the Government, there is no doubt about that whatsoever. However, Mr. President, there are times when I feel that certain matters, certain decisions that really do not matter to us, should be decided by the 12 Elected Members. After all, Mr. President, the three Official Members do not vote for Executive Council, and two of us do not sit in the Finance Committee.

The problem arose this morning when the First Elected Member from Boddan Town, made a motion which he lost. This is what created the whole problem. The motion was that we put aside all other business, so as to enable him to debate the Budget Speech. Well, I felt Sir, that this was a matter that the elected Members should decide. What they wanted to do, really did not affect the three Official Members at all. I would like to say, Sir, that I cannot consider it disloyal, or that we were not supporting the Government at all, because we do support the Government. It is our duty to do it, and we have to do it. However, I did not see anything wrong in us abstaining from a matter which we thought was the business of the Elected Members.

I would like to reassure, if there is any doubt, in the Elected Members of Executive Council, that they have our full support and loyalty, Sir.

The Select Committee Report is only a Report, it is not the Law, and we are fully aware that every Member before they change it, is going to take it to their constituents. So, Mr. President, I cannot really see why the big hullabaloo at this stage.

It is unfortunate, what happened this morning. I would go as far as to say it was disgraceful, but there is no doubt in my mind, Sir, we can look forward to a lot more of it too, it is sad to say.

Mr. President, I support the recommendations in the Select Committee Report.

HON. THOMAS C. JEFFERSON: Mr. President, I did not intend at all to speak on this Select Committee Report which is being tabled, but I am like some people who say, that they cannot sit down and be quiet.

I have been around in Government for quite some time now, Mr. President. There is not a person who can accuse me properly of not supporting this Government, because I believe in it. It does not matter which political group is there, it is the Government of the Cayman Islands, and the people for whom I am working, not for any Members in this House particularly, it is the people.

Therefore, Mr. President, we must all appreciate that each person has his own mind, he is not a robot. One cannot tell him what to do every minute of the day, and he will follow you.

On issues such as we are discussing this morning, dealing with electoral reform, I have my own view, Mr. President, I do not need to discuss it publically, but I cannot support the single-member constituency for my own personal reasons. When the legislation comes, Mr. President, I wish to vote on my conscience, and perhaps it is good to serve notice now, that I will do so. Thank you.

MR. PRESIDENT: Does any other Member wish to speak. In that case, does the mover of the motion wish to reply.

HON. MICHAEL J. BRADLEY: I take it Mr. President, Sir, that that was a hypothetical question.

Mr. President Sir, to mix metaphors, so much hot water has flowed under the bridge since early this morning, that it seems that we have been going on debating the laying of this Report, for a very, very long time.

I will not deal with the arguments and the statements made in any detail, Sir, except to clarify two points.

The first was, that when he was here, the Second Elected Member of George Town stated that I, as Chairman of the Select Committee had voted for certain measures in it. If the record be read, Sir, you will see that throughout, as Chairman, I did not on any one occasion vote, and I would have been very reluctant, even if there had been a tie, to cast a casting vote. I consider, that privileged and honoured as I am, to sit in this House, and to be nominated as Chairman of the Select Committee, that the contents of the Election Law and the recommendations, is very much a matter for Caymanians to decide.

The second point, Sir, that I would like to clarify in the minds of Members, was the statement by the First Elected Member of Bodden Town, that the qualifications for election to this Honourable House, should have been the subject of a recommendation, and should have been changed, so as to provide that only persons born in these Islands, could stand as candidates. I would point out to that Honourable Member, if he were here, that it is the constitution of the Cayman Islands, made by Her Majesty the Queen, by Order in Council, that lays down the qualifications for election to the Legislative Assembly, and that the constitution in 1972 had certain qualifications which were tightened up by the Cayman Islands Constitution Amendment Order, in 1984, which provided much more strict qualifications, than hitherto. That constitutional amendment was made as a result of a unanimous vote in the previous Legislative Assembly, of which that Member was a member.

HON. MICHAEL J. BRADLEY: I will not go into the pros and cons of the arguments presented. I was doing my duty, Sir, in laying this Report as Chairman of the Select Committee. I attempted to do it in as factual, impartial and low-key a manner as possible. I attempted to set out as fairly as I could, the recommendations made, and what my own concept should be, of the procedure, if one very important recommendation were to be given further consideration.

I should add, Sir, that I am asking that the Report be adopted, and I would urge Members, having established the Select Committee, having had that Committee carefully work at meetings, at four meetings, and come with recommendations, that they should do the Select Committee the politeness of accepting and adopting the Report, and there after, take whatever steps may, or may not be necessary to appraise themselves as to the worthiness of the recommendations.

Finally, Mr. President, Sir, the question was raised as to why I, and the other two Official Members abstained on a vote that was a vote to suspend Standing Orders. In an earlier interjection, I made it clear that the doctrine of collective responsibility only held true and bound, where it was in accordance with decisions already taken by Executive Council. The voting on that motion to suspend Standing Orders was not such a collective responsibility. I, in that vote, abstained because, Sir, as Chairman of the Select Committee presenting the Report, I felt that it was not opportune for me to decide whether or not, in the interest of the Cayman Islands, the debate on the adoption of the Report on the Election Law, or the debate on the Budget Second Reading of the Appropriation Bill, should take priority. I hope that I have been, and hope that I will continue to be a staunch and loyal member of the Government of the Cayman Islands, so long as the responsibility of being Attorney General rests on my shoulders. If the absent Members were here this evening, I would say to them, that I have been as loyal a member of their Administration, as I hope I am of this Administration, and as I hope I will be of any future Administration, that has got the responsibility and the privilege of running the Cayman Islands. If at any time I shirk from that responsibility, I have no doubt that His Excellency, the Governor would point it out to me.

Sir, I beg to move that this Report be adopted.

MR. PRESIDENT: The motion is that the Report of the Select Committee on the Elections Law be adopted.

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT: I think the ayes have it.

MR. W. McKEEVA BUSH: Division, Sir.

MR. PRESIDENT: Of course you can. Remember, you are not voting for or against the recommendations. We are voting for the adoption of the Report, which as has been explained, means giving it publicity and considering it.

MR. PRESIDENT (CONTINUING): So let us have the division.

<u>AYES</u>	<u>DIVISION</u>	<u>ABSTENTIONS</u>
Hon. D. H. Foster		Mr. W. McKeever Bush
Hon. Michael J. Bradley		
Hon. T. C. Jefferson		
Hon. Benson O. Ebanks		
Hon. W. Norman Bodden		
Hon. Capt. Charles L. Kirkconnell		
Hon. Vassell G. Johnson		
Mrs. Daphne L. Orrett		
Capt. Mabry S. Kirkconnell		
Mr. D. Ezzard Miller		
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MR. PRESIDENT: I declare the motion carried.

REPORT OF THE SELECT COMMITTEE ON THE ELECTIONS LAW ADOPTED BY MAJORITY VOTE.

MR. PRESIDENT: Perhaps I should comment, if it is proper for me to do so, that I note with some alarm that the practice of abstention by members of the back bench, is growing, is growing so frequent as to cause consternation, but I am sure it is every Member's privilege to abstain when he wishes. Now, unless anybody moves an appropriate motion....

SUSPENSION OF STANDING ORDER 23(7) & (8)

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I would beg to move the suspension of Standing Orders, in accordance with Standing Order 83, to enable the questions tabled for today's meeting to be asked.

MR. PRESIDENT: The motion is that, Standing Orders be suspended, in accordance with the provisions of Standing Order 83. I think the particular Standing Orders we have to suspend are 24(4) & (5). I am not absolutely sure until I have got there. No, 23(7) & (8), thank you. 23(7) & (8) be suspended in order to enable the questions on today's order paper to be asked. Does any Member wish to speak. Does any Member wish to be recorded as abstaining? No.

QUESTION PUT: AGREED: STANDING ORDER 23(7) & (8) BE SUSPENDED IN ORDER TO ENABLE QUESTIONS ON THE ORDER PAPER TO BE TAKEN.

MR. PRESIDENT: Questions 149, 150 and 151, since the Member is not here, I will pass over in the first instance, and come back to later, in case he has appeared.

MR. PRESIDENT (CONTINUING): So, Question 152, the Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 152: Would the Honourable Member state whether Government received Stamp Duty on the sale of property to Mrs. Greer in relation to a condominium purchased from Ocean Club?

ANSWER: Transfer of Block 25, Parcel 338 H 43, has not been registered, but Mrs. Greer has placed a caution on the agreement of \$137,500. When and if transferred. The Stamp Duty will be \$8,593.80.

SUPPLEMENTARIES

MR. D. EZZARD MILLER: Could the Member state, Sir, if the interest has been accrued in any form on the \$8,000 Stamp Duty.

HON. THOMAS C. JEFFERSON: Mr. President, to the best of my knowledge, the Stamp Duty Law has a section dealing with late stamping, and interest is accruing.

MR. W. McKEEVA BUSH: Mr. President, is a Member of Government a shareholder in the Company?

MR. PRESIDENT: I do not think that this is a permissible supplementary, because neither the Member who has been answering questions, nor any other Member of Government has a responsibility for determining who is a shareholder in a particular firm here.

If there is no further supplementary, the Member may ask his next question.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, a supplementary, Sir. I would like to know how long will the Government hold this caution against this block, if it is not transferred?

MR. THOMAS C. JEFFERSON: Mr. President, to my knowledge, the Registered Land Law does not set forth a time when the caution will expire.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Can the Member say whether Mrs. Greer has possession of the condominium.

MR. THOMAS C. JEFFERSON: Mr. President, I am not even sure what apartment it is, Sir, so I am afraid I cannot answer this question.

MR. PRESIDENT: Any further question.
In which case the Member can ask Question 153.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD
OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 153: Can the Honourable Member say how many companies were registered in August, 1984, and how many are registered now?

ANSWER: The number of companies registered at

31st August, 1984 - 16,900

3rd December, 1985 - 18,248

MR. PRESIDENT: If there is no supplementary. Perhaps the Member would like to ask question No. 154.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD
OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 154: Would the Honourable Member say in what fields and at what cost have foreign advisors, consultants or similar experts been employed or appointed by Government to visit the Islands from January, 1977, to 14th November, 1984?

ANSWER:

		<u>1977</u>
M Dupree	Development Plan	1,197
Dr. S Khana	PAHO Genetic Programme	175
Dr. A M Baker	PAHO Medical	43
Sir Clifford Hammett KT	Legal	-
Mr. D R White	Ships Registration	-
Mr. J Mair CBE	Customs	1,001
Mr. C Lancaster	Primary Science Curriculum	-
Mr. M Longford	Social Security	364
Mr. W J Reed	Oil Transfer Shipment Franchise	50
Mr. K A Fowler	UPU Postal Operations	3,740
Mr. M Macoun GMG, OBE	Overseas Press Advisor	-
Mr. B Dumbleton	Water and Sewerage	-
Miss A Parker	Social Development	-
		\$6,570
		<u>1978</u>
Mr. J H Lawrence	Land Tenure Advisor	971
Mr. D E Warren	Directorate Overseas Survey	-
Mr. D B Grant	Valser Foundation for Early Childhood	-
M J Kemp	British Council Library Development	-
Mr. J Mair CBE	Customs Advisor	-
Mr. B Greenhead OBE	Television Advisor	34,742
Mr. G Don	Public Health Advisor	-
Mr. Loftus	EEC Development Fund	-
Mr. C D'Assier	Caribbean Development Bank	-
Mr. M Zadie	UN Development Programme	-
Medical Equipment Representative	Advise on Instruments	367
		\$36,080

1979

<i>Richards & Dumbleton</i>	<i>Investigation water Lenses</i>	20,000
<i>Mr. Young</i>	<i>Shipping Advisor</i>	2,079
<i>Mr. J. Bradbury</i>	<i>CUC Rates</i>	2,381
<i>Mr. E. Findell</i>	<i>Legal Advisor - Fisheries</i>	-
<i>Mr. L. J. Croor</i>	<i>UN Development Programme</i>	-
<i>Mr. E. J. Westwedge & Mr. D. Carrow</i>	<i>BESO Insurance</i>	5,097
<i>Mr. M. Macoun CMG, CBE</i>	<i>Police Advisor</i>	2,100
<i>Commander Gallagher</i>	<i>Defence Advisor</i>	-
<i>Mr. K. G. Digby</i>	<i>BESO Population Census</i>	7,169
<i>Mr. R. Shaw</i>	<i>Building Advisor</i>	841
<i>Mr. E. Perkins</i>	<i>Medical Equipment Advisor</i>	1,699
		<u>\$41,366</u>

1980

<i>Mr. K. G. Digby</i>	<i>BESO Population Census</i>	13,325
<i>Mr. J. C. Hall MBE</i>	<i>FCO Salary Commissioner</i>	10,831
<i>Mr. S. Bennett</i>	<i>Immigration Advisor</i>	11,551
<i>Mr. F. Hayton</i>	<i>Medical Equipment Advisor</i>	539
<i>Mr. V. Chang</i>	<i>Airconditioning Consultant</i>	2,000
		<u>\$38,246</u>

1981

<i>Mr. M. Bishop</i>	<i>Airline Advisor</i>	2,092
<i>Mr. I. T. Field</i>	<i>Education Studies</i>	640
<i>Mr. J. L. Jeffreys</i>	<i>Computer Advisor</i>	2,977
<i>Mr. L. Spragg</i>	<i>Television Franchise</i>	1,006
<i>Mr. C. Stewart</i>	<i>Medical Equipment Advisor</i>	3,610
		<u>\$10,325</u>

1982

<i>Mr. J. L. Jeffreys</i>	<i>Computer Advisor</i>	17,003
<i>Mr. J. Mairs</i>	<i>Customs Advisor</i>	7,663
<i>Mr. E. Modig</i>	<i>Post Office Training</i>	2,843
<i>Fine, Jackson & Simon</i>	<i>Television Franchise</i>	4,540
<i>Mr. E. Autrey</i>	<i>Electrical Consultant</i>	1,615
<i>Prof. Paul Fairest</i>	<i>Law School</i>	1,812
<i>Mr. T. Moses</i>	<i>Building Code</i>	169
<i>Mr. Forsyth/S. Boyd</i>	<i>Household Survey</i>	26,431
<i>Mr. T. Kandell</i>	<i>Medical Equipment Advisor</i>	1,829
<i>Mid South Engineering</i>	<i>Traffic Study</i>	20,000
		<u>\$83,905</u>

1983

<i>Mr. J. L. Jeffreys</i>	<i>Computer Advisor</i>	4,638
<i>Mr. J. Hanger</i>	<i>Medical Equipment Advisor</i>	1,908
<i>Dr. Hallett</i>	<i>Post Secondary Education Study</i>	-
<i>British Postal Consultancy</i>	<i>New Post Office Building</i>	4,600
<i>Mr. G. Costello</i>	<i>AT&T Tariff Analysis</i>	12,500
		<u>\$23,646</u>

		<u>1984</u>	
Mr. D Whitty	Customs Advisor		11,201
B Martin/M John	Scotland Yard Police		2,984
Mr. J Jeffrey	Computer Advisor		4,289
Mr. P Greenhaugh	Law Revision Draughtsman		822
Mr. R Stoddard	Law Revision Draughtsman		1,180
Scotland Yard	Bank Intercontinental Ltd		48,082
Thomson Zeder et al	Legal Costs BNS		565,475
Scotland Yard	Detectives -		
	Police Investigation		72,235
Mr. J Hanger	Medical Equipment Advisor		1,167
Prof. M Fairest	Law School Advisor		995
			<u>\$708,430</u>
TOTAL:			<u>\$948,568</u>

The Government does not have a master list of all Advisors, Consultants or similar experts who have been employed over the years, neither can we be 100% certain that all costs incurred have been extracted from the Annual Accounts for the period January, 1977 to 14th November, 1984.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. In view of the latter part of the answer here, can the Member say then, whether I am correct in assuming that Government also had a Tourism Advisor sometime in 1980. I think from a firm known as Laventhall and Howarth, or something like that. If he does know, can he give the cost.

HON. THOMAS C. JEFFERSON: Mr. President, the answer to this question is yes, we did have, I am not sure what year it was, but we did have a Tourism Survey by Laventhall and Craxine. I am not absolutely sure what the cost was.

MR. PRESIDENT: My recollection is that a question was asked last year, about the cost and the House was given the cost. Am I right, I see the two Members concerned, the Third Official Member and the Second Elected Member of Executive Council, both nodding. I think the House was given a cost.

HON. W. NORMAN BODDEN: This is correct, Mr. President. The question was put down and an answer given to the House on the exact cost, which was in excess of \$100,000.00.

MR. W. McKEEVA BUSH: Mr. President, in addition to this supplementary Sir, can the Member tell me whether Government also had an ILO Report done.

HON. THOMAS C. JEFFERSON: Mr. President, I think this is also correct. It was within the last eighteen months that we did employ someone from ILO to write his version of the Labour Legislation.

MR. W. McKEEVA BUSH: Can the Member give me any cost, Sir.

MR. PRESIDENT: I think the Labour Legislation is done by a UN Advisor. I doubt if there would have been costs, or they might have been small, but maybe the Third Official Member would undertake to obtain costs, this is the UN Labour Advisor who wrote a report, if you would be kind enough to provide, I said there might not be any cost, because I think he was a UN Advisor.

HON. THOMAS C. JEFFERSON: I will examine the matter Sir, if there were costs, I will let the Member know, if there were or if there were not.

MR. PRESIDENT: I suspect there may not have been. Any further supplementaries?

STANDING ORDER 23(3)

MR. PRESIDENT: Has any Member been asked in accordance with the provisions of Standing Order 23, paragraph 3, to ask the question standing in the name of the First Elected Member for Bodden Town, or to request their postponement.

Very well, those questions do not get asked then.

We can move now to item 4.(a)(i).
Government Motion No. 11. The Third Official Member.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 11/85

CARIBBEAN DEVELOPMENT BANK CREDIT SCHEMES

HON. THOMAS C. JEFFERSON Mr. President, I beg to move Government Motion No. 11. Caribbean Development Bank Credit Schemes, which reads:-

Whereas Caribbean Development Bank in Barbados CDB, recently offered to the Cayman Islands a \$1.1 million consolidated line of credit, second loan to finance agricultural and industrial credit and student loans. To provide medium and long-term loan funds for small business enterprises and students in the Cayman Islands, and which schemes will be administered under the provisions of the Agricultural and Industrial Aid law 1978, and whereas the schemes are considered to be of much benefit to the development and improvement of agricultural, and other small industries and education in the Cayman Islands, and whereas the loan is being negotiated under the provisions of Section 6(i) of the Loans Caribbean Development Bank Law 1977, which states that if the sums being sought exceed CI\$250,000.00 the consent of the Legislative Assembly is required, otherwise the matter is dealt with by Executive Council. Be it resolved that the Agricultural and Industrial Credit and Student Loan amounting in aggregate to US\$1.1 million, or CI\$924,000.00 be authorised by this Honourable House.

HON. THOMAS C. JEFFERSON (CONTINUING): Mr. President, the funds which are being asked for, or authorisation being asked for, on the Government Motion No. 11, is to supplement the present loans available to the Agricultural and Industrial Development Board. There are two loans at the moment, Mr. President, one being the Farm Loan which is now exhausted, and the Industrial Credit Loan has a balance of \$50,000.00, but this too is committed, to a borrower. Therefore, Mr. President, it is urgent that we give authorisation for this loan, to put Government in a position to help the small farmer or businessman.
Thank you Mr. President.

MR. PRESIDENT: The question before the House is Government Motion No. 11 of 1985, which is now open to debate.
Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION 11/85 PASSED.

MR. PRESIDENT: Government Motion 12 of 85, the Third Official Member.

GOVERNMENT MOTION NO. 12/85

BARCLAYS BANK PLC - CARIBBEAN DEVELOPMENT BANK

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move Government Motion No. 12 of 85, entitled Barclays Bank PLC - and Caribbean Development Bank, and which reads:-

Whereas Barclays Bank PLC - Caribbean Development Bank have been severally been requested by the Cayman Islands Government to consider the funding of a \$6 million loan to cover :

- (a) Construction of Roads \$2.1 Million.
- (b) Airport Development \$1.9 Million.
- (c) Fire Service Building \$1.5 Million.
- (d) George Town Public Water System \$0.5 Million.

with repayment over fifteen years, and they have both agreed to give favourable consideration to such loans, and whereas the loans if granted, will be utilised to upgrade and provide urgent and necessary infrastructure, to deal with the needs of the General Public, and safety of arrivals by air, and whereas if any loan is negotiated under the provisions of Section 6(i) of the Loans Caribbean Development Bank Law 1977, that loan states that if the sum being sought exceeds CI\$250,000.00 the consent of the Legislative Assembly is required. Be it resolved that several loans from Barclays Bank, or Caribbean Development Bank amounting to not more than \$6 million be authorised by this Honourable House.

Mr. President, in dealing with the preparation of the 1986 draft Estimates, and taking into consideration the state of the economy, and the need by Government to upgrade its infrastructure, roads, airport development, and also to provide a public water system in George Town, which is by any persons imagination, urgent and necessary, it was the decision to seek the approval of this Honourable House, for a loan of \$6 million, which would not only provide the necessary repairs of roads, new roads, new terminal building at Gerrard-Smith Airport, but also, Mr. President, to help to stimulate the economy.

I ask the Honourable Members to vote.

MR. PRESIDENT: The question before the House is that Government Motion No. 12 of 1985 be passed. That question is now open to debate. Does any Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 12/85 PASSED.

MR. PRESIDENT: That is the end of Motions. We now turn again to the continuation of the Second Reading Debate on the Appropriation Bill. When we last were debating this, the First Elected Member for Bodden Town was speaking, but since he is no longer here, I will call on any other Member who wishes to speak. The First Elected Member for the Lesser Islands.

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE:

CAPT. CHARLES L. KIRKCONNELL: Mr. President, and Honourable Members, I wish to congratulate the Honourable Third Official Member on a very well prepared, well delivered, comprehensive Budget Address.

I am again, very pleased, I think this is my sixth opportunity to make my contribution to the Budget Debate, and I am pleased to have the opportunity once again.

I am here today very grateful that we, our territory of under 20,000 people can think of a budget of CI\$67,388,630.00. This is indeed a very large budget for such a small territory. I fully realise, Mr. President, that in our under developed state, we need large amounts of capital expenditure in order not only to provide the infrastructure necessary, but employment for our people. This is particularly very necessary in my District, that of Cayman Brac and Little Cayman.

I am proud of our high standard of living, high wages and salaries earned in this territory. I think it is second to none in the Caribbean, and equal to most developed countries in the world.

The Budget passed earlier this year for the year 1985, was a balanced Budget amounting to \$60.7 million. This covered recurrent expenses of \$50.1 million, and \$8 million locally financed capital spending, plus 2.6 million of loan financing. I note in the Budget Address it is estimated that the year will end with a deficit of \$2.5 million. I also understand, that great efforts have been made by this Administration to curtail expenditure of which approximately a million Dollars in saving has been realised. This deficit occurred because of shortfalls in Custom Revenue collected of \$1.5 million, Revenue Stamps fell short by \$1.5 million and Company Fees by a half a million, totalling \$3.5 million. This shortfall for this year, naturally has a direct affect on the Budget we are debating today. We all have to take this into consideration, as we must cut our garments according to our cloth.

There has been world recession, which the Cayman Islands cannot expect to be exempt from. Particularly, in my District, we have felt severe recession pains. This recession has cost a vast reduction in construction here in Grand Cayman, and virtually none at all in Cayman Brac.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, I am greatly encouraged by the number of Planning Approvals which for such large sums have come before the Central Planning Authority this year, and it is my hope, with this number, even if a few of them materialise, will provide employment for many people here in the Cayman Islands. I am happy to say that the Hyatt Hotel, in addition to providing substantial employment for Grand Cayman, there are at least 12 to 15 from my District, who have found employment on this construction site.

I also realise that Government is making every effort to reduce its expenditure, in all departments, to improve our financial position.

Mr. President, I agree with the Honourable Third Official Member, that we need to ensure that the development of these Islands, this includes Cayman Brac and Little Cayman, is well managed, and that all levels of society benefit from it. Let us make every effort to ensure that we maintain the social harmony which exists. We have heard about it today, but let us do everything we can to provide, for no greater evil could come to our Islands if we have social unrest.

We must make every effort, Mr. President to make our tourists, while in the Cayman Islands, feel at home, give them good value for their Dollar, and encourage them to return. Tourism and the Financial Sector are indeed our two greatest areas of revenue.

I was very encouraged, for I did have concern earlier in the year, that the number of offshore banking licenses may have been reduced, here in the Islands. I am very encouraged to read in the Budget Address that this is not the case, but in fact there has been an increase in the number of licenses granted. This is an important factor, as I said earlier, for they employ 800 odd persons.

Mr. President, the Agricultural and Industrial Development Board is playing a very important part in our society. It is very difficult for small business people to get loans from the major lending institutions here in the Cayman Islands, and this affords an opportunity to our local-Caymanian, to help himself, while helping himself he can also provide employment for other people. I am greatly encouraged that we have just passed a Motion which will authorise the borrowing of additional funds for the Agricultural and Industrial Development Bank. This is particularly needed, and I would ask this Administration to give serious consideration to the Student Loan Programme. I realise that there are a few scholarships available, but these are far too few to satisfy the needs of our ambitious young Caymanian school leavers. This Student Loan, if operated properly will enable our people to return home and take jobs of a higher nature, than they have been able to fill in the years past. I would like at this time, Mr. President, to pay gratitude to Mr. Armando Cardeno who has been the Manager for the last few years of the Agricultural and Industrial Development Board. He, being a very close friend of mine, I have learnt much about the operation of it. Therefore, I thank him for his services, regret that his illness has incapacitated him to a point, but I am very grateful for all that he has done in this field.

MR. PRESIDENT: I think that we have just passed half past four, and since I imagine this debate is likely to go on for a long time, I cannot take advantage of the provision in Standing Orders, that enables me to allow things to go on for a little bit longer. So I must interrupt the Member, and 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., Monday 9th December.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until 10.00 a.m. on Monday, 9th December.

QUESTION PUT: AGREED. AT 4:31 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. MONDAY, 9TH DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1986 SESSION
OF THE LEGISLATIVE ASSEMBLY

SEVENTH DAY
MONDAY
9TH DECEMBER, 1986

PRESENT:

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

GOVERNMENT MEMBERS

HON DENNIS R 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 TRAVEL

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 ORFLETT 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

MR FT 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 MILLET 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

MONDAY
9TH DECEMBER, 1985
SEVENTH DAY

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

2. QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM
AVIATION AND TRADE

NO. 155: WOULD THE HONOURABLE MEMBER COMPARE TOURISM AIR ARRIVALS
MONTH TO MONTH 1984 AGAINST 1985?

NO. 156: WOULD THE HONOURABLE MEMBER STATE HOW MANY CRUISE SHIPS
WHICH HAD NOT CALLED PREVIOUSLY CAME HERE DURING 1985,
AND WHEN WAS EACH ORIGINALLY GRANTED PERMISSION TO CALL?

NO. 157: WOULD THE HONOURABLE MEMBER STATE HOW MUCH MONEY FROM THE
TOURISM AVIATION AND TRADE VOTE HAS BEEN SPENT ON ADVERTISING,
PROMOTIONS AND COLLATERAL DURING 1985 SO FAR COMPARED TO 1984
AND HOW MANY ADVERTISEMENTS HAVE APPEARED IN NATIONAL MAGAZINES
DURING EACH PERIOD?

3. GOVERNMENT BUSINESS

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE:

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MONDAY

9TH DECEMBER, 1985

10.09 A.M.

MR. PRESIDENT:
for George Town.

Prayers. The Second Elected Member

MR. LINFORD A. PIERSON:

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. Let us repeat 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.

The Lord bless us and keep us. The Lord make His Face shine upon us and be gracious unto us. The Lord lift up His Countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Please be seated.

Questions. The First Elected Member for Bodden Town. As he is not here, has any other Member been deputed by him to ask the questions which stand in his name or to request their postponement?

MR. G. HAIG BODDEN:

Yes, Mr. President, I have been asked to say that the Member would like his questions postponed until such time as he will be here, which may not be tomorrow.

MR. PRESIDENT:

Could you ask him to be kind enough to get a message to the Business Committee? I will ask them to reinstate the questions on notification, if that is alright? I do not know whether you are deputed to answer for this too, but perhaps it would be best if no further questions are put down in his name until he does notify the Business Committee? Is that right?

Item 3. Government Business. The Second Reading debate on the Appropriation Bill. The First Elected Member for the Lesser Islands was speaking.

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CAPT. MABRY S. KIRKCONNELL: Mr. President, when I gave way for the adjournment on Friday afternoon, I had completed speaking on the Agricultural and Industrial Development Board. However, Sir, before going into my text I would like to comment very briefly on an article which appeared in the Caymanian Compass this morning, which to me could indicate that I had attempted to deprive the First Elected Member for Bodden Town of the privilege of continuing his debate. For the benefit of those who are not familiar with the Standing Orders of this House, the debate must be continuous. If no-one responds when the President asks if any other Member wishes to speak then the President immediately asks if the Honourable Member moving the Bill, the Honourable Third Official Member would like to reply. Therefore, I in no way by speaking eliminated the First Elected Member for Bodden Town from his democratic rights.

I am also, Mr. President, rather concerned to see the press report, which I do not feel has put into context exactly what took place in this Honourable House on Friday. Mr. President, if I am out of order for speaking on this, please tell me. May I go ahead?

MR. PRESIDENT: Traditionally, Members are allowed to range very widely during the Budget Address. On the assumption that the Member will relate whatever press report he is speaking of to the Budget Address, I shall allow him to continue.

CAPT. MABRY S. KIRKCONNELL: Thank you, Mr. President. I just wanted to make sure that I was in order.

As I recall, on Friday we went ahead debating the Report of the Select Committee on the Elections Law, which became much longer than Members of the Business Committee thought that it would. Seeing that 11.00 was being reached, the Honourable Second Official Member moved that Standing Orders be suspended in order that Question Time could be taken after the debate. That motion was put before the House and it was approved. Also then, the First Elected Member for Bodden Town moved a motion, as I recollect, that we suspend the debate on the Select Committee's Report on the Elections Law and proceed with the debate on the Appropriation Bill. This was put to a vote and it was defeated. Therefore the debate on the Elections Law continued. The newspaper gives the impression quite the opposite from that but that is the way that I understood it, Mr. President. I would ask all Honourable Members to remember that just a little over a year ago we went to the electorate and made many statements as to how we would conduct ourselves in the affairs of this country. I feel no less a responsibility today to perform as I said then, as I did when I stood on the campaign platform. I think that that goes for all Elected Members of this Honourable House.

I feel that it is as much my duty to attend a Select Committee as it is the Meetings in this House. It is all a part of the job of representing our people. We cannot do it to the best of our ability unless we attend the Select Committees as well as the House. For me the Select Committee is the most democratic of it all. It has been said that the minority has no say. For over four years I guess that I could have been considered one of the minority, and a new Member at that. However, I certainly had the privilege of expressing my opinion in there and it is so today. Thank you, Mr. President.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): Returning to my prepared speech, the Cayman Currency Board continues to function well and contributed \$1,089,749 to General Reserves in 1985, which was out of profits earned during the year 1984. It is indeed encouraging that this has been so successful over the many years.

Mr. President, I would like to congratulate the present Administration for the re-establishment of the Cayman Information Service under the Civil Service. I am very grateful to see this. I did not support the other Cayman Islands News Bureau Limited functioning in this capacity. I am very thankful that it is once again where I think that it should be. I would like to give special thanks to the Honourable First Official Member under whose Portfolio this falls, and also to the staff of the Information Service for the good job they are doing.

I think, Mr. President, that Radio Cayman is appreciated more by the people of my District than by the people here in Grand Cayman. This is primarily because it is through this medium that we mostly hear what is going on, not to mention the least, the proceedings in this House, which of course have been very lengthy. Only this weekend I have had a lot of questions to answer from my constituents, which I would not have had had it not been that Radio Cayman has been broadcasting the proceedings of this House. They are doing a good job. I feel that we must support Radio Cayman and all of their staff for the job which they are doing. May they continue.

Mr. President, it is encouraging to see that the Law School will soon be able to have some students graduate so that we will have more Caymanians in the legal profession. All the companies which have supported this are to be praised. I am very grateful that our local people have the opportunity to gain these qualifications at home. Probably some may not be able to afford the great expense it involves going overseas, and it will enable them to better themselves and better serve their people.

The Immigration Department, Mr. President, is a Department which is very important to the security of our country. They have a hard job and I think that they are doing it well. However, I would like to state, Mr. President, that in the Caymanian Protection Law, 1984, there is a section specifically speaking about Caymanian status by birth or by right. It would be greatly appreciated if this section could be further explained. I have had many, many questions from members of my constituency, who say that some of the children born to the same parents and born in the same city have been able to get Caymanian status, and others have been refused. I do not know all the details, Mr. President, but I feel that if this could be explained in simple language to the public, it would eliminate a lot of the anxiety which they are now suffering, not knowing whether they will get it or will not. If there are technicalities within it, if these could be explained to the people then we will all further understand.

Development and Natural Resources. Much activity has taken place in the last year in the Portfolio now named Development and Natural Resources. It is a Portfolio which is very important to my District and to all Districts. The Cayman Turtle Farm which falls directly under the Development and Natural Resources Portfolio, of which I am honoured to be a Director, has had many problems during the year. We all recall the great disappointment on the decision handed down in Argentina. However, I am happy to say that the Turtle Farm is fighting back. As everybody is probably aware, more turtle stew, more turtle fins and more turtle steak are now available to the local public as a slaughtering programme has been sped up.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): Also, it is most encouraging to see the shrimp project which is going on. It is hoped that this could add revenue, and again add another delicacy to our diet here.

Also, much progress has been made in agriculture. I am very grateful to see that we are getting agricultural experts from Israel to give us advice. I had the privilege of talking with Mr. Moshe Avidan when he was here. I learnt much about what they do in Israel. He told me that we could solve our problem in the Lesser Islands by getting a proper company to design a proper piece of heavy equipment which would cultivate our soil. He said that that is the way in which the Israelis tackle their problem. They create a solution for any problem which they have.

I would like to say, Mr. President, that in the Lesser Islands, we do need the services of the Veterinary Officer more frequently than he does visit the Islands. I know that he has heavy responsibilities here in Grand Cayman. However, with our cattle population and other animal population, we want to ensure that they are healthy. From time to time we have cases where we are not really sure what is wrong. If it could be arranged that the Veterinary Officer could visit there on a regular basis and be available for a trip to the Lesser Islands when an animal needs attention, I would be grateful. I have spoken with the Medical Officer there but he says that he has very little experience in treating animals, and he would only work directly under the instructions of the Chief Veterinary Officer here in Grand Cayman.

We would also like a little more attention given to our farmers in agriculture. Possibly, thought could be given at a later stage to a development farm in the Lesser Islands which would show the people just how to produce, for we have many what I guess we could say are professional farmers who work day and night for very little reward. Often crop failures due to drought and other things make it very discouraging. Yet, they have continued over the years to do their traditional agricultural work.

Another thing which is quite encouraging to me, Mr. President, is that the Housing Development Corporation is being re-established and they will soon be able to offer loans to our people who do not qualify to borrow from the commercial banks. This is most encouraging, Mr. President, for though many in the Cayman Islands are very fortunate, there are still some who are having a very difficult time to live on what they are earning. The Housing Authority, well managed, will be a great asset to this whole Island community.

The Water Authority. Potable water is needed in all Districts in fairly large quantities. The Water Authority will help us in providing this. It will also help us in ascertaining the quality of the water which we get from our wells. That, Mr. President, is most important for our health. In addition to their duties providing water for the community, the Water Authority is playing a very important part in the processing of plans for construction, particularly in the area of plumbing. This is very important, for unless development plans are passed, and passed with the proper plumbing facilities, drainage and all these things, our health again is in jeopardy. So, I am very encouraged with what the Water Authority has done. It is also most encouraging that they will be attempting to define if there is sufficient potable water in our water lens in Cayman Brac. If so, a reservoir and a well-field will be established. This is very essential, Mr. President, for the Lesser Islands in years gone by, in 1932, were flooded by tidal waves, and I understand that there was very little drinking water on the Islands. It had to be brought in by ship. So we do need a source, and particularly if this source could be established on the Bluff where it is at least 100 feet above sea level it would be relatively safe from contamination by sea water.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): I am happy to hear of this but it is my opinion, Mr. President, that we too in the Lesser Islands will have to study desalination of water, and probably that will be our source. I am wondering if some arrangement could not be made with the Cayman Brac Power and Light Company Limited, similar to the study which I understand is under way with the Caribbean Utilities Company Limited here in Grand Cayman to utilise their waste heat.

Also on the Portfolio of Development and Natural Resources, a very important Department is the Department of Planning. Many permits have been passed by the Department of Planning by the Central Planning Authority during the year, which constitute many millions of dollars and several very large projects. This Department has been troubled with a shortage of staff throughout the year. We, members of the Central Planning Authority, in order to encourage development have had weekly meetings whenever necessary. Some of the meetings have gone on from 1.00 to 7.30 at night in order not to delay any planning approval which might materialise into a construction site here in the Islands. We realise that there was a need for an uplift in our economy and we have done all that we could there. I think that the Planning Department should be complimented for their work over the year.

Another very important Department in our Government, Mr. President, is our Social Services Department. They have a task which most people do not even seem to realise exists here in these Islands. They cover many fields such as poor relief, child care, counselling juvenile offenders, foster parents and rehabilitation. In the Lesser Islands we now have a Social Services worker who has helped us immensely in providing the needs of that community. I do feel, Mr. President, that the time has come in the Cayman Islands when the private sector should contribute to poor relief. It is not right that Government should have this entire burden when all of us in the private sector do hope to make a profit from the people of these Islands.

Many years ago in the Lesser Islands we had what was called the Lesser Cayman Islands Welfare Society when the grants from Government were quite small. They contributed to that society and they in turn solicited from the private sector, and it was administered by committees composed of people from each of the sub-districts in Cayman Brac and Little Cayman. It worked very efficiently. It provided the needs and the members of the committee had the opportunity when they found that they needed additional funds of getting additional letters out to help relieve the burden of our people. I feel that we should be thinking more towards this because the Bible says that the Lord will help those who help themselves.

Education is something we could talk on all day but I shall be brief. I am very proud of the educational system in the Cayman Islands and the results of the examinations are proving the quality of our education. It is also most encouraging that a Bachelor of Science degree is being offered in elementary and special education. I have talked to several of the teachers who are taking this course. They are most appreciative because some of them have families and could not have gone off overseas to further their education. This will enable them to qualify at home and they are all very grateful that it has been brought about.

Health care in Grand Cayman and the Lesser Islands is of a high standard and it continues, in my opinion to improve, although we hear a lot of remarks to the contrary.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): I think that our little small hospital in Cayman Brac is one of the best equipped hospitals anywhere in the Caribbean. It serves approximately 1,600 people. We are very fortunate to have two well qualified doctors and staff, plus an anaesthetist so emergency operations and regular planned operations can be performed without leaving the Islands.

Mr. President, I could not speak of the health services in the Lesser Islands without referring to our former officer in charge there, Dr. Fraser who served us for many years with very excellent service. After serving our community and many other communities in the United Kingdom and Jamaica for many years, he felt that it was time he spent some time on himself and he decided to retire. I think that I speak for the entire community of that District when I say that they all deeply appreciate all he did for us during his service. We are very grateful to him that he liked Cayman Brac so well that he and his dear wife Karen have chosen to reside there and they have built a retirement home. So, we thank Dr. Fraser very much and we do appreciate having him as a Cayman Bracker.

Tourism Aviation and Trade. The Owen Roberts terminal building is indeed a credit to these Islands. It is affording comfort to the travelling public and prestige to the Islands as a whole. We have in this Appropriation Bill a sum of money to commence construction on the Gerrard Smith Airport Terminal and taxiway. Mr. President, we have two great needs for this in the Lesser Islands. The first and most important, in my opinion, is to provide employment for our people who have suffered immensely during this year. It is my hope that funds can be made available as early in 1986 as possible to get this project under way. For as I said, there is serious unemployment and we need that. The second great benefit will be, as I said about the Owen Roberts international terminal building, that it will add prestige to our Government and comfort to our travelling public as well.

District Administration. Mr. President, Cayman Brac and Little Cayman have experienced a great recession during the year 1985. We have an unemployment situation which seems almost impossible to solve. Government is the largest and I might almost say the only employer of labour in the Lesser Islands. As all Honourable Members are aware, there is no private development taking place in the Lesser Islands of any significance at the present time. Nearly all the people who need employment seek it from Government. During the first three months of this year until late March, there were no capital projects under way up there and there was a great need. Unfortunately, again in October, November and in December it began to slow down. Most of the development in Cayman Brac in capital projects was road construction on the Bluff and the resurfacing of other roads. Then there was work on the dock in Little Cayman. Construction was completed on the Primary School at West End which started in 1984 and a classroom was built at the High School.

It is easy to see that there was little employment offered by Government for carpenters, masons and others of that nature. Therefore, they have had a very hard year. Presently there is work being carried on to dredge a channel inside the reef on the south coast of Little Cayman. This was traditionally used for farming on the east end of Little Cayman. When it was deep enough the people could go inside the reef and do their farming on the arable land on the eastern part of the Island. However, it became so shallow that they had to give up their cultivation. With this deepening again, they will be able to go safely inside the reef and carry on their agricultural programmes.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): Mr. President, all the people of the Third Electoral District which is comprised of Cayman Brac and Little Cayman, are fully aware that operating District Administration is a costly item. The need for the presence of all Government Departments in the Lesser Islands is necessary because we are separate Islands, two Islands some 90 miles from George Town and the central Government. This separation by water also increases our cost of living. Ocean freight from the United States to the Lesser Islands is approximately 52 per cent higher than it is from the United States to Grand Cayman. We also sustain more losses in our merchandise having to be handled an extra day, and sometimes being delayed in Grand Cayman three to four days before we get our perishables.

Mr. President, I am again asking if some administrative procedure could be established so that we could pay our import duty on the actual ocean freight charge from the United States ports to Grand Cayman and would not have to pay import duty on the additional 52 per cent, as all import duty is calculated on cost, insurance and freight. This may not sound like a big item but when businesses are struggling to survive, it is important. I would like to make it understood by all that all merchants price their goods according to the cost. So the more we have to pay, the more the ultimate price is to the consumer.

We also, living in Cayman Brac and Little Cayman, must pay \$63 for a round trip from Cayman Brac to Grand Cayman to do business at the Lands and Survey office or to get our passports renewed, or anything else which we need from central Government. All of this increases the cost of living in the Lesser Islands.

I spoke earlier of how slow business has been in Cayman Brac and Little Cayman. I was talking at the airport this morning before leaving, with the operator of the ready-mix plant, the only ready-mix concrete plant on Cayman Brac. He said to me that during the entire month of October he delivered only seven cubic yards of concrete, during November six cubic yards and so far to the 9th December three and a half cubic yards. That will give the Honourable Members an idea of how slow construction is in the Lesser Islands.

With a population of 1,600 approximately, our volumes of sales there are very small. Most businesses are experiencing today a reduction in sales of over 50 per cent of what they were in 1983. Mr. President, I am fully aware that if we want and need capital projects to create employment, an infrastructure for our people, we must pay our share of revenue. This we are not opposed to paying if we have the means to do it with.

I have carefully studied the revenue measures presented and have discussed them with as many of my constituents as possible. They are disturbed naturally because they do not have the money to pay these additional fees with in some instances. I feel, Mr. President, that the increase in the price of gasoline and diesel can be easily absorbed. We have had to do it when the major oil companies saw fit to increase their prices to keep us within the regional price. So, I have no problem at all with that, and all my people understand. Also, garbage collection fees they realise were much too low to begin with, and they can be taken care of. There is some dissension on the vehicle registration fees, but that too I feel will not create that much of a burden. Given the state of our economy, the real problem rests with the Trade and Business Licences which have been increased substantially. I would like to ask all Honourable Members here today if some consideration and concession could not be given to the Lesser Islands with regard to the Trade and Business Licences. We realise that back

CAPT. MABRY S. KIRKCONNELL (CONTINUING): in 1977 when these came into force, we were in a period of recession then as we are now. A 50 per cent reduction was given and we lived with that. With the, in some instances, 300 per cent increase I would like to ask Honourable Members if consideration could not be given to reducing the Trade and Business Licences in the Lesser Islands to 25 per cent of what is collected here until we can get out of this recession. Hopefully, with the capital projects planned and if some private development can take place by next year, the situation may look much better.

Another thing to which I would like to bring Honourable Members attention here is, as my constituents have told me. Traditionally, the people spend all they can afford to spend at Christmas. In early January they have all the fees to pay. Although the vehicle registration is paid quarterly, the garbage fees and Trade and Business Licence fees are lump sum payments. If these could be allowed to be paid on a quarterly basis it would relieve a lot of the anxieties the people are suffering from because, Mr. President, I want to be very honest with you, some of the people up there are not in a position to pay these Trade and Business Licence fees if they are looking for reward or profit on their investment, because the volume of business is just not there.

Mr. President, the Budget of \$67.4 million is an increase of \$6.8 million over 1985. This Budget, I understand, was prepared to effect greater stimulation of our economy by providing funding for a number of capital projects, which as I have just reiterated, is very necessary.

The recurrent expenditures are estimated at \$50.2 million, an 8 per cent increase over 1985, or an additional \$3.7 million. Mr. President, our recurrent expenses are very high and every effort must be made to control recurrent expenditures.

Of the increase in our Budget, \$2.5 million is there to assist Cayman Airways. This, I feel, is a step in the right direction. Had this been taken eight years ago, Cayman Airways' picture would not look as bad as it did when we saw the last balance sheet.

One thing concerns me, Mr. President. Whenever we hear of expenditure with Cayman Airways, the first thing the public speaks of is what it is costing for the inter-Island service. I would like to express to the Honourable Members here and to the people of the Cayman Islands that I feel that it is as much a responsibility of this Government to provide air service to the Lesser Islands as it is to Grand Cayman. I do not feel that every time we talk of a loss that it should be referred to the Lesser Islands. I think that if statistics were brought to this Honourable House to show exactly what has been lost on the inter-Island service and what has been lost on the international service and the Turks and Caicos Islands, Miami run, I think we would see where the money has really been lost.

I am very grateful for all the efforts which have been made in the recent months to improve the service of Cayman Airways with the charter services, also for the major efforts which have been made to reduce the operating cost. Cayman Airways, in my opinion is a very essential service. It is playing a very vital part and living in the Lesser Islands we really realise how dependent we are on Cayman Airways. I feel that we should support Cayman Airways but at the same time every effort must be made to reduce its operating expenses.

Mr. President, I have great confidence that our economy will continue to improve during 1986 and the years to come and that our development will reach a very high standard.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): Projects which are now on the drawing boards for Grand Cayman could change our tourist complex almost completely. I do hope that these developments will continue to develop and offer employment and new facilities here in Grand Cayman. We are also hoping that some of the developers who are interested here will show an interest in the Lesser Islands.

Mr. President, in conclusion I would like to again congratulate the Honourable Third Official Member for his hard work, his well prepared, ably delivered Budget Address. However, I do ask him, in winding up, if he would give serious consideration to items which I have raised here today. I raise these, Mr. President, not for myself but for the people of the Lesser Islands who put me here in this House to represent them.

Mr. President, I support the Appropriation (1986) Bill, 1985 and I look forward to debating and dealing with this in Finance Committee.

Thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

Does any other Member wish to speak?

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President. Mr. President, I feel good about our Government. In fact, as the older Caymanians might say, I feel proper good about our Government. In November last year when I gave my maiden speech in this Honourable House, I said then and I would like to repeat that I am both desirous of and committed to excellence. Both by example and precept both inside and outside these walls I am committed to excellence. My filling this position is not just a job. It is a calling and for this reason I am committed to excellence. For God deserves my best. Our people deserve my best everywhere, but especially in Government.

Mr. President, as I look around across from me, sitting beside me and behind me, I see some fine, honest, hardworking and capable men, dependable men, courageous men and wise men. They give me a sense of pride because I know they have the good of everyone in this country at heart, black, white or brown, rich, poor, well off or in between. If we will look carefully and think a little, we will realise that none of these fine men we have here grew up with a silver spoon in their mouth. They know what it is not to have everything at one's fingertips. There is no doubt in my mind that they would wish for every Caymanian to climb the ladder of success as they have. Because of this, I feel that no-one anywhere should ever feel that we have a Government here which looks after the interests of the rich and forgets the poor.

Thank God we are a rich country in comparison to many in the western hemisphere and we need to stop and count our blessings. It is possible for anyone in the Cayman Islands today who has the determination to do so, to make a success of their life. We may not become millionaires but we can certainly find ourselves able to get along well in the Cayman Islands.

The reins of our Government, I feel, are in capable hands, not least of whom is the Honourable Third Official Member whose Budget Address I now wish to speak on. In my opinion, Mr. President, it is a fine Address, no less than what I expected from someone as capable as our Honourable Financial Secretary. After all, he is a West Bayer. Say what you will about us, West Bayers have some fine, smart people and I am proud to be associated with the Honourable Third Official Member. I feel that he has done us proud in the presentation of this Address. He happens to be a very close friend, yes. We have kept in touch over the years. We attended the same school together under one of the finest teachers to have graced a school in these Islands, none other than the late Miss Beulah Smith.

MRS. DAPHNE L. ORRETT (CONTINUING): It hurts me still, Mr. President, to realise that she was no more highly recognised by the Government of her day than she was. However, her good works do follow her and I would at this point like to offer my grateful thanks to the Honourable First-Elected Member of Executive Council for spearheading a project and erecting a very beautiful gravestone in her memory. I do not forget that she and other dedicated people like Miss Genevieve Bodden and others helped to steer us in the right direction.

It is indeed my privilege to serve in this Honourable House with the Honourable Third Official Member. My congratulations go out to him, Mr. President, and to the members of his staff for a job well done in presenting the Budget Address. Lean indeed it is, but like himself of late, losing a few pounds here and there does not hurt as long as we do not take off too much.

I think that the Budget as it stands will do this country no harm. There are a few areas which I am not totally happy about and these I will bring to the attention of this Honourable House as I go on with my speech today. For the greater part, however, I feel that it is a fair and well balanced Budget.

Mr. President, in every family, as most of us have experienced, the larger it becomes the greater the expense. The more needs which the children have the more the parents have to find ways and means of meeting those needs. This Government finds itself in a somewhat similar situation.

It is heartening to know that the Honourable Financial Secretary and the Government in general have examined carefully the spending in major Government Departments over the year. It is noted that they have devoted time and funds to ensure that the infrastructure is upgraded to service the local public and international investors. As mentioned by the Honourable Financial Secretary, this Government needs to ensure that the development of these Islands is well managed and that all levels of society benefit from it. Mr. President, it is the answer as the Honourable Third Official Member said, to maintaining the harmonious society we cherish. Locals and expatriates alike have to work for this common goal. It is incumbent upon the Caymanian people to maintain an atmosphere where those who can and would like to do business within our Islands, are encouraged to do so.

In this Honourable House, we have to be most careful of anything we say or any actions on our part, because it is vitally important that no drastic changes be made in our society, because our livelihood depends on the individuals who do business here. On the other hand, those who come to work amongst us, those who are privileged to work amongst us and I repeat that as I think that it is not just an opportunity but a privilege for any individual or company to have business in the Cayman Islands, as the Honourable Financial Secretary has said in his Address, should commit themselves to preserving harmony and to make their contribution to improving community participation in friendship. We welcome those who wish to come to our Islands. Needless to say, Mr. President, we can only absorb so many. However, I am grateful and I would like to offer my sincere thanks to those who are living amongst us and have indicated by their commitment and their participation in many needed areas, that they are not here just to get a dollar and then leave. There might be those who feel otherwise, but over the years I have come to realise that the majority of the expatriates who live amongst us do have the genuine welfare of the Cayman Islands at heart. Mind you, it may well be because they want to live here and they want to see that such an atmosphere is maintained. Be that as it may, they are contributing positively to this country's social and financial sectors.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, it is noted that there has been an unexpectedly strong growth in the number of institutions applying for the grant of offshore banking licences. I do not think that that should be unexpected. I mentioned a while ago that I am proud of this Government and I feel that what the Caymanian people experienced in November, 1984 is a feeling that encompassed this entire western hemisphere, and as communications are today, around this world. I feel that foreign investors have a sense of security and they feel that this Government is in the hands of such capable people that they are only too pleased to apply for such licences.

Mr. President, we know that the Barcotic Agreement caused much concern and although it is felt that a slow down in certain areas may have resulted from this, and some adverse publicity overseas, I feel that somehow with the knowledge and the wisdom which this Government is able to portray in any further negotiations, that we can look forward to an upturn and a continued growth in the areas of offshore banking and the people who wish to come here to do business within our Islands.

The Honourable Financial Secretary did mention that he was somewhat guarded in his assessment earlier this year but that recent data indicates that the total foreign assets of the banks' Cayman Islands offices were \$150 billion at the end of 1984. This is approximately 10 per cent higher than a comparable figure for the previous year. Mr. President, in spite of the adverse publicity there has been a growth, and I wish to say that the confidence placed in this Government plays no small part in this.

As the Honourable Financial Secretary very wisely said, we certainly cannot afford to be complacent. It is this Government's firm commitment to do its part in setting the right environment. Mr. President, this cannot be overemphasised. I trust that we in this Honourable House will be most careful regarding our remarks, regarding our attitudes because, as the Second Elected Member for West Bay said a few days ago, we have got to be careful that we do not stir up a hornet's nest. I must be quite specific here, Mr. President. We have no racial disharmony in these Islands. I am not aware of it. I mentioned the other day that we certainly do not have it in West Bay. I venture to say that the same can be said about the rest of our communities. We may have a few people out there who would take any such remarks and use them unwisely and create a situation in our Islands which is totally uncalled for, and certainly can result in the harmonious atmosphere which I have just spoken about being destroyed.

We in this country are committed to excellence in this Government. I venture to say that while I am a Member in this House, I do not intend to stand idly by and have anything stirred up in this country, because I intend to spend the rest of my days here. These Islands are held in trust for our children and our grandchildren, and believe it or not the forces of evil are there to wrench it from our hands, and we will be in the same political, financial and social situation as many of our sister Islands in the West Indies. We have to be most careful that we do not allow selfish motives to destroy what is most precious and what would be most difficult, if not impossible to regain if we should lose it. We are in this House to serve and in so doing, Mr. President, we cannot allow anything other than what is best for the people of these Islands to motivate us into doing what we do.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, I should like to remind the Honourable Members of this House, as I said in my maiden speech, this too shall pass. We will not be here for ever and no matter how high on the political ladder we may reach, we cannot stay there for ever. When it is all said and done and finished, only what is done for Christ will last. That includes taking care of our people. It includes a lot of other things, not least of which is building roads and assisting with housing, and assisting in many other areas such as providing good health services, providing good educational facilities, etcetera. All this is a part of this, but we must never allow any selfish motives to cause us to deviate from that most important reason for our being here. No matter if we were here 40 years, if we do anything other than what will benefit our people, we have been a failure in this Honourable House.

Mr. President, the banks and the trust companies have contributed much to the Cayman Islands. It is heartening to note that many of our Caymanian people are employed. 75 per cent of these are Caymanian. Mr. President, here again is an area which causes me some concern. I would hope that our Caymanian people will recognise how fortunate we are in having employment in these areas. I am concerned, Mr. President, that everything is done to promote our local people; that every effort is made to see that they receive further education and training, so that they can fill top management positions. However, I realise, Mr. President, that there are times when getting to the top of the ladder takes a little time. I would hope that the attitude of a few of our people with this sometimes common phrase, "I am a Caymanian. I am here to stay and you are here to go", as referred to the expatriate, is something we will find getting less frequent every day. I would like, Mr. President, to see our Caymanian people move ahead. However, as with anyone, we like to have the best in control, the most qualified in control, and many times there are areas in these institutions where we do not have sufficient Caymanian personnel to fill them. I disagree with those who in the Cayman Islands try to create an impression that Caymanians are being deprived of getting ahead. It may happen in a few instances, Mr. President. However, when this does, I myself will call upon the local Caymanian to discuss this with his superior officers, if necessary to discuss it with the Members responsible for his constituency, and to do it in a very fine, gentlemanly manner. Expertise and efficiency are very important and I have no doubt in my mind that the Caymanian people are intellectual people and, as has been seen in many instances, can rise to the top and can fill positions as well as any expatriate which one can bring in here.

All I am saying is this. We need to recognise that expertise and efficiency are very important and we need these people in the Cayman Islands, Mr. President. While they are here we should give them every encouragement to remain until their job is finished, providing an atmosphere of harmony and peace for them. It is difficult to leave one's homeland. However, certainly when one moves into a strange country, it is important that that individual, while working there and offering his best to a country, should receive at least appreciation in return. We can do it, Mr. President. There is no doubt in my mind that we can do it. Local and expatriate alike can work together and we can have harmony in this country. There are a few factions here and there who will try to say otherwise, but we can do it. I look forward to the day when the numbers who come into the Cayman Islands to fill top positions will become less and less, as our Caymanians become more and more qualified to fill them. I have great faith in our Caymanian people and they can do it.

MRS. DAPHNE L. ORRETT (CONTINUING): It is for this reason that this Government is committed to doing everything possible to provide an education and an atmosphere which will help Caymanians to move straight to the top.

MR. PRESIDENT: I wonder whether the Member has reached a natural break in her speech? If so, I will suspend proceedings for approximately fifteen minutes.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President.

AT 11.18 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.47 A.M.

MR. PRESIDENT: Please be seated.
The Second Reading debate on the Appropriation Bill. The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. I will continue on the banks and trust companies. Here, Mr. President, it is good to note that much has been done in the area of computerisation, because as all of us know, this makes for much smoother and more efficient handling in any area of business. However, it was noted that there was only a marginal improvement in the number of those employed this year over last year. That is as far as new recruits are concerned. This caused me some concern. I think that this is an area here which will have to be looked at carefully. As computerisation becomes more readily available within companies, perhaps less staff will be required.

I feel that we as a Government need to provide other areas of employment by diversification of the economy. With a number of fine projects now on the drawing board, it is hoped that as we continue to see an increased number of students graduating from our schools, we will be able to place them in positions so that a situation of unemployment will not become one of our problems to face in the near future.

It is hoped, Mr. President, that one or two, perhaps of the larger projects which it is hoped to see started in the near future, will soon become a reality and that there will be absolutely no question of unemployment within our Islands here.

Going on to the Agricultural and Industrial Development Board, I was pleased to note that funds are going to be made available for a student line of credit. Many of our students, Mr. President, are now able to gain university degrees. At this point in time, I wish to say again that I am proud of the achievements which were made by the graduating class at the High School, and even of those of the graduating class at the Triple C School. We had some students who came through with fine marks and they are to be congratulated.

MRS. DAPHNE L. ORRETT (CONTINUING): In West Bay we were very proud of those who graduated from the High School this year. I think of a total of some eight or ten honours students, West Bay was able to claim three of those. We had a young man, Anthony Christian and two young ladies, Wanda Ebanks and Linda Powery and they did us proud as well as all the others who came through with very good marks. We hope to be able to provide these students who are desirous of and qualified to enter universities overseas with the opportunity of doing so. The High School has been continually improving and we are very grateful that this facility is in place so that students are able to further their education and not have to be distracted or discouraged from going to the top because of a lack of funds. Again, it only reinforces the fact, Mr. President, that this Government is committed to excellence. It is committed to helping our students who have a desire to get ahead to have the opportunity of doing just that.

Mr. President, it was noted that a museum for housing all the Cayman Islands coins minted and notes printed since 1972 has been established. I feel that this is an area which should be encouraged. I feel that it is necessary that we in this Government recognise that often much of what related to our past history was destroyed or misplaced, and our present generation know little about what we did and how we did in years gone by. As in any other major country, one finds that a fine museum is very important to any Government of the day.

I am pleased to say at this point, Mr. President, that we have a committee in West Bay right now who are embarking on a project of setting up a small museum in that District which will display a fine collection, we hope, of artifacts connected with our seafaring heritage.

With regard to company registration, we were again pleased to note that it is now fully computerised. Mr. President, as all Honourable Members of this House realise, there was quite an outstanding amount of money due this year in payments which had not been submitted, as will be noted from the Report of the Finance Committee. It is my hope, Mr. President, that this computerisation within the Companies Registry will see such a situation rectified. Prompt collection perhaps, Mr. President, is a situation where the onus should rest with the management company in seeing that these fees are collected in time and promptly submitted to the Government, because as all of us well know, there is no reason why such fees should be outstanding for such long periods of time and yet the companies remain on the books of the Registry of these Islands.

It was noted that with regard to the accounting firms we now have the majority of all well known international accounting firms represented here. As the Honourable Financial Secretary very wisely said, this creates a positive image for the Caymanian people and the services which we are able to offer. It was noted that just about 50 per cent of the staffing of the accounting firms are Caymanian. I would hope to see, Mr. President, in the future that this percentage moves up as more Caymanians are trained and become qualified, and occupy senior positions within these accounting firms. I do know that there are a number right now who are overseas in training. Those firms who are contributing in this area are to be congratulated and every encouragement should be given to our Caymanian students to enter these fields and to move up within their respective companies.

MRS. DAPHNE L. ORRETT (CONTINUING): It was heartening, Mr. President, to note that there is potential of greater revenue to be collected from management companies. When the new regulations are in force, I feel that we should be able to derive quite a good amount of revenue from this area.

The legal profession is continuing to do well. Mr. President, it is heartening to note that more Caymanians are now looking into this area as a profession. As I said earlier on, I feel that our Caymanian people are able to move up in any sphere or field which they choose. We want to give them every encouragement in moving up in this field as well.

It is noted that in the insurance companies area the Cayman Islands have been the choice of some very substantial companies. Mr. President, I continue to mention this because in this Address it is in these areas which I am convinced that the Government of the day is the reason why the overseas companies interested in doing business in an atmosphere of stability and harmony are choosing the Cayman Islands, because they feel that it is one of the finest choices they can make for location. The Honourable Financial Secretary is optimistic even that the licence applications will be increased during 1986 and revised revenue from this source is expected to exceed \$1.1 million. However, in addition to that, other expenditure is estimated at \$5 million.

Mr. President, we have 183 people employed in this industry. Here I note that the majority, not 50 per cent, but the majority are Caymanians. I would like to re-emphasise here that we are to recognise that Caymanians are not being kept down. In every area we note that there is a trend of an increase within the companies of Caymanians moving up into higher positions, and being involved in all areas of our economy. I had not noted anything too much here about scholarships in the insurance industry. Perhaps there may be those which have not been mentioned in this particular address. However, Mr. President, I am hoping that within the insurance sector there are also plans afoot, if not already in place, for Caymanians to be sent overseas and trained to occupy top management positions in the insurance field.

On the area of tourism, Mr. President, 1985 was a highly competitive year. This trend may well continue. People want to spend their vacations in a nice place, yes. I feel that the Cayman Islands offer some of the best reasons for one wishing to go overseas to spend a vacation, especially from the North American continent. Advertising and promotion are extremely important. In this area, Mr. President, I feel that the Member responsible for Tourism and those who are working with him are looking closely at the areas in which such advertising is done. It is not necessarily now many publications of an advertisement appear. It has to be the right kind of publication geared to the right type of clientele whom we hope to see come to the Cayman Islands. The future promotion of tourism will require greater participation of all concerned. Yes, Mr. President, that is certainly true. The Hotel Association has to play a prominent role in upgrading its facilities and in ensuring that they are equal to the rate charged.

Mr. President, it is of great concern to me that over the past year I have heard quite a number of complaints from tourists at some of the facilities at which they stayed. It is heartening to note, Mr. President, that certain of these facilities, namely tourist accommodation, are being upgraded. Mr. President, the main concern in voicing these complaints was that in the advertisements in the promotions overseas, the people were led to believe that they were coming to a fine property and getting their money's worth. However, on reaching the Islands they were most disappointed and some of them, I was told, had prepared to leave even the next day because of the conditions which they found in certain properties on these Islands, for which they were being charged at a very high rate.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, I feel that this Government has to be very firm in its commitment to excellence. We realise that the tourist industry is one of the main pillars of our economy. If the property is not maintained in the manner in which it ought to be, I do not feel that Government should wait until it reaches a state of neglect where continually the tourist is complaining about what he has to stay in and the price he has to pay. If necessary, these places should be closed down and the consequences worried about later, because in this industry we may lose more people when they are shown one thing in an advertisement and another thing when they get here to these Islands. Otherwise those properties will continue to raise rates and raise charges while the facilities continue to go down the drain. Mr. President, we have to be careful that we do not price ourselves out of the market. I still feel, Mr. President, that in many areas the service charges are exorbitant. I cannot see why any 15 per cent charge should be levied on any service offered in this country. It is my firm opinion, Mr. President, that in many areas this service charge is used to subsidise low payments to employees. Most of these properties are making sufficient money to pay the employee well. It is difficult for any visitor to these Islands to first of all pay a top accommodation charge and then have to pay a very high service charge as well. It is a pity, Mr. President, that this gratuity business has gone on as far as it has because, in my opinion, it has somehow been detrimental to the quality of service offered in many instances. There are certain employees, Mr. President, who feel that because a service charge is going to be added in any case, they then give less than the best in their service and their attitude to the tourist. Mr. President, the Caymanian people are not to forget that we do not have a lot to offer, as some other countries have. One of the main reasons for people returning here is because of the friendliness of the Caymanian people. Mr. President, I would hope that every Tom, Dick and Harry is not employed in these areas, unless it can be seen that they are going to display an attitude and a dedication to the tourist industry which will enhance this country's image and will result in repeated visits by these people year after year. I feel that there are many of our people who have been in this industry for a long time, even older ones who continue to display an attitude of friendliness and helpfulness.

We need to ensure that we do not let any foreign influences cause the image of this country to be less than it ought to be. At the same time, I implore upon our Caymanian people to treat the tourist well. We have a few of them who can become a little bit obnoxious and certainly we would like to put them back on the next plane out, but they are few and far apart. I would hope, Mr. President, that we in this Government ensure that we do our part so that the image of the Cayman Islands remains a friendly place and a safe place where the tourist, in spite of the fact that he might not have a hundred things to go and see while he is here, feels when he leaves that he has got his money's worth in more ways than one.

Mr. President, it is heartening to note that the golf course which is now in place has proved a great asset to our tourism industry. The developers are to be congratulated. Of course, it is hoped that this trend will continue and that revenue in this area will continue at a very fast pace in the future.

The Grand Pavilion Hotel is a very fine structure. It is, certainly as the Honourable Financial Secretary said, a welcome addition. We realise that not every tourist who comes here can afford \$160 to \$250 a day but, Mr. President, we need facilities in this price range. For those which are in the lower price range, if we cannot offer anything else we can certainly offer a clean and well maintained property. We can offer a friendly staff and cater to the pockets of those who cannot afford to pay high prices.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, it was noted that many new restaurants were opened. Again, I have heard complaints not only of high price and high service charges, but the quality of the food at a number of these restaurants was less than what they had anticipated. Mr. President, I would hope that in this country we will find that those people who are in charge of these restaurant facilities continue to maintain high standards of food and service, and that the immediate surroundings of these restaurant facilities are kept clean and well maintained.

I have noted, Mr. President, that there are certain areas surrounding some of these properties which are less than attractive. I feel that every standard of hygiene and cleanliness should be displayed and that no image of carelessness should be noted around such properties. Wherever I eat my food, the place in which I eat it and what it looks like makes a difference as to how well I can digest it.

Mr. President, the Hyatt Hotel and Paradise Manor it is noted should be finished by late 1986, and should provide some 500 extra rooms. In addition they should provide job opportunities for Caymanians. In this area, Mr. President, I would like to note here that I hope that although there are a number of fine projects on the drawing boards, that our development will be timely and will not create a situation here where we have over-employment and we have to bring into this country more foreign nationals than we can reasonably absorb. This situation existed some years ago and I think that, for the most part, it did not help our country socially. I feel, Mr. President, that we need to avoid a situation where everything is dumped in our plate at one time, and then later on down the road we have a situation of under-employment and our people are screaming for work. It is my sincere desire that this Government looks at this thing long and hard, and that our people will be satisfied to see development carried on at an even pace.

Mr. President, it is good to see some of the projects which have taken place. It is good also to see that that eyesore of the Paradise Manor is finally going to change the image along the Seven Mile Beach. I hope that it will not take too long in becoming a reality.

Mr. President, with regard to those companies and developers who look at the Cayman Islands, not only from the standpoint of making money but in creating a very fine image, there are a number of these of whom I feel mention needs to be made. Recently, we can think of fine developments such as the Lacovia Apartments, the Casa Caribe Apartments, the Transnational Conference Centre, the Colonial Club, the Islands Club, etcetera. We can go on down the line and we will see some very fine buildings.

Mr. President, I feel that this Government has to monitor not only the number of rooms but the kind of facilities which are erected in this country, and make sure that they are attractive and that they do nothing but promote the image of the Cayman Islands. I would at this point, Mr. President, like to congratulate those developers who have done much for the people of the Cayman Islands. I have to mention here, and I do this not because I am connected with the property he developed, but I think right now, Mr. President, of Mr. Brian Butler who over the years has not only done much for the development of Seven Mile Beach, but it is heartening to note that the majority of his employees are Caymanians who have remained with him for years. He has gained much respect and he has contributed much to these Islands. Many of those people working within that company have moved up financially. Some have beautiful homes. Some have their own business. It is another point, Mr. President which drives home the fact that there are those amongst us who come, not only to fill their own pockets but they have Caymanians at heart.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, Grand Cayman has now become one of the most popular ports for cruise lines. I think right now, Mr. President, of Captain Theo Bodden with whom I worked when this was starting to come into effect. This gentleman should be congratulated for all he has done in this area.

Mr. President, I feel that here we have an area where the Cayman Islands have a potential gold mine. It is noted that 65,000 cruiseship passengers in 1984 entered these Islands, a 32 per cent increase. Mr. President, I have had the privilege of meeting a number of people whose first visit to these Islands was on a cruiseship and it resulted in their returning and buying property. There are a number who come and go and others who have decided to retire and settle here. Mr. President, the image of that port cannot be overemphasised. We must have a facility which is attractive. We must have personnel there who when those tourists are met give them a firsthand warm welcome, giving a good image of the Caymanian people. Mr. President, anyone and it does not matter whether it is a taxi driver or who it might be, should not be allowed to create at that port any dissension or fuss. I would hope that anyone guilty of doing any such thing will find that licence removed immediately, and for long periods of time. It is important that the Caymanian people realise that we need to create an image of friendliness and harmony.

I would like to congratulate the many of our fine taxi drivers who assist our tourists, are helpful and are friendly. I say that it is a pleasure to hear the reports which are given by tourists about some of our taxi drivers such as unhurried, not rushing, assisting with baggage and being friendly and helpful and having information about the Islands. I am proud of those people. Of course we have a few who seem to be of a different breed altogether, and the tourist is treated in a fashion which depicts only one thing, "I will give you a ride, and I get your money and that is it". Mr. President, I would hope that the image created at that port will be such that any tourist landing in these Islands for those few hours which he is going to be here, will gain an impression which will result in his not only returning here, but in his encouraging everyone else whom he can to do so. Tourism is a very, very important factor in these Islands' economy.

It was noted with interest some of the suggestions made by Mr. Rutowski in a recent issue of the Caymanian Compass. This gentleman should be congratulated and any who assisted him in formulating and putting together such fine proposals. The port is a very important part of the tourism industry in these Islands.

Mr. President, Cayman Airways - I wish I could touch on that and take off at the same time. However, that is a real subject in itself. The last report said that the balance sheet was a disaster and the situation should be remedied. Mr. President, I said that earlier on in the year and I still mean that. I would watch this situation for a year or two and if there was no real turn-around, this Member would not be prepared to vote for any more injections of funds into Cayman Airways. These people are paying very dearly to have a turtle painted on the side of a plane. Mr. President, if this thing cannot work we have to do something about it. Hopefully, as the report said here, there might be at least a break even position with Cayman Airways. I think that we have some of the finest men on the Board of Cayman Airways, the Chairman and the members of that Board. Mr. President, if they with their expertise and wisdom cannot somehow make a turn-around with that company, then the people of these Islands are going to have to be considered and a change be made.

MRS. DAPHNE L. ORRETT (CONTINUING): \$24 million in cash - I think that we have to stop and realise what could have been done with this. I know for a fact, Mr. President, that much of that money was wasted. There are no two ways about it and we should not have had such a situation on our hands. I heard in this House that the problem with some of the Members of this Government was a Lacsaritis disease. Believe me, Lacsaritis or anyone else could have done a better job than the mess which we are faced with today with Cayman Airways. We could take every employee in Cayman Airways, put them in a condominium on Seven Mile Beach and give them a pension, and still be ahead. We have to look at this thing carefully. Mr. President, I would hope that under the prudent, wise management of the present Board of Directors, we can do something. We have a number of employees and we have to consider these fine, dedicated Caymanians, many who have trained for jobs as pilots and in other areas. We cannot look at it lightly. However, Mr. President, were it not for that airline I do not think that we would have had to institute any new revenue measures today.

I congratulate the electricity and water companies for the way in which they have maintained their services, Mr. President. They have done, and continue to do a fine job. The water company is providing a fine service on the Seven Mile Beach area especially, noting that this is the central location for most of our tourism business. We congratulate them and I hope that in this area we might find that Government is able to bring to fruition the new water and sewerage facility which they hope to institute in the near future.

On the subject of Immigration, we have seen a healthy increase in the revenue derived from this source. The Honourable Financial Secretary in his speech has said that the revenue picture for 1985 is encouraging, and that the collections by the Department should exceed the Budget. The Immigration Department have some fine local employees, some fine and encouraging potential for advancement. In this area, Mr. President, I would like to see that at the airport a continued effort is made that the immigration officials, especially those meeting the tourists, continue to prove that the image of these Islands is a friendly one. It is my opinion that a welcome and a smile and a few words saying, "I hope you have a good stay in the Cayman Islands", does not hurt anyone no matter what position they fill. They are some of the first people by whom the tourists are greeted and I feel that it is very important that though their job is a very, very important one and one in which they have to be firm, there must be much effort placed on appearing to be very friendly people. We have fine employees in that Department and I wish to congratulate them for the job which the Director and his staff are doing in that area.

On the question of the police, Mr. President, I am pleased to note a marked improvement in the morale of the police. I noted with interest that there were many more drugs confiscated during this year. One could look at that in one sense or another, either that there is an increase in the traffic or that there is a much more vigilant and successful effort being made on the part of the Police Department in bringing these criminals to justice. Mr. President, I take the latter view that why we have more drug dealers being caught and many more drugs confiscated is because the police are more on the ball. In this area, Mr. President, I congratulate the Government for bringing in the expertise from overseas to train our young men and young women. It would seem to me that the money is better spent by bringing this expertise to the Islands than it would be to continue to send our young men and women overseas.

MRS. DAPHNE L. ORRETT (CONTINUING): They are being trained within the environment in which they have to work. They are able to get training and continue with other duties as well. At the same time, Mr. President, I do not think that this Government is unwise in any expenditure incurred in this area. I would wish at this time to offer my congratulations to the Commissioner of Police, his deputy and every member of the Police Department who is working within our Islands and is doing what I consider to be a fine job. There is room for improvement but in my opinion, Mr. President, the mere fact that the morale of that Department has been enhanced is an encouragement to me.

It is noted, Mr. President, that selected officers have been sent overseas for technical or command training and I would hope that two of the areas which are especially looked at are the drug enforcement area and the traffic area. I think, Mr. President, that on our roads today we need more traffic officers. We have a problem with speeders and any piece of equipment or any addition in personnel which can help to curtail this destruction must be had.

Mr. President, perhaps we need to consider the area of, as far as I am concerned, the Traffic Law perhaps. This might need a new look given to it. I do not know what we can do about fines or the pulling of licences, Mr. President, but something has to be done. I know that a lot has been said about bringing in experts. However, having an expert, Mr. President, is better than perhaps going into areas which we do not know anything about. The old folks always say that if "you do not know how to cook, stay away from the caboose". Here, Mr. President, I would say that where we need expertise let us have it and nobody should question the fact that we want to improve morale and efficiency within the Police Department. It is one of the most vital areas in our country.

I notice, Mr. President, that, and I must say I noticed with dismay, in the beginning of 1985 there was a rapid growth of inmate population. It reached an unprecedented height of 118 on the 10th April. Since that, a significant reversal has taken place and this is encouraging. Perhaps the new legislation passed recently has assisted in this. I am not sure if this is the main reason behind it but, Mr. President, again I wish to say here that we have to be careful that prevention is not overlooked and we are seeking only the cure.

Mr. President, I am glad that the area of agriculture and horticultural programmes have been instituted in the prison and that there have been remedial classes because, Mr. President, keeping a young man or woman in that prison for a year or several years is one thing. However, when he comes out of there, he has got to be a better man in one way or another. I feel that every effort should be exerted in this area to further educate in both the agricultural and educational programmes. We need to make every effort to see that our prisoners are well rehabilitated.

I think that another area of concern to me, Mr. President, is that when these prisoners are released, we need to make an effort to contact certain employers and certain businesses in certain areas to see if somehow prior to their being discharged, arrangements can be made whereby they can be employed immediately they get out of prison. Immediately they start out on to the streets without a job, Mr. President, there is a chance that the devil will find work for idle hands. This is an area which we need to look at very carefully. We want them to be better citizens when they come out and to not have to live with the stigma of that continually day after day after day.

MRS. DAPHNE L. ORRETT (CONTINUING): The Cayman Islands Government Information Service is once again within the Government system, and I am pleased. Mr. President, I feel a fine team has been employed. Mr. Jim Graves, Miss Pat Ebanks and the office staff are well capable of handling this Service. They know the Cayman Islands, and they know its people, and they can put across an image which is satisfactory, and I am pleased with this change which has taken place. The very fine publication of the Annual Report and the updating of the booklets, and the provision of information for overseas enquiries, I think is a very important job, and I am pleased with those now in this area.

Great emphasis continues to be placed on local and overseas training for the Civil Service, Mr. President, I was a Civil Servant for many years, and I enjoyed the time that I was there. Mr. President, I realise that there are a few people who are not dedicated Civil Servants, but I am glad that they fall within a small percentage of our Civil Servants. I am pleased for those who have spent many years there, and are giving of their best, and for those new recruits, who have only been working for a short while, it is heartening to note that great emphasis continues to be placed on local and overseas training for these people. We want to see them move up within the Civil Service, we want to see them hold prominent positions, we want to see them Mr. President, able to fill many of the posts which are now filled by expatriates, and it is heartening to see that this training continues to progress.

The Tower Building has absorbed many of the personnel from the Government Administration Building, and I felt that this was a good move. The area of the telephone service, newly installed, believe me when I tell you Mr. President, this was a good move, because sometimes when you call the Government Administration Building the telephone would ring and ring and ring, and one received no response. Sometimes when one did get a response, the switchboard operator was continuing a conversation and then would answer one, and sometimes very abruptly. However, fortunately, now I will get to the good part of it, there were some who knew what a good telephone operator was, and they carried out their job quite well, but the improvement in this area is encouraging, and I congratulate the Government for such a move, and for the training of the present officers there. It is certainly an area in which I am pleased.

The Broadcasting Department, Mr. President, is something in many areas I am very happy about, and in others I am not. I would like to say here and now, and first of all, that since I brought a Motion to the House earlier this year about speeding and alcohol, there have been many good advertisements in these areas on the radio, they come on just any time of the day, one is not sure, and they are sound reminders of the dangers of drinking and driving. Mr. President, when it comes to programming, I am a very keen listener to good music, but I realise that my taste is not necessarily that of many others in the Cayman Islands. I would hope Mr. President, that on a Sunday afternoon, the P.M. Programme with the many fine Christian artists we have in the world today, does not necessarily have to be changed for the same type of music which is on the P.M. Show from Monday to Saturday. Now this does not interfere with the Monday to Saturday P.M. Show, the religious or gospel music, but on Sunday they put something else in there, which I think ought to be eliminated. Another thing, Mr. President, early in the morning when I get up, I like to listen to sermons, and I like to listen to religious broadcasts, this goes without saying. However, it is not the nicest thing to wake up to some preacher on the radio screaming and shouting and hollering at that hour in the morning. Something needs to be done to shift this up a little bit further on in the day, to a time when one can better absorb it.

MRS. DAPHNE L. ORRETT (CONTINUING): We need to watch where we place certain things. I have also noticed that the Hour of Faith has been cut down, in order to put in one or two other programmes, and I am not pleased with this at all. In fact, it is my firm opinion the Music of Faith period should go on a little longer, because the people it needs to touch are not those who are asleep, but those who are awake. Many of them do not put their radios on until they are on their way to work in the morning, and believe me Mr. President, it would do a lot of good if this Music of Faith were on the radio at that hour. It will certainly cause our people to move with more relaxed and more committed attitude. But some of the music which is on at this hour in the morning, I do not think is in place. We need to recognise that going home in the afternoon, it is either calypso or country, coming up in the morning it is reggie or something else, and what I am saying is that we need to touch our people with what is important in this life, and we cannot fool around with it. The programming on the radio must be put together in order, so that it might help our people in every area. I do not see Monday to Friday any change in the afternoon going home, so please leave Sunday afternoon to our gospel religious music. There are too many fine artists in this world whose music needs to be promoted. Get it on there.

Mr. President, I am glad to see that with prudent guidance under our very fine Director of Broadcasting, and his staff, his competent staff, the radio is able to carry on without causing this Government any extra expense.

On the matter of ship registration, Mr. President, it seems quite in order....

MR. PRESIDENT: If the Member is moving to a new topic now, it would perhaps be a convenient moment for me to invite her to break off, and continue after lunch.

MRS. DAPHNE L. ORRETT: Thank you Mr. President, I will.

MR. PRESIDENT: So I will suspend proceedings until approximately two-fifteen.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:25 P.M.

MR. PRESIDENT: Please be seated. Resumption of Second Reading Debate on the Appropriation Bill. The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President. To get back a little to Broadcasting, Mr. President, it is not the intention of this Member to try to interfere, or to control the schedule planned by the Director of Broadcasting, for Radio Cayman. However, it is my opinion that there are certain areas which could take some brushing up. We have a fine professional staff, at least the greater proportion I would say are, and they are doing a fine job, but I feel that in the area of the type of music, anything which appears to be questionable, should be avoided over Radio Cayman. Also I feel, Mr. President, that even certain comments which Disc Jockeys might make on the radio are vital and should be thought out before anything is said. We have a world-wide audience, especially amongst our young people within the Islands, and certain things such as 'if it feels good do it', are not necessarily correct, but there a lot of things that might feel good, but which are not right to do.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, carrying on to Ship Registration, it would seem both desirable and appropriate for a seafaring people to be involved in this area, and I would hope we would be able to derive quite a bit of income from this in the future. I feel that the Ships Registration Department will scrutinise all applications made for registering ships here. We have had a few instances where ships with Cayman Islands registration, without having a Caymanian aboard, have been involved in drug smuggling, or other areas of breaking the law, and I feel that serious and harsh penalties should be meted out when anything of this sort occurs, and any such license evoked forthwith.

Mr. President, it is heartening to note that in the area of loans to the Port Authority, student loans, and the Agricultural and Industrial Development Board, that there was quite a bit of money available for borrowing. Again, I would like to reinforce here, this Government's intention to educate our people, and to qualify them for advancement within this country. There has been much criticism regarding the recent revenue measures taken. It was noted that General Reserve was just about depleted, and when we consider any revenue measures which have been taken recently by this Government, Mr. President, we have to realise that had the former Government not been dipping so frequently and so heavily into the reserves, we might have been in a better position today, to face the expenditures, and meet the expenditures which we have, had a little more thought been given to care and prudence in the way money was spent, and for what reasons, then less criticism would have had to be levied at us right now for new revenue measures. Mr. President, I will say more about this shortly.

Right now, I was a little concerned to see that the Registrar of Marriages, Births and Deaths had been experiencing a situation where non-Caymanians were trying to obtain birth certificates and registrations of children not born in these Islands. Mr. President, any absorbing of foreign nationals into this country must be weighed heavily, carefully and done within the confines of the law. We will not tolerate anything to the contrary. It will create a drain on our educational, medical and social systems, and we can do so much and no more. Those whom we welcome into our Islands will be welcome with open arms, but anyone who tries to get in through the back door must be dealt with harshly and in the proper manner.

I noted that a serious look was being given to the possibility of introducing a shift system at the airport, to cover the regular scheduled flights, for Customs Department employees. Mr. President, I think this is a very good move. I know that many of the officers enjoy the extra money made in overtime payments, and I do not disagree that they should not receive them. But certainly, when we look at the area of the many students who are leaving our High Schools every year, and the numbers continue to increase, we have to find places in which to use these graduates, and shift systems mean that we would have to get more personnel to cover these different shifts, which will mean that Government can provide more work within the Customs Department, and perhaps Immigration and other areas, through this system. I would hope that this can be formulated and in place shortly.

Again, Mr. President, I would like to congratulate the officers who are doing such a fine job within the Customs Department. It is a very strenuous and serious job, in which to be involved, and I think we have some fine Caymanians who are moving up the ladder, and proving themselves capable of handling a lot of responsibility.

MRS. DAPHNE L. ORRETT (CONTINUING): Again, this is an area where the visitor to these Islands meets these Customs Officials, soon after leaving Immigration, and a friendly smile and a courteous attitude is of utmost importance in welcoming the visitor to these Islands. It is a delight to come into the airport, and to see the professionalism, handled or coupled with friendliness which is displayed by these Customs Officers. I trust they will continue to be vigilant, and strict, and firm in their duties while at the same time, maintaining their typical Caymanian attitude.

I feel, Mr. President, that the fine young gentleman, sent overseas on Customs Management, the money spent on him was spent wisely, and I believe he will continue to do us proud. It is good to see that he has been placed in charge of Customs Operations at the airport. It is of vital importance, it is an area where most of our visitors come in, and I feel he will do a fine job for us. The move from the old Customs Offices to the Tower Building must have been a most welcome gesture on the part of Government, for the Customs official administrative staff. I must say, that the quarters which they occupied until recently were less than desirable, and I am pleased and happy that they can now be housed in the Tower Building, where the situation is much more comfortable, and satisfactory.

As far as the Judicial Department is concerned, Mr. President, I note that the machinery of the Courts Office has been heavily pressed of late. There has been an increase in criminal work, and it has meant much extra work for the staff of the Courts Office. It is heartening to note that extra office space has been provided by recent renovations.

Again, Mr. President, it is noted that recently it was the first occasion when there had been a continuous criminal session from one session to another, which had been experienced in our Courts here. It tells me that we have to be monitoring very carefully our Social Services System. It tells me Mr. President, that we have to exert much more effort in the area of the prevention of crime, rather than curing it, as has been noted by the number of people who were in-mates at Northward Prison. The Marshals who are going to be provided for the Courts Office, I feel that this is a very good move, the police officers can be used much more appropriately in other duties within the Police Department.

The Legal Department has had no easy task of late, it seems. They have been very busy, and I wish to congratulate them for the many new laws which they have been able to draft. The Honourable Second Official Member and his staff are to be congratulated, and it would seem to me, that we are getting our moneys worth out of them, according to all that the Honourable Third Official Member has given us in his Budget Speech, here. Four young Caymanian lawyers have recently qualified, and are now in our Government Service. The people of this country need to realise that many of those expenses have been taken care of by this Government, and I hope that when we criticise any revenue measures which this Government might see fit to impose, we bear in mind the extra expense, and the extra money which is spent in educating our young Caymanians to the highest offices within our country.

The Portfolio of Development and Natural Resources, of course we were all disappointed when we seemed to be unsuccessful in the recent negotiations at the CITES Conference in South America. Nevertheless, Mr. President, with the rigid environmentalists who intend to protect the Green Sea Turtle, they are not going to be careless about their demands, and I feel that in spite of some adverse publicity which took place some months ago regarding turtles which were brought to the Cayman Islands, we have to be careful that we do not take minor matters out of context.

MRS. DAPHNE L. ORRETT (CONTINUING): To me, I feel, we can absorb within our local community here, even within the Turtle Farm, those people who would wish to fish overseas. We want to see them make a living, we want to see them do well. But Mr. President, if we are going to make any headway in the area of the ban on turtle products, leaving these Islands for overseas markets, then we have to be careful of the ground we tread, and what we do.

The promotion of local agriculture is interesting. We may say what we wish about expertise, but again, let us use it where it is needed, because there are some politicians, Mr. President, who believe they know it all, and when you know everything, we have situations such as the mess we are faced with, with Cayman Airways.

A Dog Control Programme is no minor matter any more, Mr. President. I notice that it is currently under consideration. I have received numerous complaints at the property which I manage, of people who have experienced these wild dogs, stray dogs I would say, on the beach. But no one knows when something might happen on that beach, or along that road with these dogs let loose and out of control. It is an area which needs attention, and the dog lovers, many though we be, are going to face facts and understand that the situation has to be rectified, and soon.

The Petroleum Agreement which was finalised, I am sure that our Government is weighing this most carefully, and Mr. President, I would like to implore the Honourable Members of this House to monitor this carefully, because our environment is of utmost importance. We would have a catastrophe on our hands if something should happen here in the oil exploration project. So I feel sure that this will be monitored carefully, and I would like to mention my concern in this area.

In the area of conservation, Mr. President, some people have talked about the parrot census, and other things, but like elsewhere, there are certain things which we have to conserve for future generations, and these are areas of concern. This Government must exert its efforts in securing, and seeing that parrots, iguanas or whatever they are, which might be Caymanian, and there are other places where you might go and you would not find them. There are just a few things which we have here which are ours, and we have to do what ever we can to see that the population is maintained. Certainly, it is not going to take millions of Dollars to do it, but conservation is important. Which brings me, Mr. President to the area of the Marine Parks Project. We are going to hear from a few people who are going to disagree with this project. But Mr. President, we have, as I mentioned earlier, in trust, these Islands and their surroundings for our children. Believe me when I sat and listened to those in charge of the Marine Parks Project, just a week and a half or two weeks ago, and I must say I was disappointed that there were not more Members of the Assembly there, to hear a lot about what is going on, and what is favourable and unfavourable. But in this Honourable House we need to be in attendance, and give our two bits rather than come here and criticise about what is happening. Mr. President, when listening to the way in which young Caymanians, I am not talking now about expatriates, young Caymanians were discussing and imploring upon us the necessity to get this project underway. Believe me, I sat there and wondered how we could have carried on for so long without coming to grips with a matter like this, and getting it underway long ago.

MRS. DAPHNE L. ORRETT (CONTINUING): We have to watch, it means that everybody is on this. The Diving Association, the Fishermen's Association, people who dredge here, we are going to have to be very careful because the environment and the sea and reefs around these Islands, are of utmost importance. If they are not protected, we destroy not just the life, the fish, the reefs, but eventually the beaches will be completely gone and we will be left with practically nothing surrounding the Islands of the beauty of which we have now. It is very important that our people are educated to the possibilities of destroying our environment. It is very important, and Mr. President, I would hope that each Member of this Assembly will stand behind this project, in seeing that our people are educated, and dare not go out and make any unfavourable comments with this regard. It is a fact, it is not fiction, that unless we put our foot down now, we may be in serious trouble regarding our environment.

I would hope, Mr. President, to see policies revised to assist the people, the people in the low income bracket area with housing. There are still a number out there who need help, and I would hope, Mr. President, to see this money distributed wisely and well amongst deserving people.

Going on Mr. President to the sewerage, I could put this in a few words. Either we find a way of getting rid of the sewerage, or the sewerage has a way of getting rid of us. We have to get this in place, and I hope the Member responsible will receive all assistance and co-operation he can get in this area. I would have hoped that it could have been extended to the West Bay district. We have in the Barkers area several tourist resorts, and it would seem that having it along West Bay Beach, it would be a fine idea to move it into West Bay District. I hope, Mr. President, that the next leg of this project will be into the West Bay District, and we will be most pleased to assist in any way we can, a project of this magnitude, and one as urgent as it is.

On Social Services, Mr. President, I cannot over emphasise the need for these. I cannot, it is impossible for me to stand here and to tell you how much, or how heavily this rests upon me. Social Services in this country, when I noted the amount of money which was being allocated for Prisons, as against Social Services, I was appalled. It has spelt out one thing to me Mr. President, we are gearing more to cure than to prevention. We need to spend more money on our Social Services, to prevent much of what puts our young people into Northward Prison. Many of our young people today, Mr. President, they go out and they get into trouble, but if you have a case worker who looks at the background history of that young man or young woman, you will find that they only walked in the direction in which they were led. We need more homes in this country for boys and girls who need care and protection. Mr. President, we have heard a lot of adverse comments here the other day about the Francis Bodden's Girls Home. But let me tell you, Mr. President, that in my opinion, the couple chosen to direct that home, are not only capable, but dedicated to that job. It may be called a political appointment, if one wishes to say that. But I will say hear and now, that even if they were not involved politically, in the campaign of most of this present Assembly, they are capable of handling this position. I feel that it was wrong, Mr. President, for such a question to have been asked in this House, because the Member asking that question knew full well that this couple were capable of handling this job.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, I wish we had a number of others who would be willing to take on such a task. This is no bed of roses. My prayers are with them, that they will have the strength, the energy and the dedication to continue with this project. We have young girls in this country, Mr. President, who get into deep trouble, and if we had more homes in which to place them, in the nick of time we might save them from a life of distress and a life of heartache and sorrow.

Mr. President, I would hope that within our Civil Service, in a few years from now, we will be able to see homes being built, or at least starting off with a home being built, so that young girls who find themselves becoming young mothers, unmarried and in an unhealthy and unhappy environment in which to live - for the first few months after having had that child - they could be placed in a home, Mr. President, where they would be able to contribute to the day-to-day chores, and work which needed to be done in that home; but at the same time, they receive counselling. The child is well cared for, and they can remain there three to six months. When they leave they would have experienced three to six months of a good environment - the child having been well cared for. The mother and the child would have more securely bonded themselves together, rather than living in an environment where the child is neglected. The mother is frustrated. The other members of the home make things difficult. Mr. President these are areas we need to look into, because we have young women in this country who are hurting. They are neglected in many ways, not that money is not there for them to eat or drink or whatever. But the home environment in certain situations, Mr. President is far from satisfactory. A child grows up in this environment, he goes to school, he may be dealt with kindly there, but he gets back home to the same environment. Nobody to push him as far as homework, and probably the parents are out. We need to try to nip this situation in the bud, and if we can reach young people, children and young people early enough, we will find that the Northward Prison is not going to be inhabited with as many inmates as we see today.

I congratulate those who are responsible for the Francis Badden Girl's Home, and the Bonaventure Boy's Home. It does my heart good to see the way in which these young boys and girls are coming up in the world. Their whole outlook on life is different. Mr. President, this Government needs to look at this carefully, and to see that our money is spent on prevention.

A comprehensive review of the Juvenile Law is now being carried out, and it is hoped that during the first half of 1986 it will be in place, and I would hope, Mr. President, that this Law will bring into place many of the requirements, to meet the needs of our young people in the Islands today.

A Foster Care Programme, Mr. President, and a Home Help Aid Programme have been planned for introduction. These are areas where I think the Government is moving in the right direction. We talk about revenue measures, believe me Mr. President, all of these new services cost money, and the Government has to find a way in which to pay for them. There are no trees in the Cayman Islands that I know of, which have money growing on them. We have to find ways and means of raising revenue, and the Caymanian people I feel, and I back this up everywhere I go, are getting off well when it comes to paying in relation to what they are getting.

MRS. DAPHNE L. ORRETT (CONTINUING): The Education Department, Mr. President, continues to see an increase in the annual enrolment. George Town is growing at such a pace that serious steps have to be taken, to perhaps build another Primary School. Spending on education continues to grow, the roles are triggering, and plant and staff have to meet these needs. They have to grow with the influx of students in the school. I notice that recurrent expenditure has increased from 5.9 million Dollars in 1984 to 6.9 million Dollars in 1985. Another indication, Mr. President that this Government is committed to working in the areas of education. Mr. President, the Education Department is subsidised 97 per cent - three per cent to the people of this country.

Mr. President, what is 50 Dollars a year for a garbage disposal fee, what is 130 Dollars a year on a car, when people expect new roads. Police on the roads expect, Mr. President, traffic lights. The one on Eastern Avenue I think cost some 20,000 Dollars, and they want other areas taken care of.

Mr. President, getting back to Education, Mr. President there are families in some of our communities who have as many as six children in school. I understand that it might cost some 1,500 Dollars a year for Government to educate a child in this country. I may be subject to correction in this area, but I am sure that the Member who is responsible, will be able to clarify this. But, Mr. President, when one thinks of one household paying 50 Dollars for garbage and 130 Dollars on a car, some of these households have five and six children in school, this is not even considering, Mr. President the money that is spent on the medical facilities in these Islands. The medical services, do our people stop to realise that before one comes into the world in the Cayman Islands today, one is looked after for free? One comes here, and from the time one is born, until one reaches 18 or until one leaves school, which ever comes sooner, one is entitled to free medical services in this Country. Mr. President, do our people stop to realise that were they living in any other country except the Cayman Islands, they would be paying a lot more to enjoy these facilities? I think that the truth needs to be brought home to our people.

We have some homes with three and four cars, brand new cars, and people, only a few though, I am glad to say that, there are only a few who are questioning the 130 Dollars. 130 Dollars lets one get away with less than what it takes to buy a pack of chewing gum in a day, this is what we are paying for our car license. Yet we want the police on our roads, and we want good roads, and we want traffic lights, and we want everything else which goes with it.

Mr. President, our Education Department, I feel, continues to make strides. Mr. President, I was heartened to hear the Principal's report at the High School on the graduating class of 1985. We have very fine dedicated teachers. I feel they should be given all the help they can get. Mr. President, we offer an environment here which is healthy and attractive, and I believe that teachers will work hard just to be able to remain in an environment like this. I am sure our teachers realise, that if they are not performing, they just will not have a job. On the other hand Mr. President, they need our help, our encouragement, the encouragement of parents in this Country, and it is important, Mr. President, that the Caymanian people realise that they are getting a lot more than that which they are asked to pay.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, it was heartening to hear that at the High School, the new Principal has been instrumental in getting our religious sessions in the morning, where children can share in music of faith and in prayers and hymns. The atmosphere at that school Mr. President, continues to improve, and we have a few cases of children not behaving well, but on the whole, the High School is doing extremely well. It was heartening to note, Mr. President, that of the many students who graduated this year, there were quite a number who came from our primary schools up through the Middle School into the High School. It gives me a feeling and a sense of pride to know that we have some of the best educational facilities available in the Western Hemisphere.

Caymanians must realise that they are being asked to contribute, but a little, for the much which they are receiving in return.

The Health Service Mr. President, is an area which causes concern, and yet, I would like at this time to say that I am grateful to those doctors, nurses and other medical personnel who are dedicated to their jobs. There have been some improvements in certain areas. I am grateful to those nurses, and doctors who realise that the job is of vital importance, that a smile, patience, and understanding and kindness, is as important as knowing how to put an injection in the right place at the right time. Mr. President, I would like to congratulate, and offer my whole-hearted support to those members of staff who do everything possible to promote, and to cause our people to realise, that the Medical Services in these Islands are among some of the best that you can find in the West Indies.

Mr. President, here however, I would like to issue a word of caution. There are some nurses in our hospital, and maybe there are one or two doctors who are falling short of the dedication they should have for their particular posts. Mr. President, I happen to know of instances where a patient has called and certain nurses in our hospital have kept asking what it is they wanted, and the patient has said they needed them, what is it they wanted, and Mr. President, when called a nurse must answer. If one has somebody in there who is sick in the head, one might wonder why they are calling one, but when someone who is sick, calls, they must be answered. Mr. President, we have situations in that hospital where certain nurses who are here on Work Permits, know of certain things which go on, but because they are scared of losing their jobs, they fail to make reports, as they should be made. Mr. President, I happen to know of instances where a doctor is called, and the response is not made immediately, because of their attendance at a party, or some other function, and that they will get there as soon as possible. It does not matter how qualified any such doctor is, Mr. President, I would like to assure this Honourable House, that we will not tolerate any carelessness in attendance at this hospital, by a doctor. Everyone there should remember that they are not indispensable, and there are more good doctors from where they come. On the other hand, we have some, Mr. President, who are dedicated, on the ball, come when they are called, and look after the patient well. It is hoped that in the near future, we will see a real dedicated staff. Mr. President, I understand that the wheels are in motion for employing a new Hospital Administrator, and I would hope, Mr. President, that when he gets here, he will receive a little more support than his predecessor. Because believe me when I tell you, there are certain people at that hospital who believe because they are Caymanian, they can run the show. But one cannot have everybody a chief, with no indians.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, there are ways and means of taking care of a Hospital Administrator, if he is not capable of doing his job, but give him the opportunity to prove himself, and stop finding fault, and having secret meetings. Mr. President, I have worked up there three years, and I know a little bit of what I am talking about. We have some Caymanians who are dedicated, work willingly long and hard. We have some expatriates who do the same, but there are a few who fall into the category of being, or offering unsatisfactory service in many areas.

Mr. President, our people must receive the best, I know they are getting it for free, but the service is not offered for free, not by the staff, who are being pretty well payed. If one does not know that one can assume the role of a doctor or a nurse, or a medical attendant, then do not get into the job. If one cannot do it well, get out of it, and do something one enjoys doing, but do not sit up there and let patients wait while you ask what they want.

Mr. President, in this area, we need proper security, in the day time as well as the night time. The Cayman Islands have been infused with a lot of foreign nationals, some of them we do not even know, and we do not need any 'quacks' walking into our hospital, into patients rooms, and disturbing them while they are there to get the proper rest. Something serious might happen one of these days, so money must be found to have proper security at our hospital 24 hours a day. I believe that the doctors are going to be there 24 hours a day. Mr. President, this is something now which will be adhered to, because any doctor doing otherwise - if this Member has anything at all to do with it - will not be here very long.

Mr. President, it is heartening to note that a great effort is being put forth in the Dental Clinic, working with our local school children. Believe me, this is an area where too much emphasis cannot be placed. I am pleased to say that the present dental staff are doing a fine job. I have visited them on a number of occasions, and I notice that the staff are dedicated, on time, efficient and I believe for the most part, are doing a good job.

Mr. President, whenever you want me to take a break, would you let me know.

MR. PRESIDENT: I was thinking I would give you another five or ten minutes. I do not mean that you have to finish your speech within five or ten minutes, I was meaning before we broke.

MRS. DAPHNE L. ORRETT: Thank you.

Mr. President, it is noted that we have an increase in the private practitioners in these Islands, and because of the extra work involved here, the hospital seems to be filled to overflowing most of the time. It would seem to me that a new hospital facility should be borne in mind in a few years time.

The programme on drug and alcohol, and the improvement of psychiatry services began on a limited scale in 1984. This is something, Mr. President, where I hope the word 'limited' will be seen to be something of the past very soon. This is an area, Mr. President, where we need attention. We do not at the present time have the facilities at the hospital to deal with mental cases, and cases of alcohol abuse, and such areas. Mr. President, I would hope that this Government will see fit for such a facility to be in place in the near future, because we have quite a number of Caymanians who fall in this category, at the present time, and require our urgent attention.

MRS. DAPHNE L. ORRETT (CONTINUING): The Airport facility is a beautiful facility, well maintained, and it is heartening to see that the revenue derived from this is very encouraging. I notice that there have been improvements in the Airport at Cayman Brac, and Mr. President, I would hope that we will do everything possible to encourage more tourists to visit that Island, now that we have a proper air terminal and airport facilities. The people of Cayman Brac are hard working, determined, and you cannot keep them down. I feel that they need all the encouragement that we can give them, in every area where we can help. I feel that this Government should push and strive to see an upturn in the employment situation in Cayman Brac.

It is noted that the Labour Survey showed quite a number of people out of work. With new projects being started since this survey was taken on the Cayman Islands, this should not now be a problem. In Cayman Brac there is still a need for an influx of tourists, and other types of industry. I am not sure exactly what we can do, but I am sure we can get our heads together and formulate plans for moving into the sister Islands, anything which would create more employment for these Islands.

The Fire Service I notice has been quite busy. They are to be congratulated, they respond very quickly, but sometimes, because of the distance they have to go, often when they get there, there is not much they can do to save property. In the West Bay area, this is an urgent need. We have a lot of properties along Seven Mile Beach, and on into West Bay and Barkers. I would hope, Mr. President, that within this coming year, we can see a Fire Service built within our district, and in operation as soon as possible, because we have a lot of calls for the Fire Department, and in many cases, the distance from which they have to come proves to us that they are not close enough to take care of the problems in as quick a time as they should be dealt with. Many times, houses have been destroyed, and fine grazing land, and so on in the West Bay area, have been destroyed while the fire got out of control.

The Postal Department, Mr. President, I notice that we have a new Post Office in Hell Hole. Again, Captain Theo Borden is to be congratulated for spearheading this project. It enhances this area, the buildings are of a fine quality, and the area is very clean, and I would hope that the people of West Bay appreciate the efforts made on his part, and the way in which Government has stood by to see that this came to fruition. It is a real added attraction in the West Bay area.

I notice that there is difficulty in collecting Radio Licenses. There are many radios in these Islands, Mr. President, and I think Government ought to be able to see quite a bit of money derived from these licenses. I would hope that some mechanism, whether it be through the company who sells them here, or when they are brought in from overseas, that some permanent record could be made, especially with our computerisation, in order that those holding these radio licenses may be charged, and prompt payment made on them.

The new Post Office Boxes are soon to be in place in West Bay, and of course, Mr. President, as we all know, there is an urgent need for more postal facilities in the George Town area. When money is available, I feel that there are projects which must get off the ground as soon as possible. The multi-story car park and the Post Office, because they are urgently needed.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, if you wish, perhaps this is a good time to break.

MR. PRESIDENT: Very well, I am sure this would be convenient for the House, if it is convenient for you too. I will suspend proceedings for approximately fifteen minutes.

AT 3:19 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:49 P.M.

MR. PRESIDENT: Please be seated.
The Third Elected Member from West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President.
Continuing, Sir, I was mentioning the importance of giving all the help we can get, to the people of the Lesser Islands. I would like to take time here, Sir, to mention the efforts of the local people of these Islands, who are doing everything possible to upgrade their Islands and their medical and educational facilities. I would like to pay tribute to men such as Mr. Linton Tibbetts, who has gone ahead and built tourist accommodation, to help to encourage our tourists to the Islands. Many times we hear of some of our Members having their own interests at heart, but I venture to say here, Mr. President, that the two Members who are elected to represent the people of the Lesser Islands, in all our deliberations and all our meetings, portray a genuine interest in the people of their Islands. Although they are not shouting it from a mountain-top, they contribute heavily themselves, to assist their Island people. I feel here and now, that the people of the Lesser Islands are fortunate in having two dedicated men of the caliber that we have, sitting in this Honourable House to represent them, and to seek after meeting the needs of the Lesser Island residents.

The Port Authority, Mr. President, has contributed greatly to the Islands economy. I think it is one of the finest things to happen in these Islands. I know that there has been quite a bit of contention when the dock was to have been built, but believe me, the late Mr. A. Berkley Bush made a wise choice, and he has left a fine facility for the good of this Country. In spite of higher operating costs of late, the Authority contigues to meet all its financial obligations, and Government's investment in this area was a prudent and a wise move. There has been an increase in containerised cargo, and I am aware that many people in the Cayman Islands are pleased with the fine handling of goods that are imported. I have heard quite a number of people comment that goods received, were received in a very satisfactory manner.

I have but one comment to make, at this time Mr. President, and that is that it concerns me greatly to see that many of the trucks driving on the highways with these containers, go at a fast speed, and it could be detrimental and fatal if one of these containers happened to fall over on a passing vehicle or pedestrians. I feel that in this area, that the new Traffic Law, or regulations which may be in place, will reflect the need for cautious and very careful driving on the part of those drivers of these container trucks.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, in speaking on this particular aspect, I might mention here that we are faced with a situation, where many larger trucks carrying loads of marl and rock, tend to be filled to overflowing, and sometimes large pieces of concrete or stone are sitting on top. If that truck bounces on anything, they could fall off and kill a child, or even an adult. I still do not understand why the people who own these companies do not insist that some sort of tarpaulin, or something else be used to cover these trucks so to avoid, perhaps a fatal accident occurring. I do not think we need to wait until something drastic happens, before firm measures are taken in this regard. I would call upon the drivers of these trucks to insist that they not be filled to this capacity, because it could prove fatal.

The upgrading of the roads, Mr. President, many of the people in our District, the District in West Bay, have commented that their roads have been upgraded to their satisfaction. We still have some of our residents who are waiting patiently, and I can assure you, Mr. President, that this work will be done just as soon as is possible, because there are genuine needs still existing in West Bay, as far as road works are concerned. I would hope that the Public Works Department will be able to get through in a very short time. It is heartening to note that some of the new roads that were planned, have been done, and not at a little cost, when you think of 150,000 Dollars on the road between Elgin Avenue and Smith Road. As I mentioned earlier, the intersection of Eastern Avenue and North Church Street was signalised at a cost of 20,000 Dollars. This has made a vast improvement on traffic jams in this area. Mind you, you come up into town slightly more slowly in the morning, but those people coming from the Eastern Avenue Road are now able to get out of there without lines piling from Eastern Avenue, sometimes almost to the intersection by the Block Factory. I think it is one of the areas that was much needed, and the Member is to be congratulated. I have only to say here, that whenever it is found feasible, there are a number of other areas which need street lighting. Again, Mr. President, I must point out those people, those few people who complain of revenue measures, must stop to think of the conveniences being provided by this Government, and they are asked to pay but little, in return.

The kitchen and Meeting Room facilities at the George Town Hospital were completed at a cost of 59,000 Dollars. When the Honourable Financial Secretary gives his reply, I am sure he will be able to explain why this project had been estimated to cost 670,000 Dollars, and it only cost 59,000 Dollars, or is that an error?

I see Mr. President, I understand Mr. President, that this should have been 590,000 Dollars instead. I see. However, whether it is the new facility, or whatever, which has made the difference, I can assure you that the food at the hospital is good. In fact, very well balanced meals are provided there. The kitchen staff are to be congratulated. They not only provide very good food, Mr. President, but they have to be amongst some of the friendliest people who you will find at that hospital.

The need for a Civic Centre in West Bay, Mr. President, is there, but right now, I feel that there are other areas which are in much more need of funding. One of these I would like to see taken care of, in the not too distant future, Mr. President, is that we have fine sports facilities provided for our District. As you know, and other Members of this Honourable House are well aware, we are one of the biggest districts in the Cayman Islands. We have many of our young people involved in sports. We have many young people who are in need of care and attention, and we feel that if we can have the right facilities provided, adequate facilities provided for them, we can help to direct them in using their time and energy wisely, and thus keep them from becoming involved in other areas that are certainly not good for them, nor for society as a whole.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, it is noted that at the Prison, and as I mentioned earlier, a female cell-block is being built. I am sorry that this has had to come about. I am very sorry that we have reached a stage in our society where this has become necessary. Again, I would hope Mr. President, that within our Social Services Department we might find an infusion of funds, and staff and facilities, which will help us in the area of prevention, so this cell-block will hardly have to be utilised by our local female population.

The Sports and Cultural Centre complex, Mr. President in George Town central, is certainly much needed and a welcome project. It is noted that it was constructed at a cost of 145,000 Dollars, 22,000 Dollars of which was donated by the Lions Club. The facility will complement the swimming pool, again built by the Lions Club. Mr. President, at this time, I would like to offer my sincere congratulations, and heartfelt thanks to that organisation, which has given much time, and has exerted much energy in raising money to assist in many areas of our society. Certainly, as I mentioned a while ago, like the Rotary Club, who have taken on the Francis Bodden Girl's Home and the Boy's Home, we are proud that these Civic Organisations are seeing the needs to be met in our Islands, and are responding so well, in helping to meet these needs.

It was noted, Mr. President, that a football pitch has been topsoiled and seeded, drainage and irrigation systems have been installed, and a running track is being hot mixed, all at a total cost of approximately 200,000 Dollars. 200,000 Dollars Mr. President, spent in bettering the present and the future for the youth of our Islands, and yet we have a few people complaining about revenue measures. Mr. President, if our people are told the truth, even the few who may now be complaining, will find they are getting much, much more than that which they are asked to pay.

We notice that the Bank of Nova Scotia has donated 125,000 Dollars to the Complex. Mr. President, this Banking Institution, as many of us know, has been called upon to spend a lot of money in recent years, and I think that this gesture on their part is a very fine gesture, and they are to be congratulated. I trust that they will continue to prosper in any of the investments they make in the area of providing proper sports facilities for our youth, and that they will reap dividends for all of us.

Mention was made earlier on in this Sitting, that perhaps Government was a bit slack, a bit stingy in expending funds on the youth of our Islands, that they often had to go out and raise money for themselves. Mr. President, I have to ask myself, once again, what is wrong with young people going out, working, striving in an honest way to raise funds to help themselves. There is nothing sweeter than to reap the results of one's own hard work, and when Government is providing as much as it does at the present time, certainly the youth of our country are not going to complain for assisting in any way they can. The youth of these Islands can be thankful, Government has helped in many ways, and it is determined and committed to assisting in any way possible. Any revenue measures which this Government is now called upon to make, will reflect in added services for the youth of our country.

Mr. President, we notice that in the many areas of need in our country, really, a lot of what is spent does not necessarily come out of the pocket of the local citizen. We have areas of raising revenue for Government, through the Banks, Trust Companies, Accounting Firms, Insurance Firms and many other areas, raise the bulk of the revenue for this Country. Our people are fortunate that they are called upon to spend so little.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, we note that in estimated recurrent expenditure of 50.2 million Dollars, an increase of 3.7 million or eight percent over 1985 was approved. An analysis of the 3.7 million Dollars indicates 2.5 million Dollars were provided to assist Cayman Airways. Now, I am not going to go into this again, but I do not want any Member of this House to forget it. The remaining 1.2 million Dollar increase is allocated over 30 Government Departments. Government is not going to waste money, what is spent will be spent wisely and well, and of course, within our Civil Service we have to encourage them to stay, and annual incremental increases in salaries, wages and housing for contracted officers are needed to be in place. If we want to keep the best, the cream of the crop in the Civil Service, then we have to encourage them in every way possible. Mr. President, I venture to say that they need to show every indication that they are worthy of this. As I mentioned earlier, the majority of our Civil Servants are dedicated Civil Servants, and those who fall within that small percentage, of those believing that because one works with Government, one can sit all day and chat, and walk up and down and do nothing. These are the people who must be put in their place and realise that one should work for what one gets.

This brings me to another point, Mr. President, that there are some people who question why many of our expatriate staff are living in condominiums on Seven Mile Beach. Mr. President, the cost of such housing is only partly born by Government. Government has 'x' amount of Dollars to spend on housing, and if a contracted officer decides that he or she would like to live on Seven Mile Beach, for the short period of time that they are here, then it is up to them to decide whether they can find the extra amount of money that it costs for them to rent a condominium on Seven Mile Beach. Government does not necessarily spend all this money, simply because an officer decides that this is where he would like to reside.

Mr. President, local residents are being requested to assist with additional revenue, but as the Honourable Financial Secretary has said, obviously this will be utilised to maintain and provide services to this very same public who were asked to make a small contribution to the revenue of this Country.

The garbage and refuse disposal, Mr. President, I have had locals and expatriates alike tell me that they can almost set their clocks by the garbage trucks, when they come around their homes. They are on time, they do a good job, and Mr. Peter Foye and his dedicated staff are to be congratulated because there has been a vast improvement in this area. 50 Dollars a year is less than a Dollar a week, to take garbage from the homes of the residents of this Country. Believe me, some 96 cents a week to pay for somebody to come and collect your garbage, I think one should think twice before mentioning this, as an unrealistic and unfair increase in our revenue measure.

It is not just the home, the district of George Town, one walks around this district and there are men out there cleaning the streets, and this is important. When visitors to these Islands come here they need to see clean Islands, and Mr. President, this is a small fee compared to Government paying 100 Dollars a year all along. I think 50 Dollars is not unfair at all.

MES. DAPHNE L. ORRETT (CONTINUING): Now, Mr. President, the one area which I found unsatisfactory, was that restaurants with or without a bar, were charged the same amount of money. Mr. President, any effort, any action on the part of this Government which would discourage additional sales of liquor in this Country, should be done. Every encouragement should be given to the restaurant which refuses to sell it. It is detrimental to this Country, and I will not go into it at this time. I can think right now of places such as Corita's Copper Kettle, the Wholesome Cafeteria and a few others, who do not sell alcoholic beverages, and they should not be called upon to pay the same amount of money. Now mind you, we are not talking about thousands of Dollars. I am speaking, Mr. President, about it being the principle of the matter. They must pay less, anybody who deals in liquor in this Country, let him pay for it.

The Travel Tax Mr. President, I do not think is unrealistic. Anyone who can make 15 or 20 trips a year to Miami, should be able to pay eight Dollars when they leave here, and this is only a little bit to provide the facilities at the Airport, the staff to maintain it, and everything else that it takes to keep this Airport facility to a first class standard. Those who do not go often, eight Dollars is still not a lot of money to pay. I understand that we are still far below many other countries in our neighbourhood.

The Drivers License and vehicle registration fees, our people are not to forget road maintenance, construction of additional roads, which amount to not thousands, but millions of Dollars. As I said earlier, what they are asked to pay on a daily rate, is about as much as it would cost to buy a packet of chewing gum, or to buy one can of Coke. Now if one can buy a ten or fifteen thousand Dollar car, or a five, six, seven thousand Dollar car, one must be able to take the amount it would cost to buy a can of Coke, and give Government the money for maintaining the roads every day for one to ride on. There are a few families in the Cayman Islands who cannot afford 50 cents a day.

On the Trade and Business Licenses, I notice there is going to be for the Merchant and Wholesaler, an increase from three to fifteen hundred Dollars, and a cost to the owners of about 28.85 Dollars a week. I know that the consumer is going to absorb this, but I would also like to remind the consumer at this point, that those merchants must reflect only what they are charged, and that prices cannot go up sky-high, simply for 28.85 Dollars a week. The same applies to the five cents on a gallon of gasoline, the person who buys the gas, and the person who sells the gas must not go to an exorbitant price rise, and say to the consumer that Government caused me to do it, because five cents on a gallon, is what it is.

Mr. President, those who own a home and a car, it looks to me, would require to pay a Dollar a week to Government, and those who own a home, a car and a drivers license will pay a total of 205.00 Dollars per annum, and this is not a lot of money to pay. When one thinks that some of these very same people have students in the schools, four, five and six students, costing Government about 1,500 Dollars a year, not considering the medical and dental facilities and other facilities which they are privileged to use.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, I agree with the Honourable Financial Secretary, that there are not many countries in this world, where the populous has such a very high standard of living. I happen to know this. There are some areas in the United States where they do not have a standard of living as good as that which we have here. Now this is not saying that the United States are not rich, and offer its inhabitants many fine facilities, but let me tell you, 'Uncle Sam' makes sure that when he hits ones pay cheque, he hits it well, so one pays for what one gets.

Good public services, and little in annual fees, we have to pay, a minimal cost to the public. He did not tell any lies when he said that. Anybody who goes out there and says anything else, they are misrepresenting this Government, and misinforming our people.

The Honourable Financial Secretary said that the forecast was done with great care. I can believe this. Tougher measures in expenditure control will be instituted, exercised by his Department, but there are some services to the public which must be provided, and money has to be found. Employment has to be found, capital projects have to be taken care of, we have students coming out of the schools every year, and we have to find employment for them. He re-emphasised, Mr. President that there was no room for complacency, and this Government and the people must realise that we have no sure means of income. When I say 'no sure means,' nothing that cannot be taken away from us overnight, if we are not careful about the kind of Government which we have in this Country.

Mr. President, as from a child, I have been told that what ever one is, one must be the best at whatever one is. Mr. President, I hope that while I serve in this House, I can be the best. I feel privileged to serve with the colleagues who are here. I feel, Mr. President, that in this Budget Address, what is being reflected here is, as the Honourable Financial Secretary has said a 'lean Government'. It looks as if we have got the bare essentials, and not anything else reflected in this Budget. I feel, Mr. President, that the spending will be prudent, wise, and I would like to say that except for one or two points which I mentioned, and was not happy about, I would like to commend and congratulate the Honourable Financial Secretary for his Address, and to say that I wholeheartedly support the measures being taken. I will be happy to discuss with any of my constituents, as I have been doing, the reasoning behind these measures, and the good the public will derive therefrom. Mr. President, I have a feeling that even the Members of the Unity Team, that walked out of this Honourable House the other evening, realise that this Government has put forward a good Budget, the best which could be had, and whether or not they oppose the measures, they have got a long hard try, to come up with a more satisfactory alternative. I support this Budget, Mr. President, and the Government has my wholehearted support, and I want to say here and now, that I support it not because somebody has tried to put anything in my head. This speech is mine, in fact, Mr. President, I did not have time to write my speech, and put it together, but I have said exactly what I have felt, and not everyone in this Honourable House may agree with what I have said, but believe me, I said it without being brainwashed.

MRS. DAPHNE L. ORRETT (CONTINUING): I also said what I said, because I am capable of thinking for myself. In this Honourable House, as I mentioned earlier on, when I have sat here for 12 to 16 years, I hope that the fruits of my labour will reflect more positively, than have some who would choose to criticise this Member. Mr. President, whether I serve four years or forty, I intend to live by my convictions and that is not saying that I mean to be controversial, that is not saying I am to oppose simply to oppose. I am a woman who can think for herself, and I refute any such allegation, Mr. President, that I am here to be brainwashed, that I am here as an extension cord, and I cannot see beyond my nose, that I cannot think for myself and that I am not capable of debating an issue. It is not in the multitude of words always, that the most wisdom is found.

Mr. President, when I put my head down on my bed this evening, if I live to see it, I can be pleased, because I have done my best in this House, and as far as this Budget Address is concerned, I have thought only of what is best for the people of this Country, with that Mr. President, I commend this Budget Address to the House, and thank you very much.

MR. PRESIDENT: I make it about twenty seven minutes past four. I am doubtful whether it is worth inviting another Member to start a speech, which he would have to break off in two and a half minutes time. So I will invite the Honourable First Official Member to move the Adjournment, and we will see if that is the wish of the House.

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. No one wishes to speak.

QUESTION PUT: AGREED. AT 4:28 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. TUESDAY, 10TH DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

EIGHTH DAY
TUESDAY
10TH DECEMBER, 1985

ASSEMBLY:

THE EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMC, CVO - PRESIDENT

GOVERNMENT MEMBERS

MR DENNIS H FOSTER, CVO, CBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

MR MICHAEL J BRADLEY, QC, LL.B SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

MR THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

MR BRUNSON O FRANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

MR W NORMAN BODDEN, MP MEMBER FOR TOURISM AVIATION AND TRADE

MR CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

MR 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

MS 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

MR MARY 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 P 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

TUESDAY
10TH DECEMBER, 1985
EIGHTH DAY

PRAYERS

TO BE READ BY THE HONOURABLE THIRD OFFICIAL MEMBER.

PRESENTATION OF PAPERS AND REPORTS

CAYMAN AIR HOLDINGS LIMITED'S AND CAYMAN AIRWAYS LIMITED'S ACCOUNTS FOR THE YEAR ENDING 30TH JUNE, 1985.

TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

QUESTIONS TO MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 158: COULD THE HONOURABLE MEMBER STATE WHETHER GOVERNMENT HAS ANY PLANS TO ESTABLISH SOCIAL WORKERS IN THE VARIOUS DISTRICTS TO WORK ON THE GROWING SOCIAL PROBLEMS?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 159: WILL THE HONOURABLE MEMBER STATE WHETHER THE EXTENSION TO THE DOCK HAD TO BE RESURFACED AND, IF SO, WHY?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 160: COULD THE HONOURABLE MEMBER SAY HOW MANY APPLICATIONS HAVEN'T BEEN APPROVED BY THE CENTRAL PLANNING AUTHORITY OVER THE LAST YEAR?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 161: WOULD THE HONOURABLE MEMBER STATE WHY WAS THE DECISION MADE TO PAINT CAL PLANES IN PERU?

NO. 162: WOULD THE HONOURABLE MEMBER STATE WHY DID A RECENT FLIGHT OF CAL FROM OWEN ROBERTS AIRPORT ABORT?

THE FIRST ELECTED MEMBER FOR DODDLEN TOWN TO ASK THE HONOURABLE FIRST
ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION
AND SOCIAL SERVICES

NO. 163: WOULD THE HONOURABLE MEMBER GIVE A BREAKDOWN IN RESPECTIVE
AREAS OF MONEY SPENT UNDER SOCIAL SERVICES IN 1985 COMPARED
TO 1984?

GOVERNMENT BUSINESS

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE:

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TUESDAY

10TH DECEMBER, 1985

10:00 A.M.

MR. PRESIDENT: *Prayers, The Honourable Third Official Member.*

HON. THOMAS C. JEFFERSON: *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. Let us repeat the Lords 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.

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

MR. PRESIDENT: *Please be seated.
Presentation of Papers and Reports,
the Second Elected Member of Executive Council.*

PRESENTATION OF PAPERS AND REPORTS

FINANCIAL STATEMENTS FOR CAYMAN AIR HOLDINGS LIMITED AND CAYMAN AIRWAYS LIMITED FOR THE FINANCIAL YEAR ENDING 30TH JUNE, 1985.

HON. W. NORMAN BODDEN: *Mr. President, I beg to lay on the table of this Honourable House, the Financial Statements for Cayman Airways Ltd., and Cayman Air Holdings Ltd. for the financial year ended 30th June, 1985.*

MR. PRESIDENT: *So ordered.*

HON. W. NORMAN BODDEN: Mr. President, in accordance with Standing Order 18(2) I would like to defer any explanation of the contents of these accounts until my debate of the Budget Address.

MR. PRESIDENT: In that case, I turn next to questions. The Elected Member for East End.

QUESTIONS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 158: Could the Honourable Member state whether Government has any plans to establish Social Workers in the various Districts to work on the growing social problems?

ANSWER: The question of placing Social Workers in the several Districts of the Islands are under active consideration by my Portfolio and the Department of Social Services. With the added work-load of the Department because of the introduction of Community Service Orders, etc., it is not clear whether the service can be started with existing staff complements.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, I want to ask a question to the Member. During the last Budget Session, I made a motion in the Finance Committee to have one Social Service Worker for the three eastern Districts, stationed in Bodden Town. The motion was denied, or defeated, can the Member now say if it is possible to put even one Social Worker there to serve these three Districts?

HON. BENSON O. EBANKS: Mr. President, for the record, the motion of the Member in the last Budget Session was to change the post of a Clerical Officer applied for in the Estimates to that of a Social Worker, to enable that person to work in the East End Districts. The motion was denied because out of the many posts that we requested, the Clerical Officer was the only one that we received, and this person was badly needed in the office, to release Social Workers from having to do clerical work.

For the Member's information, Mr. President, over the past six weeks a pilot project has been going on in the District of East End, with a Social Worker there. This is basically to ascertain the acceptance by the community, and the viability of offering a range of social services at the District level. I am happy to say, Mr. President, that indications are that the services will be used. What Members will have to prepare themselves for, is the fact that if you take the service to the people, we can budget a lot more for Social Services, because the need is there.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Could the Member state if it is not possible to have one or more of the present Social Workers assigned to deal with the Districts on a part-time basis, or something?

HON. BENSON O. EBANKS: Mr. President, this is done in most of the Districts at the moment. I hope that I have not given the impression that the Social Workers are office bound, and do not visit the Districts. What I have in mind, and what I thought the question was trying to illicit, was at least one full-time Social Worker in each District.

MR. G. HAIG BODDEN: Mr. President, he is quite right. In lieu of his answer, I wonder if he could say how soon a decision may be taken to have one on a full-time basis?

HON. BENSON O. EBANKS: Mr. President, as I said, this depends on the effect of certain new demands which have been placed on the Department, and whether, as a result of these demands we need to get extra staff, because at the moment, we have posts which are not filled, due to people leaving in the middle of a contract. Within a couple of weeks the Department should be fully staffed, and it will then become more clear whether the present complement of staff will afford us to take persons out for community work, as I have said.

MR. PRESIDENT: If there is no further supplementary. The Member from East End may ask the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 159: Will the Honourable Member state whether the extension to the Dock had to be resurfaced and, if so, why?

ANSWER: No. The extension to the Dock did not have to be resurfaced.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Supplementary, Mr. President. Can the Member say whether it is correct that the newly added area of the Dock, during the initial stages of hotmix, had to be resurfaced.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the bituminous prime coat which is sprayed on to the marl base prior to the application of hotmix surfacing material was incorrectly applied by the contractor, and was removed, and replaced at the contractor's expense, and at no additional cost to Government. The prime coat was sprayed on too thickly, and was insufficiently heated.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Can the Member state in the light of this, whether the final cost for the addition to the dock was above or below the estimated cost?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the estimated cost was \$220,000.00 and the final cost was \$170,000.00 which means we effected a saving of \$50,000.00 on the project.

MR. JOHN B. McLEAN: Mr. President, could the Member say to whom this contract was awarded?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, Island Paving Ltd.

MR. PRESIDENT: Question No. 160, the 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. 160: Could the Honourable Member say how many applications have been approved by the Central Planning Authority over the last year?

ANSWER: During 1985 the Central Planning Authority approved 762 applications, with a total construction value of \$93,870,000.00. This represents a 27 per cent increase over 1984 for applications and 46 per cent increase over 1984 in construction value.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Supplementary, Mr. President. I wonder if the Member would be in a position to say how many of these projects have had construction started?

HON. VASSELL G. JOHNSON: Mr. President, the answer to this supplementary is really not possible. The 762 applications include quite a number of small projects, antenna dishes, and all the rest of them. I could not really give any factual reply to this supplementary.

MR. G. HAIG BODDEN: Mr. President, can the Member say of these 762 applications, how many antennas were there?

HON. VASSELL G. JOHNSON: Mr. President, we can start guessing, and I guess the Members guess will be as good as mine.

MR. G. HAIG BODDEN: Can the Member say if it is correct, that at some meetings of the Planning Board the only applications which receive approval, are applications for television dishes.

HON. VASSELL G. JOHNSON: This is incorrect, Mr. President. I have been looking at the Minutes of the Planning Authority Meeting, and this is not correct. Quite a number of varied applications have been approved by the Board from time to time.

MR. G. HAIG BODDEN: Mr. President, the Member mentioned a while ago that there were many small applications within this figure of 762. Can he say how many really large applications are included?

MR. PRESIDENT: I think you will have to define what you mean by 'really large' applications, for this to be capable of answer.

MR. G. HAIG BODDEN: Yes Sir. I mean the opposite of what he called 'real small'.

MR. PRESIDENT: This is a very neat definition, but I am not sure it gets us much further. If you were to ask how many applications over \$One Million in value, or whatever figure you wish, I am not trying to put words into your mouth. Even if the Member does not have figures, he might be able to get figures for you. Would you like to specify a figure?

MR. G. HAIG BODDEN: Mr. President, can the Member say how many of these applications exceeded \$ One Million in value?

MR. PRESIDENT: If the Member.....

HON. VASSELL G. JOHNSON: I cannot answer this supplementary, Sir.

MR. PRESIDENT: Would the Member be prepared to offer to obtain the information, and to make it available to the questioner?

HON. VASSELL G. JOHNSON: Yes, Mr. President. This is possible.

MR. PRESIDENT: So I think we will record that this information will be made available to him. Is there any further supplementary? The First Elected Member for the Lesser Islands.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, supplementary. Could the Honourable Member confirm that the Central Planning Authority has had a heavy work load, working with weekly meetings, sometimes from 1.00 p.m. to 7.30 p.m. at night, in order to clear the agenda?

HON. VASSELL G. JOHNSON: Mr. President, I can confirm that the Planning Authority had one of the busiest years in this current year 1985. It had more meetings than in any other year, and the volume of work there has been exceedingly big.

MR. PRESIDENT: The Member for East End.

MR. JOHN B. McLEAN: Mr. President, supplementary. I wonder if the Member could say how does this compare with the year before this?

MR. PRESIDENT: It is compared with 1984. Do you mean compared with 1983, or what, 1983.

HON. VASSELL G. JOHNSON: Mr. President, I have not got the figures here, but I understand that 1983 was a boom year, and it was a bigger year than 1984, but I am not aware of the figures.

MR. JOHN B. McLEAN: Could we also have these circulated, Sir.

MR. PRESIDENT: I understand the Member is offering to circulate them for you to. Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Can the Member say if there was a corresponding 27 per cent increase in construction over 1984, to match the 27 per cent increase in applications?

HON. VASSELL G. JOHNSON: Mr. President, I am sure I have answered this already. In fact, the original answer to the question contains comparable figures.

MR. G. HAIG BODDEN: Mr. President, the answer contains a comparison with the number of applications. But it does not contain the applications in number in construction, although there is a value to it.

MR. PRESIDENT: I am not absolutely clear what the Member is asking. Is he asking how much was actually spent on construction during the year, because if so, this is rather a different question.

MR. G. HAIG BODDEN: No, no Mr. President. I was just trying to find out without getting a detailed breakdown, if 40 houses were approved, was construction started on 40 houses, or if three hotels were approved, if construction has been started on three hotels. If the number of projects compared with the number of applications

MR. PRESIDENT: But that was a supplementary you asked earlier and you were told the answer was not available. So really I do not think I can allow it to be asked again, it has been asked already. Is there any further supplementary?

In the absence of the First Elected Member for Bodden Town, has he deputed any Member on his behalf to ask the questions which are standing in his name, or to request their postponement? I think you indicated yesterday, he had asked you to request postponement.

MR. G. HAIG BODDEN: He did not specifically ask me to deal with the questions on today's Order Paper. What he said was that I should seek postponement of his questions, which I suppose means all of the questions....

MR. PRESIDENT: I think if he asked that at large, it is perfectly in order for you to request postponement again today.

STANDING ORDER 23(3)

MR. G. HAIG BODDEN: I would formally request the postponement until the Member comes back.

MR. PRESIDENT: What I think Standing Order 23(3) entitles me to do, is to grant leave for them to be postponed until a later date, and it will be for the Business Committee to determine when they will be put down again.

That ends questions.

MR. PRESIDENT (CONTINUING): The Appropriation Bill, Second Reading, the Third Elected Member for West Bay had finished speaking. Does any other Member wish to speak? The Honourable Third Elected Member of Executive Council.

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I consider it a great privilege and pleasure to stand in this Honourable House today, to give my support to the Appropriation (1986) Bill, 1985.

I am grateful to our Honourable Financial Secretary and his dedicated staff, for putting together and presenting such a well balanced Budget, and I appreciate their efforts. His address sets a course which is to be followed, in the New Year 1986, and is a clear and comprehensive picture of a small country on the move. It is a picture which should gladden the hearts of all Caymanians, regardless of their economic standing, or political leanings. The picture painted is a good reflection on the Government, of which I am proud to be part.

When we came to Office, a year ago, the economy was in a slump. There was growing unemployment, and the money in circulation was short. But even with this, our people are as they have been for a long time, much better off than most, if not all of the people of our neighbouring countries.

The economic slump which was due in part to external circumstances, now seems to be mostly behind us, and our sails are well set for us for 1986.

In my opinion, the problems of the surrounding countries, that are torn by poverty and political turmoil is the instability of these countries. This is the root cause of the economic woes of many of the surrounding countries. These countries, Mr. President, have been blessed with many natural resources which we do not have.

The detailed accounts of the Countries financial affairs reflect the responsibility of the present Government, and their determination to help to keep the good ship 'Cayman' on an even keel, in spite of many difficulties. The economy felt the effects of a world recession which started in 1984, and continued through the first half of 1985. We have now started to show improvement, and the indicators are showing that a new boom is on the horizon, and we have taken measures to ensure that the benefits will reach all levels of society.

There has been quite a lot of complaining about the increased tax measures, among a certain sector. A petition is even being circulated, and many are trying to make political hay out of a problem which we are facing. Mr. President, there is no money left in the Treasury that can be used to help us balance the 1986 Budget. Therefore, we have no alternative but to increase taxes in certain areas. What I would like to see instead of a petition, is a proposal from the opposition, to assist us with this problem. I dislike taxes as much as anyone in this country.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): When I was growing up, my family like many others were poor, and we were not able to do a lot of things we wanted to, because we went by the principle 'if you cannot pay, do not go'. I am willing to exercise that principle with this Budget. If everybody genuinely feels that they cannot pay the increased measures, then we must delete some of the services the electorate expects. Everything, Mr. President, costs money and if we do not have it, we cannot supply the services. It is a choice which has to be made.

I am asking the opposition to tell us what services they propose to give up. Mr. President, we have been treating the symptoms of our problems far too long, instead of dealing with the root cause, and the sooner we reverse this situation, the better. The problem, Mr. President is Cayman Airways. This is the first time that the people of our Islands know the total losses of the Airline. The facts are, Mr. President, the Airline has lost money, is losing money and will continue to lose it. In the past money had to be taken from our Treasury to meet debts of the Airline, but there are simply no more funds available.

All Caymanians are proud of their National Airline, and we must ask ourselves, how much are we prepared to pay for our national pride? The two and a half million Dollars in the Budget for Cayman Airways, amounts to \$131.59 a year for every man, woman and child in the Cayman Islands. If the public feel that the Airline is worth the expense, then they must be prepared to pay for it. We need money to operate the Airline. The freeness mentality, by which I mean the idea that Government must find funds for everything without taking money from the people, to provide for their needs, must stop Mr. President. It is impossible to take any more from the Banks and Trust Companies, et cetera. If we do, we might just kill the goose that laid the golden egg.

The Banking Sector. There has been continued growth in this area. 40 new Bank Licenses were granted to institutions from countries around the world in 1985, compared to 27 Banks in 1984. This increase is evidence of faith in the reliability of the Cayman Islands, its people and its political stability. We must continue to concentrate on the development of this sector, and develop the Cayman Islands into an off-shore financial centre, comparable with any other such facility in the world. The credit for the 1985 increase was readily taken by the leader of the Unity Team, the First Elected Member of Bodden Town. I take it as a reverse compliment, because he knows that his mammoth defeat at the polls in 1984, is responsible for the renewed confidence in this Country.

Companies Registration. Despite much adverse publicity, Company Registration has continued to hold its own, and contributes substantially to our revenue. We must make every effort to see that registration is strictly monitored, in order to preserve the integrity of our Country.

Insurance. The Insurance business is an area in which we can expand and develop, and it will give greater depth and diversity to our financial industry as a whole. We feel confident that we shall have much expansion in this area, and every effort is being made to encourage off-shore insurance companies to establish themselves here.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Tourism. During the summer months, air arrivals were down, but since the beginning of November, most of the hotels have been full. All the major hotels are booked solid for the winter season, which augurs well for the industry. Tourism is the backbone of our economy, and our friendliness, honesty and good facilities will ensure that the Cayman Islands remain the favoured vacation resort.

Water and Sewerage. Touching briefly on water and sewerage, and I can speak, Mr. President with some authority on these subjects. The Water Authority, a Public Corporation, is headed by an experienced, professional and efficient person, and a staff with the capability to deal with the Sewerage Scheme, now moving on to construction, with completion early in 1988. The staff of the Authority are now in place, and can also move on with the water project now being planned for George Town. On completion, there may be a case for employing one or two more persons to deal with billings and collections of revenue. The Authority has done many projects since it came into existence in 1981. Apart from dealing with legislation, and studies on water and sewerage, with the assistance of foreign institutions such as the Caribbean Development Bank, and the UNDE, the Authority has successfully established the Lower Valley and East End well heads for the benefit of truckers, to find more water for their customers. The Authority next undertook to develop the Seven Mile Beach Sewerage Scheme, which programme is well underway. Its next project is the present proposed water scheme for George Town, a much needed facility. The Authority undertook all studies to develop all the projects it is involved in, and did not have to employ external experts. I consider that the Water Authority is a credit to this country.

Development. A new trend in land development is now taking place in the West Bay peninsula. Land bordering the North Sound, which in the past had little or no value, and was regarded as a breeding ground for mosquitoes and sand flies, is to be reclaimed and developed. The new developers are considerably more substantial than those of the past, and as a result, we are attracting bigger and better international hotel chains to our shores. Undoubtedly this will increase the number of tourists coming here, and hopefully, we will get them in greater numbers every month of the year, rather than have them over a very short period during the winter season.

I am sure it is evident to all, that there is now an upswing in the economy. It is not a false upswing, nor is it an upswing due to luck. It is a direct result of good and sound planning by Government. There is renewed faith in our ability to maintain sound financial measures, and political stability. However, there are some among us who would, if they had the opportunity, allow gambling to come to our shores. This, of course Mr. President, would be the way for us to cover up the past financial disaster, which nearly brought this country to its heels. I am against any form of gambling, and will do everything in my power to see that it is never established here in the Cayman Islands.

I believe in values and in sound financial policies. In my business I must limit and control what my company does, and I must ensure that it can and does pay its debts. If I do not, I will soon have no business. I earn a living from it, to support my family, and like most people, I must control and exercise control over my spending. I cannot go out and build a million-dollar home, because someone else has built one, and I do not need two Cadillacs parked outside my home, to try and impress anyone.

RON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): The 1986 Budget, like all Budgets is about money, about the acquisition and the use of it. In the simplest form, Government's business is much like our private businesses. If I want something, I must know how I am going to pay for it. The needs and wants of Government, are the needs and wants of the people, all of us. We need and want better educational systems to prepare our children for the future. We need and want better medical facilities, we need and want improved Social Services to fight our growing social ills. We want a national Airline to aid our development. We need and want better roads, but Mr. President, these things cost money, and Government has only one way of getting money, and that is from the people. Collectively, we, the people are the Government, from the humblest to the highest, we all benefit from what Government provides, and we must all help to pay the cost. It is a true saying, 'Government of itself has nothing, and before it can give us something, it must first take it from us.'

This year, we imported a record number of new cars, Mr. President, and more and more people are buying them. Motorists expect to drive on good roads, and always seem able to meet the payments on their cars, their repairs and gas bills, but they balk at paying Government \$130.00 a year, which is only two Dollars and fifty cents a week, for the use of the roads. For example, Mr. President, a person will purchase a new car costing say \$6,500.00. He will pay 20 per cent or \$1,300.00 down, and the balance of the \$5,200.00 amortized over a four-year period, which will cost \$155.00 per month, and on top of that, he has to pay an insurance of \$735.00 a year for it. He does not think these charges excessive, but complains when he has to pay \$130.00 a year, or two Dollars and fifty cents a week to Government. If we did not have proper roads for the cars to drive on, the repair bills would exceed the taxes tenfold in any given year. I hope the people will seriously think about the relatively small amount Government is asking them to pay, just two Dollars and fifty cents a week, to help maintain and improve the roads which they are using daily. It is encouraging to me, that not everyone is negative towards the increased tax, and many have said that they know we inherited a heavily indebted Government, which needed money to pay its debt, and keep the country going. The First Elected Member from Bodden Town said that we had used up all that was left in General Reserves. This is a correct statement, however, what he failed to say was that we had to take this money to pay off the debts which his Government had incurred, and were found tucked away in the Government books under Loans and Advances. In this Budget alone, a sum of two and a half million Dollars has been included for Cayman Airways. Of this amount, \$1,451,933.00 will go to repay all advances made in 1984 and 1985, leaving a sum of \$1,048,067.00 as the subsidy for 1986. In the past, no provision was ever made to cover the losses of Cayman Airways. The practice was to put the losses on the books as a loan, or in the Advance accounts, so that the people would never find out the true financial position of the Airline. This method of operation was used, so that the Airlines indebtedness and true financial position would not be known by the man on the street. I warned the people on many occasions that the Airline was losing more money than they were admitting, and that if financial control was not exercised by the management, the Airline would eventually destroy the economy of this Country.

RON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): From December 1977 to June 1985, the Airline earned over \$130 million and they spent every penny of it. In addition to the \$130 million Dollars spent, Government paid the sum of \$20,475,461.00 which was taken from the Treasury of the Cayman Islands, making a grand total of \$150,000.00 spent over the past eight years. If we divide the \$150 million Dollars by the total population, this would amount to \$7,894.00 for every man, woman and child over the seven-year period, an average, Mr. President of over \$1,100.00 a year. After spending this unbelievable amount of money, believe it or not, we only have the Trislander Aircraft to show for it. Mr. President, this is where the reserves have gone. They have gone to pay off Cayman Airways's debts.

Mr. President, there is a time in ones life when one has to reckon with the past, live with the present and plan for the future. This country's days of reckoning came on 14th November, 1984, when the people of these Islands decided that they had had enough, and wanted to change the Government of the day because of the mismanagement of the country's affairs. At no stage could anyone get an update on what expenses were being incurred by the National Airline. We could not find out how much it was indebted, how much it owed, or how much it was costing to operate. The Airlines indebtedness was hidden by issuing shares in the Company for debts, carrying it as loans in the Loan Account, or carrying it forward in an Advance Account. The Airlines accounts were in such disarray, that it has taken us one full year of hard work to bring this information to the Public, and to come to grips with the ugly financial mess we inherited.

The Opposition, Mr. President, has taken much time researching the revenue side of their Administration, but have deliberately avoided telling the people about all the money they wasted, and how many debts they had concealed under the headings of Loans, Advance Accounts or Accounts Payable. It is a pity they did not tell the people the whole story, because one can only find the truth when both sides are told. Truth kills only those who hide from it.

We are telling the People the whole story, and have taken out all the money which was hidden in various accounts, so that we can now go forward with a clean slate.

The Port Authority. The Honourable Third Official Member in his Budget Address said that in spite of higher operational costs, it has not been necessary to increase Port charges. I would like to remind this Honourable House that at the beginning of this year, measures were taken by me to reduce the waste, and unnecessary spending at the Port, otherwise there would have been a deficit in this department this year. I remember being put to task in this very Legislative Assembly for my action earlier this year. Mr. President, I wonder what the critics have to say now.

Cayman Brac and Little Cayman.

The people of Cayman Brac have enjoyed a period of full employment during the years when Cayman Energy Ltd., were transferring millions of barrels of crude oil annually off its shores. However, they experienced an acute unemployment situation earlier this year, when transfers were abruptly stopped. The decline actually started in 1984, when the United States reduced its import of foreign crude oil. To relieve the unemployment in Cayman Brac, capital projects were started by Government, which included the continuation of the Bluff Road, and extended it to the Lighthouse which is situated at the eastern end of the Island. For the first time, farmers and cattle men are now able to drive close to their cultivations and pastures.

HOW. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): I am sure that because their land is more accessible now, they will be inclined to grow more produce and cattle to supply their needs, and perhaps export some of their produce to Grand Cayman, where they will find a ready market for such items as yams, potatoes, cassava and the like.

The opening up of the Bluff Road will undoubtedly attract the foreign investor to purchase land and develop it. This would stimulate the economy, and provide work for our people. However, we have to be very careful, as to what type of developer we welcome to our shores. Very tempting offers can be made which are not in the best interests of the Islands, and we have to remember that 'all that glitters is not gold'. Recently, I was approached by a would-be investor, who asked if Government would allow a small casino to be built in the Bluff. I explained to him that no such establishment would be allowed to take place in any area of our three Islands. Mr. President, we need money to run this country, but I would rather return to poverty and suffer, than to have our people, and Islands corrupted by evil forces of greed and avarice. I am not afraid of poverty, but I am afraid of the evils which go with gambling. As long as I remain a Member of Government, I pledge that no one will ever be allowed to set up casino gambling in our Islands.

Schools. There was an addition to the Cayman Brac High School, and the walkways were also covered to improve conditions for the staff and pupils during the rainy season. There has been an extension to the West End Primary School, which has provided more space and more comfortable learning areas for both pupils and staff.

On 8th February this year, Cable and Wireless brought their coaxial submarine cable system into operation at Cayman Brac, and they have continued to upgrade and improve external communications. The General Manager of the Company sent me a copy of a telex he recently received from Mr. Bernard Tibbetts, Manager of the Cayman Brac Branch, which I am pleased to share with you. It reads:

"For the first time since Cayman Brac had external telephone service, we have today experienced an occasion of winter weather without problems and complaints of wrong numbers, cut-offs, clicke, bangs, pops and so on, which plague the system in this kind of weather. It is a great delight to be able to say that Cayman Brac, at last, has excellent external communications, even during the winter season, now that all circuits are on the cable."

The General Manager has also said that the next step will be the modernization of the extension of the direct dialling facility to Cayman Brac. He has also advised that work on this project has already started in London. Mr. President, I, and the people of Cayman Brac are very grateful to Cable and Wireless for the improvements made during this year, and for the confidence which they have in our Government.

Cayman Brac Light and Power Company increased its generating capacity, and installed new light poles on the south coast, and new transmission lines across the Bluff. In spite of the Company being under capitalised, and having other financial constraints, it continues to provide a reliable service to the Island.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): The Little Cayman Dock itself was completed and opened, and a seven ton crane is stationed there to assist in the unloading of cargo. This is a giant step forward for the people of Little Cayman, as they can now receive their supplies in good condition, direct from the vessels trading between the Islands. The new facility will also encourage developers who can now receive heavy equipment shipments, which were impossible to land before.

Satisfactory progress has been made with the clearing of the passages between the reef and the shore from Blossom Village to Point of Sand. When this project is completed, it will be possible for small boats to ply between these points in safe and smooth water. It will also be an added attraction for tourists, as beautiful reefs and marine life abound in this area.

The capital road projects for 1986 for Cayman Brac will be as follows:

- (i) A sum of \$150,000.00 is to be spent on the Bluff Road.
- (ii) A section of the north/south Bluff Road is to be re-aligned and restructured at a cost of \$75,000.00.
- (iii) At Little Cayman, one and a half miles of road is to be sand-sealed at a cost of \$125,000.00.

The Water Authority is to make further investigations of the groundwater resources of Cayman Brac, with a view to providing an emergency supply of water. A sum of \$25,000.00 is to be used for this project. It is very important that we determine as soon as possible, whether or not we have any ground water to extract, the amount which can be extracted, and where it is located.

The main project for 1986, Mr. President, is the new Air terminal Building. The site has been bushed, and work will commence on preparing for the building in January. It is hoped that this phase of the project will be completed by April. As soon as the site has been prepared, the construction of the Terminal Building will be the next phase. The Government has invited all local firms of architects to submit their proposals for preparing construction drawings and tender documents. The next step will be to invite tenders for the construction of the building. At the present time, no fixed schedule has been set, but it is hoped that work will commence not later than May next year. The entire project should be completed early in 1987.

Mr. President, Government has done its utmost to relieve the unemployment situation, particularly in Cayman Brac, and I sincerely feel that my people appreciate this.

As I have just mentioned, Government's capital work projects for 1986 will relieve the unemployment in both of the Sister Islands.

Mr. President. Public Works Department. After the Budget Session last year, we requested that the Chief Engineer of Public Works reduce expenditure, by laying off all excess labour which had been employed in 1984. I was told by the Opposition Members of this Honourable House that it would be impossible to go through this year without requesting additional funds from the Finance Committee. Mr. President, the cost of the road section was reduced from \$260 per hour to \$205 per hour, which resulted in considerable savings. Other areas were also trimmed, and expenditure should not exceed the amount in the 1985 Budget. You see, Mr. President, we have made the 'Penny ante Budget' work. In May this year, Government employed Mr. John Allgroves to carry out a review of the Public Works Department functions, and advise how best to reorganise it, and make it more efficient. The Report has been accepted in part by Government, and some of the recommendations have already been implemented.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): I am upset to hear of the manner in which the Department carried out this road programme in North Side. I assure the Member from this District, that his complaints will be taken up with the Chief Engineer of Public Works, in order to prevent the waste of Government funds, by this Department in the future.

The Road Programme for Grand Cayman for 1986, is as follows:

- (i) Phase Construction - 6.3 miles of various roads in residential areas, will be surface treated with the first application at a cost of \$200,000.00.
- (ii) 15 miles of various roads in residential areas will be surface treated with a second application at a cost of \$422,000.00.
- (iii) One mile of main road from Breakers to Frank Sound intersection will be ripped up, relaid, and surfaced with asphalt concrete at a cost of \$192,000.00.
- (iv) New Construction - the Smith Road, Shedden Road, Elgin Avenue link will be completed at a cost of \$250,000.00.
- (v) An access road to the Sewerage treatment site will be constructed at a cost of \$240,000.00.
- (vi) The Conch Point Road in West Bay will be completed at a cost of \$70,000.00.
- (vii) Construction of sidewalks along the West Bay Road is to be resumed. If the amount requested in the Budget is approved by the Finance Committee, our Public Works Department will be able to extend the sidewalks as far as Government House. We will then have sidewalks covering the section of Seven Mile Beach with the heaviest concentration of hotels and condominiums. The cost of this project is \$200,000.00.
- (viii) Traffic Improvement - We will commence using thermoplastic stripping on roads in George Town instead of paint, which does not stand up to the heavy traffic. The cost will be \$10,000.00.
- (ix) Traffic lights are to be installed at the By-Rite intersection in West Bay, at a cost of \$20,000.00.
- (x) Traffic lights will be installed at the junction of Shedden Road also when the link road has been completed, at a cost of \$25,000.00.
- (xi) The road intersection at Crewe Road and Eastern Avenue is to be upgraded and traffic lights installed. The estimated cost \$21,000.00.
- (xii) Project Planning and Development - the Government has acknowledged that we have a Master Ground Transportation Plan that will guide and determine road development in Grand Cayman. It also recognises that the existing road networks will not be able to cope with the increase in traffic, and that something must be done now. Government has approved the plan, and has allowed the sum of \$125,000.00 to be included in the Estimates to carry out this study. The first study area will be west of a line from Prospect Point on the south coast and a point near Red Bay Estate on the North Sound to Conch Point, West Bay.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): After the stagnation Mr. President, of 1985, this Budget endeavours to stimulate the economy by funding a number of Capital Projects. It is up approximately 10 per cent over 1985 figures, to \$67.4 million. The Estimated revenue indicated a shortfall, so new revenue measures were necessary. The estimated recurrent expenditure is up eight per cent over 1985, due mainly to \$2.5 million in assistance and subsidy to Cayman Airways, and \$1.2 million over the other thirty Government Departments, which is a relatively modest increase. New revenue is however, necessary Mr. President. However, this Government saw fit to remove the head tax on males from 80 to 60, which is only ten Dollars. Mr. President, this might seem an insignificant sum, but Mr. President, this is the only form of direct taxation which we have in Government, and we have removed it so that no one in the future can directly tax anyone in this Country. This is the significance, not the amount. The significance is that we have removed direct taxation from this Country.

Fees for garbage removal will be increased. Householders will pay \$50.00 instead of \$18.00, but this way it will only amount to less than one Dollar per week for collection on a regular basis. No other country, I am sure, provides garbage collection so cheaply and efficiently.

The annual fees of our Banks and Trust Companies will also increase, but not dramatically, and the modest increase should cause no problems to the off-shore industry.

Travel Tax is normal for tourist destinations, and our Honourable Financial Secretary said that the increase to eight Dollars brings us more in line with other Caribbean resorts.

Vehicle Registration Fees have not been changed for ten years. While expenses incurred in improving and maintaining our road network has risen dramatically, the proposed cost for private cars of only two Dollars and fifty cents a week is again, very reasonable in comparison with other countries.

Trade and Business Licenses will also go up, but these again, have been fixed for the last ten years or so, and I do not anticipate any hardship being caused. I know the First Elected Member for Cayman Brac has said it would cause undue hardship for the people of the Brac, however, Mr. President, I am sure some arrangements can be made so that we will allow them to pay this tax in quarterly amounts, so that it will create no hardship for them.

Import Duties on gasoline and diesel oil goes up from five cents per gallon to fifteen cents, again, a modest increase, and our prices are still cheap compared with most countries in the world.

Mr. President, I have information received from the ESSO Oil Company yesterday, and I would like to tell you now, Sir, what it is costing other countries in the Caribbean in the form of Import Duties, Import Tax and so forth.

In Port au Prince, Haiti:

The Import Duty on one United States gallon of gasoline is 52 cents per gallon. The Import Tax is 53 cents on one United States gallon, bringing it up to a total of one Dollar and five cents per gallon. On Kerosene oil, they have an Import Tax of 70 cents. On Diesel oil \$1.16 per gallon, on fuel oil \$2.00.

In the Bahamas:

The Import Duties on gasoline and diesel - gasoline US 45 cents, diesel US 15 cents, plus 27.5 per cent of the CIF cost. Stamp Tax on both products is 1.5 per cent of CIF.

HON. CHARLES L. KIRKCONNELL (CONTINUING): So, Mr. President, the increase of five cents is very, very minimal, and I really hope that the people will appreciate this. If the Government does not increase its tax on gasoline, large oil companies normally look at the region as a whole, and if they find that the Cayman Islands price for gas, fuel, kerosene are below what is being charged in other territories, they immediately say that here is an area which they can increase, and they do so, and not a word is said. This is a mistake this Government has been making over the years, by thinking that holding down tax on gasoline, diesel and kerosene on the part of Government, will hold the prices of gas, kerosene and diesel down. This is not so, Mr. President.

These increases are necessary if we are to go on improving our economy, and everything which it encompasses. We must maintain and strive to improve the standard of living of all our people.

Fortunately, we are not burdened with income tax, corporation tax, federal tax, property tax, rates, or any of the other taxes on income and property which are so prevalent in the majority of other countries. We are among the most fortunate in the world, in that we receive our gross income in tact, and can then determine ourselves, how it can be spent, without any deduction for taxes of any sort. We are the envy of the free world in this respect.

The current Budget has been meticulously prepared after a great deal of research and preparation. The modest increases should not be burdensome to anyone, and the revenue should greatly benefit everyone in the Cayman Islands. The future development of our Islands must be assured.

Mr. President, with these few words, I therefore give my support to the Appropriation (1986) Bill, 1985.

MR. PRESIDENT: I think the time has come when we could conveniently take a customary morning break, and I will therefore suspend proceedings for approximately fifteen minutes.

AT 11:26 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:50 A.M.

MR. PRESIDENT: Please be seated.
The Appropriation Bill, Second Reading Debate. Does any other Member wish to speak? If no Member does the Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH: Mr. President, I would not like to lose my chance of debating this Budget, for anything in this wide world. I can only tell the truth as it is in the Budget.

Mr. President and Honourable Members of this Legislature, I thank God that I on this second occasion can rise and make a contribution on the state of our national affairs.

Firstly, I will say a word of thanks to our Clerk, her Deputy and for the entire staff of the House for their helpfulness and kindness over the past year. I hasten also to say a word of appreciation to the Principal Secretaries for their help in this past year. Mr. President, I want also to add my congratulations to the Honourable Financial Secretary on the delivery of the Budget. Once again a clear, concise piece of work, however, I hasten to add, I have my disagreements with some of its contents.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, a year ago, Government inherited a terrible mess. In my opinion, we never had long to go before going under. Some of this mess was due directly to the policies of the last Government, which never seemed to have its priorities right, or put any restraint on the spending of public funds. Mr. President, this is no political propaganda, this fact is borne out by this Budget, and it is borne out very clearly for one and all to see. Much more clearly, I would add, than the previous Budget, which being my first one, was sort of confusing to me, because of certain statements made over a period of months.

Mr. President, if we have \$10,000.00 in the bank, and we have loans totalling \$10,000.00, we have nothing. If we have \$10,000.00 in a bank, and we owed to someone \$12,000.00 we are broke, and this was the position of the Cayman Islands Government in November of 1984. When the new Government took over the business of the Country, and started its stock taking, there were an awful lot of bad things, and Government is still uncovering some of them. I only trust that we are coming to the end of this exercise.

We found a very tight financial position. We found a situation where in many areas Government was not getting value for its money. We took over the running of the country with a lot of uncertainty floating about internally, and particularly externally. We inherited a position in relation to certain statutory bodies, like Cayman Airways, which have given rise to much concern, even alarm, and must be examined most carefully. We inherited a number of public debts of \$11,687,784.59, ranging from the Tower Building loan to Public Works security fencing, and other loans of \$3,581,322.38 which were said to be self financing. A total loan position at the end of 1984 of \$15,269,106.97. Mr. President, it was said that there was a total reserve of \$7,192,261.01 at the end of 1984. However, taken from the reserve fund there was the Tower Building loan of \$4,583,333.33 leaving a total reserve of \$2,608,927.68 at the end of 1984. But then, Sir, on taking office in 1984 there we found in unpaid bills for Cayman Airways a total of \$5,880,000.00. To show the serious position of Government at that time, which cannot now be disputed, that Government was bankrupt. Let us take the \$2,608,927.00 and subtract it from the total Cayman Airways unpaid bills, which were guaranteed by Government, amounting to \$5,880,000.00 and we see that at the end of 1984, the Cayman Islands Government was in a bankrupt position of \$3,271,072.32. To sum up the 1984 position, which the new Government inherited, we had \$15,269,106.97 in loans. Cayman Airways, which as I have said is Government owned, had total unpaid bills of \$5,880,000.00 which required immediate payment. Debts which the Government had to pay, which all of us had to pay, which everyone in the Cayman Islands had to pay, and Government only had \$2,608,927.68 in ready cash. What a position Sir, to be in - flat broke. No accountant in this world could make the position at the end of 1984 any better - flat broke, the Government was flat broke. All in all, it was a sorry state of affairs, and so Government has had to buckle down and look after the business properly, the management of the affairs of the country, and all the other attendant requirements.

Looking ahead, Mr. President, I am happy to hear in this Budget Address that after just a year under new administration, that a little light is beginning to show at the end of the tunnel. There seems to be renewed confidence by investors in our ability to maintain political stability and sound economic policies. All of this is demonstrated by the fact that we have had 40 new licenses granted in the Banking industry this year, even Sir, while the anxiety about the Narcotics Treaty still hangs over our heads. But, Sir, sometimes I wonder if the outside world does not have a confidence in our political stability, which is misplaced.

MR. W. McKEEVA BUSH (CONTINUING): I am now referring directly to the action of the Members who walked out of this Honourable House last week. Mr. President, I am wondering if they really understand the role of a responsible Opposition. I believe Sir, and understand that Parliament was created to serve as a forum for debate. I have often heard the First Elected Member from Bodden Town and the Second Elected Member stand in this House, and on the public platform, and boast of their skills in debating. I am wondering now, why they led the walkout from here last week. The act, Mr. President, in my opinion, was not only childish, but an insult to the honour of this Honourable House, and an abrogation of their responsibility to the people who elected them to come here and talk. Because regardless of what anybody may say about the length of the speeches, this is what we were put here to do

With the walkout, came the threat to take the debate into the streets. Sir, in my opinion, this was a retrograde step. This was where we were when Parliament was created, but what the First Elected Member from Bodden Town was really saying here last week, was that before he could debate, he must first place a dagger at our throats. Sir, make no mistake about it, this was an aim, these were the tactics which were employed in this Country, with the public marches and demonstrations during 1975 and 1976.

Mr. President, I cannot speak for any other, but as for this Member, I can assure all that I will not stand idly by with a dagger to my throat, this is not political stability, this is anarchy and chaos, which must not be allowed to take root in this Country.

Mr. President, if we want to represent the people of this Country, as we are saying, although I doubt that this is what some people want, then let them do it responsibly. During the March meeting, the First Elected Member from Bodden Town spoke in this House for the better part of three days. Having done that, he disappeared and was not seen in these halls again until he showed up here last week, grumbling about what had been done in his absence. Well, what does he expect of this Country, that we should shut down the Parliament and wait for him, while he goes rambling around the United States, looking for God knows what. Can we represent our people like this? What are we supposed to do, those of us, the Members who are here at every meeting. None Mr. President, of the four who walked out, attended one single Committee Meeting on the Revision of the Electoral System, not even one. Mr. President, I was there all the time, and registered my opposition to that particular recommendation which drew the Debate here on Friday. This is the way to represent our people. I am asking now then, how can they know what went on, and how can they stand here and debate, or even how can they get on the public platform and explain it to their people, without telling the people that they were not present at the meeting to represent them and put their thoughts forward.

Mr. President, if Government has a majority, and it would not be a Government without a majority, then the Opposition ought to take this in the same light as when they were on the Government bench. The only difference is that when they were on the Government bench, they had people that they could drag around by the nose. The new Government is not in that favoured position, and I will get to this later on. The new Government has had some serious opposition in this House, and I should say, not from the Members who walked out. We have had it from the Elected Member for North Side, and the Second Elected Member of West Bay, but I will get to this.

MR. W. McKEEVA BUSH (CONTINUING): I will tell you, and show you that when it is convenient to the Opposition, to suit them personally, they will vote with the Government bench. Mr. President, I am not now talking about the Independents, I am talking about the Opposition.

For several years now, Mr. President, there has been a decline in the economy. One of the reasons for this decline in my opinion, was the involvement of Members of the Unity Team Government in business transactions which were not in keeping with the high standards for which this Country over the years, had gained a reputation. I refer specifically to what is now known as the 'Mrs. Greer case'. I know Sir, that this is only one instance, and I am sure that there are many more. I think this situation is deplorable. When a business in which a leading Member of Government has an interest, uses such tactics, it took a lot of courage by Mrs. Greer, an old lady, to struggle within the judicial system for her rights. The answer to my recent question in this Assembly, does not assure me that this lady, an investor has even today, received justice to which she is entitled. Sir, these are the things which destroy investor confidence in this Country, and in any Government.

Mr. President, the few remarks of the First Elected Member from Bodden Town when he began his debate on the NARCO Agreement only serve to underline what I believe to be his biggest problem, which is deception. Sir, it is very plain that this Member believes that Caymanians cannot remember from one day to the next. In the first place, this Member did not even go to London when he should have gone to engage in the NARCO Agreement negotiations. He went off on his own business, and the Second Elected Member did not go either, he went somewhere else.

MR. G. HAIG BODDEN: On a Point of Order, Mr. President, this Member deliberately misleads the House. I was never asked or appointed to go to London on the NARCO Agreement, and he should have some responsibility for his facts. He continues....

MR. PRESIDENT: The point is taken, I do not think he actually said you were a member of the delegation, but what he said could have implied it, and he should make clear that you were not.

MR. W. McKEEVA BUSH: Mr. President, I did not say he was appointed. In my opinion, we might have had a worse situation, and this is my opinion.

But, the point I want to make very clear today is that the First Elected Member from Bodden Town was avoiding the truth here last week when he tried to say that the NARCO Agreement and the NARCO trade had not contributed to the slump in the economy, which began long before last years election.

It is true Sir, that we have had 40 new Bank License applications this year, but this is but evidence of the faith which the financial world has in this new Government. It has nothing to do with the Unity Team's administration. How can they claim, or take credit for everything which was done after they were swept out of office, and especially things which made the economy decline during their period in office. However Sir, there is a lot more to be considered here than the NARCO Agreement and the 40 new Bank Licenses. What we have to consider is that prior to that Agreement, so much suspicion had been levelled at this Colony, which made it almost impossible for a Bank Officer or a lawyer to travel from this Island to the United States, without risking a Subpoena to appear before the United States Grand Jury.

MR. W. McKEEVA BUSH (CONTINUING): Because of this Sir, honest investors as most of our investors were, and are, business as a result suffered - no new companies were being registered, construction was down, with the resultant loss of Customs Revenue, and indeed, our economy appeared to be on the verge of collapse last November. Sir, an agreement is not worth more than the good faith of the parties to it. I do not believe that there was much good faith in the NARCO Agreement, by the business world, this is my opinion. The turning point came last November 14th when the Caymanian people with a loud voice said to the financial world they wanted a change of Government, and they wanted a change in policies. Sir, the financial world and the United States Government now know we have a Government which stands against the illegal drug trade which cannot be challenged. This is why, Sir, we have had the 40 new Bank Licenses this year, this Sir, is why people are now travelling here and are looking for investment opportunities. This Sir, is why the construction business is now on the move. Confidence, Mr. President, this is the key to the whole thing, and I am sure that our people have not forgotten, and will not forget how close to disaster they were led by the previous Administration.

Mr. President, as I was saying, I am happy to hear and see the signs that the economy is beginning to come out of the recession of the past two years. Every year, Mr. President, we need to find about three hundred jobs just to employ our school leavers alone. We probably need to find another hundred to satisfy the Caymanians and the people of Cayman descent, who come back to us each year. Sir, this is no small order, in a country so small, and which has no natural resources other than the smiling faces of our people. We need to keep our people smiling, and to do this, we need to constantly reassure them that their Government is their servant, and not their master, and Sir, this is not always an easy task.

I do not think that I as a representative of the people will always be able to please everyone. Some will grumble, no matter what I do, but I must always try to ensure that whatever we do here is in the long range, as well as the short range, best interests of our people. Sir, this is why earlier this year I brought the Motion, seconded by my colleague, the Elected Member for North Side, seeking to prod Government to hasten and to implement a National Pension Scheme. Mr. President, I just cannot imagine the hardship of our people in twenty years time, if there is not some system started now, to help prepare our people for their unproductive years.

Mr. President, today most of our working people are living a relatively good life, despite the high cost of living. The average man with good management can provide shelter of some sort for his family. He can provide and keep the pot on the stove. He can provide school lunch for his children. Mr. President, if we can keep our childrens minds on their books and they can come up with three or four 'O' Level passes, as a Government we will make certain that they get some kind of financial help to further their education, to be able to find a better place in the job market in this Country. All these things are good Sir, and they should be, and are very satisfying to our People today. But these only take them to the end of their working days. As we all know, life usually goes far beyond that, and it is the concern for this period which prompted my Motion earlier in the year, which brought some very hard feelings amongst our group which now forms the Government. Some went so far as to say they were finished with me, and I felt badly about this Sir, but I was elected to this Assembly by my people, to serve them and to fight here on the floor of this Assembly within the confines of our present system, for their benefit. The Elected Member for North Side and myself did this.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, there was some abuse hurled at us during that fight. We could have thrown up our hands and walked out too, but this is not what our people put us here to do. It has often been said, Sir, and it was said in this Session, that no Motion could be passed from this side of the House, and Mr. President, indeed under our present system the cards seem to be stacked against us. But if one cause is great, or is just, and in the interest of the People, and one is prepared to fight instead of walking out, one will prevail. It is true Sir, that there is a seven-block vote sitting on the Government bench, but this has been so since 1972 straight through to 1984, and it is not something done since November, and with that vote or block vote sitting on the Government bench against which we must prevail in a vote showdown. It is also true that there are eight of us on this side, that is providing that all of us do what we were elected to do, which is to attend the meetings and register our vote, instead of galavanting around on our own business.

Further to this Sir, when we go into the Finance Committee, and this meeting is especially important because of the Finance Committee, the Government is less two votes, namely the Honourable Attorney-General and the Honourable Chief Secretary who do not attend the Finance Committee. So instead of seven votes, they come down to five votes, and even then they still only have four votes because the Honourable Financial Secretary is the Chairman of the Finance Committee and cannot vote. So, we on this side of the House are much better off when it comes to matters of Finance in the Committee stage. Sir, since I have been a Member, the records will bear that I have not always voted with Government, and have led successful attacks and defeated Government in Finance Committee.

As I have said earlier, the First Elected Member from Bodden Town who has set himself up as the leader of the Opposition, has not attended one single meeting of this Assembly since March, and the attendance and voting record of the Second Elected Member from Bodden Town is not that good either. Even if they are here, they often fail to register their vote and remain silent. This kind of attitude cannot help this Country's progress. When it suits some Members, Mr. President, they will then vote with the Government bench.

MR. G. HAIG BODDEN: On a Point of Order, Mr. President. What is the relevance of all this to the Budget.

MR. PRESIDENT: I often ask myself what is the relevance of much that is said during the Budget speeches, or Budget Debate to the Budget, but I have taken the view that it has been the custom of the House, and the House prefers to be allowed a fairly free rein, and I think that if the Member is not saying anything that is out of order, he may be allowed to continue.

MR. W. McKEEVA BUSH: Thank you Mr. President. I have been dealing with the Finance Committee. Some people like to sport a new show, but cannot take the pinch.

I am talking about the voting record of Members of this House, and when it suits the Elected Member from Bodden Town, as it did on the Parliamentary Pension Bill, which was something which originated in the Unity Team Government, they will then vote with the Government, because they had something to gain personally. Whether it is today or further down the road.....

MR. PRESIDENT: I do not think the Member is in order imputing improper motives to other Members, and I must draw his attention to the relevant Standing Order, which is, thank you 35....

MR. G. HAIG BODDEN: S.O. 35(4).

MR. PRESIDENT: S.O. 35(4). The Member may continue as long as he does not continue in that vein.

MR. W. McKEEVA BUSH: Mr. President, I have said what I have had to say about the Pension Bill both in this Session and in the last Session, but the records will bear the fact out.

MR. PRESIDENT: The Member is entitled to oppose the Bill. He is not entitled to impute improper motives to any other Member.

MR. W. McKEEVA BUSH: I will bow to your ruling Mr. President, you and I are not going to get into an argument.

MR. PRESIDENT: (LAUGHTER) I am glad, I am comforted to hear that.

MR. W. McKEEVA BUSH: Mr. President, As I conceded earlier, and is obvious, our people have come a long way, we are generally better off than the people of most Caribbean countries. But it is also a fact, Sir, that because of the previous lack of educational opportunities and training, all of our people are not benefiting fairly I should say from the development opportunities in this Country today. Many of them Sir, are barely existing, and are unable to cope with the changing economic system. Now, some people may ask what is Government expected to do about this? Sir, there is much that not only can be done, but must be done, for it is within this segment of our society that the evil force amongst us has its roots. They constantly seek to prey on the misery and unfortunate situations of our people. Therefore, Mr. President, it is most important that Government, at whatever cost leaves no stone unturned, to extend the hand of understanding and help to those people. Let us face the facts Sir, a serious social problem is developing in this Country, which poses a serious threat to the social, economic and political stability which we must maintain, if we are going to survive. With the high cost of living, Mr. President, there are many one-parent homes where that one parent must hold two jobs in order to just provide the basic necessities of life. With that one parent being absent from the home for more than two thirds of the twenty-four hour day, the children in that home are often left unsupervised, and free to roam around. They do not attend school regularly, and thus they are failing to prepare themselves for a useful place in the community. More and more of these children are becoming a burden on the Social Services, on which we must spend larger sums each year. This seems to accomplish but very little. The time has come when we must be thinking and looking at some serious preventative measures, which I believe in the end, will be cheaper than the present programme. To begin with Sir, I would like to see some serious Truant Officers in the Districts, to ensure that by what ever means the children attend school when they should. These Officers should liaise with the schools and if the child is absent from school for two successive days without a reasonable excuse to the school, a Truant Officer should be sent to the school to enquire into the matter.

MR. W. McKEEVA BUSH (CONTINUING): This is something which needs to be done, to see that our children are attending school and have a chance to get a good education. I believe also, Sir, that there should be some sort of aid for those one-parent homes, which would in some manner afford some supervision over these children. I believe, that the cost of this would be in the long run cheaper than the corrective measures which we are being forced to take. Mr. President, I believe the money can be saved by Government being prudent in spending, and I will also get to this later on.

The Government, Mr. President is operating a home for girls and one for boys, which can deal with only a very small proportion of the problem which exists in these Islands. The cost of dealing with the entire problem on a corrective basis, as it is now, is nay impossible, and to further ignore it, only increases that impossibility.

This year we are spending over a million Dollars to maintain the Prison system. Now Sir, this is a substantial part of the recurrent budget, and I cannot help but to believe that a good part of this sum would not now be necessary if Government had been more diligent in our social development, which has from the beginning lagged far behind our economic development. Sir, this Prison has a budget this year of \$1,366,822.00. of this sum only \$15,000 has been allocated for the rehabilitation of prisoners. Now Sir, what can \$15,000 do? Mr. President, this is a prime example of the backward, antiquated social policies in this Country. Although I believe the Member has his heart in the right place, he must act quickly now to do something about it. He will find it tough, there are no two ways about it, but let us start now. Mr. President, we spend large amounts to confine these people, mostly youngsters I would say, who have gone foul of our laws, but we can only bring ourselves to spend a measly \$15,000 to help prepare them to re-enter the society in which they had failed before. I cannot agree with this, Sir. It is too little too late, and I am looking forward to having the Member responsible explain just what can be done or accomplished with this \$15,000 for prisoners rehabilitation. All of us Sir, are aware that most of the crimes committed by Caymanians are by the younger generation, most of them again are actually juvenile crimes, and I understand that Government is now in the process of drafting a comprehensive Juvenile Law. I am hoping Sir, that for once the blinkers will be removed, and the emphasis will be placed on the preventative measures. Sir, we are also aware that most of our juvenile problems, as I have said, are due to drug abuse. Earlier this year, Mr. President, I tabled a Motion in this Assembly asking Government to provide a Drug and Alcohol Rehabilitation Programme, but I withdrew it, after I understood that Government and the Lions Club were joining together to provide such a programme. I see in this 1986 Budget that another measly sum of only \$16,000 has been allocated for this programme. Again, I am asking, what can be done with \$16,000 today?

All of us here well know as I have said earlier, that the future of this Country depends entirely on social stability. Is it not short sighted, if not outright reckless to allocate such a small sum to such an important programme? Mr. President, before I leave Social Services, I would like to congratulate the Government on the appointment of the first Caymanian Houseparents of the Frances Bodden Girl's Home, Mr. and Mrs. James Lawrence. Mr. President, whatever might be tried to be said in this House, those two are good parents, they have conformed to the requirement here, and I believe they are doing a good job.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, why all this hullabaloo about hiring two Caymanians. Mr. President, is this not what we are here to do, and they are capable. It is not as if Government has hired some idiot to run this programme. So why all this noise from the two Elected Members from Bodden Town. They claim on one hand that they want Caymanians to get jobs, and when they give the jobs to Caymanians they are the first ones to get up and holla about it, because they are Members who are opposed to this family, why? Vindictiveness, Mr. President, this is what it is.

MR. G. HAIG BODDEN: On a Point of Order Mr. President. He is imputing improper motives. The question I brought was simply to ask what were the qualifications, there was nothing else in the question. They were about qualifications for the post.

MR. PRESIDENT: The Member must not impute improper motives. I seem to remember a lot of Supplementaries which may have led to suppositions, but nevertheless.....

MR. W. McKEEVA BUSH: Yes, Mr. President it was not a question....

MR. PRESIDENT: It was a question.....

MR. W. McKEEVA BUSH: It was a Supplementary question which was asked, which inferred that they only applied for political reasons. This is what I am talking about, and the Member knows. He has always attacked these people, read the Hansards of the House.

MR. PRESIDENT: But I think the Member knows, and I am speaking about the Second Elected Member for West Bay too, that appointments are not made by the Government, and so does the Second Elected Member for Bodden Town. Anyway, I think it is probably a suitable moment having interrupted your flow, to break for lunch. I will suspend proceedings until approximately two-fifteen.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:22 P.M.

MR. PRESIDENT: Please be seated.
Second Elected Member for West Bay.
Continuation of the Second Reading Debate on the Appropriation Bill.

MR. W. McKEEVA BUSH: Mr. President, when we took the break I was dealing with Social Services. I will go on Sir, to say something about our culture and our heritage. Mr. President, I am proud to be a Caymanian, and I have great pride in my heritage. Mr. President, I am a citizen of no other country. I have no Green Card of any origin. I have no place to go, to run to, which is why my interest is in this Country, and this is why when I speak out, people may feel that I am shouting a little bit too loud, but Mr. President, it is the way I feel. When I die, I trust my bones will rest here where the bones of my ancestors have lain these many generations. I am wondering Sir, how many of our people are paying attention to the heritage left to us by our forefathers. I am trusting that our young children in the schools are being taught traditions of the Cayman Islands, and I would encourage all parents not to let their children forget from whence we cometh.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, the other night I went to a play, "Time Longer than Rope" written by one of our own Caymanians Dr. Frank McField, and saw this play portray how things used to be in the Cayman Islands in the 1950's. It was a good play, well put together. I was satisfied to a great extent when I observed the talent in that play, and I want to put on record a word of thanks and encouragement to one of our own. I feel as a Government we must encourage and do whatever we can to help our people in whatever field they may be in. Mr. President, our ancestors were tempered in the fire of various cultures and races, and their first battle was for survival, their second for mastery of their environment both on land and at sea. They had one common aim like the Children of Israel, to establish a home. This common aim Mr. President was to carve a society throughout the years, with a common system of law, and good family relationships from so many different sources. The Bible has said 'I will plant them upon their land and they shall no more be pulled up out of their land which I have given them'. Yes Sir, I have nowhere to run, and I give thanks today for this grand heritage of our forefathers, and for their emancipation from bondage, for the freedoms as we, as their descendants, now enjoy, for the Christian life and principles which they have promoted. Mr. President, I am happy to be a Caymanian, I am proud to be a Caymanian.

Mr. President, many people have made the Cayman Islands what they are today. Mr. President, we hear some talking about what we did, and when the Country took off and that it started in 1976. Mr. President, I want to put on the record my thanks and appreciation to all those Caymanian seamen who went abroad and sent back their money to this Country, to help build it. Mr. President, someone like Mrs. Gwen Bush had a lot to do with the seamen, and did a good job, but she is not recognised. Mr. President, I will be having more to say about this too later on.

So, I want to put on record not only the thanks for seamen who helped keep this country afloat when other people were running around somewhere else. But Mr. President, I want to put on record my appreciation for those people who went and were prepared to give up their lives for the salvation of their Country, and of these too, many of them are not remembered today. Mr. President we give Legislators pensions, but our veterans we forget, and I will tell you what, we have not many Legislators Mr. President, who have given up their lives, although some are very strong men.

Mr. President, the Budget has contained in it \$5,266,000.00 for Health Services. Mr. President, this is a goodly sum, but I am concerned as to how the money will be spent, and whether our people will get their money's worth. It is said that a house does not make a home, but it is equally true that buildings and the load of money spent does not provide a Medical Service. For instance Mr. President, a young lady took her child to the hospital. When she got there, she talked to the receptionist, she asked to see a doctor, but the receptionist told the young woman that the doctor said he was not going to see any more children that day, he had already seen twelve children that day, and had already turned away one, and was not going to see any more. She had to go and see a private doctor. This is only one case, and I could relate more, where there seems to be a total lack of interest and concern for our people at the hospital. I am happy to hear Sir, that a Caymanian has at last been appointed as Head of the Hospital. Mr. President, I know this young man personally, and I have the greatest regard for his integrity and ability. He has a tremendous job ahead of him. He has to correct the faults which are hindering that hospital from providing a better service to Caymanians.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, I know Sir, that there are some conscientious hard-working staff members, who do have an interest in their work, and want to see things progress in the Hospital, to where services can be said to be better. However, there are some members of staff who seem to care for little other than a cheque at the end of the month. Mr. President, I believe the time has come for some weeding out to be done at the hospital. I am trusting that one and all up there will join hands with the new Administrator and work for better Health Services in these Islands. Mr. President, I could say a lot more, but I am willing to give the Government the chance to see what will be done next year.

The Budget has an expenditure for Education of \$7,208,623.00. This Sir, is an increase over the previous year. For this I am grateful, because education is something which our people need badly today. It is the key to our future, and I trust that the extra funds will be spent wisely. It appears Sir, that there is a gradual improvement in our 'O' Level Passes. Each year more of our children are passing more subjects at 'O' Level. But, my concern is for that large proportion of our children who, for various reasons never reached a standard where they could even sit an 'O' Level examination. I am sure these children must be a concern to the schools. Many of them lag behind because of conditions in their homes, and in their environment. Mr. President it was for this reason, that I said earlier that I would like to see Truant Officers appointed in each District. These same children must be considered now, if they are unable to reach a higher academic level, as many children fail to do, then we must ensure that we provide the facilities to do what we can do. I would like to see a better emphasis placed on this in our earlier education system. Meaning Mr. President, that there is no point in a child spending three years sitting in a classroom when it is well known, that at the end of that period, he will not be able to sit for an 'O' Level examination. Would it not be better if the emphasis during those years, was placed on them learning something which they were capable of doing. I believe this is what the comprehensive system is all about. So Government must get on now with the upgrading of the Community College, to bring about an effective Technical School. This is where we will get our plumbers, our carpenters, our mechanics which the Country now has to import on too large a scale. I tell you, those services are not all that great, the cost is great of course.

Sir, I see where Government is allocating some \$800,000.00 for the Agricultural Industrial Board, to use for re-lending to Caymanians for small business ventures. Mr. President I want to congratulate the Government at this time for increasing it. This is not a bad little sum, and I trust that Caymanians will take the initiative now. However, I still believe that we need to give more and more to this Board to use for relending. I am wondering how far will the \$800,000.00 go. Sir, like our lagging social problems, I believe that the inability of Caymanians to share in the development of this Country because of the lack of capital, is another possible future source of unrest. Sir, even today, we hear about outsiders skinning the cream from the top. The process of skinning that cream has been made easier because of the lack of available capital to Caymanians. We know Sir, that it is a bank's business to get as much interest on their depositors money, as they can. But I am saying Sir, that if we are to maintain the kind of social harmony which we prize in this Country, we are going to have to make it easier to aid Caymanians to participate in the development of the Cayman Islands.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, we give many concessions to large operators to get a hotel for instance, and this is good. We need some of them, but I am one who believes that smaller operations, owner operated, can be the mainstay of our tourism, and at the same time keep down the cost to tourists, which right now is becoming a serious problem to the development of this Country. I look at the incentives and wonder if our people are not discouraged because of the long wait or the discouraging talk when they mention a project. I feel Sir, that they become disillusioned, and what follows in this Country is one-sided prosperity, a disproportionate sharing of the national income, and those who have the large financial backing become in turn, reinvestors and there is definitely one-sided prosperity, a widening of the gap between the haves and the have nots. In whatever way this theory may be justified as being capitalistic, it makes for bad social theory. For when people feel themselves confined, or boxed in, they become frustrated, anxious, and eventually desperate. So Mr. President, all I am asking here today, is that Government pay closer attention to the incentives which are given to Caymanians, and make sure most of all, that the incentives are there for Caymanians to take part in the development of these Islands. Mr. President, if we look at the \$800,000.00 which I have said is an increase over previous years, which is provided in the Budget for the purpose of loans to Caymanians for businesses, and we try and split this up between twenty people, we see that only \$40,000.00 could be loaned out to each one. I now look at that figure and I wonder how many rooms it would build in a guesthouse. I wonder if it could buy a Kon Tiki. I wonder if it could even finance a Dive Operation. I trust that Government Mr. President, gets the message and acts accordingly. Caymanians definitely need to have more say in the development of these Islands of ours, and for us to do this, we need more capital available, and a Government who is charged with the responsibility of maintaining social stability, must take the lead in providing it, and I believe a sensible private sector should assist in it.

Mr. President, this leads me to Tourism. Properly developed, Mr. President, our tourist industry can continue to yield millions of dollars per year. That Tourism has inherent capabilities for stimulating economic growth and development in other sectors of the economy is well known. Encouraging also are its prospects in the foreseeable future, which appear to be good. The industry, Mr. President, does have an advantage, fortunately we have an abundance of sand, sea and sun. These assets are not decreasing, however, unfortunately enough our competitors have the same assets, plus more. This must put us on our guard, and make us pay closer attention to the areas of the tourist industry, which might need overhauling. Our Islands are ideally situated, and as people all over the world have more and more leisure, world travel increases, but the question which concerns, which must concern all of us, is whether the Cayman Islands are making the most of this advantage, and getting the maximum benefit out of its tourism. Mr. President, according to statistics, a total of 330,177 came here up to the end of October. Now the average length of stay through September this year was 4.8 days. Last year, 1984's average was 4.2 days. According then to the statistics, of that total number of tourists who came here, the long-stay visitors increased by .6 per cent over 1984. I would like to submit Mr. President, that real progress in the Tourist industry is best measured by considering increases in the number of long-staying visitors, because these are the people who spend more and more money. The longer they stay the more money is spent on the hotel rooms, the more money is spent in the restaurants, and the money is quite spread out.

MR. W. McKEEVA BUSH (CONTINUING): The high cost in these Islands, Mr. President is one thing which determines how many days a person spends here on a vacation. I feel that we have to look carefully at the costs, or else the competition is going to over run us. Mr. President, I feel that good promotion is one key issue, and I am hoping that the hotels and the restaurants, in fact Sir, all those who are engaged in the business, the tourists, the taxes, all the other areas, I am trusting they are doing their part in promoting this Country. Taxis are one of the ambassadors to this Country. Mr. President, I feel that getting more travel agents to these Islands would help us to have a larger number of tourists coming each year. Mr. President the proof of the pudding is in the eating, and the travel agent is the one sitting behind the desk, and he is the one who is facing the client, and he must know his product. When a tourist comes in here, because of world economic conditions people are travelling on tight budgets, when a tourist comes here he wants to know that he can be guaranteed a good vacation. So I feel, the more travel agents that come to these shores and see for themselves these Islands, and see for themselves the type of accommodation we have, and see and test for themselves the kind of local food we serve, the better off we will be.

Cruiseship business Mr. President, is one of the very important aspects of the tourist industry, and it is a growing part of that industry. I am happy to see that this year is the best in our history, with 32 per cent, or 65,000 people more than 1984. Mr. President this is a very significant increase. Mr. President, the Member and his staff must be doing something right. These passengers invariably return to the Islands for a vacation, at least I trust they are getting the kind of treatment when they arrive as passengers of the ship, to make them want to return for a longer vacation. Mr. President, one of the most fertile sources of promoting and attracting visitors to these Islands is the satisfied guest. I do not believe that any other single promotional effort can accomplish so large a block of influence, as the satisfied guest can. Furthermore, to please a guest is something well within the means of everyone, starting from the smile at the airport. I believe, however, that we must try to find out Mr. President, what are the particular complaints of guests, in order that we might learn in what particular way we can satisfy our people, our tourists that is. We hear quite often of different things, and also we ourselves experience things when we come in contact with those who serve our tourists. We see sometimes poor service to name one, Sir. But, there has never to my knowledge, been a survey of any kind to determine in what ways we can be of better service. So I would like to see a survey done to determine the particular complaints of guests, as they exist today, in order to determine what we need to do to satisfy these tourists more, in order that they might bring more people to the Cayman Islands as visitors.

For every person who leaves the United States or some other country and visits these Islands Sir, I am sure there are 25 persons at least who knew that that person was coming here, and who will enquire what type of trip he had. If he carries back to them information that he had a wonderful time in the Cayman Islands, then Mr. President, if even each visitor who leaves these Islands is able to convince two people to come here, our trade would double. There is no doubt about it, services must improve, and costs must go down and we must, to become a more sought after destination find ways and means of keeping our tourists busy when they come. Now Mr. President, some people come here for peace and quiet, but for those who want to have something to do, instead of lying on the beach, we need to improve all areas of entertainment.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President I spoke of this in my first Budget Address here. Mr. President, I cannot see why our people are not doing more entertaining in accordance with the Islands tradition. A tourist Mr. President, I do not feel wants to come here for instance, and hear the same type of music which he can hear sitting in his backdoor. He wants to hear something West Indian, those who come for this purpose, and I am speaking specifically of the younger groups which come here. They come here, they spend a lot of money to come, and if they are going to find what they left at home, then they are not going to be ambassadors of this Country, and they are not going to tell people that they should come here for a vacation.

Mr. President, I would like to offer another suggestion. While we have Pirates Week, I believe we, Mr. President could have something like Tennis Week. We should invite players who are well ranked in this profession, or in this sport and I believe they will come to the Islands, and soon one will find that when the players come down here, the professionals, other people will follow them and in no time it will become an established Week with an abundance of people coming here. They too will take back warm memories of the Islands which they will pass on to other people.

Tourism Sir, is one of the prides and hopes of these Islands. It is not only a major source of dollar earnings, it is above and beyond that. One of the potentials of the Country, one of the raw resources, the sunshine, the sea and the sun, which no one can take from us. But Mr. President, it depends on the minds of visitors, and when a country becomes a popular destination, the attitudes which bring them here snowball, so that people come in a rush. If it begins to fall off, then the snowball, and they stay away in greater numbers. This is why I am suggesting this survey, so that we can take stock and direct our promotional efforts in the future, to increasing our tourist industry.

Mr. President, one last area to mention of our tourist industry is training. Mr. President, training is a big worry to me. What with the Hyatt and the Paradise Manor's new group coming into operation in December 1986 and January 1987, labour requirements will be in the region of five hundred people. Mr. President, I have to ask the question, what opportunities will there be there for Caymanians? The hotel industry in the Cayman Islands has done very little to make it attractive for Caymanians to choose a career in the hotel industry. Let us face the facts, and we can look at one hotel and that is the Holiday Inn. It has been here over ten years, and not one Caymanian has been trained to be Manager, or even Assistant Manager. This is not a good record Mr. President, it is not a good record. With the new hotels coming on line next year, I am worried whether our people are going to benefit, or whether we are again providing labour for a foreign labour force. Sir, in order to attract more Caymanians, better working conditions must be available. As it exists today, there are hardly any, or none at all, in-house training programmes which would give our people a chance to develop their talents, and also a chance to recognise members of their staff who might have the potential for a higher service. These then might be the people who are sent abroad for further training. But if there is no in-house training programme, how else can Caymanians move ahead and get top managerial positions in the hotel industry. When one considers Mr. President, that we have a Director of Tourism who has not even trained one single Caymanian to take over from him. What else can you expect from the hotels? Mr. President, I too will be having more to say about him in the Finance Committee. I might as well put it on record, I will not be supporting his salary.

MR. W. McKEEVA BUSH (CONTINUING): Some people only work for the trips which they can take, and the money they can spend in this Government. They are not looking for a Caymanian to take over from them.

Mr. President, I now turn to perhaps the most troubling thing in the 1986 Budget, which is Cayman Airways. Sir, of the recurrent Budget of \$50 million and of the \$5.5 million from the new revenue measures, Cayman Airways has been allocated \$2.5 million of the new revenue measures, just under half of the \$5.5 million. I know Sir, that it has been said that the National Airline should not be a political football. But I ask the question, how can I as a representative of the people ignore something which consumes such a large portion of the revenue, which are people are called upon to pay in the coming year? This new Government was elected to bring Cayman Airways in line, and at this time I am not going to debate whether we need Cayman Airways, or whether we could do without it. The fact is, we have it. What I am questioning here today, is how much can we afford to spend on it when we have so many other needs. The \$2.5 million allocated to the Airline in this Budget cannot, or will not cure its ills, but it is only an acknowledgement that it cannot exist without a large annual subsidy from Government taxes paid by the Caymanian People.

I know that the new Administration, the Member responsible and the Chairman of the Board have made great efforts to control the cost of the Airline, but it is plain now, that it will never be able to operate without a subsidy, which I fear will become increasingly larger, until at last one day we will be forced to admit that we cannot afford it, unless we close down our schools, unless we close down our hospitals and unless we close down our social programmes. Let us face facts, Mr. President, lies may be an unparliamentary word, and I know you will stop me, but we have been told enough lies about Cayman Airways by the previous Administration. But today, every Caymanian should be thinking seriously about it. I am no expert in the business, but it must be plain to everyone by now, that all we were being told by the previous Government about it making money, was a horrible pack of untruths, if this is Parliamentary. Told to deceive the Caymanian people, and we are now paying for it. This group should now hang their heads in disgrace, and make up their minds to tell the people the truth about the sad state of affairs which exists, because of all the expenditure on Cayman Airways. They should be prepared to join hands and tell the people that if we are to maintain the service by Cayman Airways, Caymanians are going to have to pay for it with taxes and taxes and more taxes, because Cayman Airways was put into a bankrupt position under their leadership. Now, instead of them joining hands with the Government to better the position, they are outside passing around petitions, asking for a new election.

Mr. President, can you imagine a group who put this Country in the mess it is today, and now telling us that we must have a new election. Cayman Airways whether I am liked for it or not, I was born a long time before it, and I existed before it, and I still can exist. Mr. President, the facts need to be told about the Airline, and this is our root cause in this country today why it is one of the reasons we have to increase the new tax measures. Tell the people the truth, and the Country will be free. Since 1977, when Cayman Airways was taken from under LACSA and became a fully owned Government Corporation, the public were misled into believing that the operation would cost Government, nothing but its signature on a few loan guarantees. This is what I was told, I have sat in the audiences, and I have sat here in the gallery and listened to the untruths, but the facts today bear Cayman Airways out to be in a bankrupt position, and the Country must be told so.

MR. W. McKEEVA BUSH (CONTINUING): We know today that this was not true, and the figures are there to prove it. Sir, in 1982 \$14 million was taken from the reserves, and handed down to Cayman Airways. In November of this year just after the election, the Finance Committee was forced to write off \$10 million of debts for the Airline. Mr. President, how much of this can we afford? This is the question which must be asked the people, and this is the question which this Member is going on the public platform to ask the people. Tell them the truth, the truth must be known. It is impossible for me to stand here and to do anything else, but express my very deep concern about this situation, and it is going to cause more taxes, and taxes and more taxes until this Country crumbles. I do not care if I am liked or not, I am only telling you as it is, and we ought to face the facts, because the facts are there in front of us. I am not going to be a part of deceiving my people, I want them always to know the facts, and then they can tell me what they wish for me to do, but they must be told the truth. If this line is going to be maintained the people will pay for it with additional taxes, such as we see in this Budget. Or, and I repeat again for emphasis, because it needs repeating, the alternative will be to accept a curtailment of services. The alternative will be to accept reductions in our Education Budget. The alternative will be to accept reductions in our very small Social Services Budget, or the alternative will be that there will be no roads for the people in this Country to travel on, even those who drive their Mercedes Benz.

Mr. President, this brings me to the new revenue measures in the Budget. Mr. President, I stand today opposed to some of them. I can do nothing else but speak my feelings here. I am not sure whether my people will get their money's worth but I will deal with them in detail when we come to the actual Bills. But at this time I am going to tell this House, and the Country, why I oppose them.

Mr. President, we know that the only tax collected is indirect tax. A system where everyone pays the same thing regardless of their social strata. The only direct tax we have had, the Government today has seen fit to abolish this taxation of ten dollars head tax, and Mr. President, while many of our people have said to me that they are grateful for this, I am not so sure that this part should not have been kept on and paid. Anyway, it is something which our people are satisfied with, and if our people are satisfied with it, I am going to have to be satisfied with it too. We have a system of tax collection which I disagree with, because there are some people who, let me put it straight, the haves and the have-nots are equally required to shoulder this burden. Now I ask, how fair is this? I know Sir, that to try to change this system is something which I will never accomplish, and I am not saying that it will be an easy thing to do, but I would like us to look at one area, which is the tax on vehicles.

Mr. President, argue it as being a little unfair, when the owner of a big car is required to pay no more for the use of the road, than my little sister who has struggled in getting a 1,000 c.c. car, to be able just to have transportation to take her to work. Mr. President, an automobile is not a luxury to some people it is a necessity. I feel that this car tax in this Country now, which has existed all this time, and is not something which is new, should be reflected in the type of car one owns. It should be a graduated tax, as is done in the United States. A person should pay according to his affordability, and this is at all times mostly reflected in the type of car a person drives. If a person wants to own a limousine it is his right, it is a free country, he must drive what he wants.

MR. W. McKEEVA BUSH (CONTINUING): But then, I do not feel Sir, that it is fair for someone to pay the same tax for a small car as the person who pays for the big car. In the insurance business, Mr. President, one pays one's car insurance according to the size of one's car. Mostly it is based on the c.c.'s of the engine. If one has a 1,000 c.c. car, then one's premium is less than if one owned one with 2,600 c.c.'s or over 5,000 c.c.'s. I feel this is the way Government should be looking at it. It is one thing for all of us to pay the same price for our groceries, but it is another thing for the people in the lower strata of life, or those who, whether they are in the upper strata or not, who want to pay the same, or have to pay the same car license fee, as those who have big cars. As I said, do not get me wrong, I am not saying that should a person want to own a limousine, or a Trans Am, a Corvette or whatever, or a Cadillac then this is their business. If he can afford it, let him do it. But, Mr. President, do not ask someone with a small car to pay the same car tax. I am against this sort of system, and you can believe anything I am against, I will try to change. Mr. President, it is giving a greater advantage to the haves in this country, and it is putting a greater strain on the have-nots. We are only perpetuating a system of unfairness. Mr. President, our people want to see their standard of living improve, therefore, they are expecting increases. But I am asking for the car tax to be looked at more seriously. I believe that people will accept a figure in the region of \$80 or \$85, but there are many complaints about the \$130. Mr. President, I am in sympathy with the Government, I know that they need to raise the money, as I said before, for Education, and they are putting it on Education. They need to raise it for the Health Services. They need to raise the money for the Social Programme. Mr. President, I believe that some of these are justified, but I cannot agree and will not agree with this car tax.

Mr. President, the cost of living in this country is high, and I am not going to hold back on any words here, and the fees did not have to go up, for prices to go up. Because every time the cargo plane comes in, prices are sure to go up. Basic commodities increase, but where is the salary increase to compensate. Every time the ships come, the dollar buys less, and Mr. President, do not ask about the quality of some basic items. Just the other day Mr. President, I believe it was Friday, I was planning to go and catch a little fish and to have a fish fry, and I stopped at a certain store to buy a gallon of flour to make fritters with, and when I tried to use the flour, it was full of weevils, Mr. President full of weevils, luckily the breadfruits were still in season. Some poor quality in basic items, and you often hear that the item is not returnable, and this is not good, and this is not something which should be existing today, or since the election. This is something we need to look at seriously in this Country.

If the Government is going to increase fees, and I know from the position the Government is in that it needs to increase the fees, and the merchant is bringing in goods which are certainly going up in cost to the consumer, then Government is going to have to look hard at this situation of which I have spoken, because the purchasing power of the dollar in the poor man's hands is becoming weaker and weaker. So Mr. President, I cannot support some of these new revenue measures.

Mr. President, I too want to state what I said with regard to the tax measures. I want to state frankly that I reject the view that it is harmful to speak the truth about the common experience of the people.

MR. W. McKEEVA BUSH (CONTINUING): I would say Sir, that of the narrowest definition of this role, it must surely be one of the primary purposes of myself as a politician to illuminate the hidden corners which are of misery in our communities, and I believe also that by the widest definition of my function I should devise a strategy whereby these areas can be banished from our communities. Mr. President, this is not to say that we, none of us, should blow out of proportion the position of our people. But if we do not speak about it, and be afraid to face the stark truth, and the realities of the situation, we are not going to get anywhere. This is why I dare to speak so openly.

MR. PRESIDENT: I wonder whether the Member would care to break for a little bit, and refresh himself. I think we might suspend proceedings for approximately fifteen minutes.

AT 3:25 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:46 P.M.

MR. PRESIDENT: Please be seated.
The Second Elected Member for West Bay. Continuation of the Second Reading Debate on the Appropriation Bill.

MR. W. McKEEVA BUSH: Mr. President, there are a few observations which I have made on the Civil Service, which lead me to the consideration of the problem. Why is it that there are signs that young Guyanians are leaving the Civil Service? Mr. President, I do not want to exaggerate the case, I just know of a few areas, and we must stop and reflect on them.

I am obliged to say from the information given to me, as well as my own observation, one of the problems is the fact that some of our people are denied promotion and they leave for greener fields. I would say, and I am saying this from the bottom of my heart, I believe you can take a person and work with him and inspire him to a sense of being wanted. Mr. President out of this inspiration this person will say "the salary thing is burning me, yes, the differential between where I am in the Civil Service and the private sector is troubling me, yes, but nevertheless somehow I will turn my back on these things out there because I find job satisfaction in helping to build my country". But, if one takes that same person and make him an errand boy, doing little irrelevances, and one looks down ones nose at him, and one treats him with contempt instead of making him the understudy of at least the job he was trained to do, one day he is going to say "keep it, I do not want it, give it to the outsider because I am getting nowhere. I can get no job satisfaction where I am." I believe that this is one of the dangers facing the Service right now. There is some grumbling, and I know of areas where it is warranted. There are some big things and some little things which are even a bother to me. Mr. President, I have a conscience, and I do not like to see people get cut out of what is justly theirs. But, I am asking this question, why is it necessary to pay out money in lieu of leave to some people, when others, if they cannot take their leave in time they loose it and do not get any payment?

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, this is not right, it is breeding contempt. Another example, and this is a glaring one - sometime ago a man was brought here to specifically carry out training for Customs. Now, Mr. President, I see a vote in the Budget to bring him back here for two years, for what?, is this really justified? Mr. President, we have some fine young people, who are very capable too in the Customs Department, who are doing a good job. I want here and now to put on record my congratulations to them. It is because of the staff of the Customs Department that I ask the question, why are we bringing back this man at this time? The Customs Department has three young men, and I am going to name them: Mr. Alfred Ebanks, Mr. Carlon Powery and Mr. Barclay Coe among others, one of whom could take over the post which is being created for the new man. I do not know Mr. President, if the Department needs this man. I trust he will be here no longer than six months. If he could write the Training Manual in less than a year, these bright young men who have already done some training in England, could learn the manual in six months, and then teach the other Caymanians. Mr. President, this is what needs to be done. Why create something here which we might not need. I am giving notice that I will only be supporting six months salary for this man in the Finance Committee.

Mr. President, encouragement to our youngsters is something which we have to do, we have to encourage them. I see too many good young Caymanians leaving the Service, from the Computer Department too, and I am asking if this is not something which is going to cause big disruptions within the Civil Service, or in this Country.

Mr. President, getting down the Budget, I want to find out Sir why Government will not cut its garment according to its cloth. Mr. President, we are asking our people to pay more taxes to keep the services going. I see some areas in the Budget which need to be cut. Mr. President, I see in the Budget some one hundred and something thousand Dollars for cars in the coming year. Mr. President I might as well say now I am only going to support the buying of the car for the Bonaventure Home, or the van for the Bonaventure Home. I will not be supporting anything else, because I feel that if things are bad, and it is bad, the Budget bears it out to that extent, we know that next year might be better, so let us wait until next year to buy these cars. Let us put that \$171,000.00 in another area.

Mr. President, I must agree with my colleague the Elected Member for North Side, and ask why is it necessary to pay doctors in lieu of private practice. The sum is only \$14,000.00 but Mr. President, if they are Civil Servants then they are Civil Servants, and they were brought here to be in the Hospital, and they cannot be paid for private practice. Now I am not saying that this is something which is new. As I understand, it has been an ongoing thing for years, but like I have said, Government must cut its garment according to its cloth.

Mr. President, another area which I see is not necessary in a time of recession, and I feel that Government must cut it out, is capital for houses. Mr. President, I cannot buy a new car because there has been a recession, so why is it necessary to spend \$52,000.00 on houses this year - put it off, say the same thing as you would to your wife; "listen sweetheart, we cannot afford this now, we can do it next year, that is that", be the man in your house.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President (I am in not that bad a condition) I am not being personal with anyone. I do not want anyone to feel that I am being personal, but I have been looking at things the way I see them, the way they are in this country, and I must emphasise - 'cut your garment according to your cloth'.

Now, Mr. President, I have always been disliked to an extent because of being very open. I see again housing in the Budget, \$1,821,000.00. Now Mr. President, I for one do not expect that we should have people coming to this Country, and that we do not take care of them, when we need them. If we are going to bring them here we will have to take care of them. But, I understand that half of this figure will be coming back to Government, but I take the issue Sir, that we are paying out too much in this area.

Now Mr. President, the Police are one of your subjects, or the Governor's subjects, and I have received so much hot water from the Police that I may just say a few words. Mr. President, we must do everything in this Country to encourage good law enforcement. I heard talk here the other day about bringing in these training officers. Mr. President, as I remember it, this was something suggested by the previous Government. Now, Mr. President there are just a few complaints from my constituency. Talk of Police brutality, and I have not been able to take it up with the relevant Authority, but as I have said, this is where we talk, this is where one makes known ones grievances. There is talk of Police brutality in two cases, Mr. President. One came over a young girl, a Policeman I believe was dating this young girl, and the brother took exception to it, and Mr. President.....

HON. MICHAEL J. BRADLEY: Mr. President Sir, on a Point of Order, perhaps I could be assured by the Honourable Member that he is not referring to cases that are still sub judice.

MR. W. McKEEVA BUSH: Mr. President, I cannot assure him of that, because I do not know what he is talking about.

MR. PRESIDENT: Does the Member mean he does not understand the term 'sub judice'?

MR. W. McKEEVA BUSH: No, Mr. President, I very well understand the term 'sub judice'. I am saying I do not know of any case before the court.

MR. PRESIDENT: Do you positively know that these cases have not been to court, and are not in the process of preparation to go to court. In other words, have any complaints been made to the Police or otherwise about the particular incidents you are mentioning, and are they under investigation with a view to court proceedings.

MR. W. McKEEVA BUSH: Mr. President, I do not know.

MR. PRESIDENT: Well in that case, you had better not refer to them.

MR. W. McKEEVA BUSH: Well, if I can be assured here that the cases are before the court. I do not think Sir as a Member I should be asked not to say anything about a subject, unless I can be told for certain that that subject is definitely before the court, not a guessing game Sir. If you can tell me, or the Honourable Attorney General can assure me that this case is before the court, or a case is before the court, I will desist according to your wishes, but I do not feel it is fair to tell me to stop talking about something which I do not know if it is before the court or not.

MR. PRESIDENT: It is up to the Member himself to make the necessary enquiries to satisfy himself, before he raises a matter of this kind in the House, whether or not it is sub judice. A matter will be sub judice not only if it is already before the court, but if it is reasonably likely that there will be court proceedings. In other words, if a complaint has been made to the Police and it is under investigation, then it must be assumed that the matter is, or would be regarded by a court as sub judice. If no complaint has been made to the Police that is another matter.

Mr. W. McKEEVA BUSH: Mr. President, I do not know if there is a case before the court or not, and according to what you are saying I will desist along these lines. However, let me say and let me reassure this House that come next year, God willing, by then I will have had this matter checked out, and then I will be able to speak my mind in the debate on the Speech from the Throne.

Mr. President, as I have said, every time I raise a matter concerning the Police, I am sure to get into hot water. Anyway, Mr. President I am going to pass this one.

I believe I will come now to my constituency. Mr. President, as you know, West Bay is a large District with many problems, and as a representative I have been trying to do all I can for the betterment of the District, along with my two other colleagues. While Mr. President, I am not entirely happy with what we have accomplished, I am grateful for what Government has been able to do in the constituency of West Bay over the past year. Over the past year Mr. President, we cleared and marked our channels; this was something which had been promised, but was never done. Mr. President over the past year we completed six roads, feeder roads and Public Works are down in West Bay now working on the connecting road between Bankers and Mount Pleasant, plus they have assured me that they will try to get four roads completed in West Bay before Christmas.

Mr. President, speaking of roads, I believe there is some waste. I do not know all of the situations, therefore I am not going to criticize anybody heavily, but I just want to say that this morning and yesterday morning Public Works were there on one of the roads plowing the sides of the road which had already been cut, and they were there with the grader scraping it away. I had to enquire as to this cost, and why it was necessary, and Mr. President I believe that this was a waste of money, and I spoke to the operator, and he said that these were his orders, and that he could not do anything about it. I feel that there is wastage in this Department, and I know that the Member has been trying to do something about it, but it is something which has got to be done. We have to cut waste.

Mr. President, our playing field was completed and I want to put on record my appreciation of the Committee for the playing field. They have done a marvelous job. After some ten years now I guess, when we have not had football in West Bay, we will be able to have football come December 26th when we will open our new field. The Committee has done good work, and a lot of people in the Community contributed to this project, and it is a proper playing field with proper lights. Our Chairman Mr. Dalkeith Bothwell has done a great job in motivating this thing. I trust now that I will get the balance of the money which is needed from the Honourable Member to finish what needs to be done, so that come December 26th everything will be set in place.

Mr. President there are at the Post Office some new post office boxes which have been placed there, and I have had some calls about them, saying how they were appreciated. I have had a few who said they were too small, you cannot please everyone, but I do appreciate the effort in this area.

MR. W. McKEEVA BUSH (CONTINUING): Coming back to the Post Office Mr. President, I am wondering whether our post mistresses and sub post mistresses are getting a pension at their retirement. Mr. President if they are not getting attention, I feel that they should be getting something. Are they not like any other Civil Servant? They put in the time. West Bay Post Office does I know it opens the same time and the same hours as the George Town Post Office, and I feel that these ladies, if they are not pensionable, I will do everything in my power, and I can say that my other colleagues will be working along with me in order to try and get this matter straightened out.

Mr. President, Sir, dealing with my constituency, I have a lot of praise for the Pirates Week Committee. Mr. President, there had been some doubt as to whether the Pirates Week Committee would get off this year, but I am happy to say that our Chairman Mr. Dalkeith Bothwell and his Committee, and he had a good Committee, who worked with him, did a wonderful job. Mr. President at the end of the day, they had a savings of some \$8,000.00 which will be used in the District. So I feel certain that I can say that this was the best Pirates Week yet in the history of Pirates Week.

Mr. President, I am happy to see that more and more attention is placed on our heritage and our culture.

Mr. President, a few weeks ago I tabled a Motion to establish a heritage Village in West Bay. It was withdrawn, but I am glad to say that the Pirates Week Committee is going to do it. They are a fine group of young men who have great initiative, and I trust that all Caymanians will, at this time in our history, take the same attitude.

Mr. President, as I have said, we have many problems with our youth in this Constituency, but hopefully next year with the aid of the Leo's Club, we will be starting a Youth Club to get our young people involved in something which is educational, and something which will benefit them.

Mr. President, in the New Year of 1986 I am happy to see that the District of West Bay will be getting a Fire Service Building. Now Mr. President, this is something which is badly needed in this area. For as we know, the whole of Seven Mile Beach takes up the West Bay District, although most of the West Bay roads are not in the West Bay constituency. It is still known as the West Bay Road, West Bay District and in this area the main area of tourism, Mr. President I feel we will greatly appreciate this Fire Service Building. Also Mr. President I see in the budget where there will be some. Mr. President I hear someone asking where the money will come from, well I know they have had to raise taxes to get these things for the Districts, to meet the needs for our people, but Mr. President I hope they take our ideas and cut some too from the Budget, this would be more money.

Mr. President in the Budget, I see that we will be getting what is known as 'dips' for the cows, and some people say it is very necessary. I trust that this has been well thought out, and I am sure it will be well appreciated by our people.

Now Mr. President, one thing which has not been able to do, and I am trusting in the New Year it will be done in West Bay, and that is our wharf, or our landing jetty, or dock or whatever one likes to call it. Mr. President I am trusting that this will be accomplished in this New Year. I might as well say now, I am not going to accept any excuse concerning it, concerning a wharf where our tourist ships can come into West Bay, or at least one can come to West Bay and therefore produce more of a spin off in the District. Mr. President, there are people in West Bay who are expecting that this tourist dock be placed in West Bay.

MR. W. McKEEVA BUSH (CONTINUING): They are anticipating, and they have said to me "if you put down the dock, we will start the business". Mr. President, I want to see it done, this is something which we promised our people, and I am trusting that the Government will see that it is done. Mr. President, one only needs to look at the 1986 cruise ship schedule, and we will see why it will be so necessary to have this facility in the District of West Bay. Mr. President, for some days we have up to four cruise ships, which mean thousands of passengers, and some days we have up to five cruise ships. Now Mr. President, the George Town area cannot take this kind of traffic, and we need to do something now, if for nothing else than to help relieve the congestion in George Town. This cruise ship needs to be a priority because, Mr. President with all the ships anchoring in one place, can you imagine the complaints. The few restaurants around are full. One cannot get into the restaurants. The shops are over crowded and this is not good for business, but I want to see some of this in my district. It is the best District, I do not need to be reminded of that. Although Mr. President, sometime ago we were told by the Second Elected Member for Bodden Town that it was a most unsuitable place for this tourist dock to be placed. No wonder we never got it in the many years of asking for it, if we had a Government who said it was an unsuitable place. Of course they always came to West Bay to tell our people where to mark their 'X's' and who to mark their 'X's' for, but they never tried to give us this little landing ramp. Mr. President, the ramp, the boat ramp is another necessity, and as I understand it they are raising the fees so that our people can get facilities. I am trusting that this will be a priority in West Bay. As it stands now Mr. President, I believe we have one private facility and one public facility, but this cannot satisfy the needs. Our people are grumbling, they want and need another ramp and I am trusting that Government will do all it can to get this ramp into West Bay this year.

Mr. President, I have to congratulate some people in our District. The teachers I feel are doing a wonderful job. Mr. President children who go to school but who are out of school for most of the day, and who is responsible? The teacher. Mr. President, I want to take time out to thank the teachers for what they are doing, not only in the West Bay Primary School or the John A. Cumber Primary School but in our whole school system. I do believe we have some very able and dedicated teachers.

Mr. President, Marine Parks are something which have been giving me quite a bit of trouble. Now Mr. President, I am happy that Government saw fit to accept my Motion covering the problem between the divers, the dive-boat operators and the fishermen. Now I am asking them to be more than careful, be more than careful with these Marine Parks. Mr. President, I will not accept the fact that from Northwest Point to Southwest Point will be turned completely into Marine Parks. Mr. President, this is not fair, and our people are not going to accept it. Mr. President, when it comes to fishing, fishing is not doing that much damage, and I will agree, if the few reefs we have in this particular area are wanted to be made into Marine Parks, well that is another matter, because I for one am not going to throw my anchor down the reef. No fisherman will throw his anchor onto a reef because he cannot get it out. But the other areas which are smooth bottomed, and where people go to fish, there should be nothing wrong with them fishing there, and this Marine Park business must be carefully studied and I believe that the Member is doing this, and that Government is looking seriously at it, but I am asking them to please be careful, and please study the situation, or else we shall have lots and lots of trouble.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, in closing I believe, Sir, that our road to salvation must be fashioned by the recognition of our problems, by our willingness to face the realities, and by a determination to fashion our solutions. Problems are many, and if we recognise that there is a problem and we put our hands and hearts together, we can solve them. Where there is no vision, the people perish. Where there is no vision there can be no planning. Where there is no dream there can be no commitment. Where there is no commitment there can be no effort. Where there is no effort, no plan can succeed. Where participation, an important word Mr. President, where participation is not sought, participation will not be forthcoming and where there is no participation, there can be no involvement, and where there is no involvement, no great thing can be accomplished.

Mr. President I have had a dream, a vision of our possibilities. What we need to do is to seek the participation of our people in the unfolding of that dream. What we need is for every man and woman in the Cayman Islands to get involved in this Country, and act responsibly for its fate. Mr. President, the world about us is in a crisis, and although we are better off than most countries, the Cayman Islands have their crises too. Sir the Chinese have a symbol for crisis, it is the meeting of two lines. One line represents danger and the other line represents opportunity. This is a time of danger in this Country, and yes, it is also a time of some opportunity in this land of ours, and all of us in this Honourable House together, and in concert can decide which of these lines we will walk in the future.

Mr. President, talk of an election at this time will not help us. Petitions for elections now cannot help us, and I am asking those who know the situation well, because they know Mr. President, the leaders of the previous Government who were in there for eight years, I am asking them to do what they said they would do - join hands and try to work together. Let us all pool our efforts together with a view to making the Cayman Islands more prosperous, and a better place to live than it is today.

Mr. President, I have miles to go before I sleep, miles to go before I sleep. May God add his blessings on this little country of ours, I thank you Sir.

MR. PRESIDENT: I make it about four minutes, maybe four and a half to go. I again, rather like last night, doubt whether it is worth inviting any Member to start a speech, which he will have to break off in three minutes time. I suggest that the Honourable First Official Member might wish to move the adjournment.

ADJOURNMENT

HON. D.H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The motion is that this House do now adjourn until 10.00 a.m. tomorrow. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. AT 4.26 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 11TH DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

NINTH DAY
WEDNESDAY
11TH DECEMBER, 1985

PRESENT:

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 RESPONSIBLE FOR COMMUNICATION
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 DAHPNE 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING
WEDNESDAY
11TH DECEMBER, 1985
NINTH DAY

1. PRAYERS

TO BE READ BY THE ELECTED MEMBER FOR EAST END.

2. QUESTIONS TO MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 164: COULD THE HONOURABLE MEMBER SAY WHY THE POLICY OF UTILIZING TWO PILOTS ON THE TRI-LANDER FOR PASSENGER FLIGHTS TO THE LESSER ISLANDS HAS BEEN DISCONTINUED?

NO. 165: COULD THE HONOURABLE MEMBER STATE WHETHER IT IS CORRECT THAT THE PLANES USED BY CAYMAN AIRWAYS LIMITED WERE RECENTLY REFURNISHED AND BY WHOM?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 166: WILL THE HONOURABLE MEMBER STATE HOW MUCH WAS SPENT ON ROADWORK BROKEN DOWN INTO MAINTENANCE AND NEW CONSTRUCTION, DURING 1985 IN GRAND CAYMAN AND IN THE LESSER ISLANDS?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 167: WOULD THE HONOURABLE MEMBER STATE WHEN WILL THE REPORTS THAT LED UP TO THE GRANTING OF AN OIL EXPLORATION LICENCE BE MADE AVAILABLE TO GOVERNMENT?

NO. 168: WOULD THE HONOURABLE MEMBER SAY WHAT PROTECTION FOR INDIVIDUAL LAND OWNERS HAS BEEN INCORPORATED IN THE OIL AGREEMENT?

3. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL ON A CONTRIBUTORY PENSION SCHEME.

GOVERNMENT BUSINESS

(1) FIRST AND SECOND READINGS

THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985

(2) THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE THEREON.

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WEDNESDAY

11TH DECEMBER, 1985

10:00 A.M.

MR. PRESIDENT:

Prayers.

The Elected Member for East End.

MR. JOHN B. McLEAN:

Shall we 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. As we say the Lords Prayer together, let us remember in our prayers the Lady Member Annie Huldah Bodden who now resides in the Old People's Home, and also the family of the late Mr. Berkeley Bush who has departed this world a short time ago. The 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.

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

MR. PRESIDENT:

Please be seated.

East End.

Questions. The Elected Member for

QUESTIONS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 164:

Could the Honourable Member say why the policy of utilizing two pilots of the Trislander for passenger flights to the Lesser Islands has been discontinued?

ANSWER: Up until December 1984 an extra pilot was used on the Trislander for the purpose of training.

It is not a legal requirement to have two pilots on this type of aircraft.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, a Supplementary. Will the Member say whether this is in keeping with FAA Regulations?

HON. W. NORMAN BODDEN: Mr. President, the Tri-Lander is operated under our Air Navigation Order, which follows in line the British Regulations, and therefore we do not apply FAA Regulations to the Trislander aircraft which is registered in the Cayman Islands.

MR. D. EZZARD MILLER: Supplementary Mr. President. I wonder if the Honourable Member has at hand the weight of the Trislander?

MR. PRESIDENT: I really think we are getting rather far away from the original question.....

MR. D. EZZARD MILLER: With respect, Mr. President, Article 18 of the Air Navigation and Overseas Territory Order 1977, which covers the Cayman Islands, and which is applied here, and this is the only reference that I can find in the Air Navigation Orders 1977 which deals with the requirement of the crew, and with your permission I would like to read it, so you will understand why I have asked the weight, because it is very important.

MR. PRESIDENT: If it lays down the weight, then I understand the question, and that is alright.

MR. D. EZZARD MILLER: Alright. It says "Unless the Governor otherwise prescribes, a flying machine registered in the Territory and flying for the purpose of public transport, having a maximum total weight authorised, exceeding 5,700 kilogrammes shall carry not less than two pilots as members of the flight crew thereof".

HON. W. NORMAN BODDEN: Mr. President, I do not have the weight of the Trislander here with me. I could undertake to get this information to the Member, but I have been informed by our Department of Civil Aviation that the Trislander operates with a restricted passenger load, and therefore, I think it is ten or twelve passengers that is the maximum, although the aircraft has sixteen seats available. It is operating with a restricted passenger load, and therefore, only one pilot is required according to our Civil Aviation Department.

MR. PRESIDENT: Perhaps if the Honourable Member could be kind enough to provide the information about the weight.

MR. D. EZZARD MILLER: Another Supplementary Mr. President. I have been told in recent meetings that the reason for not having a second pilot was because space was not available. If one is giving up six seats, certainly the space should be available, and I would think the safety factors, if one considers.....

MR. PRESIDENT: This does not seem to be a Supplementary unless you are.....

MR. D. EZZARD MILLER: I am getting to the Supplementary Sir, but everybody else takes their turn to make statements so I have decided I am going to make mine from now on too Sir.

MR. PRESIDENT: I think other people are going to be stopped making theirs. It must be a question.

MR. D. EZZARD MILLER: That will be alright with me Sir. But can the Member state what authority governs the operation of the Trislander, with one crew member in instrument conditions, that is, within 500 feet below a cloud, or 1,000 feet above a cloud and within 2,000 feet horizontal distance from a cloud?

HON. W. NORMAN BODDEN: Mr. President, it would be the same authority or requirement which I mentioned earlier, the Air Navigation Order under which, aircraft registered in the Cayman Islands operate, and if it is operating IFR instrument or VFR or whatever is prescribed in the Air Navigation Order, we have to comply with.

MR. D. EZZARD MILLER: Another Supplementary Sir. Is the Honourable Member satisfied that the passengers are safe over 80 miles of water and with one crew member?

MR. PRESIDENT: I think that is asking the Honourable Member to express an opinion, and the expression of opinion or questions which seek expressions of opinion are forbidden by Standing Orders. Standing Order 22(1g) refers.

HON. W. NORMAN BODDEN: Mr. President, I would just like to say that as regards the safety aspect, I am sure this is of paramount importance to Cayman Airways, and I do not believe that they would authorise an operation, if Management were concerned about the safety in public transport. I think this is the first condition which has to be met, and I do not believe that Management would encourage or undertake an operation where Members of the public were at risk.

MR. JOHN B. McLEAN: Supplementary Mr. President. I wonder if the Member could say how long the policy of utilizing two pilots has been in place?

HON. W. NORMAN BODDEN: I am told Mr. President, that the policy of using the second pilot was only when training requirements came up in the Company from time to time, and to enable the trainee to accumulate extra flight time hours.

MR. JOHN B. McLEAN: Further Supplementary Sir. Is it correct that junior pilots are presently utilized at the front desk, and who could accompany such flights?

MR. PRESIDENT: I am really rather doubtful whether that is.....

HON. W. NORMAN BODDEN: Mr. President, my reply to this, is that I really cannot confirm whether this is so or not. I could check into it for the benefit of the Member, but I imagine the Management of Cayman Airways has to use personnel in the areas where they are needed, whether it is as a co-pilot for the Trislander, or at the front desk. They must place their staff where they are required by the Company.

MR. D. EZZARD MILLER: Supplementary Mr. President. In the light of safety, is the Member aware of an incident where the plane had to make an emergency landing, because the pilot passed out under the influence of formaldehyde immediately after bringing the plane to a stop?

MR. W. NORMAN BODDEN: Mr. President, I think this is ranging very widely, but yes, I recall an incident several years ago which occurred on a flight with the Trislander, from Cayman Brac to Grand Cayman. Apparently there was formaldehyde which was put on board the aircraft, and it was broken and a situation developed where the Captain had to make an emergency landing in Little Cayman. I am recalling this from memory, but I do recall such an incident.

MR. D. EZZARD MILLER: Mr. President, in the light of this, I wonder if the Member would give us an undertaking to put a co-pilot back in the Trislander at all times?

MR. W. NORMAN BODDEN: Mr. President, I really could not give the Member such an undertaking. I could assure the Member that I will take this matter up with the Management and the Board of Cayman Airways, but since the Member is questioning the safety aspect, had we had one, two or three crew members, and there were an incident with formaldehyde, the effect on the three crew members could have been the same as for the one.

MR. JOHN B. McLEAN: Mr. President, am I to understand the Member to mean that even if we had two pilots, the same risk would be there as if we only had one?

HON. W. NORMAN HODDEN: No Sir, I am not saying that. I am relating the one, two or three crew members to a specific incident, which was raised by the Member for North Side, and I am saying, that should such an incident occur, regardless of the number of crew members, the effect could have been the same. I am not questioning the safety aspect of having the second co-pilot on board, and I think this is a decision for the Management and the Civil Aviation Authority, and if there is concern by Members of this House, I will certainly ~~present~~ present it to the fullest, and keep them fully informed by copies of the correspondence, if this would satisfy them.

MR. PRESIDENT: If there is no further Supplementary, perhaps the Member for East End will 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. 165: Could the Honourable Member state whether it is correct that the planes used by Cayman Airways Limited were recently refurbished and by whom?

ANSWER: The interiors of the two B-727's used by Cayman Airways were recently refurbished by Eastern Airlines at their maintenance base in Miami.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Supplementary Mr. President. Could the Member say what it cost to Cayman Airways to refurbish these planes?

HON. W. NORMAN BODDEN: Yes Mr. President. The total cost of refurbishing both 727 aircraft was US\$35,650.00.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if the figure he gave included the painting of the aircraft?

HON. W. NORMAN BODDEN: No, Mr. President, this only related to the question asked in regard to refurbishing. Refurbishing and re-painting are two separate things, as far as I am concerned.

MR. G. HAIG BODDEN: Yes Mr. President, I know a lot about quibbling and semantics, but I want to find out if he considers the overall job of refurbishing any article or any aircraft as including the painting, whether it be interior or exterior of the aircraft.....

MR. PRESIDENT: The Member has already said he does not, so really I cannot allow the Supplementary. The Second Elected Member for Bodden Town may think that painting should be included in refurbishing, but it has already been made plain by the Member answering, that he has distinguished between the two things, and I think it.....

MR. G. HAIG BODDEN: Yes Mr. President, can I ask if the painting was done in Peru?

MR. PRESIDENT: No, because it does not arise out of the Supplementary I am afraid. It would have to be a separate question. I think there is such a question down on the Business Paper. If there is no further Supplementary, the next questions are all down for the First Elected Member for Bodden Town. The Second Elected Member for Bodden Town explained the position yesterday. Is the position still the same? Have you.....

MR. G. HAIG BODDEN: Mr. President, it appears to me that it is no good me explaining the position, because it has been explained on two days. Why does the Business Committee keep putting on these questions?

MR. PRESIDENT: No doubt in the hope that the First Elected Member will be returning, but if you would let me know whether it is still correct that the request which had been made to you earlier to ask for the deferment of the First Elected Member of Bodden Town's questions, whether that still stands, I can have the questions postponed.

MR. G. HAIG BODDEN: Mr. President, I said yesterday that the Member had asked me to state in the House that he would like his questions postponed until his return.....

MR. PRESIDENT: He has not sent you any further instructions in the meanwhile.....

MR. G. HAIG BODDEN: No, I have not spoken to him since, but the day before that, I made a similar statement with specific mention of the questions down that day, and it seems to me that the Business Committee just insist on putting these down, and I might call attention to the fact that when the Member for East End was absent, his questions were not put on in this manner, until he returned, and I hope they understand this.

MR. G. HAIG BODDEN (CONTINUING): May I ask, what is the reason, Is it just to highlight the absence of the Member?

MR. PRESIDENT: I think the..... I was going to say, I think the Member for East End's questions were not put down because he had not signed the questions by that time, and therefore, the questions were not on the Business Paper, they were issued in a later Business Paper.

HON. DENNIS H. FOSTER: Mr. President, this is quite correct, Sir, this was why the Member for East End's questions were not on the Order Paper, but the Business Committee feel Sir, that we have no other alternative but to put these questions down, and then the Member acting on behalf of the other Member can ask for their postponement, but we have to put them down.

MR. PRESIDENT: Very well, since you have now confirmed that you have not been given any different instructions, in other words, that the request made to you by the absent Member to seek the postponement of the questions still stands. I will agree that the questions may be postponed, and ask the Clerk to inform the Business Committee, so that they can be put down again.

HON. BENSON O. EBANKS: Mr. President, it might be Sir, I wonder if the Member could help the Business Committee by enlightening them as to whether the Member's absence is anticipated to be more extended than originally thought?

MR. PRESIDENT: He did say some days ago, that he thought the absence would be until Thursday. The Business Committee for some reason, have taken the view that the questions should be put down each day in case he returns, I have no doubt.

MR. D. EZZARD MILLER: Mr. President, Sir, as a Member of the Business Committee Sir, I would draw Members attention to the fact that the questions which have been put down each day are different questions. The Member has a large number of questions. We have no alternative but to list the questions which have not already been listed. The questions which were postponed referred strictly to the questions which were on the Order Paper for that day. This is why the Business Committee has to continue to put them on the Paper, Sir.

MR. PRESIDENT: I am not sure I fully follow the logic of that, but nevertheless, I really do not think it matters one way or the other. If the Business Committee feels a duty to put them on the Order Paper, it is perfectly appropriate for them to appear. If the request for postponement stands, it is perfectly proper for them to be postponed. So, they have appeared on the Order Paper, a request has been made for postponement and they have been postponed.

Statements. The Hon. First Elected
Member of Executive Council.

STATEMENT BY THE HON. FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL

(CONTRIBUTORY PENSION SCHEME)

HON. BENSON O. EBANKS: Mr. President, this brief progress report submitted in connection with the commissioning by the Cayman Islands Government of a study, to determine the feasibility of a contributory Pension Scheme for Caymanians.

At the request of the Member of Executive Council responsible for Health, Education and Social Services, the Honourable Financial Secretary despatched an indent to British Executive Services Overseas (BESO), in search for a suitably qualified consultant to undertake the desired feasibility study. The agency BESSO has identified Mr. F. Gordon Smith, CBE, for this assignment. He is well qualified for this purpose, being a Fellow of the Institute of Actuaries, and having considerable experience in a number of similar overseas assignments. Plans are presently well advanced for the study to commence, with the arrival of the Advisor on the 22nd January, 1986 at 21:00 hrs. by flight KX247.

MR. PRESIDENT: Thank you.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member one question. Is he giving us the time of takeoff for a space shuttle, by all of these details?

MR. PRESIDENT: I think that question was probably rhetorical.

Item 4(1) Government Business -
Customs Amendment Bill, First Reading.

THE CUSTOMS (AMENDMENT) (NO. 2.) BILL, 1985

CLERK: THE CUSTOMS (AMENDMENT) (NO. 2.) BILL, 1985

SUSPENSION OF STANDING ORDER 46(1)

HON. THOMAS C. JEFFERSON: Mr. President.....

MR. PRESIDENT: Sorry, it is me to.....

HON. THOMAS C. JEFFERSON: I just wanted to mention Sir, that I think in all manner of.....

MR. PRESIDENT: I think I had better do the formality first, about the First Reading had I not, otherwise we shall get into a muddle. I am sorry, I was reaching for the Bill.....

HON. THOMAS C. JEFFERSON: I think Standing Orders need to be suspended Sir.

MR. PRESIDENT: I beg your pardon, I had not realised that. Because the Bill has not been circulated to Members sufficiently long in advance? Yes.

HON. THOMAS C. JEFFERSON: Yes Sir.

MR. PRESIDENT: There is nothing in Standing Orders or in the Law, that enables us to consider a Bill of this kind, which is dealt with under the Provisional Collection of Customs Duties Law, without the Bill having been circulated for the minimum period specified by Standing Orders, is there?

HON. MICHAEL J. BRADLEY: Mr. President, Sir. If I may attempt to clarify the situation, I think part of the difficulty arises from two circumstances. One was, that the Select Committee in Standing Orders advised, and it was accepted by the President Sir, that the period of notice to Members of a Bill (the white copy), be fourteen days instead of the previous provision of ten. Subsequent to that, at the September Sitting, the original provisions as to the length of time that an Order under the Provisional Collection of Taxes Law, should be allowed to be enforced, was shortened in Committee stage, at the insistence of certain Members, down to a very short period of time of ten days. Thereafter, the difficulty arises, and I think will have to be considered by the House, that if the House in fact sits continuously on each working week day, in a Budget Session, that we will never in future reach the tenth day, and the fourteenth day at the same time, so as to enable Standing Orders not to be suspended.

MR. PRESIDENT: Yes, I have understood. In other words, Standing Orders will always have to be suspended in future to take part. The likelihood is they will have to be, to take Bills of this kind.

HON. MICHAEL J. BRADLEY: It would not occur Sir if in fact, we had reached a stage where we had gone into Finance Committee, because then the House would not be sitting. It is just because we are sitting as a full meeting of the House. It is ten working days under the Provision Collection of Taxes Law.

MR. PRESIDENT: I was looking for the Standing Order which we are going to have to suspend in order to introduce the Bill.

HON. MICHAEL J. BRADLEY: 46(1) Sir.

MR. PRESIDENT: Yes. So you are quite right. Before we proceed with the First Reading, there should be a motion, and I am sorry I interrupted you, the Honourable Third Official Member, when you tried to move it. Would you care to move it formally now?

HON. THOMAS C. JEFFERSON: Thank you Mr. President.
I move that under Standing Orders 82, Standing Order 46(1) be suspended, in order to take the First and Second Reading of the Customs Bill which form part of the Budget.

MR. PRESIDENT: I think it is 46(1), not 41(6).

HON. THOMAS C. JEFFERSON: I am sorry; 46(1).

MR. PRESIDENT: The Motion is that in accordance with the provisions of Standing Order 83, Standing Order 46(1) should be suspended in order to enable us to take the First and Second Readings of the Customs Amendment (No. 2) Bill. If no Member wishes to speak, I will put that question.

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

MR. PRESIDENT: Perhaps I had better invite the Clerk to read the title again, because we were a bit premature with the first reading.

THE CUSTOMS (AMENDMENT) (NO.2.) BILL, 1985

FIRST READING

CLERK: THE CUSTOMS (AMENDMENT) (NO.2.) 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

CLERK: THE CUSTOMS (AMENDMENT) (NO.2.) 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.

This Bill, Mr. President, seeks to raise from eight cents to thirteen cents, the Customs Duty on motor gasoline and diesel oil.

Mr. President, the increase in Customs Duty on motor gasoline and diesel oil from eight cents to thirteen cents was formally legalised on the 29th November, shortly after the Budget Address was read, by Government Motion No. 10. of 1985. The Bill today seeks to follow the requirements under the provisional legalisation of the increase.

Mr. President, anyone who has been shopping for groceries in the Cayman Islands since 1977 which is the date on which the eight cents came into effect from five cents, knows that the quantity of goods that he or she received for \$100.00 per week compared to what she would receive if she went with the same amount of money to the grocery store today, is substantially reduced. In some cases, one may have to look into the bag to see what one has, and wonder where it all went.

What we are talking about Mr. President is the erosion of the purchasing power of the Dollar, over the period 1977 to 1985. If we were to try to restore the eight cents in 1977, the purchasing power of that eight cents, we would have to increase the duty to fourteen cents. All we are doing Mr. President, with this increase is raising it to ~~thirteen~~ thirteen cents.

When we looked at the Budget Mr. President, we then realised that the amount of expenditure which was required for 1986, and taking into account the state of the economy during the latter part of 1985, but more specifically over the last two years, we have seen large reductions in some duties, reductions by means of the world economy taking its effect on sums budgeted in the Estimates. We have obviously, the responsibility as a Government, to maintain services to our people, preferably at the same level. If we are not going to find additional ways and means of increasing revenue to perform these services, these services are going to be, whether significant or not, reduced both in quality and perhaps also in quantity.

HON. THOMAS C. JEFFERSON (CONTINUING): The amount of revenue which will be earned by the increase of five cents, from eight cents to thirteen cents, it is in the range of \$1.6 million. \$1.6 million Mr. President, can provide quite a bit of service even additional services in some cases. We really have to examine our own thoughts on the Budget. Why is it presented in this way, what is it trying to achieve, because the alternative to this Budget, I would like to hear myself, because the alternative I can think of, would not be acceptable for me to put to this House.

Therefore, Mr. President, although we are increasing the sum of duty on motor gasoline and diesel oil by five cents, I do not believe that this will have any devastating effect on anyone driving a car. If a person can find \$8,000.00, or \$12,000.00 to buy a car, depending on the brand, maybe a Mercedes Benz at \$15,000.00 or a Cadillac at \$12,000.00, he should be able to pay another five cents for his gasoline.

How are we going to maintain the roads which we have, if we do not have additional revenue. Revenue, generally speaking Mr. President, while there are eight main Heads of Revenue in Government, it all goes into one coffer of the Treasury, and it is allocated in the Budget, spread among various Departments of Government, in terms of personal emoluments; for salaries of persons required at the Hospital, Civil Aviation Terminal or in Finance or Health or in Education. Any time you have persons working Mr. President, there is always additional cost, whether it is for travelling from here to Cayman Brac, or whether it is for the purchase of additional consumable materials used to illustrate lessons in the classroom, or whether it is insulin to be given to the Public in the case of illness. In addition to this Mr. President, there is the capital expenditure, expenditure in some cases which occur each year in the form of furnishings at the various schools, although we have spent \$50,000 this year on the replacement of furniture, it is a recurring problem, because of the three thousand students we are dealing with. The wear and tear on a daily basis catches up with any furniture you may use. Or it may be the fact that cars, additional cars are needed, perhaps by the Police to perform efficiently, perhaps by MRCU to perform efficiently.

Looking at the construction side of the capital expenditure, it could be the maintenance of the Middle School, the Hospital, the High School, Government buildings. What do we want? Do we want to keep them in good order, or are we going to say, forget them, they are in good shape. Leave it for three or four years, and we will deal with it. If we take that decision Mr. President, one is going to need millions of Dollars to put it back into the shape it was, or as it is today.

Mr. President, the matter being dealt with is the increase of five cents in Customs Duty on motor gasoline and diesel, and I recommend this increase to the Honourable Members.

MR. PRESIDENT: The question 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. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I oppose the increases on the taxes for gasoline and diesel oil recommended by this Bill. I also am against the method by which these increases have already gone into Law, under the Provisional Collection of Customs Law.

MR. G. HAIG BODDEN (CONTINUING): The increases are already in effect, and we are debating after the fact, a tax increase which is already operational.

In the Budget Address, it was made clear that it is anticipated that the year will end with a deficit of approximately \$2.5 million, that is the year 1985. The Member introducing the Bill also spoke about the shortfall in Customs Duties, and in fact, the Budget Address says that this has resulted mainly from shortfalls in Customs Import Duty of \$1.5 million.

So this Bill, like all the other Bills, purporting to raise taxes and wipe out deficits, are simply actions which would give an aspirin to ease the pain without attempting to cure the disease. We have had a bad year, perhaps the worst in the Islands history, caused by only one thing, and that is Government's leadership. Or I should say, failure to lead properly. It is caused by a lack of their understanding of the problems which have created the deficits since they took over. It is not caused by a recess. The actions which this Government took from November last year to the present time, have caused the deficits. Their actions are well known, their actions of March of this year, eight months ago, to put in additional taxes at a time of recession of \$1.2 million as contained in the March Estimates for 1984. This was one of the reasons, because they had taken this money out of the private sector, money which could have been used for investment, money which could have been used for increased economic activity, and put in the Government coffers. This is why Customs Revenue has fallen, and this is why they believe this Bill will help, but it will not help. Also, they are repeating their error, they are magnifying the error by now suggesting that we must allow them to put in a \$5.5 million tax increase, of which this is a part, and a big part at that.

In fact Sir, it has been brought out very clearly that the problem with these Islands, is that in eight months this Government has tried to increase the tax measures by seven million Dollars, the total tax increase over the last eight years, and this is bound to hurt the economy, and this is bound to create a deficit. The problem here today is leadership, it is not recession, because they have failed to understand. I would suggest that these Members go home tonight and read the Readers Digest December 1985 issue on page 79., and they will see an article which seems as if it has been written by me, because it deals with the economic myth, that you can wipe out a deficit by increasing taxes, and this article is not only a Readers Digest article, but it is a reprint of an article from Forbes Magazine, one of the leading financial magazines in the world. It says that it is a myth that we must raise taxes to reduce the deficits, it is a myth. You cannot reduce your deficit by raising taxes. This Government tried it in March, and they failed because they projected a surplus for 1985, which ended with a \$2.5 million deficit. So they are on the wrong track, and they need to change their attitude, increasing Customs Revenue is not going to make up for the shortfall of \$1.5 million which we will experience this year. Increasing the taxes on gasoline and diesel will not make up for the shortfall in revenue from the Customs taxes, but will greatly increase that shortfall. I would like to quote from this article: "The worst response to the growing budget deficits would be to raise taxes. Government revenues are not the problem. Lately they have been growing at a very healthy annual average of more than ten per cent. A substantial tax boost would hurt the economy, by raising the price people will pay for being productive, for being successful." Those words, although written about the United States are true about the Cayman Islands, and especially true about this year 1985.

MR. G. HAIG BODDEN (CONTINUING): Government revenues are not the problem because Government revenues have been rising, look at the dramatic increase in revenues over the last eight years. So the revenues are not the problem, so we had better find out what is the problem with our Country, and I am going to tell you before I am finished with this speech, what is the problem, but the revenue is not the problem.

Since 1976 our revenues have risen from around \$13 million to nearly \$70 million. So it is not more revenue we need, and Government revenues are not the problem. A substantial tax boost would help the economy, by raising the price people will pay for being productive, for being successful. The same point which has been expressed in letters to the newspaper recently, and on the street by people who stop to think, that a substantial tax boost would hurt the economy, by raising the price people will pay for being productive. An increase in the price of motor gasoline and an increase in the price of diesel oil will substantially raise the price people will pay for being productive, will pay for being successful. Because, if we put in a price increase here of five cents per gallon on gasoline, the dealer, either today or sometime in the future, must seek to make a profit on the added price which he will have to pay. So we will not be putting in five cents a gallon, but it will eventually be five cents plus the profit.

The people in the trucking business will have to pay this price, the taxi drivers will have to pay this price, and naturally, all of them will have to pass on this price eventually to the consumer. So putting in taxes is by its very nature inflationary, and increases the price which the consumer must also immediately pay. The article goes on, and I quote:

"Do not under estimate the potency of prosperity. From the 1981/1982 recession to the summer of 1984 when the Federal Reserve squeezed credit to slow down the overheating economy, the Government's net deficit actually began to fall."

Now however, the deficit is expanding because the economy has stalled, and that is our problem. The economy has stalled, it is our problem in the Cayman Islands. Stalled by the many actions of the Government, since they took over in November, 1984. This is the problem today, our economy has stalled. People on the street say it has slowed down, it has actually stalled. Ask any businessman out there, and he tells you business is bad, it is our problem. The economy has stalled, and the economy cannot be revived by a five cents increase on a gallon of gasoline, or a five cents increase on a gallons diesel. We need different measures, we need different thinking in Government, to change this position.

The answer to Washington's red ink, is obvious. Tax reform combined with lower interest rates, to spur economic growth and Presidential spending vetoes to curb Government spending. These are the answers, reduction in taxes, not increases, and curb Governments spending.

I say cut out some of it, like the nonsense we heard this week, about Iguana Studies and counting Parrots, and bringing in experts to kill stray dogs. The money which has been spent on the environmental issues, and I could go on, and on, and on. But the plain fact is, two things must happen, we need to reduce taxes not increase them. We need to take actions which will spur the economy, if we are going to get rid of our deficit. The answer does not lie in increased taxation.

MR. G. HAIG BODDEN (CONTINUING): ~~Why can we not learn from history, why can we not go back and look at the deficits which this Country has had over the years, and see what cured those deficits.~~ There were serious deficits in the past, and these deficits were cured by increased economic activity, which was brought about by some Government programme, or some incentive to the Private Sector. This is what cured those deficits. Deficits have never been made up by increased taxation.

If we look at a document which was prepared by the former Financial Secretary, just before he left Government, you will see that the most serious deficits in relation to revenue were during the years 1975, 1976 and 1977, three years of successive deficits. These were not cured by increased taxation, because the Government in every year put on more taxes, but it did not cure the deficits, the deficits were still there. What cured those deficits, was the reduction in taxes. When the new Government took the taxes off automobiles, or reduced them, when they took it off vital food stuffs, and also put in plans which allowed people to invest in this Country, which encouraged the little man in the street to start his own business, an attitude of encouragement, to get more economic activity, so that we could get the Country going, not putting five cents on gasoline and five cents on diesel. We know there was a tax increase in 1977 or 1978 on motor gas, but this was coupled with a resurgence in the economy, a resurgence of economic activity which we have not seen this year.

Why should Government bewail the fact that Customs Revenue has fallen by \$1.5 million, but the Government has done nothing, absolutely nothing to encourage economic activity. If an individual wants to build a house, he has to visit the Planning Board, the Central Planning Authority, half a dozen times to get the plan passed. Every business in this Country has been hurt in one way or the other by Government's actions over the last twelve months. We know of the increase which Government sought to get in its revenue through imposing a higher tax by freight brought in by air, which crippled the freight business of the airline, which put many small businesses at a disadvantage. So, how can they come today seeking to increase import revenue on gasoline, and not expect the same result which other attempts at increased revenue have had on the economy. So our problem is not lack of revenue to cure the deficits.

I would like to say, that nothing is more destructive to the Country's deficits, and destructive to the Country's credibility than when developers come here and cannot obtain a clear understanding of Government's intention. So Government has to stop pussyfooting around, and start making clear-cut decisions, in order that developers know where they stand. If we want to cure the deficits, we must have decisions, made by the people elected to make them, and not made for them. If Government wants to do anything, it must first put it on open line, to find out if some housewife will phone in and tell them what to do. This is not running the Country, we now have a country without any leaders, and we had better get back to basics, if we are going to survive for the next three years. This Country has problems, but they will not be cured by increased taxation, we have seen this. When we had the increased taxes on automobiles in 1975, to put the duty from 20 per cent to 33 1/3 per cent, this was the first year, 1975, 1975 was the first year. In the previous ten years, when the importation of automobiles actually dropped, so that Government in that year did not get more revenue, by increasing the duties on automobiles imported, and the result will be the same today.

MR. G. HAIG BODDEN (CONTINUING): So, the Government has made a mistake, but not everybody is perfect. They must do as Mr. Bernard Tibbets said in his letter this morning to the Compass "they must swallow their pride and come with humility, and re think this evil which they are putting upon us" (I am not quoting his own words, but they were words to that effect and I think this is what he meant), and the man is so right. How can Government in a time of recession, when businesses are hurting, increase taxation and expect to get more money. Government must find the problem and find the cure, because these increased taxes, and there are more of them to come and there are some which have already gone, are inflationary by their very nature. One writer has said that inflation, or having said about inflationary taxes, that having a little inflation is like being a little pregnant, because inflation feeds on itself, and quickly passes the little mark. If we do not take steps to stop the Government from putting in \$5.5 million of new taxes today, or during this Sitting, after having put in \$1.2 million in March, and perhaps another million Dollars, counting the duty on the airfreight and other licenses which have been put up, we will have a little inflation which will soon pass the little mark.

MR. PRESIDENT: Since the Member seems to have come to a break in his speech, perhaps we can suspend proceedings, would that be convenient now?

MR. G. HAIG BODDEN: Yes Sir.

MR. PRESIDENT: For approximately fifteen minutes.

AT 11:19 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:49 A.M.

MR. PRESIDENT: Please be seated.
Continuation of the Second Reading
Debate on the Customs (Amendment) (No. 2.) Bill. The Second Elected
Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I must say that this Bill really caught me by surprise this morning, as I had not expected to find it on today's agenda, and I know the requirements of the Provisional Collection of Customs Law, that we must deal with it. But, I would think that today we really should have taken only the First Reading of the Bill, so that at some other stage we could have the debate. Of course, I did not want to create a crisis by moving that the adjournment of the Debate be put to another day, and as a result of this, I will try to continue my debate.

Many people are blaming the Honourable Financial Secretary for the increases on the motor gasoline and the diesel, as well as on other items which have been increased this year. But I would like to say to the Public that they should not blame our Financial Secretary, because he is only one Member in a Government consisting of seven Members, and he is bound by collective responsibility to support in the Legislative Assembly any matter which has been agreed upon in Executive Council.

MR. G. HAIG BODDEN (CONTINUING): So the Budget Address and the tax measures are not the actions of the Financial Secretary as an individual, they are the collective responsibilities of all Executive Council. He can only put forward tax increases and certain economic policies, if these policies have been concurred upon by the Government as a whole. So, the decision to tax, or the decision to wipe out the deficit by increasing taxes on motorcars, diesel or whatever one wants, is a political decision, and the sole responsibility rests with the elected Members.

The decision to tax is always a political decision, and the Civil Servants in Government cannot really be blamed if the Government as a whole, makes the decision to increase or reduce taxes.

Patrick Henry is supposed to have said at the time of the American Revolution that taxation without representation was bad. I wonder what Patrick Henry would say today if he knew about taxation with representation, because the Government was elected in November 1984, was elected on the promise that they would put an end to increased taxation. They would put an end to corruption in the Government. They would cure all the ills of Cayman Airways, and sad to say, they have failed in their promises and they have failed most miserably in their performances.

The motorcar seems to have been singled out by this Government as an object of iniquity. An object which has to be taxed so that it is impossible for the user to continue to own one. We see in the Budget Address that a figure is given, so that if a person owns a motorcar in 1986 it will cost him \$205.00. If he owns a home, car and drivers licence, and taking away the \$50.00 increase for the garbage taxes, it would appear that the taxes put on the motorcar in this year, would cost the owner \$155.00. But, this does not tell the whole story, because it does not include the increased cost of petrol. It does not include the five cents per gallon for fuel, so this will have to be added to it. The average car owner probably uses four or five hundred gallons of gasoline in a year. At five cents a gallon his price for fuel will increase by \$20.00 a year, so that if one owns a car in the year 1986 it will cost one not \$155.00 as shown in the Estimates for the increase, but it will cost one another \$20.00. Then, if one has to pay for a drivers licence, one will be asked to pay another \$45.00. The point I am trying to make is, that this increase in motor gas and diesel is abnormally high when we consider all the other charges. Remember this figure which we have just arrived at is only the increase. The \$45.00 for the licence would be a \$30.00 increase, so we have arrived at a figure of \$215.00 increase. So when we put all this tax for the gasoline and we also put on that which has been added for car parts which come in by air, we see the figure begin to rise. Even say we use a conservative figure, the cost for the average car owner could probably go up to \$220.00 more than he paid in 1985. What happens if a man bought a car or sold a car during the year, the fee for the transfer of the licence would have to be paid, this fee seems to have remained the same. If he owned a taxi from which he made a living, the cost would be substantially more, if he owned a truck from which he made a living, the cost would be substantially more. So what are we trying to do? What are we trying to do with the automobile, and I think the reason for these phenomenal increases is because Government does not understand the role that the motor vehicle plays in the economy of these Islands. The car in the Cayman Islands is not a luxury, I would like to emphasise this, the car is not a luxury, it is a necessity, it is as necessary as the stove in your kitchen, or the refrigerator or even the bathroom in your house.

MR. G. HAIG BODDEN (CONTINUING): We have no public transportation system in these Islands, and every working person needs transportation to his or her work. Now I know that there are some homes that own more than one automobile. In most instances they need these cars. One may have a home where there are four people in it. One is working as a construction worker, one is working in an office with regular 8.00 to 4.00 hours, one is a police officer, and one is a nurse who has to do shift work at different hours. It could well be that with four people working in a home, they may need four automobiles, so that each person can get to his or her work on time, because if one had a woman working as a nurse, and she had one of the night shifts at the Hospital, it would not be possible for her to easily get a ride home when the work is over.

So we need to take a new look at the automobile. I know it has its bad side, and I am not defending that side of it. I know what has happened this year when out of the ninety plus deaths in the Island of Grand Cayman, nineteen of them were automobile accidents. Twenty per cent of the people who died in Grand Cayman this year died in automobiles, but they have died simply because somebody abused the automobile, and this can in no way detract from the fact that people need automobiles to go to work, to go to church, to go wherever they want, and the car today in our modern society is necessary as the horse or donkey was years ago. Whether it be evil, or whether it be good, to own an automobile the fact remains, it is a necessity.

Today no one uses the automobile for pleasure. I remember when I was a boy when automobiles were scarce, when only the rich people owned automobiles. It was a common thing to see them coming up from George Town on a Sunday, taking a drive. This was the common thing, and those people probably only used their automobiles on Sundays, and it was perhaps a luxury. Today, the automobile is an integral part of our economy, here to stay. When only the rich people had automobiles, nobody worried about them, but since the automobile has become common place, since the middle class people, and even the low income people have made the automobile ubiquitous. All of a sudden the automobile has become a bad thing. The automobile is very necessary, and I would dare say that probably one third of the people who own automobiles in the Cayman Islands find it difficult to put a new set of five tyres on the automobile. Automobiles are not only owned by the rich, they are parked in the drive ways of the poorest inhabitants, people who struggle to make a living, and this tax blow falls heavily on the shoulders of the poor. These people who have to credit their gasoline, who have to owe their mechanic, these are the people who are being hurt, by these astronomical increases which the Government will hope will clear away the deficit which they created, because of their failure to implement economic policies which would stimulate the economy, and so bring increased revenue without increased taxation.

We are going to feel these increases when the businesses who are dependent on the use of oil have to increase their services to us. I understand from a very reliable source that Caribbean Utilities will be asked to pay Import Duties on the items they bring in under their franchise. I do not know for sure whether they will be asked to pay the tax on diesel oil, but if they do it will be included, and if they have to pay for their automobiles this is all going to be reflected in the high rates later on next year.

MR. G. HAIG BODDEN (CONTINUING): When the man in the trucking business has to pay more at the pump for those large diesel trucks that consume a lot of fuel. The merchant is going to pay more to have his goods hauled. The consumer is going to pay in the end. When the taxi driver has to pay more at the pump, he must pass the price on to the tourist, we are already high priced. These measures if passed will create great havoc in our economy, one simple stall and it may die altogether. So Government needs to take a serious look at this Bill. Withdraw the Bill, rescind the provisions or the Motion made under the Provisional Collection of Customs Law, and leave the duty on gasoline and diesel oil as it was. It is a crying shame that the price of gasoline has risen in these Islands at a time when the world price is falling. Only last week the OPEC members were meeting to try to prevent the collapse of the oil price. Earlier this year we had a price increase at the pumps when the oil companies made an increase to allow their dealers to make a bigger profit, this was perhaps justified. Now we are faced with another price increase, and not an increase of five cents per gallon as hoped for in the Budget Address, but an increase of five cents per gallon plus profit. Because most of the small dealers, the man who sells at the gas station, are not wealthy people, some of them operate their businesses on a shoe-string, and many of them have to get loans and overdrafts to carry their businesses. So, they cannot afford to put out five cents per gallon more for fuel without earning a profit on that five cents. When we talk about an increase of five cents, it does not seem very much, but this alone can have a devastating effect on our economy. We now have far in excess of ten thousand registered vehicles, and even at a conservative guess, they will use four hundred gallons of fuel per year, or four million gallons on which they will pay an extra five cents, letting them pay a large increase overall.

In fact, if the economy performs the way the Government expects, and they can collect as much revenue this year as they did last year, from this source after implementing the 'hike' we would find that their dreams would be realised, and they could wipe out the deficit. But historically, this has never happened. At least, it has never happened in the Cayman Islands. No tax increase has ever removed the deficit.

Now, what we are talking about today increasing the price of gasoline, is actually strangling the little man, whom the Government was elected to help. Because it is the little man who hurts when we get the type of tax increase of five and a half million Dollars, which has come in this Budget, and when I say little man, I am not talking about dwarfs, I am talking about those who find it difficult to fill up the tank in the morning, and also find the school lunch for his kid.

So what is the Government trying to do? They promised to help the small man, they have already helped him out of existence, and this crushing blow which will fall upon him will so scatter his bones that there will not be enough left for a postmortem. So Government needs to re-examine its economic policies, because it is Government's economic policies which are at the root of our whole problem. They blame 'CAL' for the deficit. I wonder how far could one take their argument. I wonder if they blame the automobile for their deficits, instead of putting the blame where the blame should be. That famous comic strip character Pogo is supposed to have said "we have found the enemy and the enemy is us". We have found the enemy and the enemy is us. The enemy is not the automobile, it is not the shortfall in revenue. The enemy is not because the tax to Government was only eight cents, the enemy is due to the Government's economic policies having failed to correct the deficiencies which caused the shortfall in the revenue.

MR. G. HAIG BODDEN (CONTINUING): This tax increase can in no way cure the problem it may ease the pain a little, but for the Government there will still be heartaches and sorrow, because 1986 will end as 1985 has ended, with a deficit. A deficit caused by increased taxation all throughout the year. A deficit caused by a lack of understanding of what it takes to make the country run efficiently.

We have a serious problem in these Islands. A problem which is within the reach of the Government to correct, but the Government must do what Mr. Bernard Tibbets suggested in his letter today, and they have to take a right-about-turn and consider not only the little man, but all those who operate little businesses in the Cayman Islands.

This increase of five cents per gallon if it had stood alone as a revenue measure would have been bad enough, but coupled with the increase under the Motor Vehicle Law, under the Traffic Law, an increase which according to the Budget Address increased the cost of some 29 or 30 items under it, leaving a devastating effect on our economy. Instead of trying to squeeze more money out of those unfortunate individuals who own a car only out of necessity, Government should be reshaping their policies so that there can be more economic activity, perhaps calling for more use of vehicles and a stimulation rather than a repression. Perhaps the Government in putting forward these increases wanted only in the beginning to see if the Provisional Collection of Customs Law would work. We passed this new Law recently, and the Motion did work, it was passed in this House on the first day without a murmur. I imagine that if the new Government survives until 1988 it will be used time, and time again, and yet, taxation policies why can they not learn a lesson from the past, and to know, that the way to stimulate the economy is to reduce taxes, or to increase the economic activity, so that more things are happening. The big deficit mentioned in the Budget of \$2.5 million has come about solely because of Government's actions, and this year we saw that Customs Revenue failed to live up to the Estimates, simply because Government's policies had restricted the economic activity which is always necessary. Government instead of taxing the poor, should look at increased prosperity, because this is the answer to our economic woes.

Tax increase here, thirty items on the motorcar, all the gasoline consumed in the Islands, all the diesel consumed in the Islands, none of these increases can produce the revenue the Government needs, without the economic activity to make those items produce the revenue. What I am saying is, if the price of gasoline reaches a height where people find it difficult to put in the gas at the pump, people just will not use it; meaning, they will not use the gas as much as they were using it. So a tax 'hike' could have the opposite effect, and instead of producing more revenue from this particular source, you might find that it produces less revenue.

The Bill before the House is a serious Bill, because it strikes at the heart of an already floundering economy. How can people be asked to pay more, when it is now almost impossible to pay what they are already paying, and I am not talking about the man who owns a 280 SEL Mercedes. I am not talking about him. I am talking about the little man who has to drive a car that he owes the bank for, and he has to drive a car which is really not within his means to keep, but because his very existence depends upon it, he has to find the money. As one poem says "back and belly go bare", but he has to buy the car, and these are the people must worry about.

MR. G. HAIG BODDEN (CONTINUING): I do not like the attitude adopted by the Government's propaganda machinery. I hear all this nonsense on the radio about seatbelts, and about charging people, we have even heard some of this in here, according to the size of the automobile. What has this got to do with the man's ability to buy gasoline. What has this got to do with his ability to pay for the car, or to keep it operational. The fact is that this tax increase falls heavily upon the shoulders of those who use very large automobiles, because these people are usually the poor people in our society, who are compelled to buy the large second-hand American car, because everybody knows that the richer people are not going to buy a second-hand Cadillac, they are going to buy a brand new Toyota for the same money. They are not going to buy a large second-hand Chevrolet or Oldsmobile or something like this. They are going to buy the little Honda, because they get a new product, and this tax increase falls heavily on the shoulders of those poorer people who own the gas-guzzling large automobiles. This tax increase hurts everybody, but it hurts the richer person who can afford his new Japanese car, it hurts that person less than it hurts the man who has the beat-up old Chevrolet, which does not start on a rainy morning. This is why I said earlier in my speech, that the decision to tax is always a political decision, and must never be put at the foot of the Financial Secretary, because he is not elected, he holds his office by virtue of his position in Government, under the Constitution. But those four Honourable Members of Executive Council, who have been elected to provide for the welfare of the little people, as well as their other four counterparts on this side of the House, have an obligation to the little man, to guarantee that this tax increase does not go in to further subjugate, and to further weaken and to further destroy the little man.

I would say that these Islands have paid a heavy price, they have paid a heavy price, and one of the prices they have paid is the increased taxation which has come every Session we have met since November. This price has been paid by increases by Executive Council alone, such as the motor vehicle taxes. The Cayman Islands have paid a heavy price to have taxation with representation.

MR. PRESIDENT: We could either take the lunch break now, and perhaps come back at two o'clock, or if there is another Member who wishes to speak, and can speak fairly briefly. The Honourable Third Elected Member of Executive Council

HON. CHARLES L. KIRKCONNELL: Mr. President, I will be very brief.

MR. D. EZZARD MILLER: Mr. President, I do not have very much to say Sir, I can say it in five minutes.

MR. PRESIDENT: I called the Third Elected Member of Executive Council, I am sorry. Maybe you can both fit in.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I assure you Sir, I will be very brief.

Mr. President, I rise to support the Bill, the Customs (Amendment) (No.2.) Law 1985. Like our Honourable Third Official Member, I too would like to hear an alternative which has substance, and not one filled with political rhetoric. Political rhetoric cannot solve our problems.

MON. CAPT. CHARLES L. KIRKCONNELL: The last Member, the Second Elected Member for Bodden Town made a comparison, and took an article from the Readers Digest, and made a comparison between the article which is written about the United States of America, and the Cayman Islands. This is a most ridiculous thing Mr. President, this cannot be done. It is like comparing chalk with cheese. The United States is a country which has direct taxation, and every other type of taxation. The Cayman Islands only receives revenue through indirect taxation, so how he can draw a comparison with what this man had to say in this article, and compare it with the Cayman Islands is beyond me. I have a copy of it as well Sir.

Mr. President, the message of the World Bank and the International Monetary Fund to developing countries states three things:

1. Live within your budgetary means.
2. Balance your annual national budget.
3. Borrow only what amount you can comfortably repay.

Mr. President, these are the things this Government has done. The Member, the Second Elected Member for Bodden Town said we had done nothing to stimulate the economy, this is quite incorrect Mr. President. One of the first moves of this Government was to remove the four per cent tax on condominium developments. This killed the condominium development in this country, and we have just got it going again. Since the condominium tax has been removed, we have condominiums going up at Ellesmere, we have the Geness Building about to be started, we have the Retreat Condominiums at North Side, Mr. Brian Butler is building condominiums on the West Bay Beach, and we have many more which I have not got the names of. Since the departure of his Government in November 1984, we have the Hyatt Hotel on stream. The Planning Board as the Members have heard earlier from the First Elected Member for the Lesser Islands, is deluged with applications which they have to process in overtime. So do not talk about this Country's economy not being on the move. Mr. President, it is very much on the move.

I am wondering how we are going to meet the demand for labour which will be required if all these projects mature.

Mr. President, the price increases we have here of five cents per gallon, or from eight cents to thirteen cents, an increase of five cents, is no hardship whatsoever on anyone. I quoted yesterday what the Bahamas were charging on their gasoline and their diesel. The Government of the Bahamas have put on a tax of 45 cents for every gallon of gas, and 15 cents on diesel and on top of that, they add 27½ per cent of the cost in insurance and freight value. Stamp tax on both products is 1½ per cent of the CIF again. So Mr. President, we are very fortunate here that we only have a thirteen cent tax on gas and diesel.

The other point made by the Member was why should we have an increase in gas and diesel while world prices have been declining in the OPEC countries. Mr. President I have an Oilgram, a Platts Oilgram which the Government gets every month, and the one I have in hand now is dated November 15th. The Crude Oil price was lowered, but Caribbean Products Exxon (Bahamas) went up from 81 cents to 86 cents. Texaco and Shell also did the same, so they have told us that while the prices of crude may have dropped, the cost of producing the refined products have increased, and this is why it is world wide Sir, it is not only in the Cayman Islands, it is world wide.

NOV. CAPT. CHARLES L. KIRKCONNELL: As I said before Sir, one of the mistakes that this Government has made in the past, is not to have increased duty on its gas and diesel products over the years, instead of letting it run for eight years before increasing it a mere five cents, because the Oil Companies look at this region overall, and they compare the prices in any particular country, and if they see the price in a particular country lower, they adjust their prices to keep them more in line with the others. Mr. President, I can see no problem with this increase of five cents. I think it is very much in line, and I think the argument put forward by the Second Elected Member for Bodden Town are no argument at all. Thank you Sir.

MR. PRESIDENT: There are about three Members, all of whom thought to have caught my eye, but I think.....

MR. W. McKEEVA BUSH: I will be brief, very brief Mr. President.

MR. PRESIDENT: I am sure you all three going to be very brief. It was the Member for North Side really, who has first go, in the sense that he caught my eye earlier. I do think we have reached the time when we ordinarily, ten minutes ago there was time for one more speech, but I think now we should be.....

MR. W. McKEEVA BUSH: Mr. President, I do not like interrupting you Sir, but it seems that this House has a heavy workload before us, I am wondering if we cannot continue until one o'clock and come back at two. Cut our lunch break shorter Sir, so that we can get through with the workload.

MR. PRESIDENT: Maybe we could cut out the coffee breaks too.

MR. W. McKEEVA BUSH: Well I agree with that Sir. As it looks we are not going to get through before Christmas anyway.

MR. PRESIDENT: I think probably that there is merit in considering adopting slightly longer hours, whether by way of shortening coffee breaks, or shortening the lunch break, or staying on longer in the evening. I suspect today, if we sought drastically to shorten the lunch break I do not know, it might inconvenience some Members, because some may have made lunch engagements, but I put the idea to Members for consideration, and perhaps we could discuss it informally later today. There might be merit in thinking how we can get through more business in the day, by a shorter lunch break or a shorter coffee break, or whatever.

MR. W. McKEEVA BUSH: The suggestion is Sir, that the Government take heed to what I am saying, concerning a Meeting every other month.

MR. PRESIDENT: I think I will now postpone proceedings until, let us say very promptly at two fifteen, because that is another way we waste time. We do not usually resume at the time we say.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:18 P.M.

MR. PRESIDENT: Please be seated.
It was the Elected Member for North Side who caught my eye first, before lunch, so I think it is fair to.....

STANDING ORDER 80 (1)

MR. D. EZZARD MILLER: Thank you Mr. President. The other Members would not have to wait long Sir, because although I would really relish the opportunity to counter argue and debate with the Second Elected Member for Bodden Town, the merits and demerits of the effect of taxes on the revenue on the deficit position in this Country, unfortunately Sir, I have to evoke Standing Order 80 (1), and declare a pecuniary interest, and not debate or take part in the voting of this section Sir. Thank you.

MR. PRESIDENT: Then the Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, taxes imposed in any part of the world are called by the same name, and hurt the little man hardest.

Mr. President, I must say that the Third Official Member did very well in the presentation of this Bill, and in some parts I must say it was very touching, but at the same time Sir, I must say that I stand here to disagree in full with such a Bill coming before this Assembly.

I was surprised Mr. President to hear the poor excuse of cars costing \$8,000.00, \$10,000.00, \$12,000.00 and by whom, because Mr. President when we speak of such amounts for motorcars, we are still leaving out the person of whom I am very much concerned, that 'little man'. I must join the Member from Bodden Town who has made it clear, we are not speaking of dwarfs, we are speaking of that little man. The one who suffers most when such harsh measures are taken, like the ones before us now. I really wonder Mr. President, where it is all going to end. Harsh measures, when it is not taxes it is something else.

I was told a while ago that we have gone as far now as to say to our Police Officers and Principal Secretaries, "you cannot even come into the Coffee Room for a cup of tea," where is it all going to end.

Mr. President, some people have short memories. I recall in 1976 the importation of motorcars was at a complete standstill. When I was elected Sir, it was one of my first tasks to introduce into this Honourable House a Motion, a Motion seeking to lower importation rates on motorcars. At that time Sir it was thirty three and a third percent, and the Motion which I proposed to the Government of the day, was to bring it to twenty per cent. I was not successful with the twenty per cent, but we came to an agreement that we would move it to twenty seven and a half per cent. What was the result?, importation of automobiles started to boom. What had happened Mr. President, was that no one engaged in automobile importation was bringing in cars without being assured by somebody, that a car would be sold shortly after arriving on the Island. Today, what do we see? There is hardly a boat which enters our dock that does not come in with a full cargo of cars. So what has happened, the Government has benefited by lowering the importation tax, and it was good that the Government of the day had such a foresight. Each time we speak of the little man, it seems to me like the smallest man in the Chamber takes us to task. But let me say, I for one Mr. President am aware that on the outside there are many who fit into this category, and I know at this time, I have their support.

MR. JOHN B. McLEAN (CONTINUING): Yes, I know that from this harsh measure we will reap \$1.6 million at the expense of the poorer class. This is nothing for us to stand in here and brag about. I know that we have to get revenue, but find other ways, we had to do it when we were in Government. I heard an argument this morning, that those who are contradicting this measure should come forward with a solution.

Mr. President, shortly after the election I took my stand, I made it abundantly clear that I was prepared to work together for the betterment of this Country. I was not given too much encouragement to come and share my views. Is it only now that my help is needed?

I was proud Mr. President, when I read the newspaper, and I saw an appeal there from a well respected gentleman from the Lesser Islands, asking that this Government stop and think, and reconsider, and if it means swallowing their pride, do so, but please do not pressure the little man further.

What a trend to embark on, to add pressures and more pressures. We have heard of taxes in the United States being compared with taxes in the Cayman Islands. I know Sir, of many people in various walks of life in the United States, and whether he or she be in the top income bracket or the lower income bracket, I have never yet come across one who agreed with what they were going through. So definitely, our people have every right to move, and to move now before we are pressured into that same state. It seems to me, it is the way we are going, taxes and more taxes.

Mr. President, I hope and trust that the people who are presently in our elected Government will reconsider what has been done. How can they honestly go out and face their people knowing what has been done in these Chambers. It is a sad state of affairs, our people are very much upset, and I assure you it is not getting any better. Let us be men, not boys, thank you Mr. President.

MR. PRESIDENT: Earlier the Second Elected Member for West Bay had caught my eye, but he does not seem to be catching it now. The First Elected Member from the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Thank you Mr. President.

Mr. President, I rise to support this Bill, a Bill for a Law to Amend the Customs Law. I realise Mr. President that the people must contribute to the expenditures of Government, if they want to benefit.

I also remember in 1977, that the price of gasoline at the pump was approximately fifty per cent of what it is today, and none of that has gone to the revenue of the Cayman Islands Government, it has all gone to the major oil companies who supplied the product to Grand Cayman.

No real revolt by the people has been made in recent months, there was a two cent increase, followed by a four cent increase, we all payed it at the pumps, and excepted it as world inflation. Thus today, I am happy to say, the five cents will help to balance our budget, will be beneficial to each and every one of us, and Mr. President, this is one of the tax measures which I feel can easily be absorbed by our people, and should not cause any undue hardship.

For people with small cars, they probably only burn six or seven gallons of gasoline in a week, so I do not see where the extra five cents is really going to be that hard, so with these few words Mr. President, I support the Bill.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you Mr. President.

Mr. President, I rise to support the Bill before us. I have no real qualms about it. When we were conducting our election campaign last year one of the things Mr. President, we told our People in West Bay, was that we did not know fully the state of affairs that we would find, if and when we were elected to Government. We could promise them no miracles, but certainly Mr. President, we told them that the possibility existed that in order to provide services which were needed, new measures might have to be found.

I have heard quite a bit this morning about why we should not raise the price of gasoline and oil by five cents. There is more than one way of looking at this, perhaps one might say we are looking at it at five cents a gallon, which does not seem much, but at the end of the year how much does the consumer pay?

Mr. President, if one went to the gas pumps once a week and got ten gallons of gas, one would pay fifty cents more. This does not seem a great deal to me, personally I would rather that we did not have to institute any new measures such as this, but the fact remains, that we have to, and from all that I have listened to this morning, I have heard no real alternative, no workable alternative to the revenue measures which are being proposed by this present Government. What the Opposition has failed to explain Mr. President, is that upon our coming here the mess that we are now in was not of our own making. The 1972-1976 Government left an infrastructure here upon which a sound economy could be built. The 1976-1984 Government came along, enjoyed boom years and the benefits of all those efforts made by the previous Administration. Not only had they made a lot of money, but they had wasted it. Mr. President, and in addition to wasting that money, they left us with millions of dollars to take care of otherwise.

What I am saying Mr. President, is that the Opposition needs to come up with a workable alternative, if they are such geniuses as they contend to be. They come up with something that is workable, because I for one know, that the people in West Bay are not going to be satisfied for the next four years, not finding being put in place the services which they think ought to be there, and until now, our people are not rising up in rebellion against us. What could possibly be the case, is that some Members of the Opposition may go out there to try and change their minds by distorting the truth. However, I would care to remind this Honourable House of what I said a few days ago. We have got some really sensible people in West Bay, and one cannot ram everything down their throats. It happened in 1976, and in 1984 this situation was changed. They realised who the real stalwarts of the people were, and they changed their minds, and it does not take one year for them to forget this.

Mr. President, five cents on a gallon of gas, this Honourable House is not wanting to pass these measures for something which we want to do for ourselves. Our people require new services, and we have to pay for them. We have no other means of raising the revenue at this time, and as far as the economy being in a slump, and we being in a mess, give us a little time. They had eight years to destroy it, we might need eight years to build it back up, but believe me Mr. President, we are on the way up, and I have a strong feeling that in eight years this Government does not intend to leave a mess, a financial mess on the books here, as was found in 1984.

MES. DAPHNE L. ORRETT (CONTINUING): If the people of these Islands did not get anything else positive from the 1984 elections, Mr. President, they got this. They were able at last to find out the financial mess we were in, and the things which were swept under the carpet. All of a sudden, and gradually as well, they were being exposed. When the past Government can give a sufficient explanation for the way they have wasted the funds, and when they can come up with a workable alternative, then I will be happy to listen to them.

In the meantime Mr. President, I support the Bill, and I am pleased to say to my people in West Bay that we are doing it because we have to, and they will see the results of this in the services which we are going to provide for them.

Thank you Mr. President.

MR. W. McKEEVA BUSH: Mr. President, my view of taxation was made very plain during my budget contribution yesterday. I am only rising now to speak, just to refer to what has been said by the Member from East End, and the Second Elected Member for Bodden Town.

Mr. President, I am a person who like the old people say 'I ring no backing bells' which means Mr. President that what I have to tell anybody, I am going to do so, and ever since I have been a Member of this House, I have spoken according to my convictions, I have spoken according to how I see a situation, or how I find a situation. I do not get up here and speak about a matter unless I have done some homework on it, and I stand by my convictions regarding what I said yesterday. I view it as being unfair when the owner of a big car is required to pay no more for the use of the road than a little fellow who has trouble in getting a 1,000 c.c. car, be it a Toyota or whatever it be, just to have transportation to take him to work, because transportation, Mr. President is something which practically every person in the Cayman Islands today requires. A car in my opinion to most people is not a luxury it is a necessity. I feel Mr. President that this car tax referred to, should be reflected in the type of car one owns. It should be, and I stand by my convictions, a graduated tax as is done in the United States. A person should pay according to his affordability, and this is mostly at all times reflected in the type of car a person drives.

Mr. President, the Second Elected Member for Bodden Town has said that the little man in this Country is not buying the small car, he is buying the big American used car. I am not saying Sir, that some people, because of what they prefer are buying a big used American car, I am not saying this. But if we check the resale of American cars in these Islands today, he would see that it is practically nil. It is a very hard thing to sell an American car in the Cayman Islands today, and as far as I can see, and as far as I have checked, the sale of the small cars in these Islands is great, and they are being bought by a lot of poor people, and they are the ones I represent.

So I stand by my conviction. I do not support our system of taxation because everyone is paying the same thing, and it is one thing for all of us to pay the same price for our groceries, but it is another thing for the people in the lower strata of life to pay the same license fee as the Second Elected Member from Bodden Town, who owns a Cadillac and a Mercedes Benz, and that is why you hear him grumbling about because he is the man.

MR. G. HAIG BODDEN:

Mr. President, on a Point of Order....

- MR. PRESIDENT: There is a Point of Order being raised.
- MR. G. HAIG BODDEN: The Point of Order is that the Member.....
- MR. W. McKEEVA BUSH: Could the Member quote the Standing Order.
- MR. G. HAIG BODDEN: Yes Sir. I am rising Mr. President to elucidate a matter raised by him, he is talking about my ownership of a Cadillac.....
- MR. PRESIDENT: Is this a Point of Order.....
- MR. G. HAIG BODDEN: ...and I have no Cadillac, he knows this but he spread this propoganda during the elections.....
- MR. PRESIDENT: I am afraid this..(INTERRUPTION) Point of
- MR. LINFORD A. PIERSON: On a Point of Order. I believe that Erskine May states that any infraction of breach of Parliamentary procedure, a Member can rise on a Point of Order, and even if it is not stated specifically in our Standing Orders, Erskine May's is our God, it is the Bible of this House, and if the Member speaking is telling an untruth, this is a breach or infraction of Parliamentary procedure. So I believe that some of the things that may be said in this House, cannot be found in the Standing Orders, and we will have to use Erskine May in such a case.
- MR. PRESIDENT: It is perfectly true.....
- MR. G. HAIG BODDEN: He has been corrected on this many times in the past, and he is willfully telling an untruth.
- HON. BENSON O. EBANKS: On a Point of Order, Mr. President...
- MR. G. HAIG BODDEN: He is willfully telling an untruth.
- HON. BENSON O. EBANKS: On a Point of Order Mr. President, could I direct your attention to Standing Order 34(b), and it appears to me that the Member who was speaking, namely the Second Elected Member from West Bay was not prepared to give way therefore the Member from Bodden Town, and had no right to interrupt him.
- MR. G. HAIG BODDEN: The same right you have to interrupt now when it is not your business.
- MR. PRESIDENT: Order, order.
- MR. W. McKEEVA BUSH: Mr. President.
- MR. PRESIDENT: No. I am still speaking I am afraid. You may sit down.
- MR. W. McKEEVA BUSH: Mr. President.
- MR. PRESIDENT: Please sit down.

MR. W. McKEEVA BUSH:

I am sorry I did not hear you. I did not know you were going to speak.

MR. PRESIDENT:

I beg your pardon. I was not actually speaking, you are quite right, but I was about to speak.

Firstly, it is perfectly true and I certainly accept that there may be permissible and genuine Points of Order which are not spelt out in detail, or fully covered by Standing Orders, and there may be a need on occasion to refer to Erskine May, because our Standing Orders themselves say that anything which is not dealt with in Standing Orders, we shall follow Westminster practice, or words to that effect, and Erskine May embodies Westminster practice. If therefore, a Member feels that he has a Point of Order which is not adequately covered by Standing Orders, but which Erskine May makes clear can be a Point of Order, then he may certainly draw my attention to the appropriate paragraph in Erskine May, but I should wish it drawn to that. So much for that.

Secondly, it does seem to me that really what the Second Elected Member for Bodden Town sought to do was not raise so much of what I would regard as a Point of Order, as a point of explanation under Standing Order 34(b) really.

Thirdly, I think that generally speaking, if every time a Member says something which another Member believes to be inaccurate or incorrect, the Member who believes something to be inaccurate or incorrect rises on a Point of Order, we shall spend our whole lives debating Points of Order, instead of continuing with the debate.

All that said, if it is in fact the case that the Second Elected Member for West Bay's attention had been in the past drawn to the fact that he had misdescribed one of the motorcars belonging to the Second Elected Member for Bodden Town, I hope he will get his description correct next time round. He may now continue.

MR. W. McKEEVA BUSH:

Mr. President, every time I get up to speak, they are jumping up on their feet regarding Points of Order.

I was only explaining to the House that I see the man driving two cars, one is a Cadillac and one is a Mercedes Benz, and he is complaining about the system which I say we should have. It is only in my opinion, because he would fall into this category. He would fall into the category of the person owning a bigger car. I have my opinions, and I will stand by my convictions, but our type of taxation is unfair to the little man, or the small man, or the poor man in this Country, which ever category he puts them in or name he gives them, because the big people, the big people who have all sorts of businesses, and put them in their wives names are the ones getting away with it in this Country, this is what is happening. Anything my wife and I own, we share full ownership, and our names are on it, and we are paying for it. I am not saying Mr. President that who ever wants to own a big car it is their business, I am not saying that, I am only pointing out what I see as an injustice or unfairness in our system of taxation, this is all. Every time I get up here to speak they are quoting this thing and quoting the next thing. It is only because they have served to mislead the people when they speak, that I have to stand here and say the things which I say.

MR. G. HAIG BODDEN: On a Point of Order Mr. President. Is he imputing improper motives under Standing Order 35(4).....

MR. PRESIDENT: I did not think so, I came to the conclusion he was not.

MR. G. HAIG BODDEN: You know, the fact that he is an Elder of the Church does not give him any right to say things that are not true.....

MR. W. McKEEVA BUSH: I am speaking, you are not rising on a Point of Order, sit down.

MR. G. HAIG BODDEN: and to impute improper motives. He is not God in this Chamber.

MR. PRESIDENT: Please both sit down, Point of Order. You made your Point of Order, now you may continue.

MR. W. McKEEVA BUSH: I wish he would stop misleading the House, I am no Elder of the Church. He is the one misleading the House. I guess this is good, compared with that which he is going to say on the platform.

Mr. President, as I said, I am not saying that any person who wants to own a Cadillac, who wants to own a Mercedes Benz, and you can believe that these people are the well-off people in this Country. Nobody is going to fool this Member, who do they think they are fooling? They are the people who are better off than the little boy who has trouble buying a 1,000 c.c. car to get to work, and I am saying that the people in this category should pay more than the little man. In fact, some of these people are driving on better roads, because some of these people have been in Government long enough to put blacktop across their roads, when some of our little people are driving in the holes. I shall say no more on this Bill, except the fact that our Country is in a serious position and the Second Elected Member for Bodden Town knows it, I think he knows it. He knows the position, he left it in that condition, and we have to find ways and means of keeping Cayman Airways afloat, because nobody can push anything down my throat anymore. This is the root cause of taxation, or one of the root causes of taxation, and the Government of this Country must have the guts to tell the people so.

Thank you very much Mr. President.

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

MR. LINFORD A. PIERSON: Mr. President, I will relieve the anxieties of some of the Members whom I know are waiting for me to speak, because it is known that once a Member speaks in the House here on a Debate, that another Member can get up and counteract what he has said. I also hope Mr. President that I may be able to bring a bit more intelligence to bear on my debate, than some I have heard previously.

My question which I am going to ask this afternoon Mr. President is: how can any Member of this House supporting this Bill, even have the temerity or gall to send a Christmas Card to their constituents saying 'Merry Christmas'? There is nothing here which will bring happiness to the people of the Cayman Islands. There will be no merriment, and there will be no happy and prosperous New Year.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, when I stand in this House I stand as an independent Member, and I have no reason to have to go against my conscience on debating this Bill, or any matters raised in this Assembly.

I have just heard the Honourable First Elected Member of Executive Council refer to me walking out of this House. If he had the guts Mr. President, he would pack up and leave. I would never present such a Bill to the people of the Cayman Islands.

HON. BENSON O. EBANKS:

Mr. President

MR. LINFORD A. PIERSON: I have heard Mr. President a lot of things said about line budgeting, about programme budgeting and it appears to me that anyone who can add two and two with any degree of accuracy is a self-proclaimed financial genius. But Mr. President, this Country needs more than rhetoric, and I support what the Third Elected Member of Executive Council said in this regard, but I would throw the same thing back at the people presenting this Bill.

I have also heard Members get up here and say that if one has got to find faults, come up with new ideas. It is a pity Mr. President that we on this side of the House were not asked our opinion before this practical joke was presented to the Country. Why are they now shouting that we should come up with new ideas? Why were we not asked for these new ideas before? I say this with the feeling and the understanding, that I understand finances as well as any person in this House, and I say this without any need for contradiction, because the Members know I am telling the truth.

I would also refer to a remark made by the Third Elected Member for West Bay. She is fully aware that I intend to have a meeting to inform my people of the tax measures, but she is also aware that I am not one who is a liar. I will tell the people what is in this Budget, and for her to imply otherwise, would be to mislead the people of this Country. I have never risen in this House and imputed any sort of behaviour on behalf of other Members, and I take it as a gross insult that anybody would imply that I would go on the political platform of this Country, and not tell my people the truth. They have nothing to fear. If everything is alright, they have nothing to fear. But they struggle under the realization that they have brought about draconian measures which will strangle our people. There is no way of justifying this without reducing or cancelling all these measures.

I join the gentleman from Cayman Brac, a man who is highly respected, Mr. Bernard Tibbetts in certain sections of his letter today in the Caymanian Compass. It would be wise if the Members of Executive Council, and in particular the Elected Members of Executive Council would pay heed to the wisdom of the words of this man. He says, and I quote:

"I trust that our Government will not be too proud, belligerent haughty, reckless and inflexible to review and adjust the shocking increases. Everyone will honour those who are wise and humble enough to recognize their mistakes and correct them."

If any Member of this House be he a Member of the Elected Executive Council or one of their supporters feel that we should be here giving them alternatives, and they also know all these alternatives, why do they not stand in this House and suggest them to the Public.

MR. LINFORD A. PIERSON (CONTINUING): My position is Mr. President, that they too are confused. There are too many people playing economist, and accountants and financial experts in this House.

When I try to move without my area of professional discipline, I am reminded of the profound words of Alexander Pope when he said:

"A little learning is a dangerous thing,
Drink deep or taste not of the Perrian spring
Their shallow draughts intoxicate the brain,
And drinking largely sobers us again".

I would not be able to pretend to advise in medicine or in carpentry or in anything I am not trained in. No wonder the need is seen to bring some of these experts into this Country. When the people of this Country elected us to Office, they elected us because they felt that we had the knowledge to handle the affairs of this Country. I am tired and sick of hearing people blaming the last Government for their failures. We have been in Office over one year, where are the policies, where are the economic policies, in the Budget? This is as much as one knows.

A Budget, for clarity Mr. President, to the less informed is not an economic policy, this is why they are getting into so much trouble, they are following a Budget as their economic policy.

Why should the people of this Country suffer. This Bill seeks to raise from eight cents to thirteen cents the Customs Duty on motor gasoline and diesel oil. It does not seem like much Mr. President, but it is in fact a sixty two and a half per cent increase. The sad thing about this Mr. President is that by the time the consumer buys the gasoline at the gas station, he will be paying much in excess of five cents. In addition to this Mr. President, to exacerbate the problem, the bulk storage operators ESSO, Texaco, Shell will not now be paying \$1,000 for their trade and business license but will be paying \$50,000. I wonder who is going to bear the brunt of these increases?

Mr. President, when we examine the traffic regulations which were passed by the Executive Council and never brought to this House, and when we examine the Provisional Customs Duties Law, we can see that democracy is fast going out of the procedures of this Parliament. For most of the informed, for anybody who knows, has the simplest or the most rudimentary and elementary knowledge of economics, will tell one that in a time of recession, one does not squeeze your people one does not add more and more draconian tax measures, one reflate the economy. Now if they want to know how this is done I will spend ten or fifteen minutes and will explain it in the Coffee Room.

If the Member who is apparently the leader of their elected bench would just talk with the Members from the Lesser Islands, and the people of the Lesser Islands and people in the Cayman Islands who are less fortunate. 'Little people' seems to be an insult in this House, so I will use the word 'less fortunate', then they will find out the reasons why people are so much opposed to these increases.

The reason for the problems they are having in trying to balance the Budget should not be pushed down the throats of people who cannot afford these drastic increases. It is their duty to find ways and means of stimulating this economy. It is their duty to find the revenue. Why should they be strangling the poor people of this Country. They need to come to grips with some of the areas of expenditure, such as the Hospital Kitchen costing \$590,000 plus a little bit of paving outside.

MR. LINFORD A. PIERSON (CONTINUING): They need to come to grips with the amount of money which is being spent unnecessarily on advisors. They need to come to grips with the amount of money which is being spent in Cayman Airways. When they came into power it was on the understanding of the people that they would clear up these problems. Do not sit there and blame other people for ones mistakes.

Mr. President, I was surprised in this House to hear the glowing tribute given to the Financial Secretary, the Honourable Third Official Member by the Fourth Elected Member of Executive Council. When last year debating this Budget and debating these tax measures, we heard a different story. I am not responsible, or, who is going to take the credit for being the father of the financial industry of the Cayman Islands. The point I would make is, if there is so much expertise on the Executive Council bench, then show us. Let us see it, we are sick of hearing the rhetoric. Let us see it in your acts. I am not here to take the credit or the thunder from anybody who might have thought that they were responsible for the prosperity and progress of our economic development. My view of course, is much different, because until I can see specific guidelines laid down by Members of the Government, then my view is that we are very lucky to have reached where we have. We have just happened to have been in the right place at the right time in our economic development, when Jamaica, Cuba, the Bahamas and other countries were going down the drain. For any Member to stand here and continue to thump his chest and give himself credit for this, is a misrepresentation to the people of this Country.

Another point Mr. President, is that we are told that these increases will not cause much harm. How can they hurt one. One is only paying a few cents a week. Well Mr. President, if this is the case I will have to tell my people when they come to me, to let the authorities know that they want to pay their fees on a weekly basis. But the reality of the situation is that they do not pay it weekly, they must find a lump sum, as some people have found to their dismay and embarrassment. They did not even know that the traffic regulations were in force, that came into force on the first day of December. They went up there expecting to pay \$48.00 for their cars, and had to go back home to find the rest of the money.

Mr. President we, and I can speak for myself, am very happy to assist in any way I can, if I am approached. But do not bring legislation, budgets and other things into this House and then when we get up to criticize them with constructive criticism we hear 'give us alternatives'. Why were we not approached before for suggestions? I can tell you why, because we are not considered to be the favoured few.

I heard a Member say Mr. President, that between 1972 and 1976 Government did so well in this Country. I am not here to criticize that. I am concerned with 1984 onwards, but I would be shortsighted if I did not reflect and take note of what happened before that time. But if the Government bench is so cognizant and so aware of the problems in this Country, which the Country is going through a very severe recessionary period, why did they not come up with a Budget which could deal appropriately with the times we are going through.

My position Mr. President is that there seems to be major confusion. A lot of these measures seem to have been hurriedly thought out, to try and balance the Budget. In my Budget Debate last year Mr. President, I made it abundantly clear that the Budget then being presented, and the revenue measures being presented were most unrealistic. I also said in this House that I gave the Members six months before they would be back to the Finance Committee for supplementary appropriation.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, my prediction unfortunately was true, but they were back here in three months, and I predict that the same will happen with this 1986 Budget. They will not be finding \$14,000 surplus at the end of 1986, but instead we will be looking at two to three million Dollars. Because a lot of the tax measures that have been suggested and recommended here are unrealistic, and our people cannot meet them, and this is the reason why. We now know that Members of this House would like to have some of these tax measures reduced by 75 per cent, and rightly so, but the same way some of these Members might want this, we need it done in Grand Cayman as in Cayman Brac or Little Cayman.

Mr. President, I could not in good conscience support this amendment to the Customs Law. I could not in good conscience support this Bill which seeks to raise the Custom Duty by sixty two and a half per cent. Mr. President, I have discussed with the Government bench areas which I feel should be given very serious consideration, but then perhaps my advice will be flushed down the drain. They will probably bring in somebody from the United Kingdom, the United States and pay them \$100,000.00 to be told the same thing. As long as one comes from overseas, it could be from Little Cayman, one is put in an aurora, one is an expert.

One professor of mine in describing an expert referred to him as a 'drip under pressure'. Mr. President the Government of this Country must sit and take stock of the situation we are in, discontinue pushing the blame on other people, discontinue blaming the Unity Team or any other team. We were put here by the people to do a job, and by God's help we shall do that job. Let us come up with our solutions, and a solution is not strangling our people to death. The First Elected Member is asking me what the solution is Mr. President, he is supposed to be the leader, and he does not know the solution.

Mr. President, in summing up, I wish to say how disappointed I am with the heartiness and the pigheadedness I have seen exhibited. Some Members seem to feel that they know it all. They cannot take advice, nobody can advise them. Whatever they say is Law, if you like it or if you do not like it, you have to swallow it. This is a pitiful state of affairs Mr. President, and I would be doing an injustice to my People today if I supported these increases.

Mr. President, in closing I thank you Sir, and would make it abundantly clear that I cannot support this Amendment Bill.

MR. PRESIDENT:

The First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, I rise to support this Bill Sir, and in offering my support I hope that I will be allowed as much latitude to roam, as speakers who went before me.

Mr. President, I can lay no claim to any tertiary degree Sir, so if I make an ass of myself in this House, they can only say it is unfortunate, they cannot call me an educated fool.

Now Mr. President, I want to deal first, that is after I have dealt with whom I was dealing with before. I want to deal first with the Second Elected Member for Bodden Town. He quoted from the Readers Digest, an article 'Six Economic Myths'. He sought to apply that article Mr. President, which is based on countries like the United States with direct forms of taxation, to the Cayman Islands which has an indirect form of taxation.

MR. BENSON O. EBANKS: We all know that where there is income tax and other taxes, that when you increase taxes, you stifle the ability of people to expand factories and one reduces drastically the spending power of people, so that you in fact stifle the economy. But Mr. President, in our indirect form of taxation we have not introduced any measure in this Budget which would have such an effect on our economy. The Member said that the article was so much like his thinking, he could have written it himself. I see Mr. President that the article is written by Malcolm S. Forbes Jr., and I understand that he is a protege of that Member, better known as Slocombe in Breakers, the man who drag races with automobiles with a wheelbarrow.

Mr. President, it is my opinion based on the contribution made by that Member this morning, that this Country would have been better off had he been out drag racing with Slocombe.

Mr. President I am going to deal with the deficits a little later on, but I want to deal with some specifics at this point. The Member had strong criticism as did the Second Elected Member from George Town, for the Provisional Collection of Customs Law. Mr. President, without such a Law, Government would have lost the duty on a full tanker load of diesel and gasoline, Sunday gone a week ago. These are the kind of measures which have been introduced by this Government, which the Second Elected Member from Badden Town and the Second Elected Member from George Town, failed to see. They would have lost that duty.

Mr. President, you know, talking about articles, I read a recent article which said that based on research in the United States, their intelligence agencies have concluded that there is concerted effort, a calculated and concerted effort being made by Narcotics Dealers in the Soviet Union to destabilize democracies in this area. I wonder if this is the aim of the Opposition in bringing their rubbish to this House, and who are now talking about carrying it on the platform.

Mr. President, for the benefit of the Second Elected Member from George Town, who talked about the \$500,000 Kitchens. Had he read the Honourable Third Official Member's speech, he would have seen that under the Unity Team Government, the Kitchen was budgeted to cost \$670,000, and the savings have been effected since this Government got into power last November. But Mr. President, after all, you know he talks about two and two, but I do not know if he can count two and two.

Mr. President, I am sorry that the Member for East End has left Sir, because I have got a little bit for him too. He said that his first job when he came into this House Mr. President was to bring a Motion to reduce the importation, the Import Duty on motorcars from thirty three and a third to twenty per cent, but they had made a deal and settled at twenty seven and a half per cent. Mr. President, this was all cosmetic, he was a part of the Unity Team Government, we know what they would have accepted. They did not have any intention of reducing it to twenty per cent, and what is the reduction from thirty three and a third to twenty seven and a half, five and one sixth per cent. Mr. President this was done in early 1977, and then in late 1977 they raised the duty on gasoline from five cent to eight cents, an increase of sixty per cent. The present increase Mr. President after eight years is sixty two and a half per cent, that is if you calculate five cents on eight cents. But in fact, if you calculate the effect on the total cost of gasoline, it is what, 3.36 per cent, or 3.26 per cent. You see Mr. President, these people believe that we cannot do figures. But as I have said, if I make a mistake there is an excuse for me, we can only say it is unfortunate, they cannot say I am an educated fool.

HON. BENSON O. EBANKS: Mr. President, the Honourable Financial Secretary in presenting this Bill said that if we attempted to keep the returns on duty at parity with 1977, we would have had to increase the duty to fourteen cents, which would have been an increase of 75 per cent, but we have only increased it by 62½ per cent, Mr. President. So we have still subsidised the inflation and the devaluation of earning power by 12½ per cent.

Mr. President, you know Sir, that five and one sixth or whatever per cent reduction which was made in 1977, is exactly what the First Official Member was talking about the other day, the repayment of political promises. Because from 1975 then the duty was put at thirty three and a third per cent. The Unity Team Government went around promising to reduce it to twenty per cent. Why did they not reduce it Mr. President to twenty per cent, because they found out that they needed the money, and they turned around and increased gasoline by sixty per cent too, and they increased other fees, some of which have not yet been mentioned, but which I have not forgotten Mr. President. But it is no surprise Mr. President, that no cars were brought in during 1976. At that time the main importer of the Japanese cars in this Country was a member of the 'Health' team who was operating then, an affiliate of the Unity Team Government, and he could not bring in the cars because he did not want them to sell, just to say that the Government was bad.

Before I finish with the Member for East End, Mr. President, he said that he wondered how the Members of Government could go out and face our people, knowing what had gone on in this Chamber with regard to the raising of taxes. Mr. President, I can face my people because I have a clear conscience, and because I believe that what I am doing is in their best interest. What baffles me Mr. President is how some people can face the public knowing not only what has gone on in this Chamber, but what has gone on elsewhere outside.

Mr. President, I want to tell you how up to date the Second Elected Member from George Town is. When he was talking about the bulk storage operators, he said Esso, Texaco and Shell. The Shell Company closed down its operations in this Country, it must be ten years ago, and this is the financial advisor and expert we should employ. At least when the experts come from abroad, they try to find out the companies which exist in the Country.

Mr. President, before I forget it, I see the Member has come back, and he talks about guts. I want to test his guts. He has advertised a meeting for tonight, to deal with issues including the Report from the Constitutional Committee, and I want to challenge him to get a copy of Lord Oxford and Asquith's Report and read chapter 40. 'Organisation of Constituencies' to his people or his audience tonight, before he starts to debate the issue. I want him to read the full chapter 40. I want to see how much guts he has got, how much ability he has to debate. Now Mr. President, he will not be able to count me in the four or five people he is going to have there.

MR. PRESIDENT: The Member did say at the start of his speech, that he hoped I would give him as much liberty to stray from the subject as I had given others. I think he is in danger of straying a little further than anybody else has.

HON. BENSON O. EBANKS: I do not know Sir.

MR. PRESIDENT: Ah well. I am going to give us ten minutes break now, while we can reflect on that point, but only ten minutes break.

AT 3:33 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:53 P.M.

MR. PRESIDENT: Please be seated. I make it about twenty three minutes instead of ten, so we are not doing too well, but I invite the First Elected Member of Executive Council to continue speaking.

HON. BENSON O. EBANKS: Mr. President, the Second Elected Member from Bodden Town said that the problem, and I believe this was echoed by the Second Elected Member for George Town as well, that the problem was, or is that the Country is without leaders. Mr. President, as I will go on to show later, the present Government in 1985 has done marvellously better than did the Unity Team Government in 1984, and he said that we should stop asking them for alternatives, or why did we not ask them for alternatives. Mr. President, he cannot put that at my doorstep Sir. I do not expect blood out of a stone, and I would never ask them for an alternative to the measures which we have produced in this Budget.

As far as development is concerned Mr. President, the Hyatt project was around, and it did not get off the ground until the present Government took over. Paradise Manor dried up on the vine, this present Government is able to see it to the point where I understand it will start construction, or it will restart early in January next year. The Genesis Building, Mr. President which has been promoted, with a great fanfare under the Unity Team Government did not get out of the ground until about a month ago, under the present Government. So Mr. President, we are not doing badly, and there are many other projects in the pipeline, but I am not going to announce them publically here because one will probably here it from the Courthouse steps tonight, as somebody else's idea.

Mr. President, you know, I understand that some of the problems in the past have been due to the fact that while permission was being offered in the lefthand the righthand was scratching the clients knee under the table, this does not go on in this Government Mr. President.

Mr. President, we were told that during the Unity Team's Government taxes were only coupled or introduced during a time of economic activity. Mr. President, the economy had not taken off in 1977 when they increased the import duty on gasoline by 60 per cent.

Mr. President, before I go any further Sir, I would like to correct one figure which I have quoted. I rechecked my figures and I saw that the reduction in duty was five and five sixths per cent, not five and one sixth per cent, and I hasten to say that it was not the Second Elected Member for George Town who brought it to my attention, I do not believe he noticed the mistake.

Now Mr. President, we have been told, or this House has been told, the Country has been told and I am sure you will hear it tonight, that the small man, the little man as they call him is being strangled to death by these garbage fee increases, and the automobile increases.

HON. BENSON O. EBANKS (CONTINUING): I want to go on record Mr. President as showing what these increases mean, on a weekly basis too. Each household, providing that household has only one car - you are worried now.

Mr. President, the garbage fee was increased from \$18.00 to \$50.00, or an increase of \$32.00, which is an increase of .615 cents per week. Automobile licenses went from \$48.00 to \$130.00, an increase of \$82.00, or \$1.577 cents per week. Inspection fee went from \$5.00 to \$10.00, or an increase of \$5.00 or .096 cents per week. Drivers Licenses Mr. President on an annual basis were increased from \$5.00 to \$15.00, or \$10.00 which is an increase of \$.192 cents for a total of \$2.48 per week. Mr. President, I have been more generous than did the Second Elected Member for Bodden Town. He gave them 400 gallons per year of gasoline. I have allowed them 520 gallons per year, or 10 gallons per week, which is another 50 cents. So if you add it all up, it is a total increase of \$2.98 per week, and Mr. President that is per household, not for each person in the house. If you divide that by five or six people, it is about 50 cents a week Mr. President. But to the head of the household, it represents \$2.98 a week, or less than the cost of one mixed drink at most of the drinking establishments.

Mr. President, they say that we do not care about the little people. What does the average person get from Government in return for the measly contributions which he makes. Mr. President, to educate one Primary School child in this Country using 1985 figures costs \$1,237.60 per child per annum. To educate one Middle School child Mr. President would cost \$1,258.40 per child. One High School child \$1,995.90 per annum. Put another way Mr. President, assuming five years of primary education would equal \$6,188.00, assuming three years of Middle School education, it is \$4,075.20 and three years of High School education it is \$5,987.70 or a total of \$16,250.90 Mr. President to carry a child from primary to 'O' Level or CSE standard, or to provide even those non-examination courses of education for eleven years. For those children Mr. President who go on to 'A' Levels one can add another \$3,991.80 for a total of \$20,242.70 per child. Now Mr. President, multiply that by some families with three, four, five or six children, and before I forget it

Mr. President, this is not the end of the story on education.

Since Cayman Brac has been coming in for such honourable mention today, I want to tell them what it costs to educate children over there. In Cayman Brac, the cost is even greater. To educate 157 Primary School children in 1985 we will have spent \$284,258.00 or \$1,810.60 per annum per child. 156 High School children, we will have spent \$432,785.00 or \$2,774.30 per child per annum. Again, Mr. President the system is a little different there, so assume six years of primary education, it will cost \$10,463.60 to educate each primary child. Assume five years of High School education, it will cost \$13,871.50 for a total of \$24,335.10 per child, to 'O' Level or CSE, or the eleven years of education, whether the child is exam material or not. Mr. President, this does not include buildings, furniture, or equipment on which in 1985 this Government will have spent \$1,119,545.00 or another \$366.00 per child. In addition Mr. President, we will have spent roughly \$400,000.00 on scholarships overseas at Universities; \$40,800.00 on in-service training of teachers, and \$44,200.00 on special education, which is for the less abled and the handicapped. In addition, we will have contributed \$80,000.00 to the private schools in the Islands, whom we are aware make a significant contribution to the total education process in the Islands.

HON. BENSON O. EBANKS (CONTINUING): Now, Mr. President you can add to this free medical and dental attention which the student will have received during his school days. One tooth extraction would be worth \$10.00 as I understand it on the open market. Mr. President this does not include the money spent on the two homes for children. It does not include the \$400,000.00 for clothing for children. It does not, Mr. President, include the \$6,864.00 which we pay monthly for school lunches for less fortunate children, and Mr. President, if they all attended every day, this cost would be \$7,009.00 per month. So Mr. President, do not come and tell me that this Government is not taking care or doing its best to help the less fortunate in this Country.

Mr. President, on medical, we all know the amount which is spent on this, and the very little that we recoup. At the moment Mr. President, there are 532 free medical tickets in the hands of the public, that is for those people who are entitled to free medical attention and drugs, and hospitalisation if they have to be hospitalised.

Now Mr. President, the Second Elected Member for Bodden Town ably supported by the Second Elected Member from George Town and the Member for East End, tried to make people believe that the woes of this Country were brought on by the present Administration, but Mr. President I want to bring them up to date. It is true, that the Budget before us shows a deficit, an anticipated deficit coming forward from 1985 in the sum of \$2,479,433.00. To begin Mr. President, I would like to say that of that sum \$590,748.00 was brought forward from the 31st December 1984, the year of the Unity Team Administration.

Mr. President, as I have said, we believe in telling it as it is, but let us look at the picture for 1984. The 1984 Budget started with a revenue balance surplus of \$1,000,995.00, and I want these accountants to write these figures down because they are very impressive Mr. President. The Government anticipated a deficit of \$252,537.00 after having transferred \$3,361,655.00 from General Reserves, and we only budgeted to transfer \$1.5 million, so the rest of it was shortfall in revenue or over-expenditure, which ever way one wants to put it. Those 1984 figures have in fact been audited and the figures as I have said, when they were finally completed, because estimates are estimates, and they are prepared before the 31st December, so all the vouchers are not in for posting at the time the Budget is prepared, but it is an indisputable fact that that anticipated deficit, in spite of having taken \$3,361,655.00 from General Reserves had grown to \$590,748.00.

To summarise Mr. President, what this really says is that the Unity Team Government in 1984 spent \$4,615,187.00 over and above that which they collected, and they would have us believe Mr. President that the downward trend only started in 1985, but as one can see Mr. President, they were busy spending the Reserves in 1984, and it was because they failed to meet the revenue expectations in at least seven areas, and I will touch on these as the Second Elected Member from Bodden Town seems to have had the ability to pick these up from the Financial Secretary's speech in 1985.

Import Duty was down \$971,848.00. Revenue Stamps were down \$1,000,890.00. If we had got that little bit on Mrs. Greer's apartment, it would have been that much less, and from what I saw of the Court proceedings. (INTERRUPTION). Mr. President from what I saw ... (yes I understand there were other ones, I understand there was a whole cluster of them all in the same group).

HON. BENSON O. EBANKS (CONTINUING): (INTERRUPTION).... the total deficit Mr. President of \$5,431,700.00, but this is not the full story Mr. President. During 1984 the Unity Team Government bought the Tower Building with their own funds, amounting to \$4,381,166.00 and by agreeing not to reduce the deposits at Barclays Bank below that amount, effectively reduced the General Reserves of the Country by that figure, because Mr. President one can call it what one likes, but if one cannot use the money it is effectively useless to one. This was the problem in 1984, or it was created in 1984.

Mr. President, let us make no mistake about it, these people seem to be wandering in the wilderness. People vote their pocket books, and the Unity Team does not seem to realise that is why they were so soundly trounced in November 1984, because there was no work going on, and they were spending all the reserves. Cayman Airways had debts so that you could not see over them. The only thing Mr. President which increased in 1984 under the Unity Team Government was the National Debt, which went from \$9,000,090,383 in 1983 to \$11,687,784.00. Everything else in the Country had decreased, even the credibility and the confidence of the people in the Unity Team Government, to govern effectively and that is why they were kicked out. The only thing which saved the two Bodden Town Members Mr. President, ~~was~~ that the Bodden Town people made a mistake and put up too many candidates, they only sneaked out, and they would not have done it if the Bodden Town people had played their cards right....

MR. G. HAIG BODDEN:

The results would be different if we had an election tomorrow.

HON. BENSON O. EBANKS:

Yes, but the Member might not get that, he will find out what it will be in 1988, that is what he is so cut up about. The Member wants us to wait until 1988 to raise taxes, but I have got better sense than that.

Mr. President, while on the Tower building, I want to say something Sir, because this has to do with why we have to raise some taxes. In this Budget we find some extraordinary figures, when I say extraordinary there are some substantial figures which one can pick out at a glance. If one goes through Mr. President the recurrent expenditure in Government for 1986 over the revised figures for 1985, and add to it New Services, just Personnel, Personal Emoluments, I am not taking into account incidental increases which are inescapable when people are added to the rolls of the Civil Service, or whatever, and we have thirteen extra ones here, and with people moving up into new brackets. This figure is \$2,066,738.00, Mr. President this figure is inescapable. We owe it to our Civil Servants to pay it, and then in the Budget of \$2.5 million for Cayman Airways, of which one point something million dollars Mr. President goes to pay off advances for debts which the Unity Team Government left, and we had to pay for Cayman Airways, if it was going to continue flying. We had to pay Texaco for fuel. We had to pay for the servicing of the engines, and we had to pay Mr. President for two leases per month on the aircraft, that wonderful investment which those gentlemen made. In this Budget it is something like \$1.3 million towards interest and loan on the Tower Building purchase, plus some money to renovate it, plus some money to purchase parking space, which they bought it without. I am going to give specific figures on this when I do my Budget Debate. Mr. President, I said I had some things to say about the Tower Building, more than that which I have just said.

HON. BENSON O. EBANKS (CONTINUING): You know Mr. President, the Honourable Financial Secretary in reply to our question from, I think it was the First Elected Member from Bodden Town, who was trying to make the Tower Building sound such a good deal, said that he was not an engineer or a building expert, and he was not the person to do valuations on buildings, and so on. I think he was quite right to have protected himself in that way. Mr. President, I am not prepared to say that the Tower Building is a 'white elephant', but it is some kind of big white animal. I challenge the First Elected Member from Bodden Town to make public the Report on the electrical and airconditioning inspection which was given when that building was bought. Mr. President, I went to the Christmas party there last year, and after one drink I thought I was drunk. When the elevator starts to go up the whole building trembles, if anyone doubts me they should try it.

Mr. President, I want to talk a little bit more about what this Budget contains in it for the poor people of this Country. When I mentioned Mr. President the school lunches, I only mentioned the dollar amount, which represents 209 children. 62 at the High School, 80 at the Middle School, 25 at the West Bay Primary, 33 at the George Town Primary and 9 at the Lighthouse School.

Mr. President, during 1985, eight householders representing 23 people were helped by \$10,337.65 with support grants in building shelter, this was usually Mr. President moneys which the Department used to buy equipment either for repairs or construction, and the work was done by Service Clubs, bless their hearts. My Department works closely with Service Clubs. Twelve households containing 18 persons had twelve homehelp aids paid for by Government, paid an average of \$65-75 per week, depending on the number of persons in the household to be cared for. \$18,000.00 was spent on 22 households for the construction of sanitary facilities. 150 people Mr. President received approximately \$165,000.00 as poor relief, and I could go on and on Mr. President. I have a question coming up on this, and of course I am going to highlight it in my speech. Suffice it to say, we have spent over one million Dollars on Social Services of that nature, in these Islands, and the Opposition has the audacity to come here and say that we do not know the 'little man' or the poor man. Mr. President, I will be saying it later, but I want this to be recorded quickly, that the Second Elected Member from George Town said in a contribution in my absence last Thursday, that he wished he was omnipotent, so that he could convince me of something. The problem is Mr. President he is transparent, and I saw him coming, a long time before he got out of the elevator, I saw through him, so he would not be riding on my back in 1988, and I am going to have a lot more to say about this Mr. President.

MR. LINFORD A. PIERSON:

The Member is not going anywhere in 1988 and he knows it.

HON. BENSON O. EBANKS:

Only if I do not want to, or like the Member cannot help me.

MR. PRESIDENT:

Order, order. I think it is just after half past four, and since the Member is giving us notice he is going on for a long time, I think I will.....

HON. BENSON O. EBANKS: No, no Mr. President, not on this, I am talking about...

MR. PRESIDENT: I am sorry.....

HON. BENSON O. EBANKS: I am talking about, I am almost finished on this.....

MR. G. HAIG BODDEN: Yes Mr. President, in the direction he is going he will never come back to the subject. (LAUGHTER)

HON. BENSON O. EBANKS: Mr. President, I was led down that road by the Member, I am only answering his criticism.

MR. PRESIDENT: I think that it is after half past four..

HON. BENSON O. EBANKS: We would like you to prepare a little better tonight Sir...

MR. PRESIDENT: I will not comment on that, I will give you a further opportunity to prepare, subject to the will of the House. Would the Honourable Third Official Member like to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable 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 4:32 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. THURSDAY, 12TH DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

TENTH DAY
THURSDAY
18TH DECEMBER, 1985

PRESENT:

HIS EXCELLENCY THE GOVERNOR, MR C PETER BLOYD, CML, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS E FOSTER, CVO, CML, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

HON MICHAEL J BRADLEY, QC, LL.D. SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON THOMAS C JEFFERSON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON BERSON O BRANKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORMAN BODDEN, MRL MEMBER FOR TOURISM AVIATION AND TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CML, 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 DAIRNE L ORRETT THIRD ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MR LINFORD A PILKSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT OF GEORGE TOWN

CAPT MARRY 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 R BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

THURSDAY
12TH DECEMBER, 1985
TENTH DAY

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE THIRD OFFICIAL MEMBER ON THE ECONOMIC DEVELOPMENT PLAN.

3. GOVERNMENT BUSINESS

(1) THE CUSTOMS (AMENDMENT) (NO.2) BILL, 1985

CONTINUATION OF SECOND READING DEBATE.

(2) THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE.

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THURSDAY

12TH DECEMBER, 1985

10.12 A.M.

MR. PRESIDENT: Prayers. The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: 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 offices.

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.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated. Statements. The Honourable Third Official Member.

STATEMENT BY THE HONOURABLE THIRD OFFICIAL MEMBER

(FIVE-YEAR ECONOMIC DEVELOPMENT PLAN - PROGRESS REPORT)

HON. THOMAS C. JEFFERSON: Mr. President, the Honourable Member for North Side has asked very reasonably what progress has been made with the preparation of the Five-Year Economic Development Plan.

I would like to summarise, Mr. President, the present position. Following the Assembly's Resolution on the 14th March this year which incidentally also resolved that the plan be laid on the Table in 1986 and not as my Honourable friend stated during the presentation of the 1986 Budget, we contacted the British Executive Services Overseas in order to obtain a suitable person to coordinate this task. This was done very quickly and the BESO consultant arrived two months after the Resolution.

HON. THOMAS C. JEFFERSON (CONTINUING): After initial discussions held by the consultant with all Members of the Government, the Principal Secretaries, the Heads of Departments and sections and the principals of certain key industries within the private sector, each Department of Government was asked to submit an initial draft for inclusion in the Development Plan.

The key private sector industries were also asked to contribute. These submissions have formed the starting point for the preparation of individual chapters of the Plan dealing with development.

It soon became clear, Mr. President, that the task of completing a first draft of the Development Plan could not be completed within the six month period normally regarded as a maximum for British Executive Services Overseas assignments. The Government therefore requested a further assignment for the consultant who is keen to complete the task as soon as possible. This request was granted and the consultant resumed two weeks after a break of only three weeks.

The Economic Development Plan as now designed, is in six parts of which the first is introductory and the last deals with Plan implementation. There are thus four parts dealing with development and these comprise infrastructural development, economic development, social development and development of other Government services. Within these four parts there are presently envisaged 38 chapters and the main priority at this stage is to complete them first. To date, 18 of these chapters have been completed, that is the first draft stage. Of the remaining 20 chapters, three submissions and seven partial submissions have been received.

The details of these chapters are as follows. Within part two, Infrastructural Development, the following draft chapters have been completed:-

- Chapter 2.3 - Airports and Civil Aviation
- Chapter 2.5 - Telecommunications
- Chapter 2.8 - Water supply and sewage disposal
- Chapter 2.10 - Survey and land registration
- Chapter 2.12 - Mosquito control

Not yet completed are:-

- Chapter 2.1 - Roads and road transport
- Chapter 2.2 - Ports and shipping services
- Chapter 2.4 - Air transport
- Chapter 2.6 - Postal services
- Chapter 2.7 - Energy
- Chapter 2.9 - Physical planning
- Chapter 2.11 - Housing
- Chapter 2.13 - Environmental protection
- Chapter 2.14 - Sister Islands

Within part three, Economic Development, the following draft chapters have been completed:-

- Chapter 3.1 - Banking
- Chapter 3.2 - Insurance
- Chapter 3.3 - Tourism
- Chapter 3.5 - Agriculture
- Chapter 3.6 - Aqua-culture

HON. THOMAS C. JEFFERSON (CONTINUING): Not yet completed are:-

- Chapter 3.4 - Industry
- Chapter 3.7 - Resource exploitation

Within part four, Social Development, the following draft chapters have been completed:-

- Chapter 4.5 - Broadcasting

Not yet completed are:-

- Chapter 4.1 - Education
- Chapter 4.2 - Health
- Chapter 4.3 - Social Services
- Chapter 4.4 - Recreation and media

Within part five, Development of other Government Services, the following draft chapters have been completed:-

- Chapter 5.1 - Police
- Chapter 5.2 - Judiciary
- Chapter 5.4 - Legislative Assembly
- Chapter 5.7 - Fire Service
- Chapter 5.8 - Prison Service
- Chapter 5.10 - Audit
- Chapter 5.11 - Government Information

Not yet completed are:-

- Chapter 5.3 - Legal
- Chapter 5.5 - Customs
- Chapter 5.6 - Immigration
- Chapter 5.9 - Financial Services
- Chapter 5.12 - Personnel

I am sure that it will be clear, Mr. President, that in the initiation of this Economic Development Plan, the Government has undertaken a massive task, a task not to be undertaken lightly and a task not to be skimped. Many of us are well aware of the extent of work required to prepare an Annual Budget. Looking ahead for five years, however, requires an even deeper examination of the issues involved. Moreover, our concept of such a forward look is on a corporate planning basis, that is to consider where we want to be in the long term of twenty years or more and to plan the five years within the context of this eventual achievement.

This exercise, Mr. President, has already raised a number of issues which require Government decisions. The next step is to form an Economic Development Committee to consider and to decide upon the issues. The Government will set up this Committee early in the new year.

In looking to the finished document, Mr. President, there are too many imponderables at this stage to give a specific date when it might be in place upon the Table of this Assembly. We recognise, however, the probable wide public interest in this Plan and we undertake to do this at the earliest opportunity. Thank you, Mr. President.

I ask that the statement be laid on the Table.

MR. PRESIDENT: So ordered.
I take it that copies will be available for any Member who wants them?

HON. THOMAS C. JEFFERSON: Yes, Mr. President, 36 copies are available.

MR. PRESIDENT: Good. Item 3. Government Business.
Continuation of the Second Reading debate on the Customs (Amendment) (No. 2) Bill, 1985. The Honourable First Elected Member of Executive Council was speaking.

GOVERNMENT BUSINESS

THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985

CONTINUATION OF SECOND READING DEBATE

HON. BENSON O. EBANKS: Thank you, Mr. President.
As I said yesterday when I started, Members have been allowed quite a scope to ramble in the debate on this Bill, a Bill for a Law to amend the Customs Law (Second Revision). I hope that I will have the same latitude which you have kindly given up to this point.

MR. PRESIDENT: Quite right.

HON. BENSON O. EBANKS: Pursuing this policy, Mr. President....

MR. PRESIDENT: I would just remind the Member too.
He has reminded us, quite rightly of what he said. I would remind him of what I said which was that I had allowed Members to ramble but I did hope that the Member would not ramble too far.

HON. BENSON O. EBANKS: No, Mr. President, mine is relevant at least.

Mr. President, mention was made by one of the Opposition Members about an attempt to put the little man out of business and so on. Mr. President, this is probably one of the greatest areas of disinformation which has been fed to our public on these increases.

In my District, Mr. President, they have a gentleman who has a store which I think is something like 624 square feet, believing that he is going to pay \$1,500 a year. I would like to take the opportunity, Mr. President, to place on record the scale of fees which are being applied to businesses. I refer first of all to the section headed Trades and Technical and would quote.

MR. G. HAIG BODDEN: Mr. President, on a point of order.
The Member is anticipating a Bill which is on the....

HON. BENSON O. EBANKS: Mr. President, I am not giving way.
The Second Elected Member for Bodden Town is the Member who introduced it.

MR. PRESIDENT: I was going to say. I think that technically the Second Elected Member for Bodden Town may be right. However, he did do a bit of anticipating himself and I did not stop him. So, I think that it is reasonable that he should be answered briefly.

MR. G. HAIG BODDEN: Mr. President, nowhere in my speech did I deal with the matter which the Member is raising.

HON. BENSON O. EBANKS: The Member said that we were going to price the small man out of business, run him out of business. So, he should sit down and shut up.

MR. G. HAIG BODDEN: I did not refer to the Trade and Business Licence and go into the details. The Member is anticipating the Bill.

HON. BENSON O. EBANKS: That is because the Member did not have the ability to do it the way I am going to do it.

MR. PRESIDENT: Order, order.

MR. G. HAIG BODDEN: It is because the Government hid these things from the public. That is why. They are dishonest in it.

MR. PRESIDENT: Order.

HON. BENSON O. EBANKS: Mr. President, the public will know where the dishonesty lies in this House.

Under the section Trades and Technical, Mr. President, a baker's licence which was \$100 has been raised to \$200. A barber's licence which was \$25 has been raised to \$50. In the building and engineering trade including any person carrying on the business of a mason, carpenter, joiner, plasterer, painter, electrician, plumber, welder or other trade within the construction industry with less than 10 employees the increase is from \$100 to \$300, Mr. President, for that licence. Hairdressing licences including beauticians, manicurists and pedicurists have been increased from \$100 to \$200. Job printers' licences have gone from \$100 to \$300. A launderer's licence has been set on the basis of - no, Mr. President, the launderer has not been touched. Going back to the retailer, Mr. President... Oh, I am sorry, Sir, the launderer's licence has gone from \$100 to \$200. Under retail, Mr. President, the areas which determine the cost have been readjusted and these are the fees:-

Up to 800 square feet of selling area	- \$100
Up to 1,200 square feet of selling area	- \$300
Up to 1,500 square feet of selling area	- \$500
Up to 2,000 square feet of selling area	- \$800
Over 2,000 square feet of selling area	- \$1,250

So, Mr. President, it is only the largest of businesses in these Islands which will be called on to pay \$1,250 for a licence under a retailer. A service station licence, Mr. President, has gone from \$100 to \$250. Super cargo licences have gone from \$25 to \$50. Tailors' licences including a dressmaker, fitter or remainer of clothes have gone from \$25 to \$50. An undertaker's licence has gone from \$100 to \$200.

MR. PRESIDENT: I think that the Member has dealt fairly fully with the point. It is true that we shall be later having a Bill which deals specifically with this. I do not want Members to stray too far.

HON. BENSON O. EBANKS: Alright, Mr. President, I think that I have made my point, just except to explain that selling area does not include storage area.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, I heard the Second Elected Member for George Town saying about sitting down. That is what he should have done yesterday when he was talking foolishly.

MR. LINFORD A. PIERSON: Mr. President, I said that if he did not have anything to tell the people he should sit down. I mean that.

HON. BENSON O. EBANKS: Yes, but I am telling the people something you cannot. That is your problem.

MR. LINFORD A. PIERSON: (INAUDIBLE).

HON. BENSON O. EBANKS: He had better display it.

MR. G. HAIG BODDEN: On a point of order, Mr. President, the Member must address the Chair. This nonsense of talking to individual Members....

HON. BENSON O. EBANKS: Mr. President, I am on my feet.

MR. G. HAIG BODDEN: ...lowers the dignity of this House.

MR. PRESIDENT: The Member should address the Chair. That is quite right.

MR. G. HAIG BODDEN: He must address the Chair.

HON. BENSON O. EBANKS: I will address the Chair....

MR. G. HAIG BODDEN: He is being rude to you, Sir.

HON. BENSON O. EBANKS: I will address the Chair when the Member across the Floor addresses the Chair.

MR. PRESIDENT: Well, I must ask all Members to remember that they should address the Chair all the time.

HON. BENSON O. EBANKS: Mr. President, the words which I said earlier in this Meeting that I will not take the foolishness which I took between 1972 I mean, and I am capable of giving as good as I receive. The quicker Members realise that the better off they will be. That is in more ways than one, Mr. President. I want them to know that. They do not bluff me.

Mr. President, yesterday a lot of the debate centred around the alternatives which the Opposition had to this Budget. We heard no alternative. However, Mr. President, I believe that I know what the Opposition's alternative to these tax measures would have been. I told the people this in November during the campaign last year and I am going to repeat it today. I believe that their alternative means that revenue would have been from the casino which the publisher of the Times newspaper at the time who supported openly and endorsed the Unity Team Government said that he would be building in Little Cayman with the blessing of the First Elected Member of Bodden Town and the leader of the Unity Team Government. He said that he would be building a casino because he had been promised that there would be a jet strip put on Little Cayman and paved roads paid for by Government from that strip to the casino. I believe that that would have been the alternative which the Unity Team would have offered to this Government's proposals.

RON. BENSON O. EBANKS (CONTINUING): Mr. President, the Unity Team Government would have us believe that they did not increase taxation during their time in office. I have seen a letter in the Caymanian Compass this morning which I have not been able to read very well. However, I have been able to read enough to see that the past Member who held my Portfolio was trying to say similarly. Mr. President, if you give me two minutes I want to get the Health Services Law Fees Regulations passed in 1983 by that Member. In fact, Mr. President, he was so afraid of doing his duty that he took it to a Committee of the House and I was not present, Mr. President. I was in Jamaica. However, I want to tell the country where he carried those fees from to. Under the 1975 fees, Mr. President, hospitalisation was \$25 per day and that included room, board, routine medical and nursing services, routine drugs, laboratory and X-ray services. It has gone up to \$50, Mr. President, in 1983 and does not include drugs or X-ray services. The intensive care room which would have cost \$40 a day in 1975 went up to \$75 a day. Use of the delivery room by maternity patients went from \$50 to \$100. I also see that the use of the operating theatre irrespective of type of surgery was \$75 in 1975. That went to \$150. The clinic visit, Mr. President, was an all inclusive charge of \$10 in 1975. In other words, Mr. President, if a poor person went to the hospital in 1975, they saw the doctor, got their X-rays taken and their drugs for \$10. Now they pay \$15 for consultation only and ridiculous fees for all the rest of it. In fact, I am told that if one goes to the hospital and can get away, even for a minor complaint, for less than \$60 to \$70 now, one is lucky. That is the Member who says that he did not increase taxes on the people. Mr. President, he is among that group which the people voted their pocket book on. He is trying to fool people that the country was in a boom in 1984. What is ridiculous about it, Mr. President, is that in 1984 they did not put any more money in the Government Treasury as a result of these fees. During 1985 they have had an increase in the collection of fees.

Mr. President, I think that I have torn the opposition to these measures to pieces well enough. I will sit down on this particular Bill so that we can get on with the business of the day after I have repeated once more what the tax increases mean to the average household. As I said, garbage fees went from \$18 to \$50, an increase of \$32, or 61.615 cents per week. Automobile licences went from \$48 to \$130 or an increase of \$82 for \$1.577 cents per week. Inspection went from \$5 to \$10, an increase of \$5 or .098 cents per week. Drivers' licences on an annual basis went from \$5 to \$15 or an increase of \$10 for .192 cents per week. Having allowed 10 gallons of gas per week at an extra five cents per gallon and this is the Bill we are debating, Mr. President, the total increase to that householder becomes \$2.98 per week. That is the householder, Mr. President, providing that the householder owns only one car. Put another way, Mr. President, it is 43 cents or 42. something cents per day. Since we are dealing with budgets, Mr. President, you know this is what people have to learn to practice, budgeting. So what this means is if they took 43 cents per day and put it aside, when it comes time to licence their car, that is pay for their own licence, they would have the money. Mr. President, that \$2.98 is less than the cost of one mixed drink per week at most drinking establishments in this country. If there are additional cars in the household, Mr. President, in other words, if there is a second car in the household, since only one person pays the garbage fee, it would only amount to \$2.365 per week or 34 cents per day including the 10 gallons of gasoline. Mr. President, people must learn to budget. You know, most of the Members in here say I am rich. Mr. President, nothing could be further from the truth. However, for the purposes of this argument I will accept their contention that I am rich. They should understand how the rich

HON. BENSON O. EBANKS (CONTINUING): live. I have one broken up 1978 car rusting at the top which serves my whole family, and we make out. It is true, Mr. President, that for the last two nights I have been bumming a lift home with the Honourable Financial Secretary but I do not believe he minds that. He was going to make a trip down anyway. So, Mr. President, it is a case of people cutting their garment according to their cloth. As I pointed out yesterday, Mr. President, when we are paying \$16,000 plus and \$20,000 plus to provide education for each child in this country who attends the Government system; when we are spending the sums which we are on medical services, Mr. President, somebody has to pay the bill. We have milked the company registration fees as far as we dare go. We cannot increase those further or we will become uncompetitive. Then what would happen if they stopped registering here? The banks would leave. It is not the local economy which keeps the banks going. I will have more to say about that, Mr. President, when we come in to the Budget Debate, because the First Elected Member for Bodden Town thought that the figure of foreign assets in the banks which the Honourable Financial Secretary gave in his speech represented money which should be available for on-lending to Caymanians.

Mr. President, there is one last point which I want to make. That is that the Second Elected Member for Bodden Town said that the gas station operators were all poor people. They could not afford to absorb the five cents so they would have to put an increase on to that. For his information, Mr. President, the gas station operators do not have access to the pricing mechanisms on the pumps at the stations. They are controlled by the companies. When the 10 cents was put on gasoline a couple of months ago it was done by the companies. The dealer got nothing out of it as far as I know. If he did it was only a cent or two. Why did somebody not bowl then? No, because it was Esso and Texaco. Today it happens to be the four Elected Members of Executive Council trying to get money to pay the debts of the last Government and keep up the standard of service of our country. That is why there is such a hullabaloo.

Mr. President, I have gone on quite a bit on this Bill and I would not have done so had not so much hot air been talked about it. Having reflected on the situation last night I realise that what the Second Elected Member for Bodden Town was doing, and that I should not have followed him, was that he was trying to stay on his feet until the First Elected Member for Bodden Town came back. My advice to him would be not to wait for that. He is playing the same trick he played in March.

Mr. President, these small increases which we have asked the people to pay are essential. There is no question about this. This is not any luxury. The loans which we are borrowing are proposed to pay for new services and are assigned to specific headings. So there is no fat on that. If one examines the estimates they will see that the estimated surplus of estimated recurrent revenue over the estimated recurrent expenditure is \$5,792,815. Then we add on to that new services of \$693,680 and we will see that Government has to find \$6,415,495. So, Mr. President, only by frugal management of funds which I am satisfied that the present Government has demonstrated its ability to do, can we manage. There has been mention of at least four projects in the course of this debate which have been brought in under the estimated costs because this Government is a frugal Government. Also, Mr. President, the Honourable Financial Secretary is even more tight than the Elected Members. It is a hard job to get a dollar out of him, Sir.

HON. BENSON O. FRANKS (CONTINUING): So, the country can rest assured, Mr. President, that the funds which we are asking in this Budget and in this Bill will be wisely spent, well spent and to their benefit.

I thank you, Mr. President, and I support the Bill.

MR. PRESIDENT: Does any other Member wish to speak?
The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I rise to support the Bill before us, the Customs (Amendment) (No. 2) Bill, 1985. Mr. President, I am not here to say about this Bill what the Opposition said, that they disagreed with it in full.

I did not intend either, Mr. President, to debate this Bill. However, the Opposition included me in their show yesterday. So, I have no other alternative than to take part and clear up a few things which were said.

Mr. President, I would just like to say first of all that when the Opposition walked out of this Chamber last Friday they made a statement in the press that the four would not debate the Budget. The Second Elected Member for Bodden Town in particular said, "I have no intention of debating the Budget since we will not be able to change it anyway", and that he would take it to the public and debate it on the platform. Mr. President, because of that I know that he must have been happy for the opportunity to debate the Customs (Amendment) Bill, as it gave him a day in which not only to debate this Bill, but to debate the Budget Address as well.

Mr. President, I know that there is confusion in the public as to why the walkout took place. An excuse was given by the Opposition that it was caused through the proposal made by the Government side regarding single Member constituencies. Well, Mr. President, everybody by now should know that that was a Report by a Committee and it had no specific recommendations. In fact, the Honourable Official Member who submitted the Report to the House made it quite clear that the Report would be subject to public comments and debate.

Mr. President, I think that the public should know exactly what caused the walkout in this House. Members are quite aware that the First Elected Member for Bodden Town who began his debate on the Budget Address the evening before was expecting to complete it the following morning because he had a commitment to leave the country in the afternoon. When the presentation of the Report took a different form from the other Reports, in other words a debate ensued in which the Member saw his opportunity for continuing his debate on the Budget Address dwindling away, he requested the House to postpone the debate on the presentation of the Report for amendment of the Elections Law so that he could get along with his debate on the Budget Address. When the House refused to give him way then he organised himself with his other colleagues of the Opposition and the four of them walked out like little boys who because they did not have their own way, they went about hiding in the corner. However, Mr. President, I do not think that in the eyes of the public that that was anything to brag about.

Mr. President, I must also say something about the little man who was in for a lot of ridicule in that debate from the Opposition side. It seems to be something like a cancer, Mr. President. The root has spread through the entire Opposition and every other word from them now is referring to this little man. Mr. President, I was really glad when the author and architect of the little man concert was brave enough to say to this House that he will change that name.

HON. VASSEL G. JOHNSON (CONTINUING): Instead of referring to little people he will refer to the less fortunate or what we know as the have-nots. I give him credit, Mr. President, for doing that because I still contend that we have no small people in these Islands. They are as big as we find them in other parts of the world. The only place where we find small people today is the top of the mountains of New Guinea where there are dwarfs. We have none of them in the Cayman Islands. People are big. They are proud and while they may be unfortunately not as well off as some of the others they are still rich as far as their ambition is concerned.

Mr. President, the Elected Member for East End referred to me as the smallest man in the House. Now, Mr. President, I knew I was. I did not think that he needed to say that to me. Mr. President, what I thought the Member would have said is that I am very punctual and attentive in representing the people in this House. Mr. President, I am always in this Chamber at every Meeting, representing the interests of the country and the people who put me here. In the one year that I have been an Elected Member here I have only been absent once for a few days attending to very urgent official duties in London. I know that there is one Member of the Opposition who is very attentive here, Mr. President. We must give the devil his due. I cannot say the same for the others. Those seats are always empty. Where are they? Are they attending to the people's interests or what?

Mr. President, when one is elected to this Chamber by the people and he comes here, he is not only representing his constituency but he is representing the interests of the country and the people here. The country has elected 12 Members to represent them and the 12 of them must be seen as working together. So, when one absents himself for many moons of the year or absents himself for many days from Meetings, I doubt that that is in the best interests of the country.

Mr. President, the Elected Member for East End also said that I like to give myself credit. Mr. President, I imagine that he was referring to the growth of the financial industry of these Islands. I am not in the habit of giving myself credit for anything. I might have repeated what someone else said about me, but no more. Mr. President, I want to say this, that in the 17 years I was Honourable Financial Secretary in this Government I have built a track record and it is there. So, I do not need to give myself credit for anything.

Mr. President, a Member said that this was going to be a sad Christmas. I see that a supporter, a Member of the past Government has said so too in the Caymanian Compass of today's date. Apparently they keep very close together. He said that this Christmas is going to be sad. Mr. President, I do not think so. For one thing there is full employment in this country this Christmas. Mr. President, I have heard Christmas carols on the air being sung in homes long before we thought about singing them in other years. Mr. President, you know, the last Election brought about quite a change in this country. Shakespeare said, "They laugh that win", and the people of this country have been laughing ever since the results of the last Election in November last year. I have not heard anyone who has said to me that this Christmas is going to be sad for them. Mr. President, the people have no time to say that because they are busy engaged in doing something useful for themselves. Of course we do have the unemployable out there. This might be the group who might have a sad Christmas.

Mr. President, we heard through the debate from the Opposition side that the country has slumped into

HON. VASSEL G. JOHNSON (CONTINUING): recession. That, Mr. President, is another mis-statement. Last year this time, yes, the country was in recession. The Second Elected Member for Rodden Town spoke about the years 1975 to 1977 and said that those years were in deficit. Mr. President, he went on to say that his Government of 1977 to 1984 did not increase taxation. However, instead they reduced taxes and stimulated the economy. Mr. President, the Opposition is so confused in trying to win a point over this Government that they are making many errors in their presentations.

In debating the Budget Address, Mr. President, I told this Honourable House of the number of times that the 1977 to 1984 Government introduced new tax measures in this House. In particular in 1977, 1978 and 1980 new tax measures were introduced. Mr. President, 1975 to 1977, we admit were deficit years for the Government and all of us knew the reason for it. There was an economic recession. They only refer to recession when it suits them. I suppose we call it good opposition. Mr. President, I can tell you what a recession is. If we look back into 1984, Mr. President, 1984 had a surplus revenue balance of \$252,537. In 1984 they introduced new tax measures amounting to \$1,300,000. In 1984, Mr. President, they removed from General Reserves a sum of \$3.2 million to balance the budget. They had estimated previously to remove only \$1.5 million but it ended with them removing instead \$3.2 million. Mr. President, those figures amount to \$4,752,537. Yet, that year 1984 ended with a deficit of \$590,748. We are looking there at a year, taking its revenue and expenditure. That Budget was supplemented by \$4,752,537 and with a deficit at the end of the year of \$590,748. The total budget overrun for that year was \$5,343,285. Now, Mr. President, they are talking about their eight years. I did not analyse the other years but I wanted to do that last year to show you that what they are saying about 1985 is this. We have brought forward their debts. This is one of the reasons why it is important to seek new tax measures.

Our new tax measures amounting to \$5.5 million are no different from the overrun on their 1984 Budget. However, they will want us to believe that their eight years were flawless. Now, Mr. President, they talk about stimulating the economy. I was there with them. I was there until 1982 but I know what part of the economy and when it was stimulated. When they came into power, Mr. President, in 1976 or the beginning of 1977 their policy was to introduce a first class hotel. I am not saying that they did not put effort into this. They put endless effort into attracting a first class hotel. However, at the end of eight years they had not broken the ice. Early this year we had an approach and that first class hotel wanted to prove the sort of Government that the Cayman Islands had, and they came forward with their proposal. Mr. President, it was not long before the hotel was under construction.

They talked about stimulating the economy during their eight years in office. Mr. President, they tried every trick in the book to encourage light industries to come here. I know that they put a lot of effort into it, Mr. President. There is no getting away from it. I am only trying to show the difference between what is a reliable Government and one in which the investors had little or no confidence. All during their time, no luck and the eight years ran out and they still have not established light industries here.

Mr. President, I doubt that that Government scarcely knew what brought on a boom during their administration. However, I can tell you two of the main factors which did this and it started in 1979 to 1980. First of all, Mr. President, exchange control was abolished and that gave investors a lot more incentive to come to these Islands because there were no restrictions in moving foreign currency in and out of the Cayman Islands.

HOW. VASSEL G. JOHNSON (CONTINUING) That exercise, Mr. President, did not begin in that Administration. It began back in 1974 when we went to London and discussed the possibility of abolishing exchange control with the British Government. There was only one reason why it was not abolished before 1979 or 1980. That was because non-resident companies designated as such under exchange control were paying a certain companies' fee, which if exchange control had been abolished, those companies would have reverted to paying an ordinary companies' fee. We would have lost a lot of revenue. We had calculated this and so we held up abolition of exchange control and we went to the Legal Department and we started to find ways and means of legally retaining non-resident companies and still abolishing exchange control. Mr. President, it was not until 1979 when Mrs. Thatcher dumped exchange control and headed us in that exercise that we got very concerned here and we went and sat down with the Legal Department for day after day and week after week until we did find a way out of it. We removed designation of non-resident company from Exchange Control to the Local Companies Control Law. Then we were able to repeal the Exchange Control Law. Mr. President, that brought about a completely different investment atmosphere in these Islands.

The second factor which brought about a boom in these Islands, Mr. President was the introduction in diversifying the financial industry of the offshore insurance industry. Mr. President, that exercise did not begin during that Administration but it began back in the early 1970s, 1971 and 1972. Mr. President, the Second Elected Member for Bodden Town is aware of this because he personally was asked to review one of the early draft Laws. When the industry did not agree with that draft Law because it was modelled on some of the Eastern Caribbean Insurance Law, we shelved it. However, Mr. President, it was always under consideration. When we became very concerned about the economy in 1979 we decided to try to introduce legislation to promote offshore insurance business. We brought an advisor here from the United Kingdom and we sat down week after week and we eventually came up with a suitable piece of legislation, introduced it in 1980 and, Mr. President, today the insurance industry here is regarded as the second destination in offshore financial operations. It has served this country well. Coupled with the abolition of exchange control the country was off to another boom.

Mr. President, the economic growth and progress in this country had to be watched very carefully. Coupled with financial control the country has done extremely well. It moved from a very poor society to one of the wealthiest in the Caribbean according to its present income. Mr. President, this Government is being attacked the same as the 1972 to 1976 Government. However, Mr. President, as one who has been involved with Government for so long I can assure you that I can do as good assessment of a Government as anyone else, and I am going to tell you, Mr. President, that the Government of 1972 to 1976 was perhaps one of the best Governments which this country has ever had, except of course for this present Government. I was an Official Member in those days but I am an Elected Member today.

Investors' confidence since 14th November last year, Mr. President, has grown very strong here. This is no guesswork. We can see it. We hear it. The tax measures which we are introducing are not unduly burdensome. We have gone through them in detail and we cannot see where the people of these Islands could object about them when we compare the services which they enjoy here today. The fact that we have such a narrowly based economy makes it difficult for us to diversify and to move taxation into any other area. It is even difficult now to tax the offshore industry.

HON. VASSEL G. JOHNSON (CONTINUING): So, it is no more than fair that we who live in these Islands must now be prepared to make a little more contribution to the services which we enjoy so much.

Mr. President, I support the Bill, the Customs (Amendment) (No. 2) Bill, 1985.

MR. PRESIDENT: I think perhaps that this may be a convenient moment to take our usual morning break. However, I would ask Members to seek to try to limit it to ten minutes, not fifteen.

AT 11.31 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.51 A.M.

MR. PRESIDENT: Please be seated.
Resumption of the Second Reading Debate on the Customs (Amendment) (No. 2) Bill. Does any other Member wish to speak? The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN HODDEN: Mr. President, in my usual fashion I will be very brief in my contribution to this debate. It seems to me that we have spent one day and a half debating an increase of five cents on a gallon of gasoline, claiming that we are defending the rights of the poor people. One thing which this has proved to me is that the role of the Opposition is merely to make a mountain out of a molehill. This debate, I believe would bring a smile to the face of the representatives of some countries whose prime concern and whose debates would be on how to find food for its people. This debate on the increase in duty of five cents on a gallon of gasoline gives me an indication of the level of our economy and the standard of living in this country.

I do not deny that we have poor people in this country. However, with few exceptions, poor people do not have cars because they cannot afford them. I do not need anyone to tell me about poverty, Mr. President. I have first hand knowledge of that. Yet, here we are talking about cars and the high cost of operating them by adding five cents to a gallon of gasoline and expressing concern for poor people. I share that concern too. However, I did not have shoes until I could work for them, not to mention a car.

I cannot understand the extent to which this debate has been taken. I realise that...

MR. PRESIDENT: Let us hope that some other Members in the vicinity will hear and come to make a quorum.

HON. W. NORMAN BODDEN: Should I continue, Mr. President?

MR. PRESIDENT: I am just looking up Standing Orders.
Yes, you may continue.

HON. W. NORMAN BODDEN: It is a fact, Mr. President, that no Government takes pleasure in increasing taxes or levying an increase in fees on its people. We all know that this has always been objected to and it has been resisted by people from all walks of life, throughout the ages and in all countries. However, I do not believe that anybody in this country who can afford to own and operate a car would find it as any great financial burden to find 50 cents extra to pay when they go to a gas station and purchase 10 gallons of gasoline. Mr. President, with those few words I give this Bill my full support and I thank you.

MR. PRESIDENT: Does any other Member wish to speak?
In that case I will call upon the Honourable Third Official Member to enquire whether he wishes to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes, thank you, Mr. President. Mr. President, we debated the Customs (Amendment (No.2) Bill, 1985 all of yesterday and the greater part of this morning. I thought for a while that it was a continuation of the Budget debate, not the debate on the Customs Bill.

During this debate, Mr. President, we had a short lecture on stimulating the economy. We heard about the need for economic policy, about the need to put together a Budget to deal with the recession. Comments were made that small car owners should pay less than the owner of a large car and we heard that a person should pay according to his affordability. What we did not hear, Mr. President, is how to balance the Budget. However, Mr. President, I realise that that is the task of this side of the House. We also heard, Mr. President, about waste in education, waste in health and waste in public works, etcetera. Perhaps we too are guilty of a little waste because, Mr. President, we cost Government between yesterday and this morning \$2,000 debating a five cents increase in the Customs Bill. We are only talking about the people in this room. Eleven Elected Members including the Members of Executive Council, three Official Members, yourself, Mr. President, the Clerk, the Deputy Clerk and the Serjeant-at-Arms.

Mr. President, one Member referred to an article in the December, 1985 issue of the Reader's Digest which says that it is an economic myth that increases in taxes do not reduce deficits. In economic terms this article, in my view, relates to the United States economy when it is experiencing a recession because, Mr. President, when taxes are increased in the United States we are defining taxes as direct taxation, that is corporate tax, or another way of talking about it would be taxes on company profits and personal income tax. If we look at this article according to the contribution of the Honourable Member and I have not read it, Mr. President, if the taxes are increased in the United States on businesses the company or corporation will pay more tax. However, this payment will reduce working capital, that is available cash to the company which could hold back or curtail expansion of the company. This expansion would have resulted in more employment and more spending by employees in the shops. Additionally, that expansion would have generally resulted in the purchase of more goods from other companies. Companies in the United States, Mr. President, can pay as much as 48 per cents of their profits so we are talking about thousands, and I am sure in some cases millions of dollars being paid to Government, that is the United States Government. If personal income tax is increased in the United States,

HON. THOMAS C. JEFFERSON (CONTINUING): it reduces the spending power of the public. They therefore spend less and sales in businesses in the United States will fall, resulting in smaller profits to be taxed and therefore less taxes to be paid to the United States Government. This article, Mr. President, in my view has little or no relevance at all to the increased indirect taxes put forward by this Government. Perhaps, Mr. President, a proper comparison would have been to compare the 13 cents per imperial gallon charged in the Cayman Islands to that charged in the United States. I am confident, Mr. President, that if the Member carried out that comparison he would have discovered that our 13 cents is nominal to what the United States Government is charging in duty and excise taxes on gasoline and diesel.

Mr. President, this morning I was listening to the news and what did I hear taking place in the United States? The Dow Jones Industrial was hitting a record high in its entire history of \$1,511.70. The trading on the stock exchange was amounting to 179,470,000 shares changing hands. What caused this rally, Mr. President? Let us examine it. I can give you my personal view. It was the news that the Senator Redwin Graham Bill had been passed by the Congress of the United States. What is the effect of the Bill, Mr. President? The Bill extends the United States public debt ceiling to a figure which perhaps I will even quote wrong, to US\$2,079 trillion. The Bill requires that the United States Government balance its Budget by fiscal year 1991. That deficit in fiscal year 1985, Mr. President, is \$200 billion. Someone might say that the United States Government is broke. Let us interpret it our own way. I say they are not.

The sanctions in the United States Law as I understand it, Mr. President, are that the reduction must take place over a five year period, 1986 to 1991. Each year it must be reduced by a certain sum of money. If it is not, it requires the President of the United States mandatorily to cut defence and domestic public spending. There is also the Tax Reform Bill before the House, Mr. President, but it is not going very far just now.

How does this all relate to the Cayman Islands Government, Mr. President? I am sure that some people have asked themselves that question already. Government is taking steps in this Budget not to allow this country to run consecutive deficit Budgets. We do not want, Mr. President, to make any mandatory cuts in our domestic programmes. Where would we begin? Education? Social Services? Health? Let someone tell me where. It is a fallacy, Mr. President, in my view to believe that if this Government does not increase duty on gasoline or diesel, that the price will not increase because, Mr. President, this Government has been charging eight cents for an imperial gallon since 1977. However, the price of gasoline in 1977 was 85 cents per imperial gallon. In September of this year and I am taking my figures from the consumer price index, Mr. President, the price was \$1.42, and increase at the pump over that period of 67 per cent. Yet we pay the price and we accept it. However, when Government needs the five cents more on a gallon of gasoline, a 58.5 per cent increase over the period 1977 to 1985 which is less than the index which is 70 per cent, some say that it should not be done. Who are we raising these funds for, Mr. President? It is not for any of us in particular. It is to service the public of this country. It is for this Government firstly to maintain but secondly to increase or put into place additional services required by the public of this country.

HON. THOMAS C. JEFFERSON (CONTINUING): We also heard and we have been hearing in our Districts, Mr. President, much talk about the vehicle registration fees. However, Mr. President, this Government has not increased the fees for ten years. Yet, what have we done for the motorist over this period of time? We have spent \$15.4 million dealing with roads, Mr. President. Just to name a few which we can all relate to there is the Queen's Highway which cost this Government \$1.6 million. Every year, Mr. President, the maintenance of roads in this country is approximately \$400,000. The coming year we are talking about \$2.1 million of road work taking place. It is a mixture of upgrading as well as additional roads, the linkage of Elain Avenue and Smith Road with Creve Road and the work which has presently started in the West Bay, Parkers area. I have a long list of them, Mr. President, but I do not want to prolong the debate. We have already spent over \$2,000 of Government money debating this five cents increase.

Mr. President, yesterday morning when I was moving the Second Reading of this Bill I made a reference to the erosion of the Cauman Islands dollar. That erosion, Mr. President, is tracked by prices which are collected in the consumer price index, which is a basket of goods just like every week when every person who goes to the supermarket buys a particular number of items. We track those items over the years, Mr. President. When we look at the \$48 for a motor car registration fee in 1977 and we look at the consumer price index effect on it, we would have to increase that \$48 to put it back to the same value it was in 1977, to \$97 just to keep the \$48 which we put into effect in 1977 back to its proper spending power. So what are we talking about in an increase over what the consumer price index is, \$43 a year? Mr. President, in the United Kingdom they pay £100 or £110 a year to register their cars. For those persons who might find difficulty registering their car for an entire year, the police have accepted and as far as I know will continue to accept persons who wish to register their cars quarterly. So, there is no mandatory reason why if a person cannot find \$130 on the given day that he is supposed to register his car for the year, he cannot register it for a quarter.

Mr. President, talking about cars, let us examine it. Someone said, I believe and I hope that I am not misquoting anyone, that I used figures like \$8,000, \$10,000 and \$12,000, which I believe I did. However, let us look at other cars, Mr. President. Let us look at a Ford Escort, a four door car bought in 1977 for \$3,400. Today the price can vary anywhere between \$6,200 or \$7,200. We are talking about over 100 per cent increase. Everybody can afford to pay that increase, \$3,000 in some cases, and find the money. Or they may wish to buy a Toyota Corolla four door, which in 1977 was \$3,400. Today they sell for up to \$7,200. That is another 131 per cent increase, Mr. President. Yet, we are talking about increasing the registration fee from \$48 to \$130 and some say that they cannot find the money. If they cannot find the \$130, Mr. President, I feel quite sure that they can find the quarterly sum.

Mr. President, when we look at this Budget we have to look pretty hard to find waste in my view. Unless we are prepared to get into the deep examination of each Department's activities, the quantity of staff, their organisation and methods of conducting their business, we cannot just generally say there is waste, there is waste, there is waste and be right all the time. I do not believe that the Members are right all the time. There are the odd cases. I see them myself. I see the case of Public Works people around. It just so happens that when I arrive it is possible that they are taking their little break. Everybody needs a break during their day's work. Some may abuse it but who is perfect, Mr. President? Which one of us is perfect? Certainly I would not profess to be.

HON. THOMAS C. JEFFERSON (CONTINUING): When we have a recurrent revenue, Mr. President, as in the case of the 1986 Budget, we are talking about \$55.9 million as ordinary revenue. If we then look at the recurrent expenditure of \$50.2 million and I am rounding off my figures, Mr. President, so if I am off in the rounding off by \$100,000 I hope that no-one takes me to task, and add it to the recurrent statutory expenditure of \$3.5 million we get a total recurrent expenditure, including statutory expenditure of \$53.7 million. When we subtract this from the \$55.9 million we only have \$2.2 million left. The new services being put forward in 1986 are \$0.7 million, leaving \$1.5 million, Mr. President, excess revenue over new services, recurrent expenditure and statutory expenditure, just \$1.5 million excess. It is the only amount which will fund any capital work at all.

I did not think that it was wise to come here with such a Budget, Mr. President, and I believe that if I came here with such a Budget there would have been a lot of trouble down in this House. If we think that they are mad now, if I was stupid enough to come with that I probably would not have had the opportunity to leave after the first day. However, Mr. President, in that case we decided to seek ways and means of raising additional revenue, \$5.5 million. It is either we balance this Budget or we do not, Mr. President. We needed \$5.5 million to do it. Now, who subscribes to deficit financing, certainly not me? I have been to two Commonwealth Finance Ministers' Meetings, Mr. President, and if we want to hear a sad story we should go there and listen. They do not even have enough revenue to service their loans. Who is going to lend somebody money if they do not have sufficient funds to service their loans, no one in this day and age, Mr. President. Even the International Monetary Fund which the majority of countries subscribes to, when one draws down one's first trench of special drawing rights it is relatively easy, because one is using one's own funds in the majority of cases. When one goes for the second trench, one has a little problem and one gets a few restrictions put on him. They tell him to put his ship in shape and they tell him if he does not do it they will do something about it. We have seen this around the Caribbean. When one goes the third time, Mr. President, one is in real trouble and might be arguing with them and begging on one's knees for days, weeks, maybe months and still might not get the money. I had all of this in mind, Mr. President, when I was dealing with the 1986 Budget. I am not a very good beggar, Mr. President. I like to stand on my own two feet, and I believe that the majority of people in this country have my same feeling.

We thought, Mr. President, that raising new revenue measures put this country in a position to borrow additional funds to do some work which is absolutely necessary. Let someone go to Cayman Brac and look at the runway and land in the 727, and see how much space is left when she turns around to come back to the terminal building, and look to see what is going to happen any day that she overshoots the runway. If they can find them, Mr. President, they are certainly dead.

What are we trying to achieve? New revenue measures are not something anybody wants to do. Certainly, I do not like doing it but it is the step to take when necessary. If we do not do it, Mr. President, we are delaying our torment for the next year because when the next year comes we are not going to need \$5.5 million. We are probably going to need \$7 million or \$10 million depending on what we want to do. Anyone knows that prices increase. They very rarely decrease. We have seen it happen a few times that prices decreased. The salary bill of Government increases and will continue to increase. There is really no way

HON. THOMAS C. JEFFERSON (CONTINUING): of getting out of it. The people of this country want more and more service. There is only so much the computers can do, Mr. President. After that we need manpower. The computers cannot operate by themselves. If we take those two computers which we put in the Government Administration Building or are about to put in the Government Administration Building, and let them sit there without manpower, it is worse than somebody's radio. We cannot even turn it on.

Mr. President, coming back to my summary of the position. If we look at ordinary revenue and subtract new services, recurrent expenditure and statutory expenditure we estimate to transfer \$1.5 million to capital for capital works. The new revenue measures are proposed to be \$5.5 million. We expect to get \$8.5 million in loan receipts. \$6 million of that was a Resolution which we passed only a few days ago, Mr. President, authorising this Government to borrow \$6 million either from Caribbean Development Bank or Barclays Bank or any combination of the two. That \$6 million, Mr. President, is to assist the airport development in Cauman Brage. It is to remove the danger at the east end of the Garrard Smith Airport runway. It is also to put right the old apron at Owen Roberts Airport terminal building which is presently used by private aircraft. Also, Mr. President, we need to look at fire service buildings. As I said earlier, we need to do something about roads. Lastly, we need to do something about a public water system in George Town. If we examine carefully the quality of water in wells in George Town, Mr. President, I am not an alarmist but I am running scared.

Looking at the amount of capital work, Mr. President, if we put together the excess revenue transferred from recurrent expenditure of \$1.5 million, new revenue measures \$5.5 million, loan receipts \$8.5, that makes a total of roughly \$15.5 million, Mr. President. Capital works are roughly \$13 million. This leaves a surplus for the year 1986 of \$2.5 million. This surplus is to be used, Mr. President to clear off the deficit position at the end of December, 1985 of \$2.5 million. That \$2.5 million deficit for 1985, Mr. President, also includes the \$590,000 deficit from 1984, leaving an overall surplus at the end of 1986 of approximately \$14,000.

I know that there is much talk, Mr. President, about what we are doing. I go to bed at night and sleep without any difficulty because I know that it is in the best interests of these people, the people of this country. There are not any alternatives which I can see to it, other than to say that we should not bring the revenue measures. We should keep running our deficits. The deficit this year is going to be \$2.5 million. Next year it might be \$5 million. The following year it may be \$7.5 million and where are we going with it? Eventually somebody is going to tell us whether it is the United Kingdom Treasury or whether it is some other institution. They will tell us that we need some money. We need to put our ship right. If we were to talk about borrowing they would ask us how were we going to pay for it. We were running deficits. We had had deficits for the two or three or four years.

In my view, Mr. President, the \$5.5 million in new revenue measures is a little painful. Nobody is saying anything different. It is a little painful. I have to register my car too, Mr. President. My registration came up for renewal in November. I could have paid my \$48 but I would not do it. I did not feel that it was fair.

Mr. President, I recommend this Bill to the House.

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.

QUESTION PUT: AYES AND NOES.

MR. D. EZZARD MILLER: Mr. President, could I have a division please?

MR. PRESIDENT: Certainly.

DIVISION
NO. 22/85

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. Linford A. Pierson	Mr. D. Ezzard Miller
Hon. Michael J. Bradley	Mr. G. Haig Bodden	
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		
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AGREED BY MAJORITY: THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985 GIVEN A SECOND READING

MR. PRESIDENT: The next item on the Order Paper is the continuation of the Second Reading Debate on the Appropriation (1986) Bill, 1985. It is nearly, but not quite the time when we normally adjourn for lunch. On the other hand, Members did express a wish yesterday to sit slightly longer. Would Members favour suspending now and coming back at 2.00 which is a little earlier than usual?

MR. G. HAIG BODDEN: I would prefer to go on, Sir.

MR. PRESIDENT: I think that most people probably would prefer to suspend now. If the Member wishes to speak himself? Does the Second Elected Member for Bodden Town wish to speak?

MR. G. HAIG BODDEN: Not yet, Sir.

MR. PRESIDENT: Well in that case I think that you are not well placed to ask that we continue. I would be willing to catch your eye if that is what you wished me to do. (PAUSE). I am trying hard to catch it. No? I think in that case I will suspend proceedings until approximately 2.00 p.m.

AT 12.35 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.11 P.M.

MR. PRESIDENT:

Please be seated.

Continuation of the Second Reading Debate on the Appropriation (1986) Bill, 1985. Does any other Member wish to speak? The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, some Members since the walk-out last Friday have been playing hide and seek with each other this week in an effort to be the last speaker. However, I maintain, Sir, that I have always said on previous occasions similar to this. That is that he who gets in the first blow serves as well as he who rows last.

Mr. President, I wish first of all to offer my sincere congratulations to the Honourable Financial Secretary for his Budget Address, professionally proposed and ably presented to this Honourable House on Friday, 29th November, 1985. Mr. President, many times unfavourable comments are passed on some Civil Servants, perhaps justified in some cases and in others not. However, without resorting to flattery I can truthfully tell the people of this country that our Financial Secretary is one Civil Servant who more than earns his pay. In the short time that I have had to work along with him I have come to appreciate his ability and to accept his good advice.

Regardless of what is said in this House about who is responsible for what, I have first hand knowledge of the soul searching and the conscientious efforts which go into producing a balanced Budget for this country, especially at this difficult time with which we are now faced. As in previous years, and in his usual frank manner, the Honourable Financial Secretary has honestly reported the state of our country's economy. He has given in his address an overview of the performance in this current year 1985, and plotted the course for the ensuing year 1986. This has been the sixth Budget Address I have witnessed as a Member of this Honourable House and I have listened to many warnings being sounded by past and present Financial Secretaries. Many of them have no doubt gone unheeded. However, today we can accept the Budget Address as words of wisdom or reject it and search for alternatives. However, whichever way it is taken, the people of this country can depend that they are being told the truth and shown the facts. One thing is for sure, Mr. President, that regardless of the tactics and strategies applied by the past administration, the harsh realities cannot be shelved or postponed indefinitely. There comes a day of reckoning when facts must be faced. For the Cayman Islands that time is now.

The right thinking and unbiased people of this country will understand that the serious financial situation facing the Cayman Islands today certainly did not develop within the last year but took some time in the making. It is not a matter of blaming one Government or the other. Nor is it a matter of making excuses but it is a matter of simply telling the truth and carefully examining the facts. I must admit that this is certainly not the kind of Budget I would have chosen to have seen presented at this time. It is not easy for me to support measures which mean an increase in the cost of living for our people, especially when it is a known fact that the Opposition will seize any opportunity or use any excuse as a tool to further their cause of political propaganda.

HON. W. NORMAN BODDEN (CONTINUING): It must, however, be clear by now to the general public that they will continue to oppose for opposition's sake. I would, however, hasten to remind them that much of our country's economic woes can be traced directly to their stewardship during the past eight years. Having examined the situation from every possible angle it is my view that the action taken is necessary.

We have an increase in car taxes from \$48 to \$130. These taxes have not been increased for ten years. We have an increase in garbage fees from \$18 a year to \$50. These garbage fees have not been increased for nine years. In the scale of charges applied to trade and business licences we have taken the smaller businessman into consideration. That has been explained and received wide publicity in the debate yesterday and today but I would repeat that for those small shopkeepers or businesses which occupy 800 square feet of premises, that this amount is only \$100 per year, which works out to little over \$8 a month.

The five cents on the gasoline I spoke about briefly this morning when that Bill was before the House and it is still true. I believe that with very few exceptions there are few poor people who can afford to own cars. If they have a car I still feel that there is no hardship to them to find an additional fifty cents when they pull up to a gas station and buy ten dollars worth of gas.

I would also like to mention here that the public complain but sometimes some members of the public are also bad credit risks. There is a feeling in some areas that if a bill is owed to Government one can ignore it and forget about it. There are over \$1 million outstanding in hospital fees. There are fees outstanding for garbage collection. Incidentally, speaking of garbage collection, I am told by the Honourable Financial Secretary that this service to the public was costing the Government of this country \$430,000 per annum and that Government was collecting a mere \$63,000 from this service. No businessman could afford to continue that and Government is a business as well. I am sure that as little as the garbage fee was that there are many outstanding bills for that service to be collected. Even with the head tax, I am sure that a large amount is outstanding. It is true that this Budget which was put forward in this exercise has eliminated the ten dollar head tax. However, there is still a large outstanding amount which this Government will never collect. If Government had almost the \$2 million which is outstanding maybe there would be some considerations which could be given to reductions to some of the increases which have been proposed.

Mr. President, yesterday there was much mention made of a letter which appeared in the press signed by Mr. Burnard Tibbetts of Cayman Brac. I was quite surprised that the tone in which this letter was written sought to paint the Government as a proud and belligerent, haughty and inflexible Government. I know Mr. Tibbetts personally. I have a lot of respect for his views and his ability. I can only say that I trust that he has taken the time to enquire about the financial position of these Islands and to satisfy himself that this Government has been working long and hard hours to restore the financial position of these Islands so that we will all have a country which is financially sound and has a firm foundation on which to build. Of course, everyone in this country is entitled to his views. This is still a democracy and I respect them. However, I do not necessarily have to accept them.

HON. W. NORMAN BODDEN (CONTINUING): I have said, Mr. President, that the action taken is necessary and I support that. Otherwise, what other alternatives can be taken? Can we afford to ignore the pressing needs of the public and allow our country to slip back to the days of potholed roads, darkened streets and mosquitoes? Are we to continue to shelve the important projects which should have received attention long ago and are now reaching a critical point? Are we to continue to offer free education, subsidise health care and maintain the high standard of living to which we have become accustomed, and at the same time provide the right climate and image required by our financial and tourism industries?

Mr. President, I have given this deep thought and I am here to say that we are resolved to move forward regardless of difficulties, opposition or obstacles, because as a Government and as Elected Representatives of the people if we really seek to serve our country rather than to secure power for ourselves, no problem will be too big for us to tackle and successfully solve in the interests of the Cayman Islands.

Admittedly, this is a difficult time but looking back there have been other difficult periods in our history, but Caymanians have always had that special ability to solve their problems in a democratic fashion. I am confident, Sir, that we will pass this hurdle too and move on to a brighter 1986 and other years ahead.

Let us truthfully and factually examine the situation and the events leading up to where we are today. For as has been said, when the people are told the truth, the country is safe. Through the years the Cayman Islands have built up a sophisticated, modern and expensive infrastructure. It is an infrastructure necessary and geared to sustain the continued growth and development of tourism and finance on which we are totally dependent for economic survival. Some of these services such as water and sewage, our growing traffic needs and necessary road programmes are already falling behind and cannot cope. These must be improved and upgraded if we are to meet the demands. These projects all cost large sums of money but are necessary and vital to our progress.

Mr. President, we in the Cayman Islands have become accustomed to a high life style in which we all take great pride and of which we often boast. This costs money to maintain. Caymanians are well travelled and well read and they like to enjoy the comforts of life. We adopt the habits and lifestyles of modern and highly developed countries not thinking for one minute of how heavily taxed are the citizens of those countries we follow. It is therefore only logical to expect that as more and more demands are made on Government to provide the services and needs of a growing, progressive society, that costs will increase. Additionally, each year the machinery of Government becomes more and more expensive to operate as it strives to meet public demands. Of course, the **cycle** comes back to the consumer, who in the final analysis must pay the price. This is not my law, Sir. This is not this Government's law. This is a simple law of economics.

Referring to the words of the Honourable Financial Secretary in his address, he said:-

"The economy sustained a recession during 1984 and 1985. We are affected by the state of world economy and the international financial markets."

Mr. President, those are sobering thoughts and serve to remind us today that indeed we are not the masters of our fate. However, we are directly affected and strongly controlled by the upswings and downturns of world economy.

HON. W. NORMAN BODDEN (CONTINUING): We are not an industrialised country with unlimited natural resources and we must never forget that the fragile and fickle industries of finance and tourism are seriously affected and influenced directly by factors beyond our control. Here I agree with the Honourable Fourth Elected Member of Executive Council when he said that we will continue to be dependent on these in the foreseeable future in spite of our drive and desire for diversification of our economy. We must therefore at all costs and at any sacrifice continue to provide those services demanded by these industries and we must continue to provide the stability and climate conducive to their continued growth and wellbeing. Due to the inherent weaknesses of these two main industries, it is prudent not only to build, but also to protect Reserves in the days of plenty so that there is a cushion when the lean days come, rather than to adopt the attitude as one Member of the past Administration who remarked that they made the money, it was theirs and they would spend it how they chose. This is reckless and irresponsible because the Government's money is the people's money. For when Government is short of funds it has no alternative but to turn to the people. In the final analysis we all pay the price and share the same fate.

It is true, Mr. President, that the much debated and highly proclaimed Reserves were not as healthy as claimed because after using the \$1.4 million to pay Cayman Airways bills at the end of 1984 and early 1985, the balance as I understand it was held as collateral for the Tower Building. I believe that this point was made time and time again so there were no Reserves which could be transferred to assist us in 1986.

As was said before, the downturn in the economy started in 1984 when a shortfall of approximately \$4 million was experienced in certain of our main sources of revenue collection, those sources such as import duty, revenue stamps and company fees. This similar trend continued on into the first half of this year even though there were substantial improvements shown later in the second half of this year in the construction industry, increases in bank licences and a steady growth in insurance companies.

Now, Mr. President, turning to the year ahead, 1986 and the financial forecasts. A balanced Budget of \$69.8 million has been produced comprised of \$55.2 million from local revenue, \$8.4 million from loan funds and \$5.5 million from new revenue measures. It is significant to note that out of Government's local revenue earnings of \$55.2 million, that \$50.2 million or 90 per cent goes to recurrent expenditure. In other words, it is costing Government 90 per cent of all it can earn to provide the necessary and essential services demanded by the public to run the machinery of Government and service the modern infrastructure which I have mentioned previously.

Just to highlight a few of the large expenses which Government must meet, \$10 million is spent on internal and external affairs which covers our immigration services, broadcasting, personnel and office services, police and prisons. \$7.2 million is spent on education. \$5.2 million is spent on health services. \$1 million is spent on social services and \$1.3 million on Mosquito Research and Control Unit, which is the best investment which this country ever made. \$1.2 million is spent on Civil Aviation and \$4 million on the Department of Tourism. \$1.2 million is spent on our fire services and \$2.1 million on District Administration, and finally \$2.1 million on Public Works. I have just selected a few of the high items to get across an idea of some of the demands which are made on this Government. Government must also find \$2.6 million to service public debt repayments of capital and interest. In the Budget for 1986, \$2.6 million has also been provided for a subsidy to Cayman Airways of \$1,048,000 and a payment of \$1,451,000 advanced to them in 1984 and 1985 which I mentioned before.

HON. W. NORMAN BODDEN (CONTINUING): Mr. President, one does not have to be a mathematician, an accountant or an expert to see the heavy financial burden with which Government is faced, plus its financial obligations to Cayman Airways, not just today but continuing until 1996 for the next ten years unless some action is taken which would change the lease arrangements which our national airline presently has on the two 727 aircraft which they operate.

In view of all this, Mr. President, it would be denying one's conscience if they did not agree that Government is left with no alternative but to seek ways and means to raise new revenue. It must be accepted that this is by force and not by choice. The loan funds of \$8.4 million which I understand is the maximum amount which Government can borrow locally, are necessary to enable Government to carry out its road construction programmes. We already have a serious traffic problem. There is much congestion in our streets, especially in the centre of town. The public complains continually about this and unless Government has the funds to continue their road construction programmes this situation will only get worse. These loan funds are being used to continue the development of the airport in Grand Cayman and Cayman Brac, the water and sewage development project for Seven Mile Beach area and George Town. We realise the importance of tourism to this country and if this project is delayed any longer and we have an outbreak of typhoid or some other water borne disease in this country, we can forget about tourism and our fine hotels and nice Seven Mile Beach because nobody will want to risk their health to come here.

There is also a much needed fire service building at Owen Roberts Airport. Let me say here our Chief Fire Officer and his 49 men and five other office staff are doing a good job for this country. To me they are the unsung heroes of the Civil Service because that is a service which we must have at our fingertips when we need it. I have seen the facilities of the Fire Department at the airport and it would only be one of our own people who have been trained and reached the position which our Chief Fire Officer has, and who understands our problems who would accept working under the conditions which he and his men have been working under. The morale in that Department is low because many times they feel that we accept them to be there when we call them but other than on those occasions we do not remember that they are around. This building, Sir, is badly needed to continue the overall development at Owen Roberts Airport and it is needed to provide better and more suitable accommodation for a Department which this country cannot do without.

We have in those loan funds plans for a fire station in West Bay, a high density area close to our Seven Mile Beach tourist developments. In West Bay itself they have their condominiums and tourist accommodation there and this is badly needed. This is no political promise. This is a fire station which is being put in an area where it is needed to protect the citizens and visitors to this country. It is an important project and it needs to be done. Excuses are no longer acceptable.

These, Mr. President, are all items of high importance to this country, needs which have been pushed aside, shelved and postponed. These projects now require urgent attention and can no longer be ignored in the interests of the future development of our country.

Mr. President, I now turn to the Portfolio to which I have been assigned since November last year, the Portfolio of Tourism Aviation and Trade. Many areas have been covered during this lengthy debate. Everyone has had their say and I will only be dealing with the subjects in my Portfolio and under my responsibility.

HON. W. NORMAN BODDEN (CONTINUING): Let me before proceeding say, Mr. President, that I recognise that the Member who held this Portfolio before me made his mark and his contribution, as so did the Member who held the Portfolio before him. It is also my intention to use every means I have at my disposal to build and improve on some of what I have found there. Of course, I must say that I have also found some of what we can do without. I want to state, Sir, that whatever I can achieve: whatever good in my four years which I can accomplish, I give credit to the staff of my Portfolio with whom I am honoured to work for the good and betterment of our country and its people. After all, this is why I am here as a Representative of the people. Otherwise I could be devoting my time to the operation of my own personal businesses of which I am a major shareholder. Those businesses need my time too. However, I asked the people in George Town to vote for me. They did and I intend to represent them and protect their interests to the best of my ability. I did not seek to get in Government for any financial gain. They talk about the rich people in this House. I am not in that category. I think that the people in this country know who the First Elected Member of George Town is and they do not have to question that.

Mr. President, many times during the Meeting of this Honourable House attempts have been made through questions and supplementaries to insinuate unfavourably against my ability to make decisions and to contribute to my Portfolio. Attempts have been made by the First Elected Member for Bodden Town to take credit for whatever good is achieved in tourism this year, but to lay the blame for whatever goes wrong at the doorstep of his successor, namely myself. Politics aside, how unfair and unreasonable can one be? However, let me say here, Mr. President, quite candidly and without resorting to smallness, that if he can become a self proclaimed tourism and aviation expert then I who have spent 38 years of my life in tourism and aviation related businesses should be able to lay some claim to experience too in these areas. I can only reassure the people of this country that the importance of tourism to our country and to our people weighs very heavily on my shoulders. It is a matter which I do not take lightly and I will do my best to ensure that it receives the full attention of myself and all of the personnel in my Portfolio. Our efforts will continue to be concentrated on bringing every segment of our tourist related businesses together in a combined approach to preserving our place in the highly competitive and cost conscious business of tourism. Those were my words to the Hotel Association back in June or July of this year and I still stand by them.

Mr. President, I stand here today with a clear conscience that in the past year, with the help of my staff, we have made every effort to reduce expenses in my Portfolio to bare necessities, to institute savings wherever possible without reducing our effect and to stretch our dollar as far as possible, and not to follow the policy that just because the money was voted to spend it before the end of the year.

I must say that our Director of Tourism and my Portfolio have tried to ensure that money spent in the Department was spent on priorities which would produce best results. We have had to juggle things around. We have helped Cayman Airways wherever possible with special projects and we have increased our sales efforts. In other words, Mr. President, we have been willing to work with what funds we had approved for the year knowing full well that we could not afford nor expect supplementary expenditure.

HON. W. NORMAN BODDEN (CONTINUING): I want to remind this House that we have applied the same sound reasoning and approach as regards cost for 1986. Absolute necessities are all we could afford and all that we have asked for, and we understand that better than anybody else.

Mr. President, in examining costs in my Portfolio shortly after taking office I found that Government was spending \$91,400 in 1984 for a Cayman News Bureau office in London to handle public relation activities. After discussion with my staff it was arranged for the Department of Tourism offices in the Cayman Islands and in London to provide this service at no extra cost. The contract with Cayman News Bureau was terminated after the required three months notice at a savings of \$71,300 in 1985. Again, Mr. President, after consultation with the staff in the Portfolio and in the Department of Tourism we looked at the area of advertising. After receiving presentations from nine different advertising firms it was decided to select a new advertising agency. Kavrielian and O'Leary was granted the contract and took up their appointment on 1st April, 1985. The new creative advertising campaign produced by the new agency, the new theme of "Those who know us love us", "Cayman clear, Cayman deep and Cayman quiet", the quality of the new advertisements, the proper placing of advertisements in magazines which produced business for us, in fact all of the advertising material, attractive folders some of which show the smiling faces of our own Caymanian people, the new slide show, the new movie on the Cayman Islands; these are all highly thought of and well respected in the market-place.

Mr. President, it is of interest to note that in comparing advertising promotion and collateral costs for January to October, 1984 with the same period for 1985 we find that in 1984 \$1,308,823.69 was spent while in 1985 \$1,234,492.02 was spent, a saving of \$74,331.67 for which we, the Cayman Islands received 140 advertisements in national magazines and 29 weeks of radio advertising in Houston and Miami, while in 1984 there were only 121 magazine advertisements placed and no radio advertising by the Department of Tourism.

Additionally, shortly after taking office I found out that two Canadian charter programmes for 1985 which would have brought us new business from that area which we ordinarily would not have got were turned down by the Air Transport Licence Authority in August, 1984. You know, Mr. President, when one wears two hats one must be careful not to become over-protective of one sector to the detriment of the other. In other words, I support Cayman Airways and I will always do as much as can reasonably be expected. However, care must be exercised so as not to protect the airline at the expense of our tourism generally.

Early this year I also discovered that at the annual marketing meeting of the Department of Tourism and Cayman Airways in September, 1984, a decision had been taken to change the long established arrangement of how tour packages to the Cayman Islands were produced and handled by wholesalers. There is no doubt, Mr. President, that these changes although perhaps necessary, did create problems within the wholesale programme for 1985. Also, Mr. President, there is no doubt that the 15 per cent increase in air fares which took effect on 16th December, 1984 also produced some negative results in traffic to the Cayman Islands during this year, because it is a fact that it placed us in a not so competitive position from an air fare point of view.

HON. W. NORMAN BODDEN (CONTINUING): Mr. President, continuing on our interest in tourism, efforts were made to create an awareness amongst our people of the importance of tourism, to bring the public up to date and to constantly remind them just how important this industry is to our economy and the role they play. We intend to repeat this and to keep it as an ongoing programme. Let me say here that Radio Cayman has been of tremendous help in getting our message across.

We have placed much emphasis this year on product improvements because it is fully realised that if our country is to remain competitive; if we expect to continue as the preferred tourist destination in the Caribbean, we must provide a high quality service for the prices charged. This covers all sectors of every tourism related business in our country. In mentioning airlines here I want to make it clear that the increased fares which I mentioned a while ago were done by the former Chairman and the former Board of Cayman Airways. The airline, our hotels, our taxis, our restaurants, our shops, water sports operators and so on must provide high quality services.

We have also this year started up our hotel inspections as we do not intend for our Tourism Tax to be made a farce. Properties will have to comply fully with the Tax. I must say here that some properties have very expensive renovation programmes in progress, such as the Holiday Inn and we have been receiving more cooperation in property improvements. We do not intend to let up on this. We intend to continue. Realising that we are competing with other Caribbean countries which offer more varied scenery and a wider range of activities we have encouraged operations and other new attractions such as the Atlantis submarine operation, and also research submersibles. These are additional tourism attractions which have been encouraged by the Portfolio and this Government.

Mr. President, the Second Elected Member for West Bay mentioned the three "S's". Many countries speak of the three "S's" which they term "sand, sun and sea", which are needed to encourage tourism. However, as far as I am concerned, the three "S's" applied to the Cayman Islands must stand for "Stability, safety and service", continuing stability of our Government. Regardless of what they say, this country must remain stable. With regard to safety in our homes and on our streets, many times there are criticisms of the police but law and order must be respected in this country and the police deserve the support and encouragement of this community. With regard to service, service of top quality in all our businesses must be good. We must continue to encourage our people to spend a smile on our tourists. It is the best investment which can be made and it costs nothing. However, I say that it goes deeper than that. We must provide the service which will also bring a smile to the face of the tourist as well so that he will know that his hard earned dollar is well spent in our country. All countries, Mr. President, in the Caribbean boast of the best beaches and the friendliest people. However, I have said it before and I repeat it again, what will set the Cayman Islands apart from all the others will be our stability, our safety and our service. Because we know and understand that good service is one of the keys to insuring our future in tourism, we have endeavoured to provide training for our people through the help of the Caribbean Tourism and Research Centre, our Hotel Association and through assistance provided by our Education Department.

Through a closer working relationship and cooperation between the Portfolio of Health Education and Social Services and my own Portfolio of Tourism Aviation and Trade we intend to actively pursue the setting up of proper training programmes to better equip and prepare our people to find a place and a future in our tourism industry.

HON. W. NORMAN BODDEN (CONTINUING): I have been receiving full cooperation from the Honourable First Elected Member of Executive Council and I know that together we can accomplish something in this area and fill a need for this country. We expect to generate more interest amongst our young people and to attract more tourists.

Mr. President, this brings me to another area on which I would like to take this opportunity to make my position abundantly clear and which has my total and full support. That is the establishment of marine parks. These have been quite long enough in the making and are just another project which can no longer be shelved. It might not be popular but not everything which is best is always popular. We must make the sacrifices now and suffer some inconveniences today in order to preserve the natural resources which have been entrusted to our care for future generations and the protection of the tourism industry which is so vital and important to our economy. If action is not taken now, tomorrow will be too late. When the day of reckoning comes it will be like the financial problems with which this country is faced today. When we evaluate and find out our true position we will have nothing left and the price we will have to pay for a dead, dying or damaged tourist industry will be higher than any of us will care to or want to pay. In the interests of the future of these Islands this project has my full support because in the true Cayman saying, I believe that there is no use in closing the gate after the cow is out.

Mr. President, in comparing our visitor arrivals by air for the period of January through October, 1985 with the same period for the previous year, we find that this year we received so far 117,077 compared to 120,175, or 2.5 per cent less than in 1984. I have to say here that this has been disappointing to me not merely for political reasons, but for economic reasons for the economic impact on our country, because of the many Commonwealth and local businesses dependent on tourism. However, while air arrivals have been slightly down and I have dealt with some reasons already and will deal with them later on, our cruise ship visitor arrivals were up 30.1 per cent over 1984, or 213,100 visitors compared to 163,437 in 1984. I also wish to point out here that seven new cruise ships bringing in a total of 7,536 visitors called here this year which were in fact, for the sake of the records, approved this year, 1985. For 1986 our Department of Tourism is projecting for cruise ship arrivals 276,387, or an 8 per cent increase over 1985. I would like to point out that only one ship, the "SS Royal" with 150 passengers which called here in 1985 was approved in 1984 before I took office.

So in spite of the small reduction in air arrivals we have plenty to be thankful for. One thing for sure, it reminds us all that in this business we certainly cannot afford to become complacent. It serves to remind us that strong competition is out there, not only from other Caribbean destinations who have larger budgets and more money to spend than us but we are also experiencing strong competition from the source of our main market, the United States of America which supplies 83 per cent of all our visitors. Several states in that country, I think that it is about 20 or 25, are spending over \$50 million a year to encourage by advertising their own citizens to spend their vacations at home. Most of all, Mr. President, this serves to remind us that we must provide a good product and strive to be the best in the business, for we are all directly or indirectly dependent on the tourist dollar.

HON. W. NORMAN BODDEN (CONTINUING): Mr. President, another negative effect has been the bankruptcy of one of the best producing wholesalers for the Cayman Islands and other wholesalers have changed hands or curtailed their operations due to financial difficulties experienced during 1985. This has also taken its toll. However, when we compare numbers and compare statistics I wish to make a point here as regards our system of comparing total air arrivals statistics of one year with the other to determine whether we have had a good year or a bad year, which to a certain extent could be misleading. The system we use as I see it serves as an indicator mainly because included in these comparative figures are visitors from some countries which cannot correctly be classified as bona fide tourists. The average hotel occupancy and average length of stay are the facts which tell the story, not altogether the total numbers quoted from time to time. Again, as has been pointed out by one Member, the average length of stay is being increased if we compare 1985 with 1984.

No, Mr. President, the summer of 1985 has not proved to be what we anticipated and as has been pointed out by the Honourable Financial Secretary, the main contributing factor has been the strength of the United States dollar against other currencies. This is not an excuse. This is a fact. There is no question whatsoever that this situation has made Mexico and Europe very reasonable this year when vacation plans were being made earlier in 1985. It has created difficulties for many countries in the Caribbean and the Cayman Islands are no exception. If we make a comparison of the countries which have experienced a downturn in tourism so far this year, we will find that Barbados was down by 7.4 per cent. Trinidad and Tobago were down by 6.5 per cent. Aruba was down by 4.2 per cent, Jamaica by 4 per cent and Dominica by 4 per cent. Puerto Rico was down by only 1 per cent. In the Bahamas and the Out Islands, New Providence was down by 14.6 per cent, Grand Bahama by 8 per cent, Cat Cay by 85 per cent, Bimini by 40 per cent, Rock Sound by 15 per cent, Eleuthera by 20 per cent. What I am trying to say here, Sir, is that we are a part of the Caribbean and when tourism is strong and vibrant in the Caribbean and everybody is in a good position, we are also a part of this. However, this is a trend and it is a pattern, without forming excuses, because I readily admit and tell the people the truth at any time and on any occasion. We are fortunate to have only suffered so far a 2.8 per cent decrease in comparing our statistics with 1984.

On the other hand, because I must tell both sides, some Caribbean countries have shown a dramatic increase. It appears that many of these increases can be traced to the establishment of casinos and free-wheeling, free dealing clubs. However, God forbid that the Cayman Islands will ever have to resort to this level to increase tourist arrivals. At least as long as I am in this position people can send up as many test balloons for casinos as they care to but this is one evil which will never, ever receive my support or the support of this Government, nor will we ever have to stoop to that level to improve tourism. The Cayman Islands have consistently attracted a middle and upper class clientele and we will continue to direct our efforts to attract this type of tourist who can and will contribute in a meaningful way to the continued development of tourism in our country.

Additionally, we have also seen a new development this year where airlines from competing countries have inaugurated direct services from cities like Atlanta, Tampa and Chicago which have diverted traffic away from our two existing gateways of Houston and Miami. No, Sir, no one individual or no one organisation alone can take the credit for the success of tourism or the criticism for its downturn. Tourism, to my mind, is the product of a country and its people, a product in which all tourism related businesses play a significant role. If there were some expert on advertising

HON. W. NORMAN BODDEN (CONTINUING): agency which could turn tourism on or off like a faucet at their whims and fancies, they would be in such great demand by the many countries competing for the tourist dollar that the Cayman Islands would not see them. We do not have to worry about that. They would be some place else.

Regardless of what is said it is my view that action taken this year by the Portfolio, by the Department of Tourism, by Cayman Airways, by our Hotel and Water Sports Association and other tourism related businesses will produce improved results in 1986. The year 1987 promises to be even better. All indications are that we are on the threshold of a tourism boom or at the crossroads of tourism development, if you may, especially when the additional 600 hotel rooms provided by Hyatt and Paradise Manor come on line at the end of 1986 and early 1987. With an addition of 600 hotel rooms calculating these at a 75 per cent occupancy and an average length of stay of four to five days, we expect to be handling an additional 82,125 air arrivals per year, which is a realistic figure.

Mr. President, this calculates and projects that late 1986 and early 1987 this country will be looking forward to handling a total of 235,000 air arrivals and 280,000 cruise ship visitors for a total of approximately 515,000 visitors annually. For a population of 19,000 this is staggering. It is something which we have to address ourselves to in the very near future because this will produce greater demands on our already overstressed public services, which is the reason that we must begin now to gear ourselves to provide the improvements in our infrastructure to meet the demand which will be made and to cope with the social and economic impact which such an increase will produce for this country.

It is significant to note that in spite of all the past promises of large first class hotels this is the first substantial increase in hotel rooms which we have had since 1974. This will represent an increase of 72 per cent in hotel beds. To me, Mr. President, this is another direct expression of the confidence and trust in this Government and the Cayman Islands as a safe place in which to do business.

The opening of the Transnational Convention Centre and its first class restaurant Le Diplomat, plus other fine new restaurants which have opened this year, and now the 60 room Grand Pavilion Hotel, the Britannia golf course, these are all welcome and necessary additions which are bound to produce good results for tourism in 1986 and the years ahead. The new hotels coming on line will naturally do their own promotion of their own respective properties which will add significantly to Government's overall tourism promotional efforts. Government must also set policies and address the areas of our local transport systems which will require a proper road development programme in order to cope with our already rapidly growing traffic problems. We must also examine and address our air transport needs. Our national flag carrier, Cayman Airways must strengthen its position and gear its operations so that it will be able to withstand competition after the moratorium expires in April, 1987. I think that we must accept, even if reluctantly, that another United States carrier will service the Cayman Islands in 1987, hopefully from points other than Miami and Houston, at which time efforts will have to be made to secure additional United States points for Cayman Airways. This is a possibility which could lend itself to the growth of the airline and assist it in at least reaching a break even position, which is the objective of the airline in spite of all that has been said.

HON. W. NORMAN BODDEN (CONTINUING): Our labour situation as regards staffing for these hotels will also have to be carefully examined. I have already held discussions with the developers and operators of the Lyatt Hotel and plans are being made to attract as much local staff as possible for training positions. A similar exercise will be carried out with the developers of Paradise Manor Hotel. With 250 to 300 students graduating from our High Schools every year we should be able to supply a large amount of hotel labour locally without the need to bring in outsiders in any large numbers, except for technical and some top management staff which cannot be found here in the Cayman Islands.

However, having said this, I must point out that we must somehow get our message across to our young people, to our school leavers, that they can become a professional in the hospitality industry as well. They can have a secure future and even if some of them must start in the kitchens they can still reach managerial and promising positions. This is what tourism in a country is intended to do, to be of benefit to its citizens and its people. However, somehow there has been reluctance by some of our young people to seek employment in hotels and restaurants, except mainly in the area of front desk and condominium managers. Our people must be willing and ready to prepare themselves to fill positions within their abilities. We cannot all be bank managers or airline pilots but we can train to be the best in whatever we choose. This means success and a secure future. There is a need in hotel operations to fill many varied jobs and our people must fill that need.

1986 and 1987 will be a challenge for all of us in tourism but we must and we can meet that challenge. The Career Officers at the schools have been approached and are helping to direct our young people and the Hotel Training School will also play a big role in helping to prepare interested persons for the hotel industry. We must share in and benefit from the progress and development of our country. However, we must be willing to make the sacrifices to properly prepare ourselves. Training is the key to the future of our people. It is the key to the continued success of tourism because good training will provide good service. However, as I have said many times before, Caymanian is a nationality not a profession.

When we speak of tourism, Mr. President, we sometimes think only of Grand Cayman. However, I am pleased to report that tourism in Cayman Brac this year has done well. They have an active Tourism and Hotel Association and there is already planned expansion of one of the hotels over there. We have insured that Cayman Brac and Little Cayman are included in our advertising campaign and we will continue to promote the Cayman Islands as a double or triple destination. We have three Islands to sell.

Mr. President, I should like briefly to thank the community and to thank Mr. Michael Lockwood and the Chairmen of the various District Committees who helped so significantly to make this year's Pirates Week, the success that it was. I believe that all of the Districts this year placed a great emphasis on reviving and restoring Caymanian heritage. Never before have I seen so much of it at any one time. I would like to see this continue. I think that they have done a tremendous job for us. It definitely has brought in increased tourism during that particular weekend. Regardless of what form it takes in the future; regardless of what name it might end up with because various suggestions have been made, it is a national festival which I think should continue and which together we can work on and improve so that it will mean more to the people of this country and be of more interest to the visitors who come here during that time of the year.

HON. W. NORMAN BODDEN (CONTINUING): Mr. President, tourism will continue to be good for us but it is an industry which if we do not take care of it we will not keep it. The main detriment and damage to this industry can be brought about by the people who make reckless and irresponsible attempts to de-stabilise this country; those whose policy is that if they cannot run it they will wreck it. I trust that the responsible citizens of this country will recognise any such moves for what they are and do their best to stamp out any actions which will only create instability and which can only bring havoc and damnation to our doorstep. The one thing which this country has always had is its political stability and I trust that this will always continue. I now turn to my other subject of aviation....

MR. PRESIDENT: I wonder whether if the Member is turning to another subject it might be convenient for him to break from his speech now?

HON. W. NORMAN BODDEN: I would appreciate that, Sir.

MR. PRESIDENT: Let us suspend proceedings for approximately ten minutes.

AT 3.35 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.55 P.M.

MR. PRESIDENT: Please be seated.
Continuation of the Second Reading
Debate on the Appropriation (1982) Bill, 1985. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, when we took the break a while ago I had finished with the subject of tourism and was moving on to aviation. However, before leaving tourism I would like to point out for the benefit of the House that during the year 1982, the Cayman Islands experienced a 2.7 per cent reduction in tourism air arrivals comparing 1982 with 1981. There was a 2.7 per cent drop in 1982 and the Hansards of this House will reveal that the world economy was blamed for this drop at that time. So, there is always an excuse one way or the other or a reason given and it depends on in what context those reasons are taken. However, the facts are the facts and this is the position as far as tourism is concerned.

HON. W. NORMAN BODDEN (CONTINUING): Mr. President, I now turn to my other subject of aviation. Our Civil Aviation Department is run by a well experienced and qualified Caymanian who tries, I would venture to say, to save every single penny he can for Government. He has put forward just the necessities for his Department in 1986. The unavoidable increases in maintenance and administration costs of a larger air terminal and the airfield maintenance and improvements at Owen Roberts and Gerrard Smith Airports which have been postponed for some time but must now receive attention in order to meet ICAO standards and to safeguard the continued safe operation of our air services; these are items which must be taken care of in 1986.

Mr. President, there is a matter which came up at Question Time which I would like to clarify. I would like to point out that in my reply to a supplementary question posed by the First Elected Member for Bodden Town, when I stated that the revised estimate of revenue for 1985 was \$1,610,310 that this related to revenue derived not only from the new terminal building operations, but it included revenue earnings from the airfield as well for the landing fees, parking fees and so on. This was a combination of revenue from the terminal and the airfield operations. I would also like to point out here that the original amount of revenue projected for airport concessions at the terminal was approved as \$689,000 for 1985. This figure was revised down to \$400,000 and has been estimated as \$450,000 for 1986. As I understand it part of the reason for these adjustments is because many of the shops or businesses on the second floor of the terminal are finding it difficult to survive. It is my understanding, Mr. President, that the terminal was originally designed to provide office space on the second floor of the terminal but that a decision was taken at some stage to offer the space for shops after Cayman Airways administration offices were built. This situation is unfortunate because many small businesses will undoubtedly suffer and be hurt. However, an airport operation such as ours with no in transit passenger traffic means that the setting up of shops on the second level should have been seen from the very beginning as a bad business risk, because arriving and departing passengers normally spend a very limited time at the airport. There is no other traffic generated at the terminal which can support these shops. I think that this is just another case of having to face the realities of life.

I mention this because this question has been raised from time to time and the shops on the ground floor and in the departure lounge do not seem to be having the same difficulty. It appears to be only the shops on the upper floor which was originally intended for offices.

Mr. President, I now come to our national airline, to Cayman Airways and as the Member under whose Portfolio this subject falls I must have my say the same as all others. I want to repeat as I have done many times before that I support the airline but I also recognise both sides of the coin. When we speak of the advantages of having our own airline we cannot forget nor omit what it has cost, is costing and will continue to cost this country.

Mr. President, a few days ago the audited financial statements for the year ended 30th June, 1985 for Cayman Airways and Cayman Air Holdings were tabled in this Honourable House. These statements indicate that the company made an operating profit of \$461,000 (United States dollars), for the year ended 30th June. However, after financing costs an overall loss for the year of approximately \$1.4 million (United States dollars) was experienced. This resulted in an overall accumulated deficit at 30th June, 1985 of \$17.6 million. Adding the accumulated deficit of \$993,219 in the accounts of Cayman Air Holdings brings the accumulated deficit to \$18.6 million.

HON. W. NORMAN BODDEN (CONTINUING): Cayman Airways had a working capital deficiency of \$9.1 million and a shareholders' deficiency of \$8.9 million at the close of this period. The results for 1985 show an improvement in operating results of approximately \$775,000 (United States dollars), in other words from a loss of \$313,000 last accounting period for 30th June, 1984 to a profit of \$461,000 for 30th June, 1985. This is after taking into account the cost of major damage repairs to three 727 engines which amounted to \$870,000 (United States dollars) and which is included in maintenance expense for the year ended 30th June this year.

Mr. President, in November, 1984 a new Board consisting of successful businessmen from our community was appointed with the Honourable Fourth Elected Member of Executive Council as Chairman. A new policy of decision making on economic rather than political grounds was instituted. In fairness to the new Board I would like to outline some of their achievements during the past year. Shortly after the new Board assumed office a salary review was undertaken together with a regrading of all personnel. Mr. President, in November last year we found the staff of Cayman Airways, even those who supported the Unity Team as discouraged and of very low morale. They explained that part of this reason was because for two years they had been promised increases which never materialised. Also, there were non-Caymanians in top management positions there earning high salaries when some competent Caymanians were being overlooked or ignored. So, a regrading of all personnel and a salary review took place. Management was restructured based on recommendations in the Swissair report and more responsibility was placed on the senior managers of the company. An executive committee of the Board of Directors comprised of the Chairman, Managing Director and the members of the Board selected from the private sector was chosen to liaise with management on important issues arising from the operations of the company. This arrangement enabled and left the Board free to deal with important policy decisions in keeping with the interests of the shareholders.

New and badly needed uniforms for cabin flight crew and ground personnel were provided and these three items have resulted in considerable staff morale and efficiency.

The two 727 aircraft have recently undergone extensive overhauls and refurbishing. They have been repainted and all evidence of corrosion attended to. This is the first time that this has been done since the aircraft were acquired some three years ago.

There have also been maintenance checks which were due and had to be carried out. A manual of personnel policies setting out clearly the terms and conditions of service for all staff is now being prepared and will shortly be receiving Board's approval. Policies have been established in relation to all three and our discounted travel, including that for company employees.

The audited accounts as we know for the year ending 30th June, 1985 have been accepted and already tabled in this House as I have mentioned. When the new Board assumed office there were accounts payable in excess of \$8 million. For the first time an annual budget for the company's operations has been prepared and approved. All this has been put in place.

The charges to Fawcett Airlines for services provided by Cayman Airways were reviewed and revised which produced increased revenue for Cayman Airways.

HON. W. NORMAN BODDEN (CONTINUING): However, in spite of rigid cost control and prudent management the company continues to suffer heavy financial losses to the tune of approximately \$1.5 million annually. I might point out that the \$1.5 million which I have just quoted are United States dollars. It is with this in mind that the Board of Cayman Airways is requesting that Government provide an annual subsidy which is the bare minimum needed for the airline to be able to begin to conduct its affairs in a more business-like and dependable fashion.

I should like, however, to make it clear that the amount of subsidy being requested is absolutely a bare minimum because depending on various factors affecting the future operations of the airline, the amount needed could be greater as time goes on and circumstances change, such as increased competition, a change in travel trends and increased operational costs, and perhaps unexpected maintenance costs. All this can bring a change financially to the airline.

To one in this country, Mr. President, need take this matter lightly. The financial picture of Cayman Airways, the deep and heavy commitment Government is obligated to honour as its sole shareholder, and the resultant heavy financial burden placed on the entire population of this country is certainly nothing to boast about. I read recently in the local newspaper where the First Elected Member for Bodden Town said that he and his Board had set a target of \$1 million operating profit for 1985. Well, if this was so I must say that they were not tracking very well because as of 30th November, 1984 the company was already \$88,000 under forecast for the first five months of 1984. It was for the first five months of 1984 because the financial year with which we are dealing started on 1st July, 1984. So for the five months starting 1st July, 1984 they were already \$88,000 behind their projections for that financial year. This is as reviewed by Cayman Airways' independent accountants and the company's internal forecast of operations for the year ended 30th June, 1985. Neither can his claim for charters and new routes be substantiated because if interest and depreciation were deducted from the Club Med charters they would have shown a loss. So would the charters which he claimed that he had arranged from Dallas. Incidentally, no charters operated out of Dallas. The flights actually operated from Houston. At best the company considers that the results of the operation of those charters as contributing to revenue. In other words, these charters helped with the cash flow.

Mr. President, I also want to bring to the attention of this House that the scheduled operation to Turks Island from the beginning until it had to be terminated in June of this year, lost a total of \$651,481 and the First Elected Member for Bodden Town has the audacity to question me about the \$353 which it costs to overnight the 787 in Cayman Brae. If there is anything which I can justify and defend, it is a loss incurred by Cayman Airways serving the people of this country. However, I cannot support or say anything good about an operation to an Island or another country which provides only competition to the Cayman Islands. For us to have lost this kind of money on that operation it is nothing for anybody to boast about in this House or in newspapers as being an asset to Cayman Airways or anybody who instigated it.

Let us look, Mr. President, factually and realistically at Cayman Airways. I know that sometimes the public must grow weary of hearing the history of Cayman Airways. I have sat here for five years and I have heard different versions too. However, just briefly let us look for a few moments at Cayman Airways.

HON. W. NORMAN BODDEN (CONTINUING): Cayman Airways was started in August, 1968 and Government invested at that time as its shareholder of 51 per cent \$30,000. That was in 1968. On 1st December, 1977 the Unity Team Government took over Cayman Airways at which time that airline had an accumulated deficit of only \$332,431 in its nine years of being in business, 1968 to 1977.

No feasibility study was carried out by the Government at that time and some Members stood in this House and told this House and the public of this country that the new Cayman Airways could be profitable; that it would put money in the Treasury and that its loans would be repaid from income which the airline would earn. The Hansards of this House of April, 1978 substantiate this. It must be noted that Government up to 30th November, 1977 had invested only \$220,500 and had actually been repaid a dividend of \$67,500 from the operations of Cayman Airways. That was the commitment from this Government to the airline up until that date.

However, during the past eight years Government has had to be called upon for financial assistance. In the last three years it has invested in hard cash from this country's coffers over \$20 million. In addition, the airline needs an annual subsidy of at least \$1.5 million to assist with its operations and still has outstanding debts of \$5.5 million. Further to this, this Government has financial obligations as sole shareholder and guarantor for Cayman Airways' 727 leased aircraft at the rate of \$2.5 million annually for the next ten years until 1996, in the event that Cayman Airways cannot meet its lease payments. As has been pointed out by one Member, the company only owns the Trislander and not one seat belt on the 727s. In fact I understand that if there is a change; if there is an option exercised by Cayman Airways that a change is brought about in the leasing arrangements that the US\$4 million in escrow account which was received from the sale of the two BAC 1-11s, that this amount could be forfeited. This is something, to be honest, which I think should be further investigated but this is my understanding of the leasing arrangements which have been described as the most complex lease that the bankers have ever seen put on paper.

Mr. President, I heard the First Elected Member for Bodden Town mention about "laesurititis". However, there is another disease called Air Floridarititis and that has proved to be more painful and expensive to this country than any laesurititis which he or anybody else can invent. The takeover of the airline in an ad hoc, haphazard fashion was a grave mistake which cost this country and caused the financial problems with which we are faced today, for if the over \$20 million had not been injected in Cayman Airways there is no doubt that no new revenue measures would have had to be introduced at this time in our country. Transfers could have been made from healthy Reserves which the country now does not have. So it must turn to the public. This is why I referred earlier to saving for a rainy day.

Mr. President, I need no convincing of the convenience of owning and operating our own national airline. It does give us more control over the orderly development of our tourism industry and we know that it is important. It provides a needed service to Cayman Brac and Little Cayman. It provides employment for approximately 175 Caymanians. There is no denying that great pride is taken in boasting of our own airline when there are many larger and stronger countries around which cannot make similar claims. However, as has been said, Cayman Airways has cost this country a tremendous amount of money, and will continue to do so until the time comes when the airline could at least possibly reach a break even position.

HON. W. NORMAN BODDEN (CONTINUING): The question must be answered by Government and this country if our financial resources can continue to support the high cost of operating of our own airline. It is a fact that what we would like to have and what we can afford are two different things.

Mr. President, discussions of this nature naturally bring up the question of the future of Cayman Airways. It is my considered opinion that if the airline has ever stood any chance at all in its turbulent history to at least reach a break even position, that time has to be now and the year ahead. It is my view that its operations will have to continue to be closely monitored. I am hopeful that I will get some support for the subsidy requested by the Board. The cost saving measures by the Board and the drive to increase revenue earnings by management will continue.

I expect that the airline's expanded charter programme to Tampa this December and to Dallas and Atlanta next summer plus Government's decision to clean up the balance sheet, will all have positive results, so that on examination within and during the next year the airline will have reached the stage where the financial results are more favourable than they are today. With the full backing and total dedication of the staff I do believe that the airline can at least move on to a stronger and more stable position. There is no doubt that a proper feasibility study should have been done before Government entered into the airline business in 1977 and the public should have known from the beginning exactly what this Government was being committed to. However, all one was told when a parliamentary question was asked was that the accounts would be available in due course. I remember in the past four years the lady Member for George Town asking consistently about accounts and asking the House for an interpretation of what date was in due course. The newspapers were full of statistics of how many passengers Cayman Airways was carrying but never a word of what it was costing the country to provide this service. There is a word for this, Mr. President, and the public can interpret it. As far as I am concerned this is single entry bookkeeping but the balance sheet has two sides. Although I am not a qualified accountant I know that much.

Mr. President, during the debate one Member spoke about the company's policy of hiring staff. To the best of my knowledge it has always been and must continue to be that Caymanians who qualify are given priority. This is only right and only to be expected. Opportunities which exist in Cayman Airways must first be offered to Caymanians but of course they must be qualified and the established standards met. However, having said that I must admit that sometimes it amazes me how quick some of our people are to give our own Caymanians a hard or difficult time. I am not an over nationalistic person, at least not in my opinion, and I realise too that a small airline like Cayman Airways cannot absorb all Caymanians who qualify in aviation. However, as far as possible and within reason, our people will continue to look forward and expect to receive consideration and help from our national airline in these matters.

Mr. President, another matter which was raised during Question Time as regards the operation of the Trislander and the provision of a co-pilot, I have checked into this and I am satisfied that the operation is safe and in order. For the benefit of this House and the public I would like to read a letter which I have in my possession from the Director of Civil Aviation which will clear up this matter for the benefit of all concerned.

HON. W. NORMAN BODDEN (CONTINUING):

"The Cayman Airways Britain Norman Trislander is certified and operated in accordance with the Air Navigation Overseas Territories Order, 1977 as amended and with the approved flight manual published by Britain Norman. The latter is a Civil Aviation Authority U.K. approved document and its reference is CAA approved. The maximum take off and landing weight is 4,536 kilograms or 10,000 pounds. The aircraft is certified according to its approved flight manual for flight under conditions of visual flight rules day and night, and of instrument flight rules day and night. The aircraft is qualified for and holds a certificate of airworthiness in the public transport category. It has installed all the equipment specified in Schedule 5 of the Air Navigation Overseas Territories Order, 1977 which is required for VFR or IFR operations. The aircraft is certified according to its approved flight manual for flight with one pilot only. The Navigation Overseas Territories Order, 1977 in part 4, article 18, paragraph 3 clearly allows single pilot operation of aircraft with a weight not exceeding 5,700 kilograms or 12,500 pounds.

Now, based on the fact that the aircraft is of a design and manufacture which allows member states of the Chicago Convention to operate it with one pilot only and on the fact that the Laws of this country, Air Navigation Overseas Territories Order states that such operation may be allowed, we have issued the aircraft a certificate of airworthiness of which the flight manual forms a part, allowing flights under VFR and IFR day and night with one pilot only. The aircraft is not allowed to fly above 10,000 in known or forecasted icing conditions or aerobatically. It is also prohibited from being flown by a single pilot from the right hand seat."

This is signed by our Director of Civil Aviation and I trust will clarify the matter regarding the safety of the Trislander operation between here and the Lesser Islands.

Mr. President, I also wish to comment on a comment made as regards safety policies of the company. I think the phrase used was "the bottle to the throttle policy"....

MR. PRESIDENT: Will the Member be speaking for some further time or is he very near the end of his speech with some further time?

HON. W. NORMAN BODDEN: Just about another five minutes, Sir.

MR. PRESIDENT: Well, actually we are past 4.30 p.m. already and subject to the suspension of Standing Orders I do not think can go on any longer, because the degree of discretion I am given by Standing Orders is really quite limited. Perhaps the....

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON: Mr. President, I would move that Standing Orders be suspended in order for the Member to finish his speech.

MR. D. EZZARD MILLER: I second it.

MR. PRESIDENT: It is moved and seconded that Standing Orders be suspended in accordance with the provisions of Standing Order 83 to enable the Honourable Second Elected Member of Executive Council to finish his speech. Does anybody wish to speak to that?

MR. G. HAIG BODDEN: Yes, Mr. President, I would certainly like to oppose the suspension of the Standing Orders. I cannot see the necessity for this as we will be sitting tomorrow morning at 10 o'clock. Also, it is known that we are running into problems with this Meeting because we are coming up so close to the holidays. It is apparent that we will have to adjourn and come back in January anyway. So, there is really no justification for the Member to seek this suspension. Other Members have appointments for this evening which will undoubtedly call upon them to either be late or to cancel. Furthermore, there are some Members who did not expect this unnatural development which has just occurred and perhaps would have been in their seats had they known that we were going to continue much longer than the time set by our Standing Orders. For this reason I must oppose this and I trust that other Members will join me in speaking against the suspension because it has been brought upon us at such a late hour in the day.

MR. PRESIDENT: If any more Members do speak we shall have taken longer than the five minutes which the Member said he would take. Does anyone else wish to speak? In that case I will put the question. The motion is that Standing Orders be suspended in order to enable the Honourable Second Elected Member of Executive Council to finish his speech, he having said that he would only take about five minutes.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Yes, of course.

DIVISION
NO. 93/85

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanke
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. G. Haig Bodden

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AGREED BY MAJORITY:

STANDING ORDER 10(2) SUSPENDED.

MR. PRESIDENT: The Honourable Second Elected Member of Executive Council may continue.

HON. W. NORMAN BODDEN: Thank you very much, Mr. President. I would like to thank all other Honourable Members of the House. I know that the Second Elected Member for Bodden Town's concern was certainly not time because he used up more than I would have in finishing up the speech. I think that he would be a very hard task-master. Thank God he is not my boss.

I was dealing, Mr. President, with a comment made during the debate on the safety policies of Cayman Airways. I would venture to assure this House and the general public that regardless of what can be truly said about the financial affairs of Cayman Airways, the airline has established a perfect track record in safety standards from 1968 to the present. I thank God for this. I believe that this has also been due to the professionalism of its crew and staff and I have no doubt whatsoever that a high standard will always be maintained, because a small airline like Cayman Airways cannot afford an incident, much less an accident. I believe that the responsibility for a safe operation weighs heavily on the entire staff of our national flag carrier.

I now come to trade, Mr. President. This a subject of my Portfolio which I believe has received little attention through the years but which I also believe holds some potential for further development. This has no doubt been because of the overriding importance of tourism and aviation. Recently through a joint effort of Government and the Cayman Islands Chamber of Commerce a survey was conducted which will prove useful in our future plans for placing more emphasis on trade. I am thinking that perhaps some form of legislation may be necessary and will be brought to the House in due course. In any event, I only mention this in passing as it will warrant further discussion and study. However, it is our intention to pursue this to some degree.

I next come to labour. The last statistics from the Labour Office indicate that 55 persons were registered as unemployed in about 15 to 20 different categories, and that they were able to place 19 persons during that particular month, it being the month of October. Unemployment is really not a problem in our country. Again I thank God for his blessings in this regard. Sometimes we talk of Caymanians not being able to find work and non-Caymanians displacing them. To be quite honest, I think that sometimes our own people are too choosy and selective about the type of work which they would want to do. I know that we have some hardworking people in our community. Nevertheless, there is a small sector who complain. Many times if it is traced and checked out properly they can get a job but it is not the kind of job they had in mind. I feel, Mr. President, that this office and its small staff are doing an excellent job at very little cost to this country. The labour legislation report by the Select Committee was Tabled and I feel that the Committee is making good progress and that during 1986 we will have legislation presented to this House which will offer the necessary protection to both employer and employee.

Mr. President, in conclusion I would like to say that we have a good country, one of which we can all be proud. Its greatest asset has been its stability and safety and the quality of its people. The day that we lose this asset we will lose all that we have. All Caymanians, all who call these Islands home must resolve to stand strongly against would-be leaders who would destroy our heritage and threaten our future.

HON. W. NORMAN BODDEN (CONTINUING): The history books of the world are full of would be-leaders and over-ambitious politicians who have destroyed their country, which to this day remains divided, weak and poverty stricken. Let us not follow them but stand up and be counted for what is right and best for our country. That is truth which cannot be denied and facts which cannot be challenged. This is a good foundation on which to build our country.

Mr. President, I support the Appropriation (1986) Bill, 1985 and I thank you for your attention.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10 o'clock tomorrow morning.

MR. PRESIDENT: The motion is that this House now adjourn until 10 o'clock tomorrow morning. Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED. AT 4.43 P.M. THE HOUSE ADJOURNED UNTIL
10.00 A.M., FRIDAY, 13TH DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

ELEVENTH DAY
FRIDAY
13TH DECEMBER, 1985

PRESENT:

HIS EXCELLENCY THE GOVERNOR, MR C 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 ELECTED 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 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

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

APOLOGIES

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

ABSENT

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

FRIDAY

18TH DECEMBER, 1985

ELRVENTH DAY

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN.

2. GOVERNMENT BUSINESS

THE APPROPRIATION (1986) BILL, 1985
AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE:

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FRIDAY

13TH DECEMBER, 1985

1.10 A.M.

MR. PRESIDENT:

Prayers.

The Second Elected Member for Rodden

Town.

R. G. HAIG BODDEN:

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.

Our Father, which art in Heaven, allowed 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.

The Lord bless us and keep us. The Lord make His face to shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace, now and always. Amen.

MR. PRESIDENT:

Please be seated.

The Appropriation (1986) Bill, 1985.

Continuation of Second Reading Debate. My recollection is that the Honourable Second Elected Member of Executive Council had finished speaking. Does any other Member wish to speak?

In that case as there are not many Members left who have not already caught my eye, and I am looking at those who have not, I shall ask the Honourable Third Official Member if he wants to exercise his right of reply.

THE APPROPRIATION (1986) BILL, 1985 AND 1986 BUDGET ADDRESS

CONTINUATION OF SECOND READING DEBATE

HON. THOMAS C. JEFFERSON:

Thank you, Mr. President, I do.

Mr. President, this is perhaps the proper time to reflect on the comments made during the Budget Debate by Honourable Members.

HON. THOMAS C. JEFFERSON (CONTINUING): We heard many criticisms of various Departments, of wastage etcetera, etcetera. Likewise, Mr. President, we heard very clearly many praises of the Civil Service and various Departments. To those I say on behalf of the Civil Service, my thanks indeed. I entirely agree with the praise and I think that it is well deserved.

In addition, Mr. President, I wish to thank Honourable Members for their kind words about the Budget Address, about the 1986 Budget and about me in particular. Perhaps we should once again try to explain the position of the 1986 Budget and the reasons for the new revenue measures as a starting point.

One way of explaining what caused the need for new revenue measures, Mr. President, is to look at page 1 of the 1986 estimates. There we would find ordinary revenue of \$55.9 million. We would also find recurrent expenditure of \$50.2 million. In addition we would find on that page statutory expenditure of \$5.5 million. Now, if we put the last two together, recurrent expenditure and statutory expenditure, they would total \$53.7 million. If we were to subtract that from the ordinary revenue of \$55.9 million, there would be an excess of revenue over recurrent and statutory expenditure of \$2.2 million. Also on that page, Mr. President, we would find new service measures, a combination of additional staff and new expenses to be incurred with various programmes being put forward for the public of this country. New services total \$0.7 million or \$700,000, leaving a balance of \$1.5 million to be carried forward to capital expenditure. As I said yesterday in winding up the debate on the Customs Bill, Mr. President, it is only a very simple person who would come here and say to this Honourable House and the people, we can only spend \$1.5 million in capital expenditure and we are going to have a smaller budget in 1986 than we had in 1985 or 1984.

The capital requirements of this country are broken into three categories. There is a Head 40, Mr. President, where we will find items such as mechanical heavy equipment. This mechanical heavy equipment is used by Public Works Department. It could be a bulldozer. It could be a lorry used by Mosquito Research and Control Unit. It could be garbage trucks used by Public Health. In this same Head, Mr. President there is school furniture and there is Public Health equipment. There are furniture and equipment for the hospital, items which are in most cases inseparable.

In Head 41 we have always regarded this as new construction measures or ongoing projects from the previous year. It may deal with civic centres, fire service buildings, terminals at the airport or other work. It could be school buildings as well.

Head 42 is usually, Mr. President, or should I say always dealing with loans and expenditure as a result of this Government's borrowing funds either from Caribbean Development Bank or European Development Bank. The requests from the various Departments in dealing with the demands as they see them on a daily basis are \$13 million. \$13 million is the total of those three Heads which I explained just a minute ago dealing with capital expenditure. Now, the transfer of excess revenue of \$1.5 million can do very little to deal with \$13 million. Therefore, to balance the Budget, new revenue measures were required. To fund urgent projects, borrowing was also necessary. Mr. President, just for the record there is hardly anyone going to lend us money if they are not sure how we are going to pay for it. One of the first questions a banker is going to ask us when we go for the \$6 million loan which was approved or authorised by this Honourable House earlier this week, is do we have any new revenue measures to pay the additional expenditure of servicing this loan.

HON. THOMAS C. JEFFERSON (CONTINUING): I know that question would come, Mr. President. That is why I decided that new revenue measures had to come forward, not only to balance the Budget but to service the debt in years to come. When we put the \$1.5 million together with the new revenue measures of \$5.5 million, taking into account the receipts from the loans of \$8.4 million, we have a total sum of \$15.4 million. Then when we subtract the \$13 million in capital expenditure we have left \$2.4 million in surplus. This \$2.4 million, Mr. President, is almost mandatory in my mind to relieve the deficit which we estimate will take place this year of \$2.4 million, or \$2.5 million depending on which way we round the figures.

At the end of the day the surplus at the end of 1986 will be roughly \$14,000. Now, the \$2.4 million or \$2.5 million deficit at the end of this year, Mr. President, also takes in the \$590,000 deficit which occurred at the end of 1984.

Mr. President, in talking about waste, I wonder if anyone can tell me with the greatest of conviction that there is not even waste in their own houses, because I am sure that I have a bit of it in mine. If we were to examine, Mr. President, the 1986 draft estimates and we look on page 28, we would see the entire summary of how the recurrent expenditure is broken down between Sub-heads. We are now relating back, Mr. President, to the figure given earlier of \$50.2 million and we can easily relate that \$50.2 million to the approved figures in 1985 of \$46,500,000. I have stated in the Budget Address that the difference is an increase of approximately \$3.7 million. The exact figure, Mr. President, is \$3,689,453.

In looking at the extreme right hand column we see the differences. The difference in personal emoluments between the approved 1985 figure and the 1986 figure is \$579,315. Now, Mr. President, when we take into account that personal emoluments include items other than salaries and wages, it also includes housing which we heard about in the debate. It includes leave and it includes acting allowances and overtime. I will put it to this Honourable House, Mr. President, there is not much waste here.

However, I would just like to select the items which highlight the difference or the increase of \$3.7 million. \$2.5 million is for Cayman Airways, Mr. President. We have already given the cash. It is just a matter of accounting for it in removing it from the advance account.

The other items, Mr. President, are a combination of 17 other Heads, whether it is dealing with utilities, or rent of public property, or supplies and materials, or pensions and awards for the entire Government Departments. There is not much waste there, Mr. President. It is our intention to look during 1986 at those Departments which we have not as yet examined to our satisfaction.

Mr. President, I hope and I trust now and for ever in the future that we will always seek in this Honourable House to promote and maintain good relations one with the other, always reserving the right, Mr. President, in the true spirit of democracy to disagree. We disagree, Mr. President, because of principles, minds or conscience which do not allow us to agree. When we disagree, Mr. President, I hope that it is not maliciously done. We can always argue a point. We can always disagree, but at the end of the day it is the people of this country who we are trying to serve to the greatest of advantage and benefit for them.

HON. THOMAS C. JEFFERSON (CONTINUING): I would just like to deal now, Mr. President, with some comments which were made during the Budget debate, I know that in the estimates there is an item of \$9,000 for leave for an officer of this Government. I know the officer, Mr. President. He works for my Portfolio. It is an entitlement which is a contractual one. An officer has leave granted to him of 25 days a year. At the end of his tour of two years he is entitled to 50 days. If because of need in that Government I cannot allow that officer to take leave, this is exactly what it says in personnel regulations. He can take leave if the Head of Department agrees that it can be taken. However, to go further, Mr. President, this officer I can remember very well, I had to give him leave because the officer religiously worked Saturdays and Sundays in most cases to make sure that we met certain deadlines for the Department. He put in so much time, Mr. President, on Saturdays and Sundays and hours after work that I decided that it was reasonable to give him time off in lieu of all of that. So that is why, Mr. President, while he did take leave he did not draw down on his contractual leave because he worked probably more hours than I did during 1983 and 1984. Mr. President, while this officer may be highlighted in the draft estimates, there are many other officers who have the same contractual agreement. To be quite frank and honest, Mr. President, most teachers have the same contractual arrangement. They are not allowed to take much leave because of the school operations. Whenever they take their leave it has to be during the school holidays. At the end of their tour of two years, it is normal that they would not have used all of their leave to which they were entitled. Therefore they had to be paid for it because it was the end of their tour and they might be leaving the country not to return, whether it was their decision or whether it was a mutual agreement.

Mr. President, although I think that the point raised by one Member of Government paying \$1.8 million in housing for contractual officers has been spoken to already, I would again repeat it. The calculation is not at all incorrect but during the 1984 salary revision, Mr. President, we changed the procedure of dealing with allowances to contractual officers for housing. At one time we gave \$300 or \$400 a month and later it went to \$700 or \$800 a month for some officers. However, Mr. President, what we have to also bear in mind is that this \$1.8 million the officer has to pay back to Government, by salary deduction usually, 50 per cent of that sum. If we look on page 23 of the draft estimates, at items 68-003 or 68-004 and combine them, we see approximately 50 per cent of this sum. So we really are paying approximately \$900,000, Mr. President. Some might say that it is too much. I would not make that statement. We cannot, Mr. President, expect to get persons from overseas qualified to assist us and then say to them, "Look, you have to look after your own housing. You have to be paid the same amount as anybody else and we are not doing anything for you". We can all make that statement, Mr. President. We can make that policy, but I would venture to bet that in the long run we will spend more money trying to get the things sorted out which this chap is going to do for us than paying him 50 per cent of his rental.

There was also a comment, Mr. President, about the allowance paid in lieu of private practice. This is a long-standing agreement, Mr. President. I believe that it even dates further back than the day I entered the Civil Service in 1971. It was given at the time when doctors were paid very, very small sums of money. As I understand it, they wanted to supplement their income by working private or setting up private clinics. Government at the time did not deem this to be appropriate. I suspect that they were concerned about how were they going to make sure when this officer was working for them and when

ON. THOMAS C. JEFFERSON (CONTINUING): he was working for himself, and to control him. As a result it was agreed with the doctors that Government would pay them \$1,000 in lieu of them going into private practice. It is only in recent years, Mr. President, and I am not going to quote when, that we changed this arrangement. I am not going to quote it because I am uncertain this morning as to when we did it. We changed this arrangement and we said in whether it was 1980 or 1984 I am not sure, but I believe that it was 1980, as a part of the salary revision, due to the substantial increase in the salaries of doctors we would make the policy now that any doctor recruited after this date would not draw the allowance, but those who were drawing the allowance should retain it. Doctors are human beings just like all of us, Mr. President. They have families to feed. They have their obligations. If somebody gives me \$100 and later they take it away from me, I am not going to be too happy. Neither will the doctors. \$1,000 per doctor when we are talking about a \$67 million budget, as some would say, it is peanuts. It is really peanuts. That are we arguing about. For the record, Mr. President, there are not 14 people at the Government hospital drawing it. To the best of my knowledge there is only one.

There was also comment made about and I am dealing, Mr. President, page by page with the notes which I took as people spoke. I am not deliberately trying to get at anyone. The motor car upkeep and about mileage. These are notes which were passed to me, Mr. President, because on that afternoon I happened to have had to do some personal business. Motor car upkeep allowance, Mr. President, is \$900 a year. It is part of the perks of working in Government. Is it any different outside? I know many officers, and we are not talking about senior officers in establishments either, Mr. President, who drive company cars, whose gas is paid by the company; whose car every time it goes to the garage is paid for by the company. What are we talking about, \$900 a year and they are fussing? \$900 times the number of people is a sum of money but it is all part of a package of benefits to Civil Servants. What are we going to say? We are not going to give them an allowance for motor car upkeep. We are not going to give mileage. Yet then we are going to expect a person to use his car for Government business. Tell me who is going to do it?

Mr. President, many ideas came forward about the Civil Service and the possible consideration of typing pools. I am not going to argue about that, Mr. President. All I would say is that I believe that the introduction of typing pools at this stage is going to be very, very difficult indeed. What correspondence are they going to type, certainly not confidential and secret information? Where is that going to be typed? However, Mr. President, it is something we can look at. I do not know many private firms which have this idea of typing pools. We may as well do it now, Mr. President. Why not run the Government like a business? Why not try to be efficient?

Mr. President, some information has been passed to me in support of this argument which I am trying to put forward. In the financial industry, Mr. President, authorised signatures at some banks and some trust companies get at least two trips to Miami a year for husband and spouse. Others get two trips to Miami plus one to London with children. If the authorised signatures do not qualify because they are in a lower echelon of the salaries structure of that particular institution, they get that trip to Miami rather than London. Many Commonwealths under the age of 30 qualify for these perks.

MR. THOMAS C. JEFFERSON (CONTINUING): We have to be conscious of the benefit package in the private sector in relation to that of Government. Otherwise, Mr. President, we will have what we had years ago when I first came here. Any Civil Servant who is worth holding on to, and I am not being derogatory - I'm talking about people who have potential to rise to the top - is not going to wait around for us to decide that he is going to be the next Financial Secretary. There are too many dollars outside which will attract him and there are too many perks along with it. It is one of the reasons, Mr. President, why the 1984 salary revision awarded such a large sum of money to Civil Servants. We have to stop the exodus. Let anyone take the time to examine each Department in relation to the exodus from the Civil Service to the private sector, and the support below the Head of Department. I would hazard to say that we are weak, very weak indeed. God bless us that nothing happens seriously to any of the Heads of Departments. Some will survive but there will be a lot of struggling going on in that survival.

Mr. President, another comment which was made was that the introduction of computers reduces staff. Mr. President, I worked in New York for eight years. The company in which I worked had their accounts receivable posting done by bookkeeping machines. I think they were Burroughs 1300 or something of the sort. Then they decided to computerise. We did not experience any reduction in staff, Mr. President. What we did experience was an increase in staff because when one introduces computers one has to look for the manager. One has to look for the systems analyst. One has to look for the programmer. One has to look for the chap who is going to run the ship to keep the computer operating. If one is going to computerise one should try at least to keep it running the majority of the time. So one will generally find, Mr. President, that in the initial stages the introduction of computers will not reduce staff. Perhaps, what the Member meant was that in the long term it stabilises the increase in the staff complement. That I would agree with.

Mr. President, generally speaking about the Civil Service, there is not any better, Mr. President. I am convinced of it in my own mind. Where are we going to find a better, more efficient Civil Service than in the Cayman Islands. I would like to hear about it so that I can examine it myself because I have seen a few, Mr. President, in my short time. In my view, there are not many, if any. We are never going to have a Government, Mr. President, of which there will not be criticisms. We are never going to be in a position at any time not to have valid criticisms put forward. It does not mean that we are grossly inefficient. The Civil Service is run by human beings and every morning any of us wake up we do not feel the same as we did the day before or the previous day. Some days we feel that we can work until midnight. Other days we do not feel so. Right now, Mr. President, I think that I need a vacation. I do not feel so either.

What are we talking about? With the Education Department, every year we hear about the teachers, the number of additional passes taking place and the increased number of people who are qualifying for the "honour", the word "honour" meaning that they passed seven or more O Levels. Everything takes time, Mr. President, as the saying goes, Rome was not built in a day. The comprehensive system of education was introduced a little more than a decade ago. While we see the growing need to address the training of students who have little chance of being academic students we have to take time and look at it. We have to examine it carefully and then we have to decide where are the funds going to come from. Is it these new revenue measures which is going to do it? Or is it some other new revenue measure which we have to put forward? However, we have to do it, Mr. President. There is no question about that. We have to do it.

HON. THOMAS C. JEFFERSON (CONTINUING): One Member made a remark about the servicing of the public debt. Mr. President, if all the countries in the world were in the position of the Cayman Islands in servicing its public debt, 50 per cent of the world countries would have no problem at all. To service our public debt it takes 6.3 per cent of our ordinary revenue, 6.3 per cent of the \$55.0 million is what I am talking about, not including the new revenue measures, Mr. President.

Mr. President, a Member made a point on the trade and business fees and other fees which affect the Lesser Islands. I am in sympathy with it, Mr. President. I have basic understanding of the position in the Lesser Islands and we will have to see what can be done to help them administratively.

Mr. President, moving on now to those famous words General Reserves. They are there, Mr. President, whether anybody wants to believe it or not. In fact, if any Member wants to check them I will authorise them to go to Barclays Bank and check them themselves. They are there. Perhaps what we need to understand is the way in which the loan was structured. When we were dealing with the purchase of the Tower Building, Mr. President, and any time I am talking about borrowing I always bear in mind the effect of that borrowing on future years' revenue - it is the only way in my mind of staying out of trouble - we said to the bank that we had "x" number of dollars at their bank, whether it was \$7.3 million or whether it was \$10 million or whether it was \$12 million, it does not make any difference. We had more money in Barclays Bank at the time than we wanted in the loan. We only wanted \$5.5 million (United States dollars). We said, "You have our money. We want to use US\$5.5 million of it and we only want you to charge us 1 per cent over the rate which you are giving in your deposits". If we are going to do that, Mr. President, obviously we need to leave the deposits there. How else are they going to decide how to determine the 1 per cent? The funds are there, Mr. President. We have decided to issue a letter to Barclays Bank not to move them until the loan is exhausted.

Mr. President, one other comment was made that the Government was broke. Yesterday in the winding up of the debate on the Customs Bill I described the position in the United States where the President recently signed an extension on the ceiling of public debt of \$2,079 trillion and they are running a Budget deficit of \$200 billion. Is the United States Government broke? The Cayman Islands are in a similar position, Mr. President. While they have Cayman Airways and it has public debts, the debt only becomes callable when we do not meet our servicing agreement, our yearly payments. It is a piece of paper. That is all it is, unless we default. If that public debt servicing, Mr. President, is 6.3 per cent of our ordinary revenue, my God, we should never be in a position that they have to call the whole public debt.

Mr. President, all of these matters are why the 1986 Budget Address is deliberately written using simple language, because we want the people of the country to know and it is an attempt to explain to the people of the country the position as it is. Mr. President, Cayman Airways, that glorious political football - which one of us is going to decide to cancel it, Mr. President? Who is going to shout from any part of this Chamber, "Close it down. We do not need it".

HON. BENSON O. EBANKS: I will if we cannot afford it.

HON. THOMAS C. JEFFERSON: I am waiting to hear it, Mr. President. When we looked at the position at the end of October, 1984, and we called for figures from Cayman Airways staff, we saw that the figures and accounts payable, and I hope that nobody takes me to task as I am doing it from memory, we saw that the figures were approximately \$5.5 million or \$5.8 million. We said that those figures

HON. THOMAS C. JEFFERSON (CONTINUING): were not right because they did not include the payments due to Government, to the Government Departments which we talked about earlier in the Session, where \$1.7 million was due to various Departments. At the end of the day, Mr. President, if my memory is serving me correctly, we were in the range of \$7.5 to \$8 million accounts payable. We were in the position in late November that a decision had to be taken for Government to advance a sum of money to pay the quarterly lease payment due to InterFirst Bank. This is the position, Mr. President, where the full payment becomes due if we default and it is the reason why Government decided to meet the quarterly lease payment. We also paid US\$400,000 to Texaco on a long outstanding bill, Mr. President. The figures just accumulated and accumulated, with agreement to pay the other \$400,000 in January which we did. In addition to that, Mr. President, we had to pay AeroThrust for repairing one of the engines of the 787.

However, Mr. President, in my view what we need to pay close attention to, and I have been saying this quite often each year at the Budget Address winding up or in the Budget Address itself, and also many times during the year, with Cayman Airways is the expenditure and the control of expenditure, because I am not sure that we have proper control over it yet. Let me say, Mr. President, that that is not a derogatory statement. When we are dealing with an airline which has offices or representatives in Miami, in Houston, in Jamaica and in the Cayman Islands, and certain people have authorisations to purchase or issue purchase orders it is not easy to control. My statement should not be taken as derogatory. It is straightforward, factual and that is all there is to it. I personally am not satisfied that we have proper control over it.

Mr. President, we heard lots of talk about the new revenue measures. As I said in winding up the Customs Bill debate yesterday, nobody is happy doing this. However, in the long term effect on the people of this country, in my mind it is the only thing to do because any day that we take the decision to delay balancing a non-balanced Budget we are risking the future of our own people. It is a little painful, Mr. President. It is a little painful. However, I am sure that they can find the money. It is not that devastating. If we left it some people would say that if we had raised it annually, little bit by little bit we would be alright and the fact would be that we did not do it. How would we put it back to what it should be today? That argument also lends itself to coming here every year, increasing it by 4 per cent, 2 per cent, or 10 per cent and taking a beating every time we come because nobody is going to agree with it when we are doing it that way either, or some people are not going to agree. As I said earlier because of their own reasons, because of their own minds, because of their own conscience or principles they are not going to agree. It does not mean that what we are doing is not in the best interests of the people of this country. How does it hurt the little retail store if his trade and business licence fee is increased by \$50 or \$100? It does not hurt him, Mr. President. It is added expenditure for him to give the Government, yes. However, where is the money going? It could be right back to him because we can trace the service delivered by the garbage truck or the service delivered to his children at the schools or at the hospital or by Social Services Department or by any other Department of this Government. What we are saying is that in order for these Departments to deliver the services which the public has been getting, we need to increase the fees. \$5.5 million is a lot of money, Mr. President. Nobody is saying anything different.

POW. THOMAS C. JEFFERSON (CONTINUING): However, we cannot balance our Budget if we do not do it. I would say to the people of this country if we do not balance our Budget we are asking for trouble. It is like writing a cheque knowing that our bank account cannot take it. We are going to get into trouble.

The fees, Mr. President, which are being put forward for the banks and trust companies, at our discussions with the bankers amongst whom a banking committee has been set up long before I came to office which works very effectively, they see no difficulty at all with the increases which are being proposed such as an increase of \$2,500 for a category A licence which allows them to do domestic as well as offshore business. This amounts to \$30,000 in 1986. What are our competitors doing, Mr. President? Which one do we want to use? I will use the Bahamas. Their system is slightly different because they have exchange control and they have designation of authorised dealers. I think that the majority of us will understand what that means. We had it when exchange control was in effect here. For an authorised dealer they charge \$50,000. If one happens to be an authorised dealer and an authorised agent one has to pay another \$30,000, a total of \$80,000. So as far as the category A licence is concerned, Mr. President, we are very much below what the competition is doing.

In the area of category B licences, Mr. President, we are very close to the mark. We are very close to what our competitors are charging. However, this is one area which I had the most discussion on, and I wanted to be absolutely sure. The answer was that it should not cause any problem at all from the private sector in the Cayman Islands. The fee due in 1986 will be \$9,000.

The restricted licence, Mr. President, the category B restricted licence which is granted in order for a bank to do business with specified persons, that fee has not increased in a long time. What we are seeking to do is to increase it to a reasonable sum of money, which again should not cause any difficulty at all. We do not have that many restricted licences, Mr. President. It should cause no difficulty at all.

With regard to the fees proposed dealing with insurance, Mr. President, we have looked at it very carefully. We have got recommendations from my Superintendent of Insurance. These fees have not been increased since the Law was passed in this House in, I believe, September, 1979. We are increasing the fees for a category A licence from \$1,500 to \$5,000. Those are the insurance companies which do business locally. We are increasing class B licences from \$3,000 to \$4,500. For a local agent we are increasing his fee from \$100 to \$150. It should not cause anybody any trouble, Mr. President. For sub-agents the fees are going from \$50 to \$75. Brokers' fees are going from \$750 to \$1,200 and underwriting managers from \$5,000 to \$7,500. Those B licences which are running down their business with the objective of closing it down are having their fees increased by \$333.34. We have checked this all out, Mr. President, with our competitor Bermuda. Our annual fees are slightly higher but it does not compare in that sense, Mr. President, because the Bermuda legislation, that is the Stamp Duty Law requires the insurance company which registers there to pay one quarter of one per cent of his authorised capital. That can be a tidy sum of money, Mr. President, when we are talking about organisations which have share capital in the billions of dollars. So these amendments to increase fees on insurance show no difficulty at all. Somebody suggested that they should be increased. I am not sure, Mr. President, that when we do move we should move too fast, too quickly. I am not sure that that is in the best interests of the country. When we move, prior to moving we check it thoroughly, Mr. President, and we make sure that what we are doing is right.

HON. THOMAS C. JEFFERSON (CONTINUING): Mr. President, with regard to Public Health, those people who I believe most of us take for granted the collection of waste, some people turn up their noses at them. Mr. President. However, I can tell you about an experience which I had while living in New York which really made me turn up my nose. It was garbage which was not collected for two weeks sitting on the curb. Every day there were an additional half a dozen garbage cans with garbage. I believe, Mr. President, that the garbage collection in this country is equal to any part of the world that one can go to. They deserve the respect and congratulations of us all. I think particularly we need to pay tribute to Mr. Peter Foye and his ability to keep that operation working as efficiently as it does. In most parts of this country, Mr. President, although I am not sure on the larger Islands - but in most parts of Grand Cayman the collection is done at least twice a week, in some cases three times a week and in some cases along Seven Mile Beach, every day. Yet we are grumbling, Mr. President, about increases in the garbage fees. When we look at what has taken place with garbage, \$18 have been charged to put it on a personal basis, Mr. President, by this Government to collect garbage from my house twice a week. This is a ridiculous sum of money, Mr. President, not only the waste which we put out in our garbage bags but when we throw away our old stove, our old fridge, our old washer and all the rest of it, that is collected too. If we put out too many items and they are too big they may say that we need to have a container and they put that outside our house for \$10 I believe. Yet we are grumbling about paying \$50 after \$18, a \$32 increase. In very few parts of the world can one pay \$50 a year and get the kind of service which we are getting. I am almost tempted to say that we have it too good. We do not appreciate what we have.

You know, Mr. President, this same Civil Servant Mr. Peter Foye did an in-depth examination of the whole solid waste management for a clean and healthy environment in these Islands. Some of the figures even surprised me. We have been paying just for the collection, and you heard the figure mentioned before, Mr. President, of garbage from our individual houses and from some apartments \$430,000 a year. What are we collecting? \$63,000. Now, really which person can expect that to go on for very long? Shall we transfer the collection of garbage to a private company and let them do it? I venture to tell you, Mr. President, that they will not do it for \$50 a year. If people want to come here and grumble about the garbage collection and what the fee is, let us sign it over to a private company.

We are collecting from servicing condominiums \$85,000. We are collecting from the hotels because there are only a few of them, \$23,000. We are collecting from restaurants \$27,313 and from bars \$3,560. Also, all these containers we see around the place which Government is providing we are collecting \$39,000 on, Mr. President. The containers after their four years, we cannot find them as they are all rusted to pieces, and we have not recouped the cost of the container. Mr. President, I think I have heard Civil Service management say exactly what I was suggesting a minute ago, that we should turn it over to a private company and we will see who is going to pay and how much. It is not a deficiency in the Civil Service management, Mr. President. It is the fact that Government does not want to increase fees arbitrarily and tries not to raise them very often and still to continue to give the same efficient service. However, in a day like today when we are winding up the Budget Address, we are saying to the public, "Look we cannot do it any more. We need some more fees to give you the same service".

HON. THOMAS C. JEFFERSON (CONTINUING): With reference to these containers, Mr. President, we were charging \$600 a year for them. The request is to move it to \$800. Even at \$800, Mr. President, we cannot recoup the cost of purchase of the container before it disappears from the salt spray and the rust. So let us talk about facts.

This gentleman, Mr. President, Mr. Peter Foye, his words may be a bit biased, I do not know. However, I believe them. He says that the operation in the Cayman Islands is the best in the Caribbean. He did not go any further than that but I would suggest that it equals anything that one can get in the United States as well, unless one is talking about a private firm, and you know that sometimes a private firm is not as efficient.

We have had requests, Mr. President, and I do not mean this in a derogatory sense, from condominiums, "The Law says that we must pay \$50 per apartment. Why then should we pay for the container?" My answer is, Mr. President, that nobody buys my garbage can for me. They will only service it. If they want me to provide a garbage container they are going to have to pay for it. Even so, perhaps I am too liberal. Perhaps the fee should be more than \$800. Some Member made that comment earlier, Mr. President, that it should be higher.

Mr. President, we can look at what is being charged. I always try to have an open mind. However, one thing I do know, Mr. President, is that the Budget in the best interests of this country must be balanced and, in my view, must stay balanced.

MR. PRESIDENT: If the Member has finished with one topic and is moving to another, perhaps it might be a convenient moment....

HON. THOMAS C. JEFFERSON: Yes, Sir, I was moving to another topic and it would be convenient to break.

MR. PRESIDENT: In that case, I will suspend proceedings for approximately ten minutes.

AT 11.27 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.54 A.M.

MR. PRESIDENT: Please be seated.
The Honourable Third Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I did say to you before the break, Sir, that I was finished with one particular point. We were dealing with new revenue measures, and in particular the Public Health garbage fees' increase. However, before I move on, Mr. President, I would like also to offer sincere thanks by this Government for the Cayman Beautification Committee. I know that they have done a tremendous amount of work in George Town in particular. All

HON. THOMAS C. JEFFERSON (CONTINUING): of the flowers surrounding the airport and the flowers in the George Town area near to the post office and also on the other side near to the Anderson Building have been planted by them. While I am on it, Mr. President, lest I forget it later, let me offer also sincere thanks by this Government to service clubs such as Rotary, Lions, Kiwanis and others which I may not remember. Certainly we want to remember the contribution by the Professional Women's Association as well. I am very pleased, Mr. President, that we have such fine gentlemen and women who have donated so much of their own time for the community and for those persons who are less fortunate than they are, and some of them are.

Mr. President, I was going to ask you to allow me to come back before I get on with another new revenue measure, to the Civil Service, because I think one Member questioned why was it that we had to bring a customs advisor to the Cayman Islands. Mr. President, not to be rude but it is the same reason why we had to bring him here to train the Customs Officers. It is an attempt by me, Mr. President, to make the Customs Department as efficient as it possibly can be. This is no reflection on the officers serving who were mentioned. I think that the Member mentioned Alfred Ebanks, Carlton Powery and Barclay Coe. Training, Mr. President, is always important, even for those who have doctorate degrees, masters of sciences degrees and all the rest of it. We have to take time to keep abreast of our individual profession or occupation. The two officers Carlton Powery and Alfred Ebanks, in addition to being trained by the customs advisor, Mr. Whitty during 1984 and 1985, were also sent to the United Kingdom to pursue customs management courses. Mr. Barclay Coe is slated to go in 1986.

Also, Mr. President, if we examine the 1986 draft estimates, we will find that it is, under Customs Department, our quest to upgrade these two officers, Carlton Powery and Alfred Ebanks, with the concurrence of the Public Service Commission and His Excellency the Governor to a Deputy Collector of Customs position. So, Mr. President, we are looking at the structure of the Customs Department. We are looking to strengthen it. If we think we need a customs advisor for two years, which I think we do, this is the action we have taken and it is no reflection on any particular person. There are only so many hours in the day. There is only so much one can do.

We have instituted over the last 18 months an internal audit section in Customs Department, a task force section. We are seeking to institute a shift system at the airport to deal with the unusual hours of air flights. In order to coordinate all of these activities above the present operations we need to ensure that the administration is strong. Otherwise all of our efforts will be or could be in vain. Mr. President, whether a person agrees with me after I have given an explanation or not, I believe that it is in the best interests of the Customs Department, the people of this country and the revenue collection of Government in particular.

Allow me to come back now, Mr. President, to the Traffic Regulations. I could say, Mr. President, that I dealt with them already in the winding up of the Customs Bill yesterday. I just hope that not only the Members of this Honourable House will remember but also the public will remember the remarks I made. As I recall then I did say that the fees which were in effect until the 30th November of this year came into operation on the first day of January, 1976, by the Traffic (Amendment) Regulation, 1975 published with the Extraordinary Gazette No. 8 on 17th November, 1975.

I repeat some of what I have said, Mr. President, because I think that it is important to get the message across, what has Government done for the motoring public since January, 1975 to deserve an increase such as that which is being requested here.

MR. THOMAS C. JEFFERSON (CONTINUING): We have spent \$15.4 million dealing with roads. This is a combination of road maintenance, additional roads, hot mixing and the entire works, Mr. President. The Queen's Highway cost us \$1.6 million. We completed that in 1983 in order for Her Majesty to open the road. In 1984 we did widening and surface dressing of the eastern portion of the North Sound Road, one and a half miles of hot mix in North Side, and marling, surfacing and hot mixing of various roads throughout the Island. We built 6,000 feet of sidewalks along Walkers Road and 7,500 feet along West Bay Road at a cost of \$889,763. In 1980 the main road from West Bay Road to West Bay Police Station was surfaced, as for the South Sound Road leading off to the Red Bay main road. 1.3 miles of spray and chip was completed in North Side and Portuguese Point Subdivision. Five miles of road were sand sealed in Tropical Gardens, Prospect and Red Bay Subdivision. One mile of new road was constructed through the main housing area in East End. Four and a half miles of road were built and the cost, Mr. President, was \$552,897.

These are just a few, Mr. President. We would also talk about 1985, upgrading of residential roads, second spray and chip of five miles of road in North Side and East End, new road links of Elgin Avenue and Smiths Road constructed, access to agricultural lands in North Side at costs of \$360,000, \$180,000 and \$25,000 for all of that, Mr. President. This is what Government has done in my view to deserve an increase in the traffic fees.

However, Mr. President, while all of this was going on since 1976, the motorists who were buying cars in 1977 - I did not bring the figures for 1978, Mr. President - paid for a Ford Escort four door \$3,400. In 1985 it could cost them anywhere between \$6,800 and \$7,000, an increase of 100 per cent. We may be talking about a Toyota Corolla four door which has increased from \$3,400 to \$7,200, 131 per cent. We have not increased these fees, Mr. President. It is the merchant who did it, or the dealer, the manufacturer in particular which finds itself in the dealer's price. Everybody has been able to buy a car and pay these prices. We are building the roads. They are paying 131 per cent increase in price and we are talking about thousands of dollars for new cars. We are building the roads and we are not charging them anything. For almost ten years and on the 1st January it will be ten years, we did not charge them one penny more for registering their cars or for their drivers' licences. I can go down the list, Mr. President, for the bus, for the trucks, for the station wagons, for the rent-a-car, for the rent-a-motor cycle, for the taxis, for the bicycles, for the trailers, for the drivers' licences for foreign residents, for duplicate licences, for the whole thing. We have not charged them one cent more. Now we are coming and we are saying "Look we cannot balance the Budget. We need to increase these fees. We have not increased them for ten years". If we could use the consumer price index only because we did not need the extra money to balance the Budget, we would have to raise the fee - we were charging in 1977 \$72 for a rent-a-car and have been charging it ever since up until 1st December this year. If we were to try to put back that \$72 to its value in 1977, we would have to charge in 1985 \$130. However, the \$180 will not balance our Budget so we have to go to \$190.

It is not much money we are talking about, Mr. President. Every time the rent-a-car operations need to replace their entire fleet, we are talking about thousands of dollars which they can pay. So, \$180 a year for their cars is not going to hurt them. It will affect their cash flow but it is not going to hurt them because they are paying out more than they were paying even earlier this year.

HON. THOMAS C. JEFFERSON (CONTINUING): Mr. President, when we were looking at these figures we took into consideration the frequency of the vehicle on the road and its relation to the wear and tear on that particular road. Also, we took into consideration the weight of the respective vehicle. That is a motor car, whatever size it is, cannot weigh as much as a bus and it cannot weigh as much as a truck. We could institute a system, Mr. President, where we did just that. We could go and weigh the truck and charge based on its weight. In order to do that, Mr. President, we would have to buy a weighing machine which would cost us money. Why do it if we can use a simple system? We are talking about waste. Waste is the procedure which we are trying to avoid here.

The one thing we did not do, Mr. President, was driving permits for foreign licences. A tourist comes here. He produces his licence. He goes and rents his car. The price is still the same. We have not changed it since 1976. It costs \$2.40. It is still there, Mr. President. We do not want to change it. We do not want to affect the tourist any more than we have in the new revenue measures.

Mr. President, revenue measures will never have a unanimous vote for as long as both of us will be in this House even if we leave tomorrow. I have never expected to get it here today, or next week or any other time. I think, Mr. President, that one of the Government Members did deal with the trade and business licence, and indicated what, I thought quite clearly, what is to be paid by the businesses. We took great time, Mr. President, in looking at those increases and you will find, Mr. President, that if it is examined, the small businessman does not really pay that much. I think in most cases we will find that his licence fee has increased by \$50 and in other cases maybe \$100. However, he was only paying \$25 or \$100 in any case per year. So, we are not talking about a great burden for the small businessman to take.

I just want to touch briefly, Mr. President, on some of the Departments which I have already written about in the Budget Address, because there are some which were not mentioned. When I delivered a Budget Address in March of this year, Mr. President, I tried to cover the entire Civil Service and I believe that I came close to the mark. I thought on this occasion that I could perhaps not make the Budget Address so long. In the process of doing that, Mr. President, I have the greatest of respect for the heads of Departments which were not mentioned. The Director of Mosquito Research and Control for example, Mr. President, is a very able man although following in very huge footsteps. This country could not, in my view, be where it is today without the efficient operation of that Department. No one has to remind me, Mr. President, of the situation in this country with mosquitos during the 1950s. I remember walking to school with my little smoke can and my little shamrock branch, and running the majority of the time to get them off me. I remember walking along the road to the Town Hall School and seeing cows lying out on the pasture dead from suffocation from mosquitos crawling up their nostrils. We have a Department which we should all make certain that we show our deep appreciation to.

We have seen, Mr. President, the changing of the guard. We have seen new programmes. We have seen emphasis on natural resources and emphasis on the environment, all timely, Mr. President, and certainly all necessary. Another section, Mr. President, which has been mentioned is the Water Authority. I have been around the Water Authority for a long time, Mr. President. I have not spent too much time this year, I must confess because the duties of the office of Financial Secretary must take priority. However, I would mention

HON. THOMAS C. JEFFERSON (CONTINUING): Sir, that I have the highest regard for the Director of the Water Authority. We know that arguments will come about how it is done. I can appreciate also, Mr. President, and this is just an analogy that if one puts all economists in a room and asks them their view on a particular economic problem and there are six of them, we would probably get six different answers as to how to solve it.

The scheme as I understand it, Mr. President, in years gone by when I first returned after doing some training overseas, based on evidence we thought at the time, was that the water lens in East End was so huge and could provide so much water that from a private company point of view, it could be extracted and pumped throughout the Island. The more we investigated the lens, Mr. President, different facts came to light. We saw the need to develop the Lower Valley lens to provide for truckers who move water from the wellfield to people's homes or to a business place. It is easy to criticise in hindsight, Mr. President, but at the time there is only so much information that one has at one's fingertips. There is only so much information which one has when one is carrying out the exercise because one's investigation of the lens may be done with one or two pumps extracting water. When we then put 31 pumps in it, Mr. President, and start extracting and the country goes through a drought period, it could change. It could change very quickly indeed. I believe that that is exactly what happened. The East End lens - we are more or less still in the infancy stage of dealing with it. It is all complete and we are drawing water. However, it is quite obvious, Mr. President, that the answer to the problem today is not the same as it was three, four or ten years ago. The capital injection which would be required to pump the water from East End to Seven Mile Beach, if we want to use that destination, is so huge that there has to be a better way of doing it. Even if the lens in East End could supply the water which was needed, I believe the present scheme of the Water Authority is perhaps the right one. We have huge generators at Caribbean Utilities producing waste heat which is not being harnessed at all. It is just going up in the air. I remember, Mr. President, serving on a ship as junior engineer. We made water every day from the same process. It can be done very effectively and is not all that costly when we relate it to what it would cost to pump the water from East End to Seven Mile Beach. I think that the Water Authority has done very well indeed. When one begins a scheme of this type, Mr. President, one is starting from scratch. One has very little data to justify any decision very quickly and one needs to move slowly, step by step. We are happy that the step by step has not caused any major inconvenience to the public.

Mr. President, in my Budget Address I could not decide to make no mention about the Education Department because of its vital importance to the country and its people, particularly its young ones. However, we also need to be aware, Mr. President, that while we support education 100 per cent and we all want our children to be properly educated, it is a bill which is accumulating year by year in large dollars, always more than \$1 million usually. It is not too long in the future, Mr. President, when \$200,000 being earned by the Department has to be looked at, because the total recurrent expenditure for education, Mr. President, is no small sum of money. In 1986 it is \$7,209,683. This Government is going to have to look at it, Mr. President. I am not saying that changes are going to take place tomorrow or next week, or even next year. However, the bill is amounting to such a sum of money that we have to take a good look.

HON. THOMAS C. JEFFERSON (CONTINUING): One Member made reference to truancy. He was a little concerned about it. I believe, Mr. President, that all of us agree that truancy is something which is not in the best interests of the child who is not attending. However, if we look at it, Mr. President, and we can go through school by school, at the High School the total number of pupils is 994. The average number of students who are absent on a weekly basis is 6 per cent and there are five boys in the age range of 15 plus years who have not attended school since the September term. One of them is being processed to emigrate to Canada to live with his brother because he does not wish to reside here for personal reasons. The other four have been cases of non-attendance since they entered the High School. However, as of the last week in November all four of them are working. At the Middle School there are 820 pupils. 5 per cent is the average number of pupils who are absent on a weekly basis for illness. That is the reason, Mr. President. One is a non-excused absence to Miami. At the East End Primary School the total number of pupils are 64. We have 2 per cent average number of pupils who are absent on a weekly basis for illness. That holds true, Mr. President, for North Side, Borden Town and West End. The figure is 20 per cent. The average number of pupils who are absent on a weekly basis for illness is 20 per cent. Four are truant for December. Seven are truant from the reception class. In the Lighthouse School there are 52 pupils. 5 per cent are absent for illness. There are no truants. In George Town there are 425 students. The average number of pupils who are absent is 10 per cent. Most of them are in reception and infant 1 classes. We know that the reception is not mandatory. The other absenteeism is explained, Mr. President. It is acceptable. It happens to us all, we get sick. Savannah has 152 pupils. There again, 2 per cent is the average number of pupils absent on a weekly basis. So, Mr. President, while we are concerned about truancy, and all of us are, by those standards I think that we are doing fairly well indeed.

I wish not to prolong this winding up of the debate, Mr. President. However, let me say that the Health Services of this country are services which are almost given to the people of this country. We are only charging 10 per cent of the bill to persons who come for service. Yet there is \$1.3 million outstanding at the time of reading my Budget Address. What I cannot rationalise, Mr. President, is that some people will go to the hospital. They will get the service. They will perhaps be reminded of the bill. They will not pay it but will get on the plane and go to Miami and spend \$2,000, because they are not going to get any service at any of the hospitals in Miami unless they either show some medical hospitalisation or they have some money to put as a deposit, especially if they are an in-patient.

I will ask again, Mr. President. I have sent many letters so far to residents of this country. We have had some responses. I am grateful for it and we ask the others to respond properly. No one wants to take matters to the courts, Mr. President. Neither should anyone want to force me to do so.

I would just like to say, Mr. President, in closing that while we have exchanged some differing views, what I have said, Mr. President, is my view. Any person who disagrees with it, I understand democracy.

Before I sit down, Mr. President, I would just ask you to allow me to make a few more statements. While the Honourable First Official Member will be here for some months yet, and God knows I tried to talk him into staying longer, this is his last Budget Address at which he will be sitting in his respected chair. He is a Member, Mr. President, who has always been supportive

HON. THOMAS C. JEFFERSON (CONTINUING): of the Civil Service. I have known him for quite some time now and I know that as he retires he will be sorely missed. I would not go as far as to say, Mr. President, that we agree on every issue because he will tell you it is not so, and I do not want to say that it is not so. However, we have had perhaps one of the best working relationships which I have ever experienced. He has been very kind to me and very considerate, and I owe him my deepest and sincere wishes for a healthy and happy retirement.

Thank you, Mr. President.

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 1986 be given a Second Reading.

QUESTION PUT: AGREED. THE APPROPRIATION (1986) BILL, 1985
GIVEN A SECOND READING.

STANDING ORDER 63(3)

MR. PRESIDENT: Before I invite the Honourable First Official Member to move the adjournment, since there is no other business set out in today's Order Paper, and since Standing Orders provide in Standing Order 63(3) for the Appropriation Bill to stand referred to Finance Committee once it has been read a Second time, I take it that Finance Committee will be meeting this afternoon and that although we adjourn the Assembly until a date to be fixed, Members would wish to know, in case they have not otherwise been made aware that Finance Committee would meet at 2.15 p.m. Or has the Member another time in mind?

HON. THOMAS C. JEFFERSON: I am really in the hands of Members, Mr. President. 2.15 p.m., 2.00 or 2.30, either time is fine.

MR. W. McKEEVA BUSH: Mr. President, I suggest that we take 15 minutes break and go into Finance Committee.

MR. PRESIDENT: Well, I think that most people will want to observe the normal practice. I suggest 2.15 p.m.

I have one other point to make before I invite the Honourable First Official Member to move the adjournment. That is that it has been brought to my notice and indeed I have noticed myself, that there are a few printing errors in the new revised edition of Standing Orders. One particularly notable one about which I think that I have told a number of Members is in Standing Order 38. Having consulted the Honourable Second Official Member, my understanding is that it is perfectly proper for a notice correcting the printing errors to be published in the Gazette. Once we are satisfied that we have identified at least as many as we can and hopefully the whole lot, such a notice will be published. If any Member has himself or herself noticed an error, perhaps that Member would be kind enough just to let the Clerk know so that we can try to make sure that the notice of correction is as comprehensive and as accurate as possible.

The Honourable First Official Member.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House to a date to be notified by the Clerk.

MR. DENNIS H. FOSTER (CONTINUING): Mr. President, before you put it to a vote, Sir, I would just like to inform Members that the reproduction of the debates in this House will be heard mainly on FM and for longer periods over the weekend, as we have split the frequency now and we can have one programme on AM and one on FM. I am sorry, Sir, I had that the wrong way. It will be produced on AM for much longer periods, Sir, to enable the people in the Lesser Islands to hear that, and there will be a separate programme on the FM. However, it will be for much longer periods.

MR. PRESIDENT: Thank you. The motion is that the House do now adjourn until a date and time to be notified by the Clerk.

QUESTION PUT: AGREED. AT 12.41 P.M. THE HOUSE ADJOURNED TO A
DATE TO BE FIXED BY THE CLERK OF THE
LEGISLATIVE ASSEMBLY.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

TWELFTH DAY
TUESDAY
17TH DECEMBER, 1985

PRESENT:

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.D 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 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

TUESDAY
17TH DECEMBER, 1985
TWELFTH DAY

1. PRAYERS

TO BE READ BY THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. PRESENTATION OF PAPERS AND REPORTS

FINANCE COMMITTEE REPORT ON THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1986 AND THE APPROPRIATION (1986) BILL, 1985.

BY THE HONOURABLE FINANCIAL SECRETARY, THIRD OFFICIAL MEMBER AND CHAIRMAN OF THE FINANCE COMMITTEE.

REPORT AND MINUTES LAID ON THE TABLE.

STATEMENT BY THE HONOURABLE FINANCIAL SECRETARY, THIRD OFFICIAL MEMBER AND CHAIRMAN OF THE FINANCE COMMITTEE.

THIRD READING

THE APPROPRIATION (1986) BILL, 1985

TO BE MOVED BY THE MOVER OF THE BILL, THE HONOURABLE THIRD OFFICIAL MEMBER.

3. GOVERNMENT BUSINESS

BILLS:-

FIRST AND SECOND READINGS

- (1) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
- (2) THE INSURANCE (AMENDMENT) BILL, 1985
- (3) THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985
- (4) THE TRAVEL TAX (AMENDMENT) BILL, 1985
- (5) THE TAX COLLECTION (AMENDMENT) BILL, 1985
- (6) THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985

COMMITTEE THEREON

- (7) THE CUSTOMS (AMENDMENT) (NO.2) BILL, 1985
- (8) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
- (9) THE INSURANCE (AMENDMENT) BILL, 1985
- (10) THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985
- (11) THE TRAVEL TAX (AMENDMENT) BILL, 1985
- (12) THE TAX COLLECTION (AMENDMENT) BILL, 1985
- (13) THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985
- (14) THE EVIDENCE (AMENDMENT) BILL, 1985
- (15) THE FINGER PRINTS REPEAL BILL, 1985
- (16) THE SUCCESSION (AMENDMENT) BILL, 1985

REPORTS THEREON

- (17) THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985
- (18) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
- (19) THE INSURANCE (AMENDMENT) BILL, 1985
- (20) THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985
- (21) THE TRAVEL TAX (AMENDMENT) BILL, 1985
- (22) THE TAX COLLECTION (AMENDMENT) BILL, 1985
- (23) THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985
- (24) THE EVIDENCE (AMENDMENT) BILL, 1985
- (25) THE FINGER PRINTS REPEAL BILL, 1985
- (26) THE SUCCESSION (AMENDMENT) BILL, 1985
- (27) THE LAND ACQUISITION (AMENDMENT) BILL, 1985
- (28) THE COMPANIES (AMENDMENT) BILL, 1985

THIRD READINGS

- (29) THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985
- (30) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
- (31) THE INSURANCE (AMENDMENT) BILL, 1985
- (32) THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985
- (33) THE TRAVEL TAX (AMENDMENT) BILL, 1985
- (34) THE TAX COLLECTION (AMENDMENT) BILL, 1985
- (35) THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985
- (36) THE EVIDENCE (AMENDMENT) BILL, 1985
- (37) THE FINGER PRINTS REPEAL BILL, 1985
- (38) THE SUCCESSION (AMENDMENT) BILL, 1985
- (39) THE LAND ACQUISITION (AMENDMENT) BILL, 1985
- (40) THE COMPANIES (AMENDMENT) BILL, 1985

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TUESDAY

17TH DECEMBER, 1985

10:00 A.M.

MR. PRESIDENT:

The Assembly is in Session.
I will invite the Honourable Third Elected Member of
Executive Council to say prayers.

PRAYERS

HON. C.L. KIRKCONNELL

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 foundation 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, Phillip Duke of Edinburgh,
Charles Prince of Wales, Dianna 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. We pray especially for the Governor of our
Islands, the Members of Executive Council and Members of
the Legislative Assembly that they may be enabled safely
to perform the responsible duties of their high office.
All this we ask for Thy great namesake, Amen.

Let us say The Lord's

Prayer together. Our Father who art in Heaven, Hallowed
be Thy Name, Thy Kingdom come, Thy will be done on earth
as it is in Heaven. Give us this day our daily bread and
forgive us our trespasses as we forgive those who trespass
against us, 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.

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

MR. PRESIDENT:

Please be seated.

Presentation of Papers and
Reports - The Third Official Member of Executive Council.

FINANCE COMMITTEE REPORT

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Finance Committee Report dealing with the budget held on Friday evening.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the Finance Committee met on Friday afternoon to consider the 1986 Draft Estimates, a sum of \$63,873,057. The amendments which were made to the Draft Estimates were under New Services, Department of Agriculture, the request for an Animal Health Assistant Post. That request was deleted and an Agronomist post substituted. We also deleted the sum for wages under Department of Agriculture which seek to deal with the Dog Control Programme and rather than put it under wages we allocated the entire sum of money, \$15,100 to Dog Control Programme. The sub-head on that Mr. President should be 07-051.

There was additionally one amendment to the explanatory note under capital expenditure dealing with harbours and docks. A sum of \$5,000 of the total sum in the Estimates was allocated to West Bay without changing the overall or total allocation, Mr. President.

There were a number of motions made to various re-current expenditure heads beginning with Head 2, Mr. President. The Elected Member for North Side moved that Leave and Leave Passages 002 and 006, Mileage 2-007 and 2-008 dealing with Motor car Upkeep Allowances, wherever those three items appeared throughout the Estimates that those three items should be deleted. The motion, Mr. President, was defeated.

There was a motion on Head 5 Legislative Assembly made by The Second Elected Member for West Bay to reduce the sub-head 03-011 Dietary and Food Supplies from \$5,000 to \$2,500. This motion was also defeated, Mr. President.

On Head 6 Personnel and Office Services, the Elected Member for North Side moved that sub-head 01-109 Housing be removed from that Head and any other Head under which Housing had an allocation in the 1986 Draft Estimates. That motion was also defeated. The Second Elected Member for West Bay requested Government to look seriously into cutting back the housing allowance and Mr. President, the Chairman undertook to look into the matter.

There was much deliberation on the request by the Police for maintenance of radios and transmitters. The Elected Member for North Side noted that the budget for this vote was substantially high and that assurance had been given to look into the maintenance programme with a view to cutting back. It was pointed out that a huge sum of money was already spent on radio equipment in 1984 and the Chairman pointed out that it was a unanimous decision of Government to extend present contractual maintenance of radios and transmitters throughout the Government but it is still Government's aim to establish in the near future its own maintenance service. The Chairman undertook to look into the additional replacement of radios and towers which had currently been installed.

Under Head 8, Mr. President, the Second Elected Member for West Bay was of the opinion that more funds should have been allocated to the re-habilitation of prisoners. He did point out Mr. President that a great part of the expenditure, particularly dealing with teachers who go to conduct the remedial classes or other classes at the prison, in terms of teaching Mathematics or English or any other matter that fits into the re-habilitation programme.

There were similar comments, Mr. President, on Head 9 and Head 10 dealing with leave and on Head 11 the Second Elected Member for West Bay moved that the salary provided in the Estimates for the Customs Advisor be reduced by half the money. It was explained, Mr. President, that although we may give consideration to reducing that sum of money by one half, the contractual arrangement would have to be honoured by Government regardless of whether we vote the sum or not but, Mr. President the motion was defeated.

There was also Mr. President, under the Planning Department, some concern expressed by the First Elected Member for the Lesser Islands concerning insufficient clerical officers to deal with the work load at the Planning Department and the Chairman undertook to look into the matter.

On Head 16, Mr. President, the Elected Member for North Side moved that Sub-Head 1-110 in lieu of private practice be removed from the Estimates. That motion was defeated.

There were three motions under Social Services Department. The first was moved by the Second Elected Member for Rodden Town requesting that one social worker be placed in Rodden Town to service the districts of Rodden Town, North Side and East End. The Honourable First Elected Member for Health, Education and Social Services supported the view but stated that in order to do this it would probably be necessary to increase personnel since, at the present time, the department is under-staffed. That was a comment Mr. President not really a motion. The Second Elected Member for West Bay was consistent as in his Budget Debate he indicated that he could not support the present post of Director of Tourism. Mr. President those were the major comments in the recurrent.

Under capital the Second Elected Member for Rodden Town moved that \$100,000 under sub-head 42-002 be set aside to improve the George Town/Rodden Town Road. 42-002 deals with construction of roads Mr. President. That motion was agreed. The Elected Member for North Side recommended that six feet of roadside be cut back to enable vehicles to pull over in case of break down or other difficulties. The Chairman agreed to look into that matter as well.

I failed to mention earlier, requests made by the Police for staff and new services the Elected Member for North Side and the Second Elected Member for Rodden Town voted against it.

HON. THOMAS C. JEFFERSON (CONTINUING): He also commented on the Prison Service request for a combination of assistant storekeeper and driver. It was agreed by the Finance Committee that that post would not be filled until the whole matter of stores and staffing would be looked into and the Chairman agreed to do so. Thank you Mr. President.

MR. PRESIDENT: In accordance with the provision of Standing Order 67(4), the House is deemed to have agreed to the motion. The next item is Third Readings.

THIRD READING

THE APPROPRIATION (1986) BILL, 1985

CLERK: THE APPROPRIATION (1986) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Appropriation Bill (1986) Law 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to appropriate Certain Expenditures for the Services of the Financial Year 1986 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Certainly.

DIVISION
NO. 24/85

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 Eush
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. Linford A. Pierson
Mr. James M. Bodden
Mr. G. Haig Bodden
Mr. John B. McLean

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AGREED BY MAJORITY: THE APPROPRIATION (1986) BILL, 1985
GIVEN A THIRD READING AND PASSED.

THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985

MR. PRESIDENT: The Bill entitled a Bill for a Law to Amend the Banks & Trust Companies Law (Revised) is deemed to have been read a first time and is set down for a Second Reading.

SECOND READING

CLERK: THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled A Bill for a Law to Amend the Banks & Trust Companies Law (Revised).

Mr. President, the Memorandum of Objects and Reasons for this amendment is to increase the annual fees payable on licences granted under the Banks and Trust Companies Law (Revised). Mr. President, when we began to examine items which could be increased in order to balance the 1986 Draft Estimates, we looked at the fees paid by banks and we found that by comparing the sums payable to the Cayman Islands to those payable to our near competitor, we found that in the Cayman Islands for a category bank the sum paid to Government annually is CI\$27,500. Our competitor to the north, Mr. President, because they have exchange control have a slightly different system. Their licence may be granted in two categories, that is, an authorized dealer or an authorized agent. For an authorized dealer, Mr. President, the annual sum payable to a competitor is \$50,000 and if that Category B bank also happens to be an authorization there is a further \$30,000 due and payable to our competitor.

Although the fees charged in the Cayman Islands, Mr. President, for a Category A licence may not entirely equate to the sum recently quoted by a competitor, we must also bear in mind that in some cases banks that presently possess a Category A licence does not have a manned office and in some cases have decided to request the Category A licence simply for prestige purposes. Another way of saying it, Mr. President, simply until the day they see the need to establish an office here but certainly at this stage they could easily switch to a Category B licence for one-third of the money and it would not affect their business at all. Therefore, Mr. President, we did not seek to move our fees for Category A licence in line with our competitor.

For those who are listening, Mr. President, perhaps on the radio, the Cayman Islands have no exchange control, therefore there is no need whatsoever to seek to licence an institution as an authorized dealer or an authorized agent. Once you have a Category A licence you can deal domestically as well as off shore without any restrictions other than those laid down under The Banks & Trust Companies Law (Revised).

HON. THOMAS C. JEFFERSON (CONTINUING): We also examined, Mr. President, the Category B unrestricted licence which presently pays an annual fee to Government of \$8,500. When we looked at what our competitor to the north was charging we realised that if we were to increase the fee it should be increased by a nominal sum. We, therefore, requested in this Bill an increase of \$500 per year so that in 1986 the fee payable to Government would be C1\$9,000.

In addition to this, Mr. President, there are some licences that have been granted under The Banks & Trust Companies Law which for many years have not increased. We took this occasion to put them to the level or near to the level that they should be at. We, therefore, requested that for Category B restricted licence which allows the bank to deal only with specified customers that this fee should also increase by \$500 to \$9,000 annually. Under the present Law, Mr. President, there are licenced institutions which also established a nominee subsidiary company to carry out banking activities. The fee charged presently is \$750 and the request here is to increase that sum by \$250 or a sum due to Government in 1986 of \$1,000 for a nominee subsidiary licence. The sums requested, Mr. President, that is for Category A, Category B unrestricted, restricted and for nominee subsidiary licences in 1986 should yield this Government approximately \$300,000.

Mr. President, during the process of examination we have to determine what level of fees to request for 1986. We had many consultations with the private sector and the response was, "we do not see any difficulty at all with the sums being requested here." I recommend this Bill to all Honourable Members, Mr. President.

MR. PRESIDENT: The question is that the Bill entitled The Bill for a Law to Amend the Banks & Trust Companies Law (Revised) be given a Second Reading. The motion is open for debate.

DEBATE ON SECOND READING

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

MR. G. HAIG BODDEN: Mr. President, I cannot support the recommendation made in this Bill. The recommendations are a part of Government's new tax measures which the Government anticipates will give extra revenue of \$5,500,000 in the year 1986. During the debate in March on the budget for 1985, we were told in no uncertain manner that the Government did not see fit to put any taxes on the banks and trust companies and yet before the year has finished, only after eight months we find the Government coming back reversing the decision taken in March and in a belated attempt seeking to milk some more money out of the banking sector of the community.

I would like to refer, Sir, to a statement made by a member of Executive Council on this subject during the early part of this year. The statement from the Hansard of this House are now given by me and will be quoted exactly as they appear. The statement, and I quote, is:

"The Honourable Third Official Member said in his Budget Address, yet 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 licence fee is up to around \$30,000. It was actually \$27,500 at the time the member was speaking. This Member of Executive Council goes on to say if we take 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 areas of the economy, can move on and produce more to the individual, to Government and to the institution so that we will not need to think about taxation. This was, Mr. President, the feeling of Government when the budget was put forward in March of 1985 to cover the year 1985 that we had reached a saturation point as far as increases in bank licences were concerned. The question I would like to pose is what has happened between March 1985 and November 1985 to change the thinking of Government.

Also in the Budget Debate in March one Member of Executive Council had this to say Mr. President, and I quote:

"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 is not possible at this time to further tax the offshore industry even with a few meagre tax measures which we brought forward taxing largely the local side of our operation there are all sorts of screams about it. In March this year the Government, I would say, gave notice that they could not at that time (a few months ago) recommend an increase in taxation on banks and other offshore institutions. All we were doing in March was putting forward a little taxes on the local people because the banks and other offshore institutions could not afford to pay any higher taxes. Of course we know the new revenue, the little bit which they put on in March, was the tiny figure mentioned in the Budget Address in March which was, Mr. President, the new tax revenues quoting from the Budget Address in March were only to produce \$1.2 million plus loans of \$2.6 million so the little bit of new revenue and new loans which they thought in March were \$3.8 million. Speaking on new revenue, the Financial Secretary in his speech said, "In previous years the majority of new revenue measures largely affected the offshore operation 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 less we lose our competitive edge. The incident of indirect

MR. G. HAIG BODDEN (CONTINUING): taxation affecting the general public of these islands although viewed as an inequitable system or 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 (talking about 1985) the local residents are being requested to assist with the additional revenue. Only a few short months ago, in March of this year, it was the considered opinion of the entire Executive Council that we had reached a near saturation point as far as imposing taxes on the banking community and that if we continued to increase these taxes we would be knocking off the competitive edge which we experienced with regard to other financial centres that vie for the banking business which is one of the main sources of revenue to this country. In other words, they realised that they were about to kill the goose that lays the golden egg. What has changed Government's opinion in such a short period, eight months, from March to November, when the new tax measures are proposed?

The Government which admitted that they had reached a saturation point has now reversed those statements or is seeking to reverse those statements. What has happened? I can only say that what happened to them this year will happen next year because their policies are the same despite the words that they will stimulate the economy and get more revenue. Their actions ever since taking office have had the reverse effect and there has been no stimulation. This Bill this morning is something simply hatched out of desperation in an attempt to balance this year's budget because the Government has failed in its leadership to produce the revenue which is necessary. While the tax increases are mild compared to the heavy doses meted out to the local people, the necessity for bringing this Bill tells the world that the Government has failed. They had an opportunity for twelve months to do what they were elected to do: make this country better off than it was. They have failed in their promises. This year we are in the worst condition that this country has ever been in because while they claim they are going to end this year with a small surplus the public knows that they have fallen short. They have fallen short of fourteen million dollars which they seek to cover up by instituting five and a half million dollars of new taxes and eight and a half million dollars of new loans because this is what the budget is asking for. The budget is asking to make up the short fall that we put in five and a half million dollars of new taxes. This budget also calls that we take this year in loans, eight million, four hundred and fifty four thousand dollars. The new measures five million, five hundred and five thousand nine hundred and seven dollars so the true position is that we have, if it were not for the new loans and if it were not for the new tax measures of which this Banking Bill is a part, we would really have a short fall of fourteen million dollars. This is a sorry state from a Government which was elected on promises that they would stimulate the economy but you know in these tax measures they remind me of the Bible story of Jeroboam, the King of Israel, who made things hard for the Israelites but some how or other Jeroboam died and his son, Rehoboam, came to the Throne. The Israelites went to Rehoboam and they said, "We are suffering from the policies of the previous Government. Can you help us?" and Rehoboam said, "I will not help you. The taxes which my father put on you I will make heavier for where he chastised you with whips I will chastise you with scorpions." This is the story of the new Government with their new tax measures. They were going to make a better life.

MR. G. HAIG BODDEN (CONTINUING): They were going to improve the state of the economy but like Rehoboth of old, where the Unity Team had made life difficult the new Government has imposed heavier and heavier taxes and where the public had been chastised by whips they are now being chastised by scorpions.

This Bill is a clear example of the failure of the policies of the Government, a failure of their commitment to lead. I would like to examine in detail the recommendations of the Bill. The Category A licences which Members of Executive Council thought were sufficient will now be increased from \$27,500 to \$30,000, an increase of 9.09%. The Category B licences will go from \$8,500 to \$9,000, an increase of 5.88%. The nominee licences from \$750 to \$1,000, an increase of 33 1/3%. The restricted licences from \$5,500 to \$6,000, an increase of 9.09%. Is it not amazing that when we examine the increases on the local population we find it difficult to find any fee which has not been increased by 50% to 4,000%? In fact one of them by 4,900% increase.

Why is this penny ante stuff?

If a 5% increase and a 9% put on the banks when the Government admitted in March of this year it could not squeeze anything else out of the bank. Why? A belated stage of desperation so as to make sure that the Estimates reflect a small surplus which they full well know will not be realised because their actions of depressing the economy is the reason for the new taxes. The many sources of taxation commonly in use by this Government could generate increasing revenue for years to come if it had the concomitant increase in economic activity spurred on by decisions of the Government. These new tax measures are necessary only because the Government is not leading the country. No decisions can be made. Every Member is worried about what his constituents will say - this is not leadership. This is not a concerted action by Government where the Government makes decisions but we see in every area hesitation and procrastination and this is why our economy is suffering. It is hoped that the taxes on the banks will help to wipe out the deficits and it is my contention that no increase taxation will ever wipe out a deficit.

In the December issue of the Reader's Digest there is an article which has been re-printed from Forbes Magazine, one of the leading authorities on financial matters and it is made clear that taxation which will result in inflation can never wipe out the deficits. I know the Government Members feel that there is no comparison between the Cayman economy and the American economy because we count our deficits now in millions and the U.S. Government counts its deficits in trillions but the economic principle remains the same. It does not matter whether the tax is big or whether it is small like the proposed increase here in this Banking Law. The economic principle remains the same that no amount of increased taxation will remove the deficit. What we need is prosperity in this country to remove the deficit. What we need is what the Members hoped for when they put forward their first budget that there would be no need to increase the taxes on banks, there would be a stimulation of the economy. How can there be a stimulation when every Government action interferes with the ability of businesses to earn a profit? How can we ever get out of the mess we are in when every action of the Government hurts the economy?

MR. G. HAIG BODDEN (CONTINUING): If Government would reverse its policies or if Government would try to implement new policies, they could cure our economic woes but this little penny ante stuff is not going to help our economy when in the big areas the Government has proved itself deficient with a lack of understanding of what it takes to make businesses move. Only today on the front page of the newspaper, I see that Government's action has caused one businessman to cancel a half million dollar expansion programme. In that same newspaper, on the front page, I read that business people are thinking about laying off staff because of direct Government intervention. Government may say that there is a Law on the books which has to be obeyed. I agree one hundred percent the Law should be enforced or the Law should be repealed or the Law should be amended. Government should not step in blindly without any thought to enforce an archaic Law just because somebody has discovered (doing their homework) that such a Law exists. Government's business is to be sensible and responsible to amend the Law to suit today but I do not want to go into the details because I will deal with that Law under The Trade and Business Licence Law when I deal with its effect on businesses. But suffice it to say that that is one example of Government's action without thought, Government's action without consideration that has caused our economy to become the way it is today.

Now I would like to move on to deal with the effects of the increases on these bank licences. First of all, the Government seems bent in its haste to use up every avenue of existing taxation now and for all times, so that never again will there be an opportunity to raise any licence fee. Not only in this Bill but in every action the Government has taken over the last twelve months. It has consistently demanded more and more for less and less until it has used up every area of increased revenue that existed and then comes the sad part. They will have to move on to over taxing.

In this particular area, in March, according to the Government's own view they had reached the saturation point. It must mean that today we are going beyond the saturation point. We are entering into the area of destroying the vine for the sake of the grapes and this is a serious matter. When instead of encouraging more banks to come in, instead of encouraging more B banks, instead of encouraging more banks with restricted licences so that we can get more revenue for banks they are taxing the existing banks. Now it is true that the Member for Executive Council said in March 1985 that there was a time when there were no bank licences and that the bank licences had been increased over the years until they reached the present level. That was a true statement and our administration over the eight years did increase the bank licences but we were always sure that we did not knock off the competitive age.

Here we have a situation where Government realised in March that if we had put on more taxes on the banks in March, this is what they said in the Budget Address and in the Budget Speech, if we had put on more taxes on banks we would have been struggling around that area over which no man should go.

MR. PRESIDENT:

I think the Member has made this point at least twice before. I must warn him not to repeat.

MR. G. HAIG BODDEN:

Okay Mr. President but the message is so necessary that for the benefit of this country

MR. G. HAIG BODDEN (CONTINUING): because it is this country at stake, I must speak about the regressive actions of the Government. However, I will move on to another area knowing full well that my words have fallen on deaf ears because had they not we would not be debating this tax increase now had they listened to what I said in March.

I am dealing, Sir, with the effects of these new increases and the first one, as you said, the point has been put over very well that we have reached the saturation point. The saturation point is that when we increase the licence fees for the Category A banks we are again squeezing the little man because the Category A banks do business locally. Every person who has an account in a local bank or every person who walks into a local bank to do business, finds himself paying the cost of the operation of those banks. Every time we increase the bank fees we find that the little man pays. You know at one time, one of the dreaded diseases of man was hardening of the arteries but our Government is suffering from hardening of "heararteries." Their hearts have been hardened and they have no compassion for the little man. They say he can find the money to pay this five point five million dollars and their budget will be balanced but our Government has gone wrong because the theme of the Budget Address in promoting these new taxes, like the tax on these banks, is that people should pay taxes in accordance with the benefits which they receive from Government services. Like the tax on these banks, Government is saying that we provide a good climate, we have stability, we allow the banks to operate and you people must pay for the banking service. They used the same thing with the tax on the gasoline and the tax on the diesel, that people should pay in accordance with the benefit which they receive. In fact one Member even went on to try to show that it costs so many thousand dollars per year to educate one child and the public must pay for the benefits which they receive.

In considering this tax on the banks Government seems to have said that people must pay because they can afford it. The same idea they have used in promoting the other taxes. After the person has paid his little increase for his lodgement fees at the bank, his little increase for his ledger fees, his little increase in the interest rates, what is there left? If an individual or a bank or whatever it is, is called upon to make a certain payment the person will find the money but the true test is really what will be left and I am wondering what will be left for our people in 1986. When this Government has squeezed five and a half million dollars in local taxes, new local taxes, taxes that did not exist before, what will be left in 1986?

MR. PRESIDENT:

I must ask the Member to speak to this Bill.

MR. G. HAIG BODDEN:

Yes, Mr. President, what will be left when the Government has squeezed the portion of this five point five million dollars from the banking fees, what will be left for the public? We cannot separate the money to be collected from the banking fees from the overall actions of Government because the two are intertwined and if it were not for the Government actions there would be no need to ask for five and a half million dollars in new taxes and as a result there would be no need to ask for the increase in the banking fees.

MR. G. HAIG BODDEN (CONTINUING): I believe this shifting of attitude that we have seen manifested in these tax laws will let the investor lose confidence. How could they be told in March that the Government would not increase the banking fees.

MR. PRESIDENT: The Member has said this about three times. If I have to call his attention once more to repetition I shall have to ask him to stop.

MR. G. HAIG BODDEN: Mr. President, my question is if the public is now called upon or the banks are now called upon in November and December to pay increases in their licence fees, would this not shake the confidence of investors who were given the assurance that they would not have to worry about this in 1985?

We have seen this year the results that onerous increases of new tax measures have brought. One needs only to examine the new Estimates that are before the House and one will see that the areas in which Government fell short of its revenue, were areas in which they had imposed new taxes recently. So the idea that the Government can run the country and improve the welfare of the state by continually increasing the taxes every time that the Legislative Assembly meets, every time that Executive Council meets and it appears every time that everybody else has the feeling is a notion that is wrong.

I realise, Mr. President, it is coming near the coffee break and as I really expect to go into detail on the other tax measures, I would like to close

MR. PRESIDENT: I am sure any Member who wishes to break off for coffee will do so. You may continue speaking.

MR. G. HAIG BODDEN: I would like to close my debate on this Bill.

MR. PRESIDENT: The Elected Member for North Side. I should say I propose to continue the speeches. If any Member wishes to take coffee I suggest he breaks individually and goes to do so.

MR. D. EZZARD MILLER: Thank you, Sir. Mr. President while I, like some other members, took the opportunity to deliver my Budget Address when the opportunity was there and I have no intention of delivering another Budget Address at this time I must, Sir, reply to some of the things which were just said by the last speaker. His speech, Sir, reminded me of First, it appeared as if it was going to be an adventure. To begin with it seemed like a toy and an amusement then it became a mystery then it became a puzzle and after that it became a tyrant. Lastly, he tried to reconcile himself to servitude and to kill the monster which he was flinging to the public.

Mr. President, I support the Bill to amend the Banks and Trust Companies Law (Revised). I have discussed this proposed Bill with members of the banking industry and they have unanimously informed me that they have no objection nor will they find any problem in paying these increased fees and Mr. President, unlike the last speaker I think there are two direct causes for this reply from the banking industry. I believe that they have seen an improvement in the economy of these islands and that they expect that improvement to continue.

MR. D. EZZARD MILLER (CONTINUING): Now, Mr. President, that improvement is clearly visible by the fact that we had forty new banks registered in 1985. That is an eight percent increase in the number of banks registered in this country. The Second Elected Member for Bodden Town made it clear how small the increase in banking fees was to the banking community. He also quoted from the Hansard of the March session where certain Members had indicated that we were at the saturation point in the financial industry at that time. I did not disagree with that statement at that time, Sir, but certainly Sir, if we have increased the banks by eight per cent we certainly have moved the saturation point upward so I believe that the banking industry can well absorb these increases in fees.

Now, Mr. President, there is one thing that disturbs me about the present trend of what is happening in this Assembly and I trust, Sir, that I will be given the same latitude as the last speaker to wander away from the topic because, Sir, what I am going to deal with is as he made his speech relevant Sir.

This morning, Mr. President, a report of the Finance Committee was tabled in this Assembly and the schedule of expenditure when it was put amounted to \$63,873,057. Mr. President, those members who are now opposing the revenue measures which are a part and parcel of the Appropriation Bill did not oppose

MR. PRESIDENT: So I am told, the tape has run out and it will take them two minutes to change the tape. The Sergeant-at-arms will let us know as soon as it is done.

MR. D. EZZARD MILLER: Mr. President, as I was saying, the Finance Committee Report which was tabled this morning gave an expenditure of \$63,873,057 and the members who are presently opposing these revenue measures which, Sir, I regard as a part and parcel of the total Appropriation Bill and the 1986 Budget. Like Newton's Law Sir, for every action there must be a reaction. We in this country want a balanced budget. We want expenditures, we want improved services, we want increasing services, we want new services to provide those things that cost money and we have therefore, introduced corresponding revenue measures to cover the expenditure for these new services.

Now the Minutes of this Finance Report, Sir, does not in any place show a motion being moved by any of those members to reduce expenditures. All of the motions in here to reduce expenditures were either moved by the Second Elected Member for West Bay or by myself. There was one motion by the Second Elected Member for Bodden Town which could have the effect of increasing the expenditures because he moved that \$100,000 under sub-head 42-002 be set aside to improve the George Town/Bodden Town Road. Now, Sir, if this money is going to be moved from that sub-head we might, in fact, have to find that \$100,000 in additional revenue somewhere to replace or to do the road work that is budgetted in other areas under that sub-head. That is not to say, Sir, that I disagree, the records will show that I supported the improvements he recommended to the George Town/Bodden Town Highway. They are badly needed Sir.

But, Mr. President, it seems like what is happening here is that while we are in committee stage, which is not being broadcast and the public, therefore, does not hear it. Most members of the public will not take the time to read this report from the Finance Committee.

MR. D. EZZARD MILLER (CONTINUING): Certain Members are prepared to support expenditure under the budget but inference thereof, Sir, support revenue measures to cover that expenditure but when we get on the floor of this Assembly where it is being broadcast, they are going to oppose the Revenue Bill without giving an alternative as to where the funds which they are opposing can be obtained. Let us have constructive criticism, Sir. I do not think there is any Member in this House who criticise the Elected Members of Executive Council any more than I do when I feel it is necessary but I always give them the alternative and Sir, I do not offer to give it to them in the Coffee Room where the public cannot hear. I give it to them on the floor of this Assembly because I usually stand by what I believe in.

Mr. President, there is no minority report attached to this by those Members disagreeing with this expenditure. Mr. President, I trust that the press will take due note of the Minutes of Finance Committee. Mr. President, this Bill before us is not going to cause any real hardship nor any catastrophe in the banking sector nor on the population of this country. The people of this country are going to get the services that they deserve from these revenue measures. The Second Elected Member for West Bay and myself are going to assure that the four Elected Members of Executive Council deliver those services and not just to our two areas but to the people of this country in general.

Now, Mr. President, the Second Elected Member for Bodden Town made what he considered an important point of economic principles in that he quoted from the Reader's Digest. He appears to be a very ardent reader of the Reader's Digest because this is the second issue in this Assembly we have received quotations from and while, Sir, I hold the author of his first article, Mr. Forbes, in high esteem and I do agree with some of his principles when it comes to direct taxation but Mr. President that principle applies in countries where there is direct taxation and where there are specific kinds of taxation which discourage economic expansion and economic improvement. Those kind of taxations are, Sir, profit tax, corporate tax and direct personal income tax. We have none of those in this country. There is not even price control in this country Sir. Our economy is a very *laissez-fair* type economy and these forms of indirect taxation cannot and will not and should not directly stifle economic expansion. In fact, Sir, by their very nature of indirect they are going to force the business people etc. to expand their economy to maintain their profit level.

Now, Mr. President, I know that the great economist from the Unity Team, as he said a few days ago, I am qualified in medicine and I should stick to my speciality but I always like to dabble in others Sir, at least to stir them up and get them thinking. Mr. President, reference was made by the past speaker to a front page article in the Compass. Now, Mr. President, I fully endorse the stand taken by Government. The Law is on the book. For too long in this country Sir, Laws have been ignored. If the Law is there the Law must be enforced and the press release that made the people aware of the Law. If the people want the Law changed they must make representation and I am sure if the representation is strong enough and reasonable enough, the Government will take the necessary action to correct the Law in amending it or even may be taking it off the books altogether but until that time, Sir, the Law must be enforced.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, I support the Bill for a Law to amend The Banks and Trust Companies Law (Revised). Thank you, Sir.

MR. PRESIDENT: Does any other member wish to speak? If not I will put the First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, in the end I am almost sure that I will support the increases in the Law to amend The Banks and Trust Companies Law (Revised) but before doing that I wish to support the many points that were brought out by my colleague, the Second Elected Member for Bodden Town and to voice my sympathy with the Government of the day. When time is taken to dissect the budget which was presented to this Honourable House we can readily see the dilemma that confronted these people and that they had to act in haste. They had to scramble and flounder about to decide what to do. Instead of exploring new measures giving the country the confidence and direction that it needed, we appear to be floundering on an open ocean like a shipwrecked sailboat in a hurricane without a rudder.

I would like to make it very plain to this House and to the people of this country that the budget which has been presented here which has rendered many onerous increases, is not the work of the official Government and it is not the people's budget, as one Member would let us believe. Last year, for the 1985 Budget, that same Member said, "This year it is the people's budget." Well next year, if they keep up the rate they are going, it will not be the people's budget but he will have to claim it himself, neither will it be the investor's budget.

I will prove to this House that the increase in the bank fees which are being debated here is an integral part of the budget. The budget for 1986 which has been presented to this House and that if this particular Amendment is not adopted the budget as presented to this House will be more of a mess than it appears to be now.

This Government, the Elected Government, who has presented to the House and to the people of this country, the onerous legislative measures that they have presented for this Sitting came to power on a platform of untruth and unfulfilled promises to the people. It was said by the Honourable Third Official Member in his debate that some of the problems were caused because of recession. The recession that we are speaking about, Mr. President, is the recession in Cayman, not the world, but this group seems to be prone to recession.

HON. BENSON O. EBANKS: Mr. President, a point of order, Sir. I would like to call your attention to Standing Order 35(3) where the Member refers to the Elected Government telling untruths.

MR. PRESIDENT: I think it is wrong to call any other individual Member a liar. I do not think it is wrong to say that the Government has misled the public. I think that is frequently said and I think that is what in effect was being said then.

MR. JAMES M. BODDEN: Mr. President, could I have the Standing Order under which I gave way?

MR. PRESIDENT:

Thirty five three (35(3)). Well I am sorry The particular point of order was raised under 35(3). - A Member rises to a point of order under 34(a) and has then to tell me what the point of order is. The Member told me it was 35(3) and that, as I understood it, he was complaining that you had said that the Government had told untruths.

HON. BENSON O. EBANKS:

He used that exact language Mr. President.

MR. JAMES M. BODDEN:

As I see, Mr. President, the Standing Orders which I have been given is like everything else, it keeps changing.

Mr. President, what I was stating was the complete truth and the facts of what has happened in the country. We heard all kinds of promises being made to the people. We heard all kinds of untruths said in regard to the Unity Team Government. We were told that the group of independents, assembled under the banner that they are assembled now, would bring to this country a utopia never before known to man; that all ills would be cured and I am about to tread the relevance of this banking increase into the falls that the country is experiencing today. We have been told (the banking community) there is a movement of many hundreds of billions of dollars a year. It is too bad that we are not finding ways to channel this into the development of the country (or some of it). We are experiencing today a stagnated economy. An economy which has been brought to a halt, an economy which was buoyant and gave full employment to the country. Instead of that, through indecisions and a lack of good leadership, we have an economy that as I understand one Member in the House compared us a couple of days ago in some of our actions to Haiti. Well we are fast going to join Haiti and Jamaica.

In the years 1976-1983 there were increases in the fees under The Banks and Trust Companies Act, the same as we are attempting to do here today but in those years, Mr. President, the general revenue of this Government increased in seven years by 365.6% or 44.7% per year. During those seven years, as the records can prove, there were very little tax increases and in many areas taxes were taken off. I know that we have nothing to fear with regards to taxes being taken off by this Elected Government because if we lived as long as the Biblical Methuselah they will never be in a position to decrease anything. They have made a token gesture with regard to the head tax this year and they should have been ashamed to have done that one.

In two years of their Government dealing with the figures presented by them in their budget, there has only been an increase or will be an increase of \$2, 590, 739 in general revenue or a national growth of about 2.3% per year - very little increase when you compare it to what the country was doing before. Maybe they should have increased these bank licences even much more. I can give you the figures Mr. President. They have increased - 1984 from 53 million which was then 331, 628 to 55 million 922, 367 or a 2.3% increase.

MR. JAMES M. BODDEN (CONTINUING): The same thing has happened with regards to the borrowing of this Administration and from 1976-1983 the borrowings of the Government were \$5,143,192. This compared with the years 1972-1976 of over \$8,000,000 and it was proved that in this year alone, they will have to borrow much much more than was borrowed in the seven years previously. They have made a complete failure of the economic situation in this country.

In the years 1976-1983 there was over \$43,000,000 that went into capital expenditures from general reserves. In 1972-1976 there was only six point seven million. Some of the same people who are leading the Government at this time led it during those years and we will see but very little that can be contributed to capital spending in their four years of leadership. If it is anything that will be contributed we can rest assured it will be increased taxation and increased taxation.

We are following, Mr. President, the same pattern that these people set once before for this country. We are getting into problems and we are going to have to increase the bank fees again. I am sure that when 1987 rolls around we will find that they will be asking for a much larger increase than they are asking at this time and I am warning the Members of this House and the people of the Cayman Islands that we cannot continue that policy. If we do we definitely will put ourselves in the position that the Honourable Third Official Member spoke about when he presented the 1985 Budget.

In 1976 the Government's public debt was 58.8% of local revenue and required 12% of the general revenue to service it. In 1983 it was 18.9% of general revenue and took 2½%. I can give you the figures for 1984 if you want me to, too. If you refer to the Tower Building, the Tower Building was secured from general reserves and the Airport loan is easily paid off. In 1983 it took 2½% of general revenue to service that debt. In 1986 the public debt under this Administration will amount to about 30% of general revenue. We are fast approaching the point we were at in 1976 and I am predicting that by the year 1988 we will not be 58.8% of general revenue but we will be at least 85% of general revenue. I am asking how is the country going to be able to service this debt?

You know it is funny how a few of these Members can only pick out a few things to throw back at you. I like to tell them of the problems they put this country in before, the problems they are putting this country in now and that I stand bitterly against it. I have stood before and will continue to take that stand. They promised a balanced budget with the curtailment of expenditure. I could stand here and debate for days and prove to this House what an untruth that is. Expenditure has not been curtailed. What has been presented to us is an insult to any human's intelligence when you take the time to dissect what has been presented to this House to try to put together a balanced budget. They did this in 1985 and, if I remember correctly, it was a very small amount of money that was expected to be a surplus. What happened? We wound up, according to their estimate, about 2.7 million in deficit. I am almost certain and I will stand here and stake my reputation on it, that by the time the accounts for 1985 are fully audited and presented back to this House, we will find that in the year 1985 this country experienced a deficit of closer to \$4 million than the \$2.7 million that they have presented to the House.

MR. JAMES M. BODDEN (CONTINUING): We find departments which have increased their operational costs by two and three hundred percent. We find areas where they are trying to make us believe that if you bought a motor car in 1985 and spent ten thousand dollars for it, that you could buy the same motor car in 1988 for one thousand dollars. I only use that as an illustration. I have the actual figures. Yes, Second Official Member, I can prove it from this budget. Those decreases have been given to this House in the hope that we would believe them. This is misleading and ridiculous. If there were sufficient votes on this side of the House to block this increase I would be one who would vote to block it so that this budget could not go forward.

In less than two years time all the general reserves of this country have just about gone. One genius was quick to point out to people during the election that Government had no reserves and he went to great pains to put his financial brain together to try to mislead the people but the truth was that money was there. It was there so that he and his colleagues could spend and they have spent it. Now, Mr. President, the time has come when there is but little reserves left and I wonder what are they going to do now. Will all the geniuses that we have in Executive Council be able to come up with a policy that will increase those reserves? I will tell you one thing. I hope I do not have the length of time to stay in this House to wait on that because I know in my lifetime if I could live two Methuselah's lives with this type of leadership, I or no one else will ever see that happen.

We are about to get into many problems. Here we are increasing once again the banks and trust companies fees. We have taxed and increased just about every item locally which affects the local people and they try to break it down here and tell us it is \$2.50 a day or 25¢ a day or this or that. You are not misleading the people. They can figure as well as you financial geniuses can figure and we are heavily taxing the local people. Something that really has never been done before.

Now we took off taxes on many items of food stuff and in many areas to try to increase agricultural output in the country. Now are all of those taxes going to be put back on the books by this group again? Well either they do that Mr. President or the next two moves which they will have to make will be to put in a land and property tax or an income tax. I know that there are some Members in the Elected Executive Council who have been movers and pushers of those two ideas before so I am expecting it will come. I am warning the people of this country that if we continue with the type of amendments that have taken place in the year 1985 and projected for the year 1986 that that will be the things which will have to be done in order to find the money to keep this growing bureaucracy alive. We keep adding new posts

MR. PRESIDENT:

I think the Member made this point and it really is not very relevant to the Bill which is under debate and I must ask him to return to the actual Bill.

MR. JAMES M. BODDEN: Mr. President, it is quite relevant in view of the fact that these things cannot happen in the country if you do not get the money from this increase in the bank licence fees. It is very relevant Sir. How will you get it? I know. What I am saying is, if you do not get this it is an integral part of the budget that has been presented here and if this was not voted and supported and you did not get this passed that you could not accomplish the other things which have been before this House.

MR. PRESIDENT: That is quite true but on that argument one could debate every single item in the estimates under this particular Bill

MR. JAMES M. BODDEN: Mr. President, I do not propose to debate every item in the budget. I walked out of this House in contempt for what was going on.

MR. PRESIDENT: Well then I am asking the Member not now to try making the speech

MR. JAMES M. BODDEN: I am not trying to make my Budget Speech, Sir. My Budget Speech was here and it was about thirty different pages which would have taken me three days if I had had the time to do it. This House, Mr. President, has become a dictatorial house.

MR. PRESIDENT: The Member will withdraw that remark.

MR. JAMES M. BODDEN: I will not Sir.

MR. PRESIDENT: In that case I shall have to name the Member.

MR. JAMES M. BODDEN: Fine Sir.

MR. PRESIDENT: Either the Member will withdraw the remark or the Member will explain to the House that he did not intend to refer to the Chair when he used the word dictatorial or I shall be obliged to name the Member in accordance with Paragraph 4 of Standing Order 41.

MR. JAMES M. BODDEN: In using the term dictatorial I refer specifically to many actions that have been taken in this House in the last year. We have just had onerous Standing Orders put upon this House.

MR. PRESIDENT: I must ask the Member either to say that that term referred to the Chair and to the actions of the Chair or to say that it did not.

MR. JAMES M. BODDEN: Yes Sir. I am referring to you because I have heard you put my colleagues down and I have heard you leave these people alone to do whatever they wanted to do. You can do what you want with

MR. PRESIDENT: Very well then. Either the Member withdraws the remark or I shall call for a Member of the Government to move that the Honourable Member be suspended from the service of the House in accordance with the paragraph of the Standing Orders which I quoted.

MR. JAMES M. BODDEN: Fine Sir.

MR. PRESIDENT: I will ask the First Official Member to move in accordance with Paragraph 4 of Standing Order 41 that the Honourable First Elected Member for Bodden Town be suspended from the service of the House.

HON. DENNIS H. FOSTER: Mr. President, in accordance with Standing Order 41(4), I move that the Honourable First Elected Member for Bodden Town be suspended from the services of this House.

MR. PRESIDENT: In accordance with the provisions of that Standing Order I will put the question.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Certainly.

DIVISION
NO. 95/85

AYES

NOES

Hon. Dennis H. Foster
Hon. Michael J. Bradley
Hon. Thomas C. Jefferson
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Vassal G. Johnson
Mr. D. Ezzard Miller
Mr. W. McKeever Bush
Mrs. Daphne L. Orratt
Capt. Mabry S. Kirkconnell

Mr. G. Haig Bodden
Mr. John B. McLean

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AGREED BY MAJORITY: THAT IN ACCORDANCE WITH STANDING ORDER 41(4), THE FIRST ELECTED MEMBER FOR BODDEN TOWN BE SUSPENDED FROM THE SERVICE OF THE HOUSE FOR ONE DAY.

MR. PRESIDENT: Does any other Member wish to speak to the Bill?

Executive Council.

The First Elected Member of

CONTINUATION OF SECOND READING DEBATE
ON
THE BANKS & TRUST COMPANIES REGULATION
(AMENDMENT) BILL, 1985

POU. BENSON O. EBANKS: Yes, Mr. President. I wish to support the Bill for a Law to amend the Banks & Trust Companies Law (Revised).

Mr. President, the Second Elected Member for Bodden Town quite rightly said that in March the Third Official Member in presenting his Budget Address for 1985 had said that we were not prepared to tax banks and trust companies at that time nor the offshore industry and he wondered what had happened to change the minds of Government.

Mr. President, on page two of the Budget Address the Financial Secretary indicated that at the end of 1985 there was a strong resurgence in the number of banking institutions registering within the country. In fact, up to the time of the preparation of his speech there had been some forty new bank licences issued. Now Mr. President, that same Member for Bodden Town went on to say that the Government lacked leadership and it would be plain for the world to see that it has failed. Now, Mr. President, I wonder what yard stick that Member is using.

A Government that came into power in November 1984 because of the confidence which it has been able to restore in the country has been able to attract forty new bank licences and it will be more by the end of the year, Mr. President, forty up to the time of the presentation of the Budget Address. These small measures, Mr. President, small increases are no burden at this time to the banks and will remain competitive. It should be a simple deduction for the Member to make that what happened is that our competition increased in the meantime i.e. increased their fees and we were able to move ours up also and still remain competitive. With regard to the offshore industry, what they were really talking about there Mr. President is the companies, the eighteen thousand or so companies which we have on the book, and it is true that the Unity Team Government put the prices for those companies so high that we cannot touch them otherwise we will become uncompetitive.

Mr. President, when the First Elected Member for Bodden Town and I regret that he had to be suspended, Mr. President, I would like to have him sitting down there that I could look at him and tell him what I have to tell him. The First Elected Member for Bodden Town said that he had heard all kinds of promises made by this Government and that they were unfulfilled promises. Mr. President, we promised to restore integrity and confidence in the Government and this we certainly have succeeded in doing. We promised, Mr. President, to curtail expenditure and that is true but Mr. President, we can only curtail expenditure once we, as an honest Government, a Government of integrity, have repaid the debts which the Unity Team left to be paid and a quick examination of the budget will show that \$1.45 million of the 1986 budget will go to pay off bills left unpaid by him as Chairman of Cayman Airways. \$1.2 million will go to pay principal and interest on the Tower Building loan. \$2 million plus will go to our hardworking, deserving Civil Service, Mr. President. You know, Mr. President, that Member never ceases to amaze me. The Third Official Member, the Honourable Financial Secretary, in presenting his

HON. BENSON O. EBANKS (CONTINUING): budget, made it clear Mr. President that the \$150 billion that he talked about in the banks at the end of 1984, were foreign assets. In other words, Mr. President, this is the Eurobond booking and Eurodollar bookings which the banks use this country to conduct. If he had taken the time, and I have figures up to June 1985, he would see that the money supply in the local banks, i.e. in Cayman Islands dollars, amounts to only eighty one million, one hundred and eighteen thousand, seven hundred and forty five dollars. It is true that there are some dollar accounts to be added to that in the banks. If he were to examine carefully the money supply in this country he would find out that the banks are doing exceptionally well in financing local trade and local industry. This \$150 billion, Mr. President, are not for use in the Cayman Islands and the Member from time I can remember, seemed to have wanted to get his hands on that money. That is why the banks are running.

Mr. President, the First Elected Member for Bodden Town also said that there were very little increases during the Unity Team Administration. Mr. President if you check the budget for 1986 you will see that the revised figure under "Work Permit" is up over estimates by over four hundred thousand dollars and Mr. President, there were fees increased by the Unity Team Government during early 1984. The increases were so large Mr. President that even the Finance Department, in estimating the revenue, under-estimated it.

What about medical fees Mr. President, and all the other increases they made? When a person could go the hospital, get treatment, everything, medicine and X-rays for \$10, now one is lucky to get away with \$85 and that was done by the Unity Team Government. Mr. President, he would have us believe that the national debt did not increase but Mr. President I have news for him. I have the figures here. In 1984, and let us get it clear Mr. President, the 1984 Estimates is the stewardship of the Unity Team Government. This present Government did not spend on any capital expenditure nor did we disturb any on-going project other than trying to save. However, between 1983 and 1984 the national debt grew from nine million, ninety thousand three hundred and eighty three dollars to eleven million six hundred and eight seven thousand, seven hundred and eighty four Cayman Islands dollars. He accuses the present Government of using what he calls "their general reserves."

Mr. President, in 1985 we budgetted to take two million, two hundred and thirty three thousand dollars out of general reserve and that is what we took to the penny. However, in 1984 they budgetted to take Mr. President I would like to go back a little bit.

MR. PRESIDENT: I think since we did not take a mid-morning break I will break for lunch now. That will give you a chance to check your figures or whatever.

HON. BENSON O. EBANKS: I just needed to find the page Sir. I have it now but I will give it a break because I am going to lunch with my staff Sir.

MR. PRESIDENT: Well then, I will suspend proceedings until approximately 2:15 p.m.

Perhaps I could just say to the Member that I have allowed him to answer points because this debate has strayed a little bit but I will say to him what I have said to other Members, "Please try to bring it back to the Bill that we are discussing."

AT 12:30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:27 P.M.

MR. PRESIDENT:

Please be seated.

Continuation of the Second Reading Debate on the Banks and Trust Companies Regulation (Amendment) Bill, 1985. The First Elected Member of Executive Council was speaking but he is not here. Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON:

Yes, Mr. President. The debate which took place on The Banks and Trust Companies Regulation (Amendment) Bill seeking to increase annual fees of banks by small sums of money, Mr. President, it is for this reason that the sums are small so that the Cayman Islands will not lose its competitive edge against those who are in the market and in the business, that is, the offshore financial centres business.

Mr. President, the fees which are being recommended here in this Bill, in my view, are not going to shake any investor's confidence. I think just the opposite Mr. President. The fact that the Cayman Islands is seeking to balance its budget and let me ask Mr. President, who knows better how to read a balance sheet than these people in the offshore financial business? One of the things which worry them most is when they see deficits being run whether it is every other year or whatever the period. Seeking to put it right, as we are doing in the 1986 draft estimates, is what in my view promotes the confidence in the fiscal and financial policy of the Cayman Islands Government. I am not worried about our competitors because the benefits and the stability which this country has offered to the international investors and to all concerned is not equalled by many countries in the offshore financial business. What is stability Mr. President? We hear many views on it. We hear that the corner stone of the Cayman Islands' economy is our link with the mother country. Another argument with the stability of the Cayman Islands depends on political stability. I would say, Mr. President, that if one puts these three items in a basket: the link with the mother country, political stability and prudent financial management of this country, they would all drop out at the same time. They are all promoters of the stability that we boast about. What is this financial and political stability Mr. President? For the Cayman Islands, it is what makes us what we are.

HON. THOMAS C. JEFFERSON: Financial control over one's own destiny, in my view, is the key to political stability for without it one will not get very far with the political stability Mr. President. That is what the 1986 draft estimate is all about. Thank you very much.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Certainly.

DIVISION
NO. 96/85

AYES

NOES

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

Mr. G. Haig Bodden
Mr. John B. McLean

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AGREED BY MAJORITY: THE BANKS & TRUST COMPANIES REGULATIONS (AMENDMENT) BILL, 1985, GIVEN A SECOND READING

THE INSURANCE (AMENDMENT) BILL, 1985
FIRST READING

CLERK: The Insurance (Amendment) Bill, 1985.

MR. PRESIDENT: The Bill for a Law to Amend The Insurance Law 1979 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: The Insurance (Amendment) Bill, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the second reading of a Bill for a Law to Amend The Insurance Law, 1979, Law 24 of 1979.

This Bill, Mr. President, seeks to increase the annual fees payable on licences granted under The Insurance Law, 1979. Mr. President, the insurance business in this country has even surprised me. When the Law was passed in September of 1979 and we established the Insurance Office in March or April of 1980, the applications came from all parts of the globe. In addition Mr. President, there were already many insurance companies doing business in the Cayman Islands and there were others which were registered under The Companies Law and doing business outside the Cayman Islands. Ever since that day Mr. President, fees were left untouched as passed in the Law in 1979 because we did not have any need to increase them and secondly, we did not want to be seen from this stability point of view to be increasing fees for insurance year by year as it is only six years ago that the Law was passed.

MR. THOMAS C. JEFFERSON (CONTINUING): This Bill before the House Mr. President, seeks to increase the fees for a Class A licence, that is, a company licenced to do domestic business, from fifteen hundred dollars to five thousand; Class B licence, those doing business outside the Cayman Islands, from three thousand dollars to forty five hundred. Agents of those licences: from one hundred dollars to one hundred and fifty dollars and sub agents from fifty to seventy five dollars. These are mainly local people Mr. President selling insurance whether it is life insurance or health insurance or what have you. Brokers from seven hundred and fifty dollars annually to twelve hundred and underwriting managers from five thousand to seven thousand five hundred. For those insurance businesses which are running off, that is, running down their business with a view to winding up the company, we have increased the fee from one thousand to one thousand three hundred and thirty four dollars.

These fees, Mr. President, have been looked at with a view to ensuring that the Cayman Islands still remain very competitive in terms of our annual fees as compared to any other neighboring country competing for mainly the captive insurance business. In our competitor to the north, Mr. President, the fees do not really equate because under their Stamp Duty Law they charge, in addition to the annual fee, a quarter of one per cent of the authorised capital of the insurance company. In some cases the authorised capital can be twenty five million or any other figure which we wish to quote. Therefore, Mr. President, it is not really comparable from the annual fee point of view.

We have discussed these increases, Mr. President, with the insurance industry and the response is, "We see no difficulty with the fees." It has been six years since they were instituted and in the view of the industry this seems to be fair and reasonable. I recommend this Bill to all Honourable Members.

MR. PRESIDENT: The question is that a Bill entitled "A Bill for a Law to Amend The Insurance Law, 1979," be given a Second Reading. The motion is open for debate. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, under Standing Order 80(1) I would like to declare that I have an interest in this Bill in that I will be called upon to pay the increased fee applicable to insurance agents under the Law. However, with your approval and perhaps even without it, it seems that I cannot be precluded from debating the Bill.

MR. PRESIDENT: I am perfectly sure that you are entitled to debate it but not, I think, to vote is my reading of the Standing Order.

MR. G. HAIG BODDEN: It says that I should not vote on it, and of course, I interpret it in the narrow sense that I cannot vote on the increased fee which would apply to me personally. I do not see anything to prevent my voting on any other part, however, I will not vote on the Bill at all.

I certainly see this Bill as another attempt to destroy the economy of this country. I see this Bill as an attempt to drive these Islands out of the insurance business. I see this Bill as knocking off the competitive

MR. G. HAIG BODDEN (CONTINUING): edge which we enjoyed up until this time. One of our fiercest competitors for the insurance business, particularly the captive business, is the island of Bermuda. The licence fee in Bermuda, according to the figures I received, the annual cost is twenty two hundred and fifty dollars. The Bermuda dollar is the same as the U.S. dollar and, therefore, their annual licence fee after the incorporation of the company is eighteen hundred Cayman Islands dollars. The island of Bermuda, in their law, does not differentiate between a Category A and a Category B licence and seem to have one fee regardless of the type of company.

We have been favourably compared with them up until today. Under our Law the A company paid a licence of fifteen hundred dollars as compared to Bermuda's eighteen hundred dollars so we were competitive. When our fee changes today, as I know it will, our A licence will go to five thousand dollars. We will have an increase in our fees of two hundred and thirty three and one-third per cent, a phenomenal raise in a competitive market. Our B licences which were already much higher will again be increased from three thousand dollars to four thousand five hundred letting us pay more than double the annual licence fee in Bermuda.

I would also like to point out that the life companies pay a stamp duty fee under the Stamp Duty Law. The Member introducing the Bill, I think, mentioned that in some countries the companies are forced to pay stamp duty under the Stamp Duty Law. Here, the life companies already pay a stamp duty of fifty cents per thousand on the face value of all the basic policies issued. This may not seem like a lot of money, Sir, but most of the A companies operating here are writing substantial amounts of life insurance mostly term policies with very low premiums and this stamp duty is exorbitant. For example, on a policy of one million dollars the stamp duty alone is five hundred dollars which would be a substantial part of the annual premium on a term policy. Therefore, the cost of doing business here, particularly for the life companies, is exceptionally high already because of the exorbitant stamp duty charged to life companies. It is true that other forms of insurance do not pay stamp duty under the Stamp Duty Law and are merely required to pay a mere fifty cents or something like that per policy for each policy written but this is not true for the life companies.

Other areas of increases have been put forward, for example, an insurance agent has to pay for his licence and that licence which had been one hundred dollars per year, now costs the agent one hundred and fifty dollars. For an established agent, like myself who has been in the business for twenty years, the cost does not impose too many hardships although I do find it difficult to pay the fee. The people who are suffering are the little boys down at the bottom of the ladder. For example, in October of this year we recruited a school leaver, a young boy, and in October he had to pay his insurance licence fee of one hundred dollars. On the first of January 1986, he will be required again to pay one hundred and fifty dollars and it is the little man who is being hurt. It is the new person who is venturing into this field who is being squeezed by this Government in its greed to get more taxes however they can raise them.

MR. G. HAIG BODDEN (CONTINUING): The fees are inequitable in that if an agent starts work at the end of the year he has to pay the full annual fee. There is no provision for him to pay a pro rata amount and so the hardship is severe.

The Member introducing the Bill tried to convince us that offshore investors would be scared if we had deficits in the Government which we did not seek to correct. If offshore investors are scared of deficits they are going to have many belly aches with this Government because in 1984 they took over a Government with a surplus revenue (on the 31st October) of eight hundred and ninety one thousand dollars. They immediately converted that surplus into a deficit of half a million dollars at the end of 1984.

MR. PRESIDENT: I see the Member looking at me. I think he wonders whether I think he is being strictly relevant and I am a little doubtful. I will allow him to continue for the moment but let him stick to the Bill.

MR. G. HAIG BODDEN: Mr. President I think you should have stopped the Member who introduced the Bill because he raised the question of the offshore company being scared of deficits and I am only replying to that. Anyway, if I have to be named I will be named too.

If the offshore companies are scared of deficits they have a lot to be scared about with the new Government because they had a deficit of five hundred thousand dollars in 1984. In 1985 we are told in the Budget Address that they will have a deficit of two million five hundred thousand dollars and God knows what the deficit will be in 1986. I will not pursue the subject any more because I do not want to get into any argument.

The Member introducing the Bill said that the fees were left untouched since the inception of the Law in 1979 and when it went into operation in 1980. This is the reason we have heard put forward in all the tax increases that the fees have been left untouched like the case of the motor car taxes from 1975. I hope the public is getting the message and realise the reasons why the fees have been left untouched is because we had a different Government in place. A Government who did not create deficits, a Government who believed in surplus revenue and I think this is what is hurting the Government more than anything else. This is why they are so tender when they are touched.

The sad fact is that this Insurance Bill like the Banking Bill and the increase in motor gasoline and diesel, the motor car taxes, the garbage fees and the other Bills to come, are part of one package. A package designed to wipe out the deficit which the Government policies has created. If it were not for the five and a half million dollars sought to be raised in part by this Bill and the eight and a half million dollars sought to be raised under new loans, this Government would end 1986 with a deficit of fourteen million dollars. These are facts that cannot be disputed because if we remove the new measures from the estimates and we remove the new loan funds and carry out all the planned expenditure, we would have a deficit of fourteen million dollars. This is a sad story. This is a painful pill for the people of this country to swallow. They have been taken advantage of. They have seen

MR. G. HAIG BODDEN (CONTINUING): their surpluses wiped out and deficits put in the place. They have seen taxes that have been untouched since 1979 go skyrocketing just to compensate for the failure of the Government to stimulate the economy. This is a message I will be carrying in all my debates on all these tax Bills.

In the copy of the Bill before me I see that it is proposed to raise the fees for brokers from seven hundred and fifty dollars to twelve hundred dollars. This is a very large increase and I can only see this unjustified attack upon the insurance industry as an attempt to drive the business from Cayman to Bermuda or to one of our other competitors - another cog in the long line of actions of this Government which have had only one result: to make this island's economy worse off than it had been. If the fees become unreasonable the companies will not stay.

Quite recently we had a large multi-national company moving out of Surinam, an insurance company. Why? Because of Government's legislation, because of Government's increased taxation. For many years we have seen large companies move out of the Caribbean area for only two reasons: 1) Government legislation which made it difficult for them to operate or 2) Government taxation which also made it impossible for them to operate.

Thank you Sir.

MR. PRESIDENT:

Does any other Member wish to speak? If no other Member wishes to speak I will call upon the mover to exercise his right..... The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I should let them get defeated but I will help to save the day because I support this Bill. Mr. President, I support this Bill like I supported the Bill before this one.

Mr. President, I have made it known that I do not support all the revenue measures proposed by Government and I believe I was quoted wrongly in the newspaper but nevertheless, I want to make it clear that I do not support all the revenue measures. These two, however, I do support because as I see it this particular Bill and the Bill on The Banks and Trust Companies Law are two Bills proposed by Government at this time that will not hurt the poor people in this country.

The Insurance Bill, as I see it, some of the fees it is proposed to raise could have been a little bit more. I have heard some of the leading managers in this country express that it could go very high. I was thinking of introducing some amendments but I understood from the mover of the Bill, the Honourable Financial Secretary, that if we do we could jeopardise ourselves. Mr. President, I feel that some of the companies in this country, and I might as well say it now, I am not in the insurance business anymore, I think I can safely say that I was run out of the business, anyway.....some of the insurance companies on this island could pay a little more in the line of fees. We have heard from the mover that our main competitor, Bermuda in that country Sir, they pay quite a large amount of money for incorporation and here the most any one country would pay would be seven thousand five hundred dollars. In Bermuda it could range

MR. W. McKEEVA BUSH (CONTINUING): in hundreds of thousands of dollars. I do not believe that if we raise these fees a little bit higher than they are now we would be jeopardizing ourselves. Mr. President as not to repeat myself, I would like to make it quite clear that these two particular Bills, the one before and the one on the floor now, I support whole heartedly. I believe that there could be a little more added on. These Bills will not create any undue hardships to the small man in this country as I give them my full support. Thank you.

MR. PRESIDENT: Does any other Member wish to speak?

HON. BENSON O. EBANKS: Yes Mr. President, certainly. I apologise for not being here thirty seconds earlier on the last Bill, Sir.

Mr. President, I rise to support a Bill for a Law to Amend The Insurance Law, 1979, Law 34 of 1979. For some reason Mr. President this microphone does not seem to work so I will have to resort to my little hand one.

Mr. President, these small increases cannot and will not drive the insurance industry out of the Cayman Islands. Government has done its home work on this Sir. While it is true that in our chief competitor, Bermuda, the fee is possibly eighteen hundred Cayman Islands dollars per annum, it is Bermuda that the Third Official Member, the Honourable Financial Secretary, was talking about where a stamp duty fee of one quarter of one per cent is paid on the authorised capital of the company on formation. In addition to that Mr. President, all companies operating in Bermuda pay an annual pay roll tax. I think it is to the value of four per cent which goes, as I understand it Mr. President, to fund the medical services.

Now Mr. President, if the school leaver which the Second Elected Member for Bodden Town said is disadvantaged by this Law, it is his fault because it is the 1979 Law which failed to make any provisions for payment of part of a year's licence. All we have done is to increase the agent's licence from one hundred dollars to one hundred and fifty per annum. It is inequitable the Member must bear the responsibility for that when his Government introduced the Insurance Law in 1979.

Mr. President, of course as the Member said he will be introducing deficits and spending of reserves in all of his revenue measure debates and I wish to put that record straight. Mr. President, this Government is not in fact short of fourteen million dollars in recurrent expenditure for 1986. A quick look at the anticipated revenue and expenditure position for 1986 will show that if we collect the anticipated revenue and spent the anticipated expenditure (fifty point two million) plus the statutory requirements or statutory expenditure for things such as pension and repayment of loans and so on amounting to three point five million. If we even provided the new services of point seven million we would have one point five million left to do the capital development. Mr. President, why we are seeking to raise fourteen million dollars in this budget is because there are certain services which have been neglected by the Unity Team Government and which we think now must, for the good health of the country, be introduced. Services such as the sewerage scheme which is anticipated to cost some seven million

HON. BENSON O. EBANKS (CONTINUING): dollars, and in fact, which we are raising from local funds.

Mr. President, the Honourable Member and his cohort have sought to indicate that the Government which came into power in November (we took office on 20th November 1984) is responsible for the deficits in the 1984 budget. I crave your indulgence Sir, to let me give a little history on the 1984 budget.

The 1984 budget started with a surplus revenue balance of one million nine hundred and ninety five thousand dollars and they ended with an estimated deficit of two hundred and fifty two thousand, five hundred and thirty seven dollars. After having transferred three million, three hundred and sixty one thousand six hundred and sixty five dollars to general reserves. Mr. President the 1984 budget was presented in a balanced position at the beginning of 1984 by having made provisions to transfer only one point five million from general reserve account and as I said, in the final analysis three million, three hundred and sixty one thousand six hundred and sixty five dollars were transferred. I will repeat this. They budgetted to transfer one point five million but in the final analysis, they transferred three million, three hundred and sixty one thousand six hundred and sixty five dollars and Mr. President that was not the work of the Government who took office on 20th November 1984.

If any Member in here can show me where this Government embarked on any new ventures, did more than to pay the just salaries and continued contracted services of the previous Government, then I will stand corrected but they cannot do that. Therefore Mr. President, it was not us who reduced the reserves in 1984. The year 1984 started with general reserves of ten million one hundred and thirty six thousand two hundred and fifty eight dollars and eleven cents and during the year the Unity Team Government spent three million three hundred and sixty one thousand six hundred and sixty five dollars and sixteen cents from the general reserve. This left a balance of only seven million seven hundred and eighty three thousand, and eighty eight dollars and fifty nine cents.

MR. PRESIDENT: I think the Member made the point and it is not a point that is really directly relevant to this Bill although I know other Members have

HON. BENSON O. EBANKS: But Mr. President it is relevant to the point which you made the other Member make.

MR. PRESIDENT: Yes I know. He has had his say, you have had your say, let us get back to the Bill now.

HON. BENSON O. EBANKS: Mr. President, do you mean you are not going to give me a little more latitude than that Sir? (laughter). Mr. President the Member said that we failed to stimulate the economy but it should be plain from the figures which I have given that the economy was in a tailspin from 1984 and, in fact, that tailspin was greater than we anticipated. Mr. President there is only more thing which I need to do Sir, to clear up the full 1984 picture and that is although when the 1984 anticipated deficit was presented with the 1985 budget, it was shown as two hundred and fifty two thousand five hundred and thirty seven. When all of the final entries were made, Mr. President, they ended the year with five hundred and ninety thousand, seven hundred and forty eight dollars in deficit and that is part of the two million

HON. BENSON O. EBANKS (CONTINUING): deficit which we anticipate at the end of this year.

Mr. President, I am not a betting man. That is well known. When the First Member from Bodden Town said this morning that he would stake his reputation on the fact that when the final figures are done for 1985 we will show a larger deficit than we are now anticipating. I almost rose on a point of order on that Mr. President for that Member to offer this Government of integrity to stake his reputation on a point. I am prepared to venture to say that when the final figures are in we will be well within our estimated deficit. I will not go further than that Mr. President.

Having said that Mr. President, I think under Standing Order 80 sub-section 1, somehow I could have a pecuniary interest in this Bill. I happen to own a couple of shares in a company that in turn owns a little piece of an insurance company, although the shares are traded publicly, you could possibly say that I have a pecuniary interest. This is not an advantageous pecuniary interest Mr. President because the company, as I said where I may own a couple of shares, will bear these increased charges and I have not heard any howling from that company. They are happy to pay it.

With those few words, Mr. President, I support this Bill and I am confident that with the confidence which this Government has restored in these Islands which had been lost under the Unity Team Government, we will continue to register more and more and bigger and bigger insurance companies in the Cayman Islands.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes Mr. President, only to say that I am very grateful for the support of Members on this Bill. I had hoped, Mr. President, that it would not provoke any debate at all because the increases being requested here are very small indeed and do not cause the industry in which the fees are increased any difficulty.

Mr. President some mention was made earlier of an agent who comes out of high school and is put in to the business to be trained, I suppose the Honourable Member meant, as an agent. To me he is a trainee agent and yes it does seem reasonable that the company in this case should pay the fee rather than the little person coming out of high school because he does not have any funds to begin with anyway.

Mr. President, I have in my possession a copy of the Stamp Duty Act in Bermuda and when I say that the authorised share capital of an insurance company in Bermuda has to pay a quarter of one per cent at its registration, that is what it says in this copy Mr. President. There is no ifs, ands or buts about it, it is factual.

Mr. President, I again thank Members for their support.

MR. PRESIDENT: The question is that a Bill for a Law to amend the Insurance Law, 1979, be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: May I have a division, Mr. President?

MR. PRESIDENT: Very well.

HON. BENSON O. EBANKS: Mr. President, before you take the division Sir, I would like you to rule on Standing Order 80(1) whether in light of the fact that these are not beneficial interest. In other words, nobody stands to gain from these increases whether I could vote on this Bill, Sir. Having declared that maybe I might own point one millionth company shares in one company

MR. PRESIDENT: What it says in Standing Order 80 paragraph 1 is that a member shall not (I am omitting some words).... "a member shall in no circumstances vote on a matter in which he has a direct pecuniary interest." It does not appear to distinguish between voting as it were against his own interest and voting for his own interest. The Second Official Member is shaking his head, I am not sure whether that means he agrees with me or disagrees with me.

HON. MICHAEL J. BRADLEY: As always, Sir, when I shake my head I agree with you that you can have an interest even if you are voting against your own direct financial interest. You could hypothecate and say that it would damage other people even more severely than the person with the direct interest.

MR. PRESIDENT: My understanding of the paragraph is that on a strict ruling you are debarred from voting and I think I should rule that way.

HON. BENSON O. EBANKS: I accept your ruling, Sir.

MR. PRESIDENT: The same of course, I think the Second Elected Member for Bodden Town already accepted that. I think that is the wisest.

A division was called for, the division may proceed.

DIVISION
NO. 97/85

AYES

- Hon. Dennis H. Foster
- Hon. Michael J. Bradley
- Hon. Thomas C. Jefferson
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkeconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Orrett
- Capt. Mabry S. Kirkeconnell
- Mr. D. Eszard Miller

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ABSTENTIONS

- Hon. Benson O. Ebanks
- Mr. G. Haig Bodden

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AGREED BY MAJORITY: THE INSURANCE (AMENDMENT) BILL, 1985
GIVEN A SECOND READING

THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1985

FIRST READING

CLERK: THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985.

MR. PRESIDENT: A Bill for a Law to amend the Trade & Business Licensing (Revised) is deemed to have been read a First time and is set down for a Second Reading.

SECOND READING

CLERK: THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1985

MR. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill for a Law to amend The Trade and Business Law (Revised).

The object of the Bill, Mr. President, is to increase the annual fees payable under The Trade and Business Law in respect of licences granted in categories of trade, technical and commercial. Mr. President, as one Honourable Member said a few minutes ago, we are seeking with this Bill as well to increase the fees as they have not been increased for quite some time. It was approximately a year ago, Mr. President, that we increased the fees charged on the professional category of The Trade and Business Licence. We have, Mr. President, increased fees slightly in some cases and substantially in others and if we were to go down the list we would find that when we deal with retailers (No. 7), those small businesses of up to eight hundred square feet, would have to pay \$100 a year. This is a small sum of money, Mr. President, and the majority of small businesses would fall under that category. We would not impose a fee so onerous that it would cause them a lot of difficulty.

We have some small fees in the business licence dealing with barbers, tailors and beauty saloons. We have increased them by modest sums, Mr. President. When one takes into realisation that one goes to the barber and he charges from \$5 to perhaps \$10 for a hair cut. The one I go to, Mr. President, charges me \$7. The fees which are put forward here are indeed reasonable in respect of the barber, that is, the small businessman. We are raising it from \$25 to \$50 - a \$25 increase for the year. A little over three hair cuts at \$7 each we are talking about.

For a baker, we are increasing the fee from \$100 to \$200 and Mr. President, we know the cost of pastry and bread. It does not take too many before it reaches that additional \$100.

Building and engineering trade, Mr. President, including persons carrying on businesses of masonry, carpentry, joinery, painting, plumbing or welding or other trades within the construction industry where that business has less than ten employees, we are increasing the fee from \$100 to \$300 - a \$200 increase. Another small sum of money, Mr. President.

HON. THOMAS C. JEFFERSON (CONTINUING): For hairdressers, we are increasing the fee from \$100 to \$200. For a job printer we are increasing the fee from \$100 to \$300 and for those who supply laundry service from \$100 to \$200. For service stations and garages, Mr. President, we are proposing a fee from \$100 to \$250. For the small business which is conducting shoe repairs the present fee is \$25 and we are increasing it to \$50. I know, Mr. President, that whenever I send my shoes for repair it does not take many shoes to add up to \$25 so it should not cause too much difficulty for the small business doing shoe repairs.

Also under this section, Mr. President, there is a classification called super cargo and it includes the master or other persons selling goods on board any vessel within the waters of the Cayman Islands excluding local fishermen. The fee is being increased from \$100 to \$300 and the tailor who I mentioned earlier from \$25 to \$50.

For an undertaker's licence, Mr. President, we are increasing the fee from \$100 to \$200. Bulk fuel installation, Mr. President, that is, for operations such as Texaco and Esso we are increasing the fee from \$1,000 to \$50,000. A substantial sum of money, Mr. President, but when we bear in mind that the amount of gasoline and diesel sold in this country during 1984 we are talking about 14.5 million gallons. If one divides that figure into 50,000 one might get a half cent, Mr. President, that is all we are talking about, if one was to do his analysis in that way. For bulk fuel installation such as propane gas, we are increasing the fees from \$1000 to \$5,000.

For those contractors, Mr. President, people in the building or civil engineering contracting work having employees of more than ten persons, we are increasing the fee to \$2,000 from \$300. In that same category (contractor) there are companies operating in the Cayman Islands who had a twelve year licence under the Local Companies Law and the proposal here is to increase the fee from \$300 to \$10,000.

For merchants or wholesalers, Mr. President, persons who import or hold goods for sale or re-sale to retailers, the fee increase proposal is from \$300 to \$1500.

Lastly, Mr. President, for restaurants we are increasing the fee from \$100 to \$200. When we look at what is being proposed Mr. President, without analysing it in the depth that it should be examined, it looks like some substantial figures and on the face of it they are. Especially the fees which are being increased for the bulk storage of diesel and gasoline. Mr. President these are the types of businesses that can pay that sum of money. If they are worried about the effect which it will have on the consumer, as I mentioned earlier, Mr. President while dealing with another revenue measure, it is fallacy to think that if Government does not increase its revenue, whether it is customs import duty or whether it is an increase in the trade and business licence, that the fee or the price charged by the respective businesses will not increase. We have all seen it happen year by year, week by week, month by month. We just walk into the store and buy a pound of grapes. On one occasion it may be thirty cents and on another occasion it may be thirty two cents, we pay the bill and we go home with the grapes. The problem came, Mr. President, when the Government decides that it needed a bit more

RON. THOMAS C. JEFFERSON (CONTINUING): revenue to balance its budget. No other increase in this country triggers so much controversy. When the lawyer wants to raise his fee nothing is heard about it, it automatically happens. When the accountant wants to raise his fee similarly, and when the banks and trust companies want to raise their fee they do it. When the contractor wants to raise his fee to a developer it is done. There is no question about it, it is done. It is only when the Government, and the Government is for whom? For the people of this country, Mr. President.

We are asking for more money to balance our budget in order for us to do the service which the public requires. We are not asking for money to put in our pockets and walk away, forget about it and send it to some other part of the world. It is for the people of this country. Mr. President, you know it is almost like running a family. The children want \$3 instead of \$1.50 to take to school. It only cost \$1.50 to buy the lunch which he normally takes but he wants another \$1.50 so that he can buy popsicles, candies and have a can of Coke as well.

If the public wants more and more service from Government somebody is going to have to pay for it. We cannot as a country depend on outsiders to pay the bill all the time. If we increase the fees on companies, we can increase the fees on banks, insurance companies, trust companies and partnerships. There comes a time, Mr. President, when you cannot increase the fee to the amount that you need to balance your budget and that time is now.

When we passed The Banks and Trust Companies Law back in 1966 there was no fee attached to it Mr. President. It was not until the early seventies that we instituted a charge. It was a small sum of money. To the best of my recollection it was \$500 a year. Now we are talking about \$30,000. The increases to the banks and trust companies or any other offshore operation must be in line with the competitors. You can go a little bit above, Mr. President, or you can stay down below but there comes a time that if you increase it by too much, the institution will look at the cost of operating in Cayman in relation to pulling up their roots and going elsewhere. We are not near that stage as yet Mr. President otherwise the proposals would not have come here.

Mr. President, I have the greatest respect for all businesses operating in the Cayman Islands. There is no difference with any other country, you will find a little bad with the majority of the good. You will hear those who say well Government should not have done this and Government should not have done that but yet even in their respective countries they say the same thing. When they are running their business on the bottom line, Mr. President, and the net profit looks a bit shaky what does that chap do? He makes sure he increases fees and looks at his sale promotion as well. He tries desperately to hold down all costs. That is the name of the game Mr. President. We are not treating it any differently in Government. Government is one of the biggest businesses in this world, Mr. President and running it efficiently is the key. It is no easy task because everybody is looking at it and rightly so, it is their money. What I am saying to them, Mr. President, is we need some money to balance

HON. THOMAS C. JEFFERSON (CONTINUING): the 1986 budget to do for you what we did in 1985 and to do a little bit more.

I recommend the Bill to all Honourable Members.

MR. PRESIDENT: The question is that the Bill entitled a Bill for a Law to Amend the Trade and Business Licensing Law (Revised) be given a Second Reading. The motion is open for debate. The Second Elected Member for George Town,

MR. LINFORD A. PIERSON: Mr. President, the Bill before us seeks to increase the annual fees payable under The Trade and Business Licensing Law (Revised) in respect of licences granted in the categories of trade, technical and commerce.

Mr. President, it was Karl Marx who said, "Over taxation is not an incident but rather a principle." I wonder Mr. President whether we in this Honourable House are adopting the principle of Karl Marx. I am sure most of us know who Karl Marx was. The power to tax involves the power to destroy. This is especially true regarding drastic taxation measures in a time of recession. Aristotle said, Mr. President, "Poverty is the parent of revolution and crime." I have heard Members in this Honourable House in debating the two Bills before this one, try in many ways to show the beneficial effect on the people of the Cayman Islands. I did not, Mr. President, speak on the amendments to The Banks and Trust Companies Law or The Insurance Law as I felt that these amendments were somewhat reasonable.

MR. PRESIDENT: If I may interrupt the Member just for a moment. I am told the tape is about to run out. It will be attended to and you will be able to resume within a minute or two.

THE HOUSE SUSPENDED TO ENABLE THE TAPE TO BE CHANGED.

MR. PRESIDENT: I am not inviting a debate about this now if Members represent to me that they wish the breaks restored, of course, I will be guided by their wishes but I think it adds about forty minutes effective working time to our day if we ignore the breaks for the moment and it does seem to me that most Members are likely to want to finish the meeting this week and that many Members anyway would be inconvenienced if we had to go on late in the evening. So I thought perhaps as a preliminary measure I would forego the breaks.

HON. MICHAEL J. BRADLEY: Perhaps if progress is slow Sir, that we could think about suspending Standing Orders to meet slightly earlier in the morning. I think the Chief Secretary would be more than happy to act in the Chair at any time you felt you needed a break.

MR. PRESIDENT: That is very kind. I am told that the tape is on again so the Member may resume to speak.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

I believe that I was speaking on the point of not debating the amendments to The Banks and Trust Companies Law and The Insurance Law and the reason I gave for this is that I felt that the amendments to these two Laws were somewhat reasonable even though there were points on one which I did not agree with.

Mr. President, I feel that for clarity in case some of my colleagues in the House try to give the impression that I am advocating the principles of Karl Marx that they should take very keen note of what I said. I said I hope that we will not adopt those principles in this House. If I am going to be interrupted, Mr. President, I hope it is on a proper point of order.

Mr. President, I served in the Government Service for sixteen years. A few years of which I spent in the Finance Department of Government. During that period I had some time to deal with the budget but never in all my years have I seen such drastic increases. I do not say, Mr. President, that increases are not necessary, increases are in fact necessary. What I am opposed to in this Trade and Business Licensing Law (Revised), the amendment to this, is the drastic draconian increases. It does not matter how many people get up here and say that these increases will not have an effect on the poorer people in this country. They know as well as I do that these increases will have a very, very serious effect on the people.

I am surprised, Mr. President, that some of their representatives who I know they have a lot of faith in, would get up here and not try to represent them in a better manner. Increased fees are only as realistic as the ability of the individual to pay. I have heard, Mr. President, some Members saying that institutions operating in Cayman will go elsewhere but no mention was made of what reaction the people of the Cayman Islands would have to increase fees when in fact they have no where else to run to. We are at present, Mr. President, emerging from the worse recession since the 1930's and it has cast a very direct adverse effect on the economy of the Cayman Islands. In view of this, Mr. President, I am very surprised to hear some of the Members of this House in expounding their economic theories which seem rather limited, not understand that in a time of recession is not the time to tax your people to death.

During a time of recession, Mr. President, its a time when Government will take very careful stock of the economic situation that prevail, the economic climate in the country and will try to stimulate and reflate the economy. I have also heard Members mention Mr. President or expound their theories on the effect of direct and indirect taxation. Mr. President, as I have said in this House before, when I do not understand something I leave it alone. While I am not advocating a direct form of taxation, any economist will tell you that a direct form of taxation is the most equitable form but it is a form that is never acceptable in a capitalist society. The reason for that is that the richer people find that the incidents of direct taxation is most heavily borne by them because it is a tax that is borne in proportion or that is imposed in proportion to one's ability to pay. I would mention

MR. LINFORD A. PETERSON (CONTINUING): again, Mr. President, because it seems a habit of Members to misquote others, that I am not advocating direct taxation, I am just clarifying it because this point was raised here earlier.

Indirect taxation, Mr. President, is a most regressive form of taxation because it hits the little man, the poorer man, the one who can least afford incidents of taxation, it hits him hardest. One Member mentioned, Mr. President, that by their very nature of indirect taxation it will encourage expansion. I do not know what economic book that statement was taken from but from my knowledge it seems a lot of rubbish, Mr. President. There is no fact to back up such a statement. It is a mistake, Mr. President, for us to compare the economy of the Cayman Islands with more industrialised developed countries of the world. Those countries have the economic base to absorb many of the recessionary pressures. If their people are out of work, they have welfare and social structure to absorb the pressure. What do the people of the Cayman Islands have when they are already suffering from these recessionary pressures with no increase in salaries, no increase in wages? Yet we have a benevolent Government who is saying to them, "We are considering your interest. We are doing this for you this is why we are squeezing you to death. You should be grateful to us." The face of some of us, Mr. President, I do not know how we can face our people and say those sort of things.

If a free society cannot help the many who are poor, it cannot save the few who are rich. What we are doing by the very act of these repressive tax measures is encouraging crime in this country. How can we expect our people to make bread out of stone? If they do not have the money to pay these taxes where will they stand? How will they be able to still drive their cars unless their taxes are paid? If they do not have the money where will that money come from? You answer the question my fellow Members of the Legislature.

Mr. President, the increases under the Trade and Business Licensing Law while they may not appear in amounts to be very large, when we take the sum total of those increases, we can see the effect it will have on the income structure of many families in the Cayman Islands. For instance, Mr. President, the baker will now pay one hundred per cent more than he paid before, twice as much. The same will apply to the barber. In the building and engineering trade it will be two hundred per cent. Why could not this Government have agreed to increase the necessary taxes on a more graduated scale? I hear, Mr. President, as a justification for these increases, that we need a sewerage scheme, we need more infrastructure development but the same way, Mr. President, that we are asking our people to tighten their belts our people would have understood if they were not able to get that new road down around West Bay or the new road in North Side or in East End or wherever. They would have understood this Mr. President. To tell them that whether you like it or not you have to accept it is a gross insult to the people of this country.

Mr. President, while I can appreciate the position of our Third Official Member, and he is doing a fine job indeed, I do not feel that it is fair for

MR. LINFORD A. PIERSON (CONTINUING): the people of the Cayman Islands to feel that it is his total responsibility for these measures. The responsibility on the increases in this Bill in particular and the budget in general has to fall on the shoulders of the Elected Members of our Executive Council. I understand, Mr. President, that Government cannot run without necessary revenue but we do not want to kill our people all at one time.

These increases, Mr. President, which are made on selling areas for wholesalers and merchants and retailers will be passed on to the consumers. Regardless of what anybody says to counter that, I think it is well known that many of the merchants will not dilute their profits but will pass these charges on to the consumers. Mr. President, when I look at the increase in petroleum storage from \$1,000 to \$50,000 or 4,900 per cent increase I wonder whether our Government is really thinking soundly. For a contractor, Mr. President, with local companies control licence, the increase is 3,233 per cent.

Mr. President, you have heard also in the House mention made of the true signs and indicators of our economy being on the increase. This was on the basis of a net balance of forty banks brought into the Cayman Islands but what you did not hear stressed in this House was that our import duties for 1985 were down a half a million dollars on the approved estimates. That is, the revised figure was down by \$500,000 on the approved estimates. What you also did not hear A Member just mentioned to me that it was one and a half million. What you also did not hear was that the taxes were down by \$445,000. Also another indicator of your economic progress in the country is the amount of revenue stamps which are sold in this country. Mr. President, your revenue stamps, the income on that was down by one and a half million dollars. The 1986 budget is less by 1.8 million than the 1985 budget. Is this a very bright and prosperous outlook on the economy? Is this showing faith in the progress of the economy? Why aren't those major areas of revenue increased? Is it because we have no faith that the economy will in fact move ahead the way we are predicting in other areas?

On the question of company fees, here again is another area to indicate to us that the economy is on a down swing. I'm making this point, Mr. President to show that it was a mistake to increase the trade and business licences by the drastic measures because it is, in fact, a time of recessionary pressures. Company fees were down by five hundred thousand dollars on the approved 1985 estimates but what is worse than this and we were not told this in the House, is that while we are talking about having seventeen thousand companies on our register if those companies which did not pay their fees for 1985 were struck from the register, we would probably only see thirteen thousand companies on the register. Up to or more than four thousand companies would probably have to be struck. Is this the sign of prosperity and economic expansion? As a contrast, Panama today has one hundred and fifty thousand companies on its register and yes I know, many of you will say they are bad companies, but be not dismayed, a lot of them

MR. LINFORD A. PIERSON (CONTINUING): are good companies. A lot of them were frightened away from this country and have gone there. They were good companies. This is sufficient basis to my debate, Mr. President, to show that we are not as well off now as we are saying. It is, therefore, unreasonable to expect the people of this country to absorb such drastic tax measures.

Mr. President, one cannot stand in this Assembly and debate one of these amendment laws that seeks to impose new and drastic measures without bringing it within the framework of the Budget Address which brought these measures about. I would be remiss, Mr. President, if I did not refer to a statement made concerning the stimulation and expansion of this economy. This is what needs to be done Mr. President if we are going to expect our people to pay these drastic increases. Otherwise, where can they find this money?

One Member stood up in this House, I was referred to or mention was made not to me personally, of the economic brain of the Unity Team side. Well I have heard that so many times I know exactly who that finger is being pointed at. I do not claim to be the economic brain of any side but at least I have a little knowledge, Mr. President, of economics. Following on this, unless we look at the Government bench who is always accusing this side of not coming up with alternatives. I would like to throw out an alternative now, unless we look into the possibility of expanding the economic base of this country we are going to go further and further down the drain.

When I was debating the 1985 budget I said that the budget was unrealistic. There was no doubt in my mind. I had prepared a number of budgets, not only in Government but in the private sector, and I know when a budget is realistic from when it is not. There is no use of putting figures hurriedly together and feeling that by preparing a balanced budget on paper that it is a realistic budget. I was not surprised when the results of that budget instead of showing fifteen thousand four hundred and ten dollars (\$15,410) surplus showed a revised deficit of over two million dollars (\$2,000,000). I would not be surprised when I am debating the next budget to see that fourteen thousand two hundred and eleven dollars (\$14,211) surplus is reduced to probably two to three million dollars deficit.

Mr. President, we need to take a much closer look at this situation if we can expect our people to live under these pressures. I heard some economist in the back of me muttering how to expand the economic base. If you want some lessons in economics I would be pleased to take fifteen minutes off on a Saturday morning to enlighten you but my debate today is on the Trade and Business Licensing Law and I will try to stick with this as close as I can. Even though, Mr. President, I appreciate the latitude that you give to many of us in debating in this House, I wonder how far this latitude will be expected to expand.

Mr. President, I am not here opposing these measures for my own sake. This is not why I was put in to the Legislative Assembly. I was put here to protect the interest of my people and by the help of God I am going to do that whether it is popular or unpopular. I will continue to hit against any measures which I feel are not in the best interest of my people.

MR. LINFORD A. PIERSON (CONTINUING): At the Caribbean Central American Action Conference in Miami a country similar to ours, the Bahamas, and the Second Elected Member of Executive Council can bear me out on this. They have a similar type economy as the Cayman Islands yet they are making proposals and seeking ways and means of expanding their economic base and they came up with a number of good proposals. I believe both the Second Elected Member of Executive Council and myself have those data papers available that we could also make available to this Government if they so wish.

I heard one Member say, Mr. President, that the responsibility or something to that effect of enlightening the people would rest with himself and another Member. Mr. President, this is good because I can join them in this because this is also my responsibility. I do not think that they can take the blue print on this because my position ever since I was elected on November 14th and before was to represent my people.

Mr. President, what these measures will do is cause many of our good law abiding people to do wrong. If they are to survive and maintain any semblance of their current way of life, their current life style they are going to be forced to subsidize this through some way or the other. If you are making \$20 a day, Mr. President, you cannot be expected to spend \$22 out of that. If you have certain expenditures which you cannot avoid which cost you the \$22, in one way or the other you will have to find those \$2. Perhaps that is the reason why we find that our courts are having more and more problems with drug offenders, not only the users but the sellers, the pushers.

Mr. President, in your good way of allowing a little latitude mention was made of the budget which is proposed for the ensuing year 1986 and how the five point five million dollars tax increases of which The Trade and Business Licence form a major part will be used up during 1986. I, too, would like to make mention of this. The estimated balance at 1st January, 1986 was two million four hundred and seventy nine thousand four hundred and thirty three dollars (\$2,479,433) in deficit. Mr. President, this was opposed to the 1985 budget estimated amount of fifteen thousand four hundred and ten (\$15,410) surplus. This again showed, Mr. President, as I said earlier the unrealistic budgetary measures brought about in that estimate. The balance at 1st January, 1985 which was shown at two hundred and fifty two thousand five hundred and thirty seven dollars (\$252,537) was revised upwards to five hundred and ninety thousand seven hundred and forty eight (590,748) and granted that forms a part of the two million four hundred and seven nine thousand four hundred and thirty three dollars (\$2,479,433). Mr. President, the point I want to make is that while certain Members from this side may have agreed on certain of the revenue recurrent expenditure that much of this was taken from the estimated local revenue for 1986. The estimated local revenue for 1986 was fifty five million nine hundred and twenty two thousand three hundred and sixty seven dollars (\$55,922,367) as opposed to the estimated local expenditure of fifty million, one hundred and ninety thousand five hundred and fifty one dollars (\$50,190,551) leaving a surplus balance of a recurrent expenditure of over five million dollars (\$5,000,000) against which statutory expenditure was three million five hundred and fifteen thousand

MR. LINFORD A. PIERSON (CONTINUING): five hundred and seventy three (5,515,573). This left a balance of two point two million dollars. This was before any tax measures.

Mr. President, there are those of us on this side of the House who also understand figures. Mr. President, I notice that I always choose the wrong time to speak because I run out of time. I would have loved to speak longer on this but I notice the time is now on 4:30 p.m. and I wonder if I could stop at this point without closing by debate, Mr. President, since it is 4:30 p.m.

MR. PRESIDENT: Certainly. You should not be obliged to close your speech. It is simply a question of whether the House wishes to adjourn now or whether the House wishes to suspend the Standing Orders to enable you to continue. I think probably since we had not planned to suspend Standing Orders there may be a number of Members who do have commitments at 4:30 p.m. or shortly after. Let me invite the First Official Member to move the adjournment.

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 a.m. tomorrow morning.

MR. PRESIDENT: The motion at the moment is that this House do now adjourn until 10:00 a.m. tomorrow morning. It was suggested earlier informally that we might meet slightly earlier. Of course the alternative is that we might go slightly longer tomorrow evening or we might do both. I am not sure again I suspect that probably a number of Members will have commitments early in the morning. I think we are going to have to find some way of getting on a little bit more quickly with our business.

MR. W. McKEEVA BUSH: We could meet at least until 5:00 p.m. Sir. We could stay until 5:00 p.m. or later.

MR. PRESIDENT: Well perhaps I can invite the First Official Member to consult with other Members either later this evening or during the course of tomorrow to see what can be worked out that will be most generally convenient whether it is to stay late tomorrow evening or to meet early on Thursday or both.

MR. W. McKEEVA BUSH: We could stay until 5:00 this afternoon.

MR. PRESIDENT: I think a number of Members do have commitments.

HON. THOMAS C. JEFFERSON: Mr. President, I wonder if I could suggest that we consider the possibility of starting at 9:30 a.m. rather than 10:00 a.m.

MR. PRESIDENT: I think a number of people might supposing the Member instead of moving the adjournment until 10:00 tomorrow morning moved it until 9:30 I think we might need a majority for that.

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 9:30 tomorrow morning Sir.

MR. PRESIDENT: Does any Member wish to speak?

HON. MICHAEL J. BRADLEY: Yes technically Sir, under Standing Order 10(1) the sitting shall begin at 10:00 unless you otherwise direct. I think that you should otherwise direct before we actually adjourn.

MR. PRESIDENT: Well I would be guided by the wishes of the House. If the House voted in favour of a movement of adjournment until 9:30 a.m. I would certainly so direct. I am not going to direct until the House has voted though because I do not wish to pre-empt Members' wishes.

QUESTION PUT: AGREED.

MR. PRESIDENT: In that case for the avoidance of any possible doubt, I will direct that in accordance with the wishes expressed by the House, tomorrow's sitting should begin at 9:30 a.m. but I will still invite the First Official Member to canvas other Members' views either later this evening or in the morning as to the possibility of extending the sitting in the evening tomorrow or meeting earlier on Thursday or continuing that evening in order that we should be enabled to complete our business.

MR. D. EZZARD MILLER: No breaks Sir.

MR. PRESIDENT: Well I was not going to re-instate breaks unless I receive representation from the majority of Members.

HON. MICHAEL J. BRADLEY: Nor for lunch?

MR. PRESIDENT: Lunch is a little bit more difficult but perhaps the First Official Member and I can take lunch in relays.

BUDGET AND JOURNAL MEETING OF THE 128th SESSION
OF THE LEGISLATIVE ASSEMBLY

FIFTEENTH DAY
WEDNESDAY
18TH DECEMBER, 1985

PRESENT:

HIS EXCELLENCY THE GOVERNOR, MR C TITMUS LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS A. POSTER, CVO, CPE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR INTERNSHIP 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 LEAKS MEMBER FOR HEALTH EDUCATION AND
SOCIAL SERVICES

HON W NORRAN LODDEN, MBR. MEMBER FOR TOURISM AVIATION AND TRADE

HON CAPT CHARLES L KIRKCONNELL MEMBER FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

HON VASSEL G JOHNSON, CPE, JP MEMBER FOR DEVELOPMENT AND NATURAL
RESOURCES

ELECTED MEMBERS

MR W McKEEVA DUSH SECOND ELECTED MEMBER FOR THE FIRST
ELECTORAL DISTRICT OF WEST BAY

MRS ANTONE L ORRITT 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 MARRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF LESSER ISLANDS

MR JAMES H BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF TOWNEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF TOWNEN TOWN

MR D WZZARD MILLET ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAVY ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

WEDNESDAY

18TH DECEMBER, 1985

THIRTEENTH DAY

1. PRAYERS

TO BE READ BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR GEORGETOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 169: WILL THE HONOURABLE MEMBER STATE HOW MANY MORTGAGES AND TO WHAT DOLLAR VALUE HAS BEEN GIVEN OUT BY THE HOUSING AUTHORITY IN 1985?

NO. 170: WOULD THE HONOURABLE MEMBER STATE HOW MANY SQUARE FEET OF LAND AND OF OFFICE SPACE THE TOWER BUILDING HAD WHEN PURCHASED ORIGINALLY, AND WHAT PORTION OF THE BUILDING IS NOW OCCUPIED BY GOVERNMENT DEPARTMENTS?

NO. 171: WILL THE HONOURABLE MEMBER STATE HOW MUCH WATER HAS BEEN SOLD SO FAR DURING 1985 COMPARED TO 1984, FROM THE LOWER VALLEY RESERVOIR, BROKEN DOWN BY COST AND GALLONS TO EACH TRUCKER?

3. GOVERNMENT BUSINESS

BILLS:

CONTINUATION OF SECOND READING DEBATE

- (1) THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1985
(The Second Elected Member for George Town (to continue))

FIRST AND SECOND READINGS

- (2) THE TRAVEL TAX (AMENDMENT) BILL, 1985
(3) THE TAX COLLECTION (AMENDMENT) BILL, 1985
(4) THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985

--4--

COMMITTEE THEREON

- (5) THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985
- (6) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
- (7) THE INSURANCE (AMENDMENT) BILL, 1985
- (8) THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985
- (9) THE TRAVEL TAX (AMENDMENT) BILL, 1985
- (10) THE TAX COLLECTION (AMENDMENT) BILL, 1985
- (11) THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1985
- (12) THE EVIDENCE (AMENDMENT) BILL, 1985
- (13) THE FINGER PRINTS (REPEAL) BILL, 1985
- (14) THE SUCCESSION (AMENDMENT) BILL, 1985

REPORTS THEREON

- (15) THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985
- (16) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
- (17) THE INSURANCE (AMENDMENT) BILL, 1985
- (18) THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985
- (19) THE TRAVEL TAX (AMENDMENT) BILL, 1985
- (20) THE TAX COLLECTION (AMENDMENT) BILL, 1985
- (21) THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1985
- (22) THE EVIDENCE (AMENDMENT) BILL, 1985
- (23) THE FINGER PRINTS (REPEAL) BILL, 1985
- (24) THE SUCCESSION (AMENDMENT) BILL, 1985
- (25) THE LAND ACQUISITION (AMENDMENT) BILL, 1985
- (26) THE COMPANIES (AMENDMENT) BILL, 1985

THIRD READINGS

- (27) THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985
- (28) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
- (29) THE INSURANCE (AMENDMENT) BILL, 1985
- (30) THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985
- (31) THE EVIDENCE (AMENDMENT) BILL, 1985
- (32) THE FINGER PRINTS (REPEAL) BILL, 1985
- (33) THE SUCCESSION (AMENDMENT) BILL, 1985
- (34) THE LAND ACQUISITION (AMENDMENT) BILL, 1985
- (35) THE COMPANIES (AMENDMENT) BILL, 1985.

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WEDNESDAY

18TH DECEMBER, 1965

9.34 A.M.

MR. PRESIDENT: Prayers. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: 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. Let us repeat 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.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.
Questions. In the absence of the First Elected Member for Bodden Town, has he....

MR. G. HAIG BODDEN: Mr. President, I have been deputed to ask the questions for the absent Member, and would ask your indulgence to exercise that right under Standing Order 23(3).

MR. PRESIDENT: Certainly.

QUESTIONS

ON BEHALF OF THE FIRST ELECTED MEMBER FOR BODDEN TOWN, THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 169: Will the Honourable Member state how many mortgages and to what dollar value has been given out by the Housing Authority in 1985?

ANSWER: In 1985 the Housing Development Corporation issued 3 mortgages, with a total value of \$125,000. In addition, 6 applications are now being processed.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, a supplementary question. Can the Member say what is the relationship between the mortgages issued and the applications received during that period?

HON. VASSEL G. JOHNSON: That is quite easy, Mr. President. Mortgages, or applications which have been processed, granted and approved and the money has been paid out. Applications are being processed and have not reached the final stages yet.

MR. G. HAIG BODDEN: What I was asking for clarification on, Mr. President, is can the Member say how many applications were received?

HON. VASSEL G. JOHNSON: Mr. President, I said here that six applications are now being processed. I understand that the Board has received other applications which are also being looked at. However, these applications are perhaps in a more advanced stage.

MR. G. HAIG BODDEN: What I am asking, Mr. President, is if the Member knows if these six applications were received during 1985 or are these applications applications which had been pending before 1985?

HON. VASSEL G. JOHNSON: Mr. President, these are new applications received during 1985.

MR. G. HAIG BODDEN: Mr. President, could the Member say what is the relationship between the value of the mortgages issued and the total collections of the Housing Authority during 1985?

MR. PRESIDENT: The total collections?

MR. G. HAIG BODDEN: Yes, Sir. I am asking the Member if he knows the difference between the \$125,000 which has been granted for mortgages and the sum of money collected by the sale of bonds by the Housing Authority.

MR. PRESIDENT: I see.

HON. VASSEL G. JOHNSON: Mr. President, the value of the three mortgages issued this year are applications from 1984.

MR. G. HAIG BODDEN: Mr. President, what I am asking is what is the difference between the \$125,000 given out in mortgages and the receipts from the sale of bonds by the Housing Authority during 1985?

HON. VASSEL G. JOHNSON: Mr. President, during 1985 the Housing Development Corporation received funds totalling approximately \$600,000 (United States dollars). Those funds are not yet paid out in mortgages of any kind. The three mortgages which I referred to a while ago were paid from funds received in 1984.

MR. PRESIDENT: If there is no further supplementary I will invite the Second Elected Member for Bodden Town to ask the second of the questions standing in the name of the First Elected Member for Bodden Town.

ON BEHALF OF THE FIRST ELECTED MEMBER FOR BODDEN TOWN, THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

Q. 170: Would the Honourable Member state how many square feet of land and of office space the Tower Building had when purchased originally, and what proportion of the building is now occupied by Government Departments?

ANSWER: The land on which the Tower Building is erected contains 1.135 acres or 49,140 square feet. The building has a total internal office space area of 43,897 square feet and 8,165 square feet of basement space. Of the 43,897 square feet of office space Government Departments occupy 29,849 square feet together with all the basement area. Private firms occupy the balance - 14,048 square feet of office space.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, could the Member say if the unoccupied space of 29,849 square feet is space which can be used for offices, or is it space which is taken up by corridors and other unusable maintenance areas?

MR. PRESIDENT: I am sorry. Could the Member repeat it? I did not understand that question.

MR. G. HAIG BODDEN: Well, the answer is not very clear, Sir. I am trying to find out if the unused space of 29,849 square feet is....

MR. PRESIDENT: If I could interrupt, that is what I thought you said. I did not read the answer as saying that there was 29,849 unused space.

MR. G. HAIG BODDEN: You are right, Sir. What I meant was the difference between the 29,849 square feet and the total area of 43,897. Is that difference in space, space which the Government expects....

MR. PRESIDENT: I think that if you add the amount which the private firms occupy, 14,048 square feet to the 29,349 square feet, you will come out at the 43,997.

MR. G. HAIG BODDEN: Oh, alright then, Sir. What I still want to find out is what is Government's revenue from this space? That is the space which is not occupied by Government offices.

MR. PRESIDENT: You are asking what the revenue is from the 14,000 square feet, is that it?

HON. VASSEL G. JOHNSON: Mr. President, I am afraid that that question is directed at the wrong person.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member then how it is that he is giving the answer if it is directed to the wrong person?

HON. VASSEL G. JOHNSON: I did not give the Member the revenue which is derived from the building, Sir. That is somebody else's responsibility.

MR. G. HAIG BODDEN: Mr. President, could I ask the Member if this is a ruse to deprive us of the answer, when a Member undertakes to give the answer which should have been given by somebody else?

MR. PRESIDENT: I think that the question as originally asked was properly answered by the Member, the Honourable Fourth Elected Member of Executive Council. Maybe the revenue derived from the building is a matter for the Honourable Third Official Member, I am not sure. However, I wonder whether one or other of those two Members would undertake to get the information for you and to let you have it?

MR. JAMES M. BODDEN: Mr. President....

MR. PRESIDENT: Well, I think if we could just let the one Member give the undertaking if you do not mind?

HON. THOMAS C. JEFFERSON: Mr. President, I would be happy to undertake to provide the answers to the Second Elected Member for Bodden Town on the amount of money earned from the 14,000 square feet rented at the Tower Building.

MR. PRESIDENT: Thank you. Now the First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: My question was partly answered before I began it. However, in the reply it did state that private firms occupy the balance of 14,048 square feet of office space. So that would lead me to believe that questions could be asked on that in regard to what income is derived from that square footage space.

MR. PRESIDENT: Oh, indeed yes. I would not rule the supplementary out of order. It was just the sorting out of who was to answer it. The information will be provided. I will ask the Member if he will be kind enough to circulate it to all Members so you receive it as well as the Member who asked the supplementary.

The Elected Member for North Side.

MR. D. EZZARD MILLER: Supplementary, Mr. President. I wonder if the Member could state the square footage of the hollow interior of the building?

HON. VASSEL G. JOHNSON: Mr. President, I have already said that the internal office space is 43,897 square feet. That is all I know about the building, Sir.

MR. PRESIDENT: If there is no further supplementary I will invite the First Elected Member for Bodden Town to ask question no. 171.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 171: Will the Honourable Member state how much water has been sold so far during 1985 compared to 1984, from the Lower Valley Reservoir, broken down by cost and gallonage to each trucker?

ANSWER: The amount of water sold during 1985 compared to 1984, broken down by cost and gallonage to each trucker, is as follows:

	<u>1985 - JAN TO OCT</u>		<u>1984 - JAN TO DEC</u>	
	<u>(US GALLONS)</u>	<u>(COST)</u>	<u>(US GALLONS)</u>	<u>(COST)</u>
Trucker # 1	3,542,190.1	16,172.75	3,458,187.7	16,138.03
Trucker # 2	105,767.2	732.40	481,264.2	2,507.33
Trucker # 3	4,000,450.7	18,571.52	4,142,016.6	19,269.37
Trucker # 4	801,952.7	3,072.93	414,722.7	1,999.37
Trucker # 5	596,486.9	2,981.83	338,714.9	1,851.27
Trucker # 6	-	25.00	90,940.3	716.49
Trucker # 7	3,300,880.4	15,367.58	3,995,196.7	18,602.04
Trucker # 8	283,124.6	1,346.67	-	-
TOTAL:	12,630,851.0	59,172.58	12,922,743.0	60,984.40

It should be noted that: (1) each trucker is required to pay a fee of \$25.00 each month for the hire of a meter; and (2) the price of water is \$1.21 per cubic metre or per 284.2 U.S. gallons. The comparison based on 9 months in 1984 as against 9 months in 1985 indicates that this year's increase amounts to 3,404,602 gallons and cost \$15,418.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Supplementary. Would the Member advise this House whether the rate at which the pumps are set for extraction has been increased in 1985?

HON. VASSEL G. JOHNSON: Mr. President, not to my knowledge, Sir.

MR. JAMES M. BODDEN: Is the Member responsible aware of the deteriorating conditions of the water being extracted from the water lens in the Lower Valley area?

HON. VASSEL G. JOHNSON: Mr. President, I am not aware of any such thing. I know this one thing, that the Water Authority is constantly monitoring the water and the well levels and there have been no adverse reports regarding those wells.

MR. JAMES M. BODDEN: Would the Member advise this House whether the Public Health makes him aware of the conditions of water in the respective areas from which it is extracted?

HON. VASSEL G. JOHNSON: Mr. President, the Health Department was very well aware and made it quite clear what the position was with the shallow wells used in that area prior to the establishment of the water system by the Water Authority.

MR. JAMES M. BODDEN: Mr. President, I am not referring to prior. I am referring to just a month or so ago. I am asking the Member whether he is aware of this and whether he will look into the situation?

HON. VASSEL G. JOHNSON: Mr. President, I will mention this to the Water Authority. However, as far as I am aware both the Water Authority and the Health Department are constantly monitoring the water in that area. I know that we had heavy rainfalls in recent times. If that is what the Member is referring to and the water running into shallow wells, I will ask the Water Authority to look into that aspect of it.

MR. JAMES M. BODDEN: Mr. President, I am not referring to water running into shallow wells. I am referring to wells which have been in existence, some of them for probably 50 years and which have been tested in the past and found to be pure. All of a sudden they are being affected and I would like to have some assurance in this House that the extraction of water from the Lower Valley land is not going to be increased over the amount at which it was originally set.

HON. VASSEL G. JOHNSON: Mr. President, I will pass that on to the Water Authority. However, the wells which the Member is referring to are known to us as shallow wells. They are different from the wells made by the Water Authority.

MR. JAMES M. BODDEN: Mr. President, my question has been evaded. I would like to find out whether the Member will give the House some assurance that the rate of extraction will not be increased so that the Lower Valley water lens will not be adversely affected in the future?

HON. VASSEL G. JOHNSON: Mr. President, I am not too sure what the Member means by increase, because a maximum has been set at which extraction should take place in any lens area. I am sure that that limit will not be exceeded.

MR. JAMES M. BODDEN: Mr. President, it is easily understood what I mean. If the wells are running at 24 gallons an hour extraction now I would not want to see them increased immediately to 36 gallons per hour. This is an important point for people who live in that area and I would like some assurance that this is going to be attended to, and attended to at once?

HON. VASSEL G. JOHNSON: Mr. President, when I refer to maximum extraction it means so many gallons per day. Whether we extract it within an hour or over a twelve hour period, or whatever period it must not exceed a certain gallonage per day.

MR. G. HAIG BODDEN: Mr. President, could the Member say if the dollars given are United States dollars or Cayman Islands dollars? The gallonage seems to be in United States gallons and the cost really does not say. Is that Cayman Islands dollars or United States dollars?

HON. VASSEL G. JOHNSON: The cost is Cayman Island dollars, Mr. President. We quoted United States gallons here because it is usual to have gallons quoted by United States measurements.

MR. PRESIDENT: If there is no further supplementary we can turn to Item 3, Government Business. Continuation of Second Reading Debate on the Trade and Business Licensing (Amendment) Bill, 1985.

The Second Elected Member for George Town.

CONTINUATION OF SECOND READING DEBATE

THE TRADE & BUSINESS LICENSING
(AMENDMENT) BILL, 1985

MR. LINFORD A. PIERSON: Mr. President, at the adjournment yesterday I was debating a Bill for a Law to amend the Trade and Business Licensing Law (Revised). Giving this some thought last night and on reflection, it occurred to me, Sir, that rather than our Government trying to manage by objectives, since they all say that the Government must be run as a business I wonder, Sir, whether our Government is instead being run by management by crisis. I say this, Mr. President, with the understanding that the draft estimates for 1986 reflected somewhere in the vicinity of a \$20 million deficit. I wonder this morning, Mr. President, whether the new tax measures were quickly and hurriedly put together to remedy that situation.

Mr. President, in this House I believe that most Members know or have heard of the Chinese year of the dragon. We know that the United Nations this year is celebrating the international year of the youth. However, then I understand from very reliable sources that the Cayman Islands next year will be celebrating the Cayman year of the parrot. This does not come to me as a surprise because this year we have seen 1985 as the year of the extension plug. Mr. President, regardless of what any Member wants to get up in this House and say, I feel that I can defend myself because I will have an opportunity to speak on other Bills coming before this House. So, if some of the very enthusiastic and zealous Members of Government or their supporters would wish to ridicule me and my views, I feel that I have the ability to protect my position.

Mr. President, this morning in reading the Caymanian Compass I saw one of the very eye catching headlines, "Exec Members defend new Budget measures". I have no problem with this position of the Executive Council Bench, Mr. President. However, I also wonder why it is felt necessary by the Executive Council Members to have to defend these new Budget measures if they are considered to be as good for the people as they claim them to be. If they are so good for the people, Mr. President, then the people should readily understand the generosity and goodness of our Executive Council Bench.

MR. LINFORD A. PIERSON (CONTINUING): I wonder, Mr. President, whether this article is intended to make the pill that much easier to swallow. Hopefully, they will give the people clean water to swallow the pill with and not the contaminated water which the First Elected Member for George Town alluded to. Mr. President....

HON. W. NORMAN BODDEN: Mr. President, I think that the speaker should correct that. It was not the First Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, my apologies. It was the First Elected Member for Bodden Town. Thank you very much for that. Mr. President, one section which I found most amusing in this release made by the four Elected Members of Executive Council in defence of new Budget measures was paragraph 3, which states:-

"The rhetoric and distortion which are being used to mislead the public do not serve our country well."

It would be most interesting, Mr. President, to try to analyse what is meant by this statement, because I believe that it is true that we have heard as much rhetoric on the budgetary measures from the Members of the Government Bench and their supporters as we have heard from any other Member in this House. I believe that the people of this country know quite well that we on this side of the House did not, except for the First Elected Member for Bodden Town, debate any part of this Budget.

If reference is made to public meetings held in this country, I would like to state here and now, and categorically that no Member of the Government Bench can say that he has a cleaner record of telling the truth than I do. When I go to my people, Mr. President, I do not distort facts. I give them the facts as I see them. So, I hope that the next time that Members are making statements like this that they would try to be much more careful.

They also said, Mr. President, in this that they were quite ready to listen to constructive criticism. Mr. President, I hope....

MR. D. EZZARD MILLER: Mr. President, on a point of order, Sir....

MR. LINFORD A. PIERSON:that this will indeed be done.

MR. PRESIDENT: What is the point of order? A point of order, I am told, is being raised. What is the point of order?

MR. D. EZZARD MILLER: May I draw your attention to section 36(1) of the Standing Orders, Sir, and ask for a ruling as to the relevance please?

MR. PRESIDENT: Well, I was starting to wonder whether the Second Elected Member for George Town was going to relate what he was saying to the question which is proposed to be under debate. I was allowing him just a little more latitude to do so. I think that he is probably quite ingenious enough to manage it. However, he will do so fairly soon.

MR. LINFORD A. PIERSON: Thank you very much, Mr. President. I am sure that you know that I can relate what I am saying. Unfortunately, when I was interrupted I am sure that the Member did not realise that. Mr. President, I just hope that somehow we could have a definitive position on relevancy in this House. I know, Sir, that you have given a lot of latitude to Members in this House. However, I wish that right now you would make a firm ruling that no irrelevant matters will be discussed in this House, because I have heard much more irrelevant matters discussed by other Members of this House. What I was relating to this article, Mr. President, is that the matters before us and the Bill before us to do with the amendment to the Trade and Business Licensing Law were discussed on the public platform of this country and discussed in detail, and that there was no distortion in those facts. As I am going to give them this morning, there will be no distortion in those facts. The people of this country need to know the position. This is the relevance of what I was saying, Mr. President, and I hope that whenever I have to get up on a point of order that anyone speaking in an irrelevant manner will be able to justify that irrelevance the same as I have done this morning.

Mr. President, in continuation of my debate, I wish to complete my analysis of the 1986 Budget and to highlight the adverse effects which the tax measures in general will have on the people of this country, and in particular the inflationary effect which the drastic increases in this Trade and Business Licensing Law will have.

Mr. President, my submissions are given in the realisation that the Government may not make any reduction in these increases. However, somehow, somewhere, Sir, I hope that in the goodness of their heart, and putting aside pride, that they will consider the people who will be most affected by these increases and will decide to reduce them by 75 per cent. That is, I trust, Sir, that the overall increase on these Bills before us or on the substantive or principal Laws will be no more than 25 per cent. They have suggested, Sir, that nobody is coming across with constructive criticisms. They have also said that those who tell them to cut their Budget proposals must also tell them which Government services they are prepared to do without. Mr. President, I intend to do just that this morning.

Yesterday, Mr. President, when we adjourned I had reached the point of showing the net balance of \$2,207,243 after accounting for statutory expenses, but before allowing for capital expenses and new measures. Mr. President, when we add the \$5,505,907 to this amount, we end up with a figure of \$7,713,150. When we take off that, Mr. President, the local capital expenditure of \$4,525,826 we are left with a balance of \$3,187,324. Also, when we subtract from that new services of \$693,680 we are left with \$2,493,644. However, against that, Mr. President, has to be deducted the deficit which was brought forward at the beginning of 1986 of \$2,479,433. This is how they arrived at that figure of \$14,211. I submit, Mr. President, that this also is a most unrealistic figure. We will never attain any surplus for 1986 of \$14,211. I trust, Mr. President, that I am wrong and I trust that I will have to eat these words. However, I doubt it very much because in 1985 I stated in this House that the \$15,410 surplus was unrealistic, and this proved to be true, because instead it ended up with \$2,479,433 in deficit.

Now, Mr. President, when we examine the allocation to local capital expenditure, we see the following position. The local expenditure is comprised mainly of Heads 40 and 41 of the Budget. Some of the big items which comprise the capital expenditure from local revenue could have been delayed, Mr. President. There was no necessity to have to rush them through at this stage.

MR. LINFORD A. PIERSON (CONTINUING): This would have reduced the amount of new tax measures required. However, I can see why this would have not have been done as some Elected Members of the House and of Executive Council want to have their capital projects completed regardless of how much it hurts the people of this country to have them done. There seem to be the completion of a lot of these capital projects regardless of the strain they bring on the people of this country. There seems to be a legacy for the 1988 political campaign.

Mr. President, it is well said that a politician thinks of the next Election, but a statesman of the next generation. I feel that it is a very selfish attitude when we try to protect our own political position and ignore the position of our people whom we represent. One Member asked me when I was discussing this with him if I thought that he was a fool to leave all of these heavy measures until 1987. He is going to do them now. So, if we are going to suffer, we suffer now. I will not repeat the Member's name but I know that he will get up and call mine, after which time I shall deal with him in good style.

They are not considering the people, Mr. President, but instead trying to protect their seat in the next Election. I am going to show you, Mr. President, some of the things which I feel could have been left out and I want them to take note. The things which I would have been prepared to do without are:-

- \$500,000 for computers at the Government Administration Building.
- \$325,764 for heavy equipment.
- \$171,788 for vehicles.
- \$328,000 for public buildings.
- \$530,600 for school buildings.
- \$281,860 for sports centres.
- \$235,000 for medical facilities.
- \$410,678 for purchase of land.

These, Mr. President, add to a total of \$2,783,690, or 50.6 per cent of the new tax measures. We could have reduced them by that amount and we would not have hurt and squeezed the people of this country the way that we are doing.

Then, when we further examine the new measures we see in there where with tightening their belts like the Government is asking the people to do, they too could have tightened their belts and reduced the new services by another \$300,000 to \$400,000. These are areas, Mr. President, which could have been cut. It is funny that they are now asking us to make these suggestions when in fact we were available before the Budget was brought to this House. If they want the constructive criticism before then they should ask for it. We are here to represent our people and when something comes before this House which is not right in our opinion for our people, we would be remiss in our duties as Elected Members of this House, not to protect the interests of the people who put us in here to represent them.

Further, Mr. President, when we consider the actual effect of the local capital expenditure of \$4,525,826, plus the new services of \$693,680, we see that it amounts to a grand total of \$5,219,506. I am not even talking of capital expenditure from loan funds. This is where we are going to get our water and sewage but I will come to that later. It is not coming out of these capital expenditures from local revenue. One can easily see, Mr. President, where the money has gone. We do not need any financial genius to point this out to us. The most elementary mind; any primary school child can add those figures up. I am sure that any of the visitors

MR. LINFORD A. PIERSON (CONTINUING): in the gallery today would be able to figure that out.

Mr. President, we can easily see that if we subtract the total cost of local capital expenditure and new services which amounts to \$5,219,506 from the new tax measures of \$5,505,907, that we would have a little over a quarter of a million dollars to have to deal with. This could adequately have been taken care of without these new tax measures. Mr. President, people lie but figures do not lie.

Mr. President, I have learnt to ignore rudeness when I hear it. Regardless of the rude gestures and comments made behind me, I will treat them with the contempt which they deserve.

Mr. President, we have heard in this House that the new measures were necessary for the proposed sewage and water development projects. This is most incorrect, Mr. President. This is not true. The expenditure for these projects is provided out of the \$8.2 million in loan funds and we can check that out in the Budget. It would have made more economic sense, Mr. President, during the hard times which we are going through right now, during this recessionary period, had the Government perhaps arranged further loan funds for some of the local capital projects if they were seen to be necessary during this coming year. This would have stimulated the economy, thus reducing the heavy and drastic Draconian tax measures by 50 to 75 per cent. On one hand, Mr. President, we are telling our people that we are looking after them and we are doing these projects for them. On the other hand we are strangling them to death. We are judging their ability to pay by the ability of some of the more well off people in this House.

I was talking yesterday to one or two of my constituents, and I see many of them each day, and they are worried where they are going to find the extra money to pay. It is rubbish to tell the people that they can pay this that it is only going to cost them "x" amount each week. They are not being expected to pay it weekly. They have got to pay these monies in January or on a quarterly basis if they are lucky. Without a comparable increase in salaries and wages I again ask the question, where are the people of this country going to find the money to supplement or to carry these additional expenses? Do we want them to go out and commit crimes to do this? Is this the reason why we are constantly expanding our prison facilities? Mr. President, I hope that we are taking a much more positive approach to the Cayman Islands and its development.

Mr. President, the overall effect on the people would have been much less painful, and certainly much more palatable had the Government decided to just make a reasonable increase in taxes. Nobody would have objected to a reasonable increase in taxes because we all know that the Government needs money to run the affairs of Government. However, no-one in their right mind can say that it is reasonable to increase some of these costs by up to 400 or 500 per cent and more. On one item alone, on petroleum storage, we see that the item has been increased by 1,000 per cent. I wonder if the Members of Executive Council can tell me who is going to bear the brunt of these costs? Do we believe that the bulk terminal operations of Esso and Texaco will take this out of their profits each year: that they will dilute their profits without passing some of this on to the consumers?

MR. LINFORD A. PIERSON (CONTINUING): "r. President, had we brought about a reasonable increase in our revenues and had the Members of Executive Council, the Government Members and the Elected Members decided that they could have done without some of their capital projects this coming year, then the people of this country would not be suffering the way that they are going to be suffering and have begun to suffer.

Mr. President, it is a sorrowful condition when we hear certain Members get up and they revere and praise what is going on because they cannot see the Government Bench ever doing anything wrong. Mr. President, that is sorrowful. I have in this House stood up and supported certain Government measures as I did yesterday. Even though I was not in the Chamber at the time I did not vote against the increase in banks' and trust companies' fees and insurance companies' fees, because I know that Government has to get some revenue somewhere. So we have to have a reasonable approach to this whole thing. However, then, Mr. President, Government must also be reasonable in these increases.

Mr. President, sadly but realistically my prediction that we will not collect the \$5.5 million in new tax measures will come true. The reason why we will not collect it is that our people are not in a position to pay it. Mr. President, they will be put in an even worse position when they are told that if they do not pay it they will go to jail; they will go to court and we will force the blood out of them. This is one of the reasons, Mr. President, why I referred to Carl Marx yesterday. No, I do not love him but he seems to be copied by the Government.

Secondly, Mr. President, the majority of the people of this country are going to be reduced to despair and degradation. I wonder, Mr. President, whether these people are going mad. If that is out of order I bow to your ruling. However, where in the world are the people going to find this kind of money from? Where are they going to find it? Some people can barely make ends meet. Yet in a recessionary period we do not stimulate the economy. We do not try to increase their income and their earnings. What we do instead is say, "You have it bad now. We will make it a little worse for you. We will show you how bad it can be".

Mr. President, a good Government is one which tries to make life as good and easy as possible for its people.

Mr. President, I would also want the people of this country to know that the increases, while not particularly relevant to this Bill but relevant to the general increases, on vehicle registration fees were never brought to this House. They were made into regulations by the Executive Council. The Members of the Legislative Assembly had no part in approving these increases. So, in case they are trying to tell the public that we had something to do with this, we had nothing to do with the vehicle registration fees. I am sure that the public know this.

Mr. President, the effect of the increases in the Trade and Business Licensing (Amendment) Bill, 1985, as in the case of the other drastic measures will have the effect of increasing inflation. The cost of living will increase without any comparable increases or immediate increases in some salaries and wages. This is the sad reality, Mr. President. This is the very sad reality of these drastic tax increases.

MR. LINFORD A. PIERSON (CONTINUING): We have seen life made very, very hard already through some of the archaic laws in this country. People who are being expected to pay these fees are also under certain archaic laws told that they cannot operate to get the money to pay the fees. However, that is going to be the subject of another discussion. The consumers, or in other words the people having to purchase the services within the areas which have been increased will suffer most, because the increases will be passed on to them.

Mr. President, we have heard in this House and outside that the indirect increases will not hurt the people. This is what I call distortion, Mr. President. This is what I call misrepresentation of the facts. If anyone in this House would get up and say that indirect taxation and the increases proposed here will not adversely affect the people of this country, this is the greatest misrepresentation.

Mr. President, in particular I want to draw attention to a few items under this annual trade and business licensing fees increase, because these are areas which I know are of great concern to many of the small operators in this country, that is what is left of them, because many of them already this year have had to close their businesses because of recessionary pressures. This is not to speak, Mr. President, of the small people, the little men, the poor people in this country who will suffer most under these increases.

The retailer, Mr. President, with a square footage of up to 600 square feet of selling area - his cost has been raised by 100 per cent. In the case of the retailer with from 1,501 to 2,000 square feet, his cost has been raised by 133.33 per cent. With the retailer with over 2,000 square feet of selling area, his cost has been increased by 316.66 per cent. In reality, Mr. President, whether Members want to get up here and say that it has only been increased to \$100 or to \$300 or to \$1,250, the impact on the people remains the same.

Mr. President, I also see where merchants and wholesalers have had their fees increased from \$300 to \$1,500 a year. I can see where there will be many people trying to find a loophole in this so that they can qualify as a retailer. This is what we are going to be forcing our people to do, to try and break the law to try and live under these drastic measures.

Mr. President, I cannot in good conscience support the Bill before us in its present form but would certainly consider giving it my support if the increases were revised downwards to reflect an overall increase of 25 per cent on all items. This would also take into account those items which I feel we can do without during 1986 and which could be put off until 1987. The reason why I feel that we can put them off until 1987 is because the Members have told us what a wonderful year 1986 is going to be. So if we are going to have the surplus which they predict there should be no problem in paying for this out of revenue during 1987. Mr. President, I believe that you were trying to get my attention, Sir. Alright.

A 25 per cent increase, Mr. President, on all items, I feel would be reasonable. If we are going to ask the people to tighten their belts then we in the House must also tighten our belts. How can we say that we are doing this for the good of the people when we are killing them. Do we rush a 38 in somebody's mouth and pull the trigger and tell them that we are trying to help them? We are trying to put them out of their misery. What are we trying to do to the people of this country? We should remember that

MR. LINFORD A. PIERSON (CONTINUING): we represent all the people, not the top 20 per cent of our community who may not find these increases that drastic. We should consider the 80 per cent of the people of this country of all creeds, regardless of their positions who cannot afford these drastic increases.

Mr. President, I trust that the Elected Members of Executive Council will not be too proud or inflexible to consider the suggestions made here today by myself. I would take it as somewhat of a miracle, Mr. President, if any of the points raised by me are considered. However, then I know that miracles do happen.

Mr. President, I want the Members of this House to realise that the people who will suffer most are the people who can least afford these increases. They are the people, Mr. President, who had faith in the Members of this House to elect them to represent them in this House. Is this the kind of representation which we want to give the people of this country? Those of the Members in this House who are going to support these high increases, I hope that they photocopy these increases and put them in the Christmas cards which they are going to send to their constituents, and say to them that this is the Christmas they are giving to them.

Mr. President, the people, the small people, the poor people are not all but we know that they form the majority in this country, who will be hurt most. They have put their trust and faith in us and they have given us the franchise and the privilege to represent them in this House. Are we going to throw this back in their face? Mr. President, I hope that we will not let them down. Believe it or not, time is longer than gone and our people have a good memory. They will remember the injustices done to them under the 1986 tax measures. They will remember in 1988 when we go and tap them on their shoulder for their support, how hard we squeezed them. I want the people of this country not to forget this and I hope that they will remember it right through. However, I hope that this will not be necessary, Mr. President, because I believe in the people and in some of the Elected Representatives in this House and trust that they will reduce those drastic tax measures by 75 per cent so that all items are not increased beyond 25 per cent of the present amount.

Mr. President, I trust that the Members of this Honourable House will give consideration to the points raised by me here today.

Thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

Mr. President, I rise in support of the Trade and Business Licensing (Amendment) Bill, 1985. I am pleased to see that in our audience this morning we have a fine group of young ladies from the Frances Boddien Girls Home and I recognise them as a very valuable part of our listening audience this morning.

Mr. President, it has been said that no one can honestly say that these revenue measures would not adversely affect our people. Mr. President, those young ladies sitting in our audience this morning are one of the main reasons why this Government must find new ways and means of raising revenue.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, if I go to the store and pick up a gallon of milk, I hand the cashier \$2.50, say. She gives me my gallon of milk. My having given her the \$2.50 has not adversely affected me because I have got a gallon of milk in return. Our people in the Cayman Islands today have to realise that Government can only provide for them what they have money to take care of.

Mr. President, the Trade and Business Licensing (Amendment) Bill does not affect every businessman in the same way. I think that even those with the small businesses have been given the wrong impression that there would be drastic increases for their trade and business licences. If one will take careful note, they will see that this is not the case.

Mr. President, mention was made of defending this Budget. I stand to defend it together with Members of Executive Council, because when something is worthwhile and good it is worth defending. If a person has a country which he feels is worthwhile, he will do his best to defend it. If one's family is being attacked or ridiculed, one does one's best to defend it.

Now, this Budget which we are putting before our people at this Meeting, Mr. President, is good, is fair, and is equitable. From what I have been told, every Department Head and every Executive Council Member has seen to it that within his Portfolio everything which could possibly be done without was either cut down or removed altogether from new services. Mr. President, how can we even think of removing anything from our education budget?

Mr. President, once again I would like to repeat that whatever measures are necessary we need to provide the basic services for the people in the Cayman Islands. We cannot at this time overlook Social Services. We cannot overlook the sporting facilities which are needed for our young people because these are the avenues and the areas which we need to watch most carefully, because if we have our young people occupied; if their energies are used in the right way, they have no time and no energy left to do things which they ought not to do. We cannot afford to cut down on any facilities which would better our young people or enhance their lives, because the future of the Cayman Islands depends on our young people.

Mr. President, had the recent Government taken more interest in the medical facilities and in the hospital in general, this Government would not now find itself having to spend so much money there. However, if one takes careful note, that hospital needs attention. There are many things which are there which we cannot put off until next year. They need to be done now. Mr. President, we are talking about 18,000 or 20,000 people. It is wrong for any Member to get up in this House and indicate that the measures which have been taken here in this Meeting are going to affect our people to such an extent that they might resort to stealing or other ways of breaking the law to get money. Mr. President, I am not concerned that any individual in my constituency would resort to stealing because of these measures. If he or she would steal, they would steal in any case but these measures would not be the factor which results in their stealing.

Mr. President, many people in the Cayman Islands today are guilty of living above their means and the poor person is not the only one who needs to watch carefully what he or she does. All of us, even those sitting in this House must learn to live within our means. Are we going to tell our people that for this year we are going to cut down and they are going to have to pay so much for their child's education or they are going to have to pay so much for their

MRS. DAPHNE L. ORRETT (CONTINUING): child's medical fees? Can any Member of this House forget that it is costing Government between \$1,300 and \$1,600 a year for the education of every child in this country? Can any Member here forget that Government pays for a child's medical fees even before the child is born, until he reaches 18 or until he leaves school, whichever comes sooner? Mr. President, can any Member of this House stand here and say that these measures which, as has been pointed out before, are going to cost a household 96 cents for garbage, less than a can of coke a day to run their car, yet we are going to say that our people may resort to doing something which is wrong in order to get money, Mr. President? I do not see through that, not at all.

Mention was made about archaic Laws. The Sunday Trading Law, Mr. President, was on our books and if it ever went to the dogs, it was over the last eight years. This present Government cannot be blamed for anything regarding the Sunday Trading Law. This, Mr. President....

MR. JAMES M. BODDEN: Mr. President....

MR. PRESIDENT: On a point of order?

MR. JAMES M. BODDEN: Yes, Sir. I wonder if we could have an explanation of how the Sunday Trading Law was abused in the last eight years, as the Member is stating?

MR. PRESIDENT: How the Sunday Trading Law was abused? Well, that is not really a point of order I am afraid. The Member may continue.

MRS. DAPHNE L. ORRETT: Mr. President, before 1977 when I can assure you that I lived in this country, we never saw stores opening the way they are opening today. We never saw construction going on the way it is going on today. Trucks are all over the place with marl. Bars are open. Stores are open. Mr. President, before 1977 all this was not going on. Believe me, Mr. President, as long as one supported the Unity Team Government, one never knew how much latitude one could take.

MR. JAMES M. BODDEN: Mr. President, a point of order. I was called to order in this House yesterday for using the word untruth in regard to the present Elected Executive Council. For the Member to try to impute such things against the Unity Team Government I think is ridiculous, and you should be using your office to bring her to task right away for it.

MR. LINFORD A. PIERSON: Mr. President, in addition to that, I was told a while ago about relevance. I cannot see the relevance of a lot of what the Member is now talking about to this Bill.

MR. PRESIDENT: With respect, it was you yourself who first mentioned this subject. I at first was inclined to think it irrelevant. However, then I realised that you could quite well argue, and you did argue that those who are affected by trading licences are affected also by not being able to trade on a Sunday and that made it much worse.

MR. LINFORD A. PIERSON: Mr. President, I wonder then whether the Member would give way for elucidation on this, because it seems to me that she is deliberately trying to mislead this House and the people of this country.

MRS. DAPHNE L. ORRETT:

Mr. President, I do not wish to give way.

MR. PRESIDENT:

No, the Member has not given way on elucidation.

MR. LINFORD A. PIERSON:

May I reserve my right to speak afterwards?

MR. PRESIDENT:

I do not think that there is any such reservation any longer. There used to be but I think that the Members took it away.

MR. JAMES M. BODDEN:

Mr. President, I am asking for a ruling from you in regard to the impugning of the integrity of the Unity Team Government which the Member started out to do.

MR. PRESIDENT:

I do not think that that is out of order. It is unparliamentary to call somebody a liar. However, to say that a Government did things which in the Member's view was wrong is something which goes on all the time.

MR. JAMES M. BODDEN:

I hope and trust that you will abide by that ruling later on in this Meeting, Sir.

MR. PRESIDENT:

As long as you do not use unparliamentary language. You may continue. I am told that there is about five minutes left on the time so that....

MR. LINFORD A. PIERSON:

Mr. President, under Standing Order 31 I think that I can make an explanation. Is it Standing Order 31?

MRS. DAPHNE L. ORRETT:

Mr. President, I thought that I had said a while ago that I would not wish to give way.

MR. LINFORD A. PIERSON:

I will have another time, Mr. President.

MR. D. EZZARD MILLER:

Mr. President, I think that the Member is trying to direct your attention to Standing Order 30 if I could enlighten him, but that does not....

MR. PRESIDENT:

No, Standing Order 31 I think. He is quite right, Standing Order 31. However, that is not an interruption. The Member may continue her speech. The other Member may seek my leave later to offer a personal explanation.

MRS. DAPHNE L. ORRETT:

I wonder if the time is ready, Mr. President?

MR. PRESIDENT:

Well, I am told that we have not another two or three minutes, so continue for a moment.

MRS. DAPHNE L. ORRETT:

Oh, thank you very much. I will not be long.

Mr. President, in this House I have heard a lot of mention made of youth and community projects, of interest in social services and interest in education. This morning, the Second Elected Member for George Town thought that one of the things which could have been left out of the Budget was money to put up new school buildings.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, we were told that the George Town School is filled to running over. That is the Primary School. I do not think that here is an area which we can pay too much attention to. Children are to be looked after and believe me, if we went out to the public and said, 'Alright, we will not raise any new revenue measures. What we will do is to ask you to pay for your children's education. We will ask you to pay for their medical services'.

MR. PRESIDENT: I think if the Member... sorry. I think that the tape is just about to run down. So, if the Member would care to wait until we are told that it is ready.

MRS. DAPHNE L. ORRETT: Thank you.

THE HOUSE SUSPENDED TO ENABLE THE TAPE TO BE
CHANGED

MR. PRESIDENT: The tape is now on again if the Third Elected Member for West Bay would like to continue.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President.
Mr. President, what I would like to re-emphasise here is how are our people to be looked after if we do not find money one way or another? The amount of money it took to run the Department of Education four years ago is not sufficient to run it today. The same holds true for medical facilities, for road-works or for any other area from which our public benefits.

Mention was made, Mr. President, that perhaps the road-works in West Bay and North Side and other places could have been overlooked and postponed. However, the same people, Mr. President, who are going to ride on those roads are the people who are going to help to find this revenue. So, they are getting their money's worth.

Mr. President, on the Trade and Business Licensing (Amendment) Bill, it would be wrong of me to stand here and say that the businessman is not going to pass this on to the consumer. I recognise that. However, Mr. President, as the Honourable Financial Secretary said, I think that it was yesterday, when the gas stations put up their gas prices: when the storekeeper puts up the price on his goods: when a lawyer or a private doctor or an accountant or anyone else hikes his charges, people just pay them. What we are hearing here today is that because Government has instituted new revenue measures to a mere fraction of sometimes what is found in the private sector, that our people are not going to be able to find the money, and that if they do not find it it is wrong of us to put them in court. Mr. President, anyone in the Cauman Islands who is not able to pay for medical fees, or to pay for anything else is taken care of by this Government. So, the poor person in this country does not really have to worry that Government is going to put him in court if he cannot find the money. The person who may find himself in court is the type of person who insists that whether or not the Law states that such a thing may be done, he will do it anyway as it suits his fancy. However, Mr. President, those people who cannot afford to pay, as has been the case, will be looked after. They do not need to worry that this Government is going to put anyone in prison or into the courts because they refused to pay.

MRS. DAPHNE L. ORRETT (CONTINUING): However, often, Mr. President, we will find that even some of those poor people are so proud within themselves that rather than go to Government for handouts, they will find a job or two, and they will pay Government its share of revenue increases without any complaint.

Mr. President, one of our constituents called home the other night speaking to another one of our constituents in West Bay. In asking of the news and what was going on she was told, "Oh, well a few people here are talking about the Government measures but most of us do not find them too high". The lady living in Florida said, "Well, you can tell them that Uncle Sam just took off 30 per cent of my pay cheque". So they must think carefully about how little they are getting away with.

Mr. President, what I would like to say here is this, that any Member of this House going out to talk to our people had better give them both sides of the story because it is wrong, Mr. President, to try to make our people believe one thing when they ought to be told that the money which Government is raising is to be spent for the people. With careful, prudent spending, Mr. President, they will see what they are getting for their money. This has not always been the case. They have heard a lot about spending but they have seen very little in return.

I am not ashamed to say that I support Members of Executive Council who instituted these measures. They were explained to me. Mr. President, what I am saying is this. Those Members are capable of spending that money wisely and the people of the Cayman Islands do not need to worry that in the next four years there are going to be any question marks as to how it was spent.

Mr. President, I support the measures because they are good, not just for me but for every member of this community. There are certain people in this community, Mr. President, who are doing extremely well in their business. They may see the rise in fees for trade and business licences as a little heavy at first. However, as I said it is going to be passed on to the consumer and some 18,000 or 20,000 people are going to help to pay this and make it work. We do not need to stand in this House and speak in such a way that some of our people who might not know otherwise, might feel that the whole thing is going to fall into their laps.

Mr. President, our people are going to benefit from these measures. Any Member of this House opposing these measures should come up with a workable alternative....

MR. LINFORD A. PIERSON: That is exactly what I did, Mr. President.

MRS. DAPHNE L. ORRETT:because such things as cutting out on medical facilities, sporting facilities, educational facilities are areas which we cannot afford to tamper with. The last thing we want in this country are a people whose health is at stake, a people who would grow up illiterate or a Social Services Department who overlook the needs of its people. We heard mention made of expanding the prison facilities. The only way, Mr. President, in which we will be able not to do this is if we can pay more attention to and put more money into our Social Services Department and institute more preventative measures. However, Mr. President, as far as I am concerned, those items suggested this morning to be cut out or deleted from the 1980 Budget were far too important to be tampered with.

Mr. President, I would like to ask the Members of this House if they would give these new measures serious thought, and recognise that in this day and age in the Cayman Islands our people, or the majority of them, if they are told the truth will rally and pay these increased fees without too much complaint. As I

MRS. DAPHNE L. ORRETT (CONTINUING): said, that is if the truth is told to them. This is all we need to do because if we tell them anything otherwise, they are going to find out in any case. If we do not provide the services then we will have a lot more trouble on our hands than a few screams and hollers from those few people who do not want to pay this.

Mr. President, anyone who does not want to pay this and says that they have to resort to stealing to pay this, I repeat, would steal anyway. That includes the poor person or the rich person, because too many people in this country are trying to live above their means. There are more ways of stealing than breaking into somebody's house. Mr. President, if we live within our means we will be able to cope with these measures and at the same time to provide our people with their needs.

Thank you, Mr. President, for the time.

MR. PRESIDENT:

The Honourable First Elected Member of Executive Council.

HON. BENSON O. FRANKS:

Mr. President, to say that I am surprised at the contribution of the Second Elected Member for Rodden Town would be an untruth.

MR. PRESIDENT:

George Town?

HON. BENSON O. FRANKS:

.... George Town would be an untruth. However, Mr. President, I do have some sort of shock, or something of that kind, relating to it. Mr. President, the Member wondered if Government was operating on a management by crisis theory. I wonder if that Member's representation is based on show to the public theory? That Member, Mr. President, sat in Finance Committee and offered no constructive criticism to the Budget.

MR. LINFORD A. PIERSON:

I am giving it now.

HON. BENSON O. FRANKS:

Mr. President, you know that Member is, in my opinion, an egotist. I have seen one definition of that as being the anaesthetic which dulls the pain of stupidity.

MR. LINFORD A. PIERSON:

I am surprised the Member could read that much.

MR. PRESIDENT:

Order, order.

HON. BENSON O. FRANKS:

Mr. President, the same Member likes to talk about his academic achievements. I do not know, Mr. President, of anybody in the Cayman Islands who has attempted an academic achievement who has not succeeded in at least three tries.

Now, Mr. President, the Member in an earlier debate in this House mentioned that he wished that he was omnipotent so that he could convince me of the need for recreational facilities in George Town. I told him in retort, that he was transparent and I could see him coming.

MR. LINFORD A. PIERSON:

Mr. President, on a point of order, Sir. This is under Erskine Mays, an infraction of parliamentary procedure. The Member is deliberately telling an untruth. I did not say recreational facilities. I said a youth and community centre in George Town.

HON. BENSON O. EBANKS: Mr. President, a rose by any other name is still a rose, except that I would agree that in the proposal which the Member put to me he was trying to usurp the authority of what is now intended to be the Community College. However, Mr. President, to get back to what I was talking about, I said that he was transparent and I could see him coming. He has proved that beyond a doubt this morning, Mr. President, by his own contribution, because one of the areas which he suggested to cut is the \$281,860 for sports centres. Mr. President, if that is not the height of irresponsibility I want to know what would be.

I will go down, Mr. President, the areas which this Member suggested be cut. I want to make it plain that he did not suggest this in Finance Committee. He only suggested this this morning when he knew that he would be heard on the radio. I do not know who is fooling him that he is doing himself any good by having his speeches broadcast, but I believe that he is digging his own grave.

The first item which he suggested to cut was the \$500,000 for computer services at the Government Administration Building.

MR. LINFORD A. PIERSON: For 1986.

HON. BENSON O. EBANKS: Mr. President, the computer service of Government has been an ongoing thing, certainly from this year and I think that it might have even been from 1984. To suggest that we stop in midstream now is nothing but the height of irresponsibility.

MR. LINFORD A. PIERSON: In the Member's opinion.

HON. BENSON O. EBANKS: Mr. President, the Member suggested cutting \$325,764 for heavy equipment. Mr. President, that vote includes equipment for the environmental health services, fire service appliances and vehicles. Now, Mr. President, he also suggested cutting \$171,798 for other equipment. That vote, Mr. President, includes vehicles for the police, a van for the Bonaventure Boys Home and equipment for Mosquito Research and Control Unit, all necessary and vital equipment. He suggested, Mr. President, to cut \$328,000 from the public buildings. This includes repairs to the electrical systems within Government, maintenance of existing Government buildings, including a fire alarm system. I would assume, Mr. President, that that is for the Tower Building. That is probably one of the inadequacies which that building suffered from when it was bought. It includes, Mr. President, continued renovation of the Tower Building.

The Member suggested, Mr. President, cutting \$530,600 for school buildings. That figure, Mr. President, includes annual maintenance to school buildings of \$84,000, maintenance of playing fields at primary schools and, Mr. President, who go to our primary schools, the little people who he talks about so much. He wants to take that money out of the estimates.

MR. LINFORD A. PIERSON: They will not be able to go after this. The Member will kill them.

HON. BENSON O. EBANKS: It includes the extension at the Dodden Town School at a cost of \$67,000, the extension at the Savannah School costing \$130,000, maintenance at the High School of \$65,000 and at the Middle School of \$60,000.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, we stand up here and talk about providing educational facilities. If we do not maintain those facilities, Mr. President, they will become delapidated, useless and unusable, or unserviceable in the future. We must protect the investment which we now have in these buildings. The two schools which I mentioned, Mr. President, are due for expansion and need it badly.

The Member suggested cutting out \$281,860 for sports centres. Mr. President, that vote includes the completion of hard courts at East End and at Northward Prison, continuation of work on the sports complex near the Middle School for \$100,000, the filling and putting into service of a playing field in North Side for \$49,260, a hard court at the West Bay Primary School costing \$14,000 and an access road for the sheltered workshop and other services costing \$57,500. Mr. President, if that Member can show me more needy people in this country than those who will be housed and taught in that sheltered workshop, I would be glad to listen to him. It also includes, Mr. President, \$30,000 for playing fields in Cayman Brac.

The Member suggested that we cut \$419,678 from the vote for purchase of lands. Mr. President, that vote includes purchase of land at the West End School, Cayman Brac for \$25,000 to provide some recreational facilities there for the children and for a community field at Cayman Brac costing \$40,000. Mr. President, it includes an interim payment on land now being used by the Department of Traffic of \$30,000. That land has been commandeered and used by Government without payment to the owner for several years, and the owner must be paid for it. It includes land for a new cemetery at Savannah costing \$69,000. Again, Mr. President, it includes a part payment on land for parking at the Tower Building of \$163,827 and stamp duty of \$12,130. It also includes, Mr. President, 25 parcels of land at the Cayman Brac runway for the \$2,721. These lands have been used by Government. They have been taken possession of and used by Government and not paid for.

Now, Mr. President, I want that economist to tell me if a responsible Government could with clear conscience avoid any of these expenditures. Mr. President, for the benefit of that Member I would ask him to turn to page 4 of the 1986 estimates and see if he can follow me when I explain to him...

MR. LINFORD A. PIERSON: That might be difficult but I will try.

HON. BENSON O. EBANKS: ...the position of the country's revenue as estimated for 1986. Ordinary revenue is \$55.9 million less recurrent expenditure of \$50.2 million, less statutory expenditure of \$3.5 million, for a total of \$53.7 million. If he deducts that from the ordinary revenue, he will have a balance of \$2.2 million. Now, take from that, Mr. President, new services, none of which I heard him complain about in the Finance Committee, and which have been cut to the bone, Mr. President - I wish I had some more money in new services because Social Services which have been neglected in this country for years need a lot of expenditure. As I said, if we take the new services of \$0.7 million away, we are left with \$1.5 million to transfer to capital revenue expenditure for this year. Mr. President, before I go one step further I want to place on record that this Member who gets up and quarrels so much about the lack of social and community facilities in this country, was for several years the Principal Secretary in the Portfolio of Health Education and Social Services. In fact, he was my Principal Secretary for a couple of years. The only thing I ever heard from him was that he should be the Financial Secretary of this country because he was qualified to be so.

MR. LINFORD A. PIERSON: Thank God I was only with the Member for one month.

HON. BENSON O. EBANKS: That was one month too long.

MR. PRESIDENT: Order, order. I must ask the Member to get back to the Bill which we are debating.

HON. BENSON O. EBANKS: New revenue measures, Mr. President, are \$5.5 million. Loan receipts are \$8.4 million and if we add the \$1.5 million transferred to capital revenue, we come up with \$15.4 million. We have budgeted capital expenditure of \$13 million. If that is taken away we would have a surplus in 1986 of \$2.4 million plus. Now, Mr. President, we have to cover the deficit anticipated to be brought forward from 1985 of \$2.4 million, so we have budgeted a surplus at the end of 1986 of \$14,000 roughly. Mr. President, I have simplified this thing a lot and I hope that the Member understands that.

MR. LINFORD A. PIERSON: I believe that the Member is more confused now than before.

HON. BENSON O. EBANKS: The Member is confused? Not me. Mr. President, to suggest increasing the revenue measures under the Trade and Business Licensing Law (Revised) by 25 per cent is showing the depth of that economist's understanding of economics, because that will not even cover the depreciation or the devaluation or erosion of the value of purchasing power of our currency since these revenue measures were last increased. To do that we would have to increase most of these by more than we have actually increased them. Mr. President, after all what are we really talking about, Mr. President?

That we are talking about, Mr. President, is raising the trade and business licence for a baker from \$100 to \$200. We are talking about raising a licence for a barber from \$25 to \$50 and these are all per annum increases, Mr. President. We are talking about increasing the fee for a plumber or contractor, plasterer, painter, electrician, plumber, welder in the case of persons with under 10 employees from \$100 to \$300 per annum. We are talking, Mr. President, about increasing the fee for a licence for a beautician, manicurist and pedicurist from \$100 to \$200 per annum. A job printer, Mr. President, is having his licence raised from \$100 to \$300, a launderer from \$100 to \$200 per annum. In the area, Mr. President, of retailer, and this is important, a retailer having up to 800 square feet will pay \$100 per annum. A retailer having up to 1,200 square feet selling area, Mr. President, will pay \$300 from \$100, an increase of \$200, Mr. President. A retailer having 1,500 square feet, or up to that selling area will pay \$500 from \$100, and those up to 2,000 square feet selling area will pay \$800. Over 2,000 square feet they will pay \$1,250 per annum.

Mr. President, these are reasonable increases. I will go on record as saying that if someone is operating a store with up to 1,200 square feet selling area, and that is a reasonably large store, and that person cannot afford to pay \$300 for a licence per annum, he is kidding himself and robbing himself and his family of a livelihood, because if he cannot afford to pay that he should go out and get some work, which there is plenty of, where he can earn some real money and get some good vitamin C from the sunshine free of charge. I am told that it is vitamin B, Mr. President, but I understand that it has vitamin C too. Anyway, I am not a doctor, Mr.

HON. BENSON O. FRANKS (CONTINUING): President, and I am not going to take on that role. Licences for garages and marinas, Mr. President, go up from \$100 to \$250. Maybe, Mr. President, before I started to debate this Bill I should have declared a pecuniary interest in this Bill because I pay three business licences. I pay two retail and one gas station. A shoe repairer's licence, Mr. President, has gone from \$25 to \$50 per annum; a supercargo licence from \$100 to \$300. Mr. President, I know if that had been exorbitant, I have one supercargo who would have been hollering in my ear. Yet, he has not made any representation to me on it and I explained how much was involved when it first came out. He basically said that he would have to pay it.

A tailor's licence, Mr. President, goes from \$25 to \$50, a reasonable increase per annum. An undertaker's licence has only gone from \$100 to \$200. They are so independent now, Mr. President, that they will not even bury people on Sunday. So do not tell me that they cannot afford it, Mr. President. Also, that was before the notice was passed about the Sunday Trading Law. So, they cannot hide behind that. They are independent people. A contractor, Mr. President, who has a large business and employs over 10 people with no limit on how many he can employ, will only pay \$2,000 per annum for his licence. Mr. President, while there have been a few unsuccessful contractors in the Islands, there are many who have done well because they know their business. Mr. President, we have in fact increased substantially those contractors who are not a Caymanian company, that is not at least 60 per cent owned by Caymanians and who have a licence under the Local Companies Control Law (Revised). They pay \$10,000 because we know that when they send their profits back home, if we did not take this \$10,000, their home of origin would take it from them in the form of income tax. We decided that we would keep some of that money in the Cayman Islands.

The merchant and wholesaler, Mr. President, his licence has gone from \$500 to \$1,500. However, again those people can afford it. The restaurant licences have gone from \$100 to \$200, not a big increase, Mr. President. Some of them can make that when they go out fishing and catch their own fish to serve as catch of the day.

So, Mr. President, to get up here and talk about these increases stifling small people and placing unbearable hardships on the people is the height of irresponsibility. That is what we were talking about in the statement we issued this morning, which the Second Elected Member for George Town did not seem to understand what we were talking about. That is the rhetoric and mis-information to the public which we are quarrelling about, Mr. President. If the Caymanian people are told the truth, the majority of them will understand because most Caymanians, Mr. President, say what we like, want to pay their way. They realise that to get good education, good social services, good medical services, good roads, good recreational facilities, a good water system and a good sewerage system, they have to pay for it, Mr. President. These are provided for in these estimates.

Thank you very much.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I rise to support a Bill for a Law to amend the Trade and Business Licensing Law (Revised).

Now, Mr. President, as I said in my debate on the Budget, because unlike some Members of this Assembly I debated the Budget when the opportunity was there, and I am not going to seek to wander around getting bits and pieces of a speech which should have been delivered on that topic on small Bills which I have

MR. D. EZZARD MILLER (CONTINUING): voted for in essence or at least by association under the Appropriation Bill in Finance Committee. Mr. President, I have a reputation in some circles as being a short speaker and to the point. However, there is so much rhetoric and water which has gone under this bridge since yesterday morning, Sir, that I trust that I will be allowed to wander a little bit away from the subject of business licences to answer some of the insinuations, etcetera which were hurled at me.

Mr. President, I do not believe that these measures taken in this Bill are going to be catastrophic, nor crippling to the economy of the small business people. I believe that they can all pay their way. You see, Mr. President, I am a humble pharmacist. I am not an economist nor would I want to claim to be an economist, Sir, because like Laurence J. Peter I believe that an economist is simply an expert who will know tomorrow why the things he predicted yesterday did not happen today. You know, Sir, those economists have another little card up their sleeve to boost their ego. They are convinced, Sir, that the poor need them to tell them how poor they are. We have certainly heard enough about poor people in this Assembly since its inception in November, 1984. First we heard about the little man. Next we heard about the poor. Then we heard about separatism, racism, black against white. Yesterday we heard Karl Marx being expounded. I wonder, Sir, if Mussolini and Hitler are going to be next.

MR. LINFORD A. PIERSON: We have them now, Sir, in this House.

MR. D. EZZARD MILLER: Yes, Mr. President, all of those come from the same Member and he just identified himself. When one throws that rock in the pig-pen, the one which squeals is the one which got hit, Sir.

MR. LINFORD A. PIERSON: Mr. President, on a point of order. I will give you the point of order which I think is under section 35(4) of the Standing Orders. The Member is imputing improper - he is using insulting language about Members of the House by referring to them implicitly as pigs.

MR. PRESIDENT: I do not think that he really intended to refer to any other Member as a pig and I am sure that he will explain that he did not intend that.

MR. D. EZZARD MILLER: Of course, Sir, it was just a phrase.

MR. PRESIDENT: It is a phrase which I have heard used on occasion in this House before, and...

MR. D. EZZARD MILLER: Yes, Sir, another is that the greasy wheel gets the grease, Sir. If they prefer that. However, a lot has been made between yesterday and this morning about education. One should stick to the areas of expertise. Mr. President, I have always had six honest men who taught me everything that I know. They are, Sir, what, why, when, how, where and who. However, you know, Sir, I do not believe that the Second Elected Member for George Town has heard about these honest men because it is obvious from his debate that he does not know where, when, how, why he should make motions and recommendations about the Budget so that they will be effective and they will be listened to. The place for that, Sir, is in Finance Committee.

MR. LINFORD A. PIERSON: Mr. President, I am glad that the members of the public are hearing the rubbish from the Elected Member for North Side.

MR. D. EZZARD MILLER: We will let the public be the judge of that, Sir. I am not scared of that. I can stand on my own two feet with the best of them, Sir.

Mr. President, the Minutes of Finance Committee clearly show that it was unanimously voted for, everybody who was there voted for it in fact, the sum of \$63,273.57. Mr. President, effort was made yesterday afternoon to try to say that they had only voted for the recurrent expenditure and that the revenue without the tax measures would have covered that. You see, Sir, that is what I am talking about when they do not understand what is going on, because that figure which the Second Elected Member for George Town voted for includes, and I am quoting from the Minutes of Finance Committee, approximately \$13 million in capital expenditure and \$693,690 in new services, not only recurrent expenditure, Sir. However, like the Honourable First Elected Member of Executive Council said, in there they can do what they feel is right for the country because the public cannot hear them. However, when they come out here and it is going on the radio they have to play politics, Sir. What I do in there I can do out here. I was defeated as often in Finance Committee as Abraham Lincoln was during his political career. However, I am not ashamed of the motions which I moved, Sir. They are in the Minutes. I was defeated and I will stick to my guns. However, Mr. President, it even gets worse than that, Sir, because one of the areas which the Second Elected Member for George Town suggested that we cut on the capital expenditure was the \$171,000 under Sub-head 40-010. The Second Elected Member for West Bay moved a motion in Finance Committee to delete that and put it off until 1987. In fact, in the final analysis after discussion he voted only, as the Minutes of Finance Committee will show, for the social services van for Cayman Brac. The Second Elected Member for George Town did not support him in there, Sir. He voted for it to remain in the Budget. So, why is he now making these suggestions as an afterthought? Has his committee convinced him last night that he should have made these suggestions? They should have been made in there, Sir.

MR. LINFORD A. PIERSON: I just wonder what the Member would debate if he did not have me speaking before him?

MR. PRESIDENT: Order, order.

MR. D. EZZARD MILLER: Mr. President, I believe that the record will show that I have debated as well as the Second Elected Member for George Town any topic which comes before this House. I do not have to wait for him to speak. I usually do not. Nor do I have to wander round and round in circles to find something to say and contradict myself repeatedly. Mr. President, all of us learn to write in the second grade of school. Most of us go on to better things. Mr. President, unlike some Members of this House, my education will never be complete until I die. I am always willing to learn. However, you know, Sir, it is one of two things. Either the Second Elected Member for George Town rates my ability to learn very highly or he knows very little about economics, because he said yesterday that he could teach me what he knew about economics in 15 minutes on a Saturday morning. I need to learn as much as the Member knows so I will assume that we can equate them, Sir.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, under the Trade and Business Licensing (Amendment) Bill, 1985 I support the increases in the licences. However, I think, Sir, that Government has to tighten protection of people who have been granted business licences. That is, Sir, I feel that they have to make sure that all these little operations under the coconut trees or almond trees, in the back yard, etcetera do in fact have business licences and are not enjoying a privilege which the honest Caymanian is paying a business licence to enjoy.

Now, Mr. President, I support the increased breakdown for business licences under Sub-Part 7 into square footage. I agree to the increasing cost as the square foot increases. I support section 7(b)(1) except, Sir, that I would like to see and if I am granted leave of the Chair I intend to move in Committee Stage, an increase for propane gas from \$5,000 to \$25,000, because, Mr. President, Government of which I am a part - and you know, Mr. President, while we are talking about Government, the responsibility for revenue and I agree here with the Second Elected Member for George Town, should not rest on the shoulders of the Honourable Financial Secretary alone. It rests on all of us 12 Elected Members in this House, the responsibility for revenue and expenditure in this House. We cannot have one without the other.

Now, Mr. President, Government has to make the same preparations in terms of fire control, treatment of people who might get hurt - that is provide hospitalisation for them, for the propane gas distributor as they have to do for Texaco and Esso. In fact, propane may even be worse because it is a poisonous gas. People could inhale it and they would have to be treated for poison at the hospital. So I think that he should pay a little more than \$5,000, because the price on the propane is going to go up and they want to put it up anyway. I believe that the profit margin percentage wise on propane is just as high, or it is likely to be higher than it is on gasoline and diesel.

Mr. President, we were bombarded the last two days with percentages. Percentages are a form of statistics and statistics are like a bikini, Sir. What they reveal is suggested but what they conceal is vital. Percentages can do this, Sir, better than any other form of statistics. You know, Sir, the Second Elected Member for George Town is clapping his hands...

MR. LINEFORD A. PIERSON: I was just clapping because of the Member's supreme eloquence.

MR. D. EZZARD MILLER: Or supreme intelligence, whichever you choose, Sir.

Mr. President, I would like to correct the Member's paraphrasing about lies. He said, "People lie but figures do not lie". However, you know, Sir, I believe it was Charles H. Gorenower who said, "Figures will not lie but liars figure".

Mr. President, another area which I would have liked to have seen amended in the Trade and Business Licensing (Amendment) Bill, 1985, was section 6 of the principal law. However, in the process of the dance of legislation and sounding out the Members, I did not feel that I would get the support. So, I will not table the amendment but, Sir, I would like to bring it to their attention so that maybe in the future it can be amended, because I believe that it will expedite the administration of the issuing of business licences.

MR. D. EZZARD MILLER (CONTINUING): Sir, that section 6(3) of the Law says:-

"All licences granted under this Law shall, unless renewed, expire on the 31st December in each year."

I would have liked to have seen that read, Sir:-

"expire on the last day of the calendar month on which they were issued,"

because, Sir, I believe that it would be easier to administer and the people would get their business licences much more readily when they were applied for from the Protection Board.

Now, Mr. President, the Second Elected Member for George Town suggested that if the suggestions he made this morning were accepted by Government, it would be a miracle. You know, Sir, it would not be any miracle, it would be dangerous and that would be catastrophic to the future generations of this country if we cut back in the areas of health, education, social services, etcetera which he is suggesting that we do.

Mr. President, going back to Finance Committee there were several motions moved in there to reduce expenditure. None of them were moved by that Member. In fact, Sir, the only motion which he seconded quite readily, Sir, because before he even got a chance to speak he put up his hand, was that which was moved by the Second Elected Member for Bodden Town, which I also supported, Sir, but which could in the final analysis lead to increased expenditure, because although the motion which the Second Elected Member for Bodden Town suggested was that we take \$100,000 off the roads vote to improve the road between Bodden Town and George Town, if we have to replace that \$100,000 in that vote then it is going to be an increase in expenditure.

So, why all of this hullabaloo, Sir, about matters which we could do after the fact, to cut expenditure when they were not done in there. You know, Sir, I am not afraid for the people to hear my contribution to the debate, because I believe in the final analysis that truth will always out.

Thank you, Sir.

MR. PRESIDENT:

Does any other Member wish to speak?
The First Elected Member for Bodden

Town.

MR. JAMES M. BODDEN:

Mr. President, I trust that I will be afforded the latitude which has been extended to some of the Members who have spoken on this debate this morning. I will do my very best to intertwine this and prove that the increases in taxation and the large loans which we are making this year, and the increases under the Trade and Business Licensing (Amendment) Bill have to be applicable because of the large increases in spending in certain areas of Government. If this Government which has sworn to curtail expenditure and has sworn many other things had been diligent in performing their sworn oaths to the country, we would not be in a position that we would have to put on this amount of taxation.

Mr. President, before going on to the debate I would like to thank you and your supporters for the vacation which you gave me yesterday afternoon. It was an enjoyable one.

MR. JAMES M. BODDEN (CONTINUING): Mr. President, we live in a Colony under Colonialism. Colonialism is an imposition of the will of an alien stronger force against the freedoms, the likes, the decisions, the hopes and aspirations of a weaker force who by necessity must subjugate themselves to the dictates of the stronger force, and thus against their will bend in subjection, kneeling at the master's feet to catch the crumbs which may fall from the master's table. This in my sense of the word is dictatorial. I would like to draw a reference as some Members have been allowed to do, to the front page of the Caymanian Compass of today's date and a message from the four Elected Members of Executive Council. I take umbrage with many of the statements which they have put into their release. I can only assume that it was from the lack of experience and intelligence that they did so.

The faults of this present Government and the reasons for the onerous legislation which they have been passing, and the onerous methods of taxation, have continually been put at the feet of the Unity Team Government from 1976 to 1984 when there is no justifiable reason that this should be done.

The only real prosperous years economically which the country saw were in the years 1976 to 1984. I am sure that most Members in this House, as well as the people in this country can well remember that. What I am afraid of is, that we are heading back and heading fast to the point we were at in 1973 and 1976, when every ill of the world was blamed on the outside recessions. Between the years 1976 and 1984 this country, along with some other portions of the world went through two major recessions and the people in the Cayman Islands as a whole did not even realise that the recessions existed. It is the only time in the history of this country when we had reserves which we could draw on when they were needed. With some Members of this Government everything they can blame is Cayman Airways and before I get through with my debate, whether on this particular Bill or later on, I will explain and put that to rest, if it can be put to rest, in the minds of some people.

These people have made a statement trying to say that the blame for this taxation should be put on our administration in the Unity Team Government, and that we frittered away the money by spendthrift policies, not least in the running of Cayman Airways, whose financial affairs we have had the difficult task of improving. Mr. President, our Government spent close to \$50 million out of general revenue towards capital expenditure and we put on as the record am show, in a period of eight years, probably about \$6 million in new taxes, with very little of it being levied against our people. Yet, we took over a Government which was broke, bankrupt and had nothing to its name. We took over a Government at that time which Barclays Bank, the bank which handled every account which Government held, would not consider giving Government a \$50,000 overdraft when it was approached. When they took over from us they took over roughly \$11 million in general reserves and they took over a healthy surplus in the Currency Board. They also took over a surplus in the general annual accounts. So, let them put the blame where it should lie, on the head of the four Elected Members of Executive Council who are all considered geniuses. They should not put it on the heads of the people and of Cayman Airways.

One of the prominent Members of Executive Council was the Managing Director of Cayman Airways for four years when it was made into Cayman Airways. He was the man responsible for literally everything in Cayman Airways and my God, I would not want to stand here on my feet and belittle the man. I once looked at him as a better human being than I am. However, the

MR. JAMES M. BODDEN (CONTINUING): management of Cayman Airways was his direct responsibility and if he thinks that he has a memory, I have one too, and I can explain if I am called upon to do so, the many inadequacies in things which happened in those years. However, that is past. Cayman Airways, be it good, bad or indifferent, history will prove whether we were right. I stand on my convictions that without Cayman Airways this country would not have experienced the prosperity that it has in the last eight years. It would not be a recognisable force as it is today if it was not for Cayman Airways. Regardless of what Cayman Airways has cost the country, the money was put there by the Unity Team Government, and we did not tax our people to do it.

So, if any of these Members wish at any time, be it here or any other place, to debate the merits or demerits of Cayman Airways, I am prepared to accept the amount as they throw it down. I can assure the Members of Executive Council, that is the Elected Members, and I can assure their supporters on this side of the House that there is one infection which Jim Bodden does not have and will never have, and that is Laesartitis.

This statement further goes on to say that the airline is run as sensibly and economically as possible, cutting out the extravagance and poor control of the past. This same Member, this First Elected Member for George Town and the Honourable Second Elected Member of Executive Council, for four years up until the Election in 1984, was a Director of Cayman Airways, being appointed from this House as a Director to sit on the Board. If he was such a genius at that time, why did he not help us and contribute to making Cayman Airways worthwhile? His contributions in that time with all his background, were very little. Why is he able to give all that help now to streamline Cayman Airways? The cost cutting policies of Cayman Airways were put in before the Election in 1984, as well as the increase in rates. Those increases in rates are what has helped Cayman Airways to begin to become profitable. The Member and his assistant cannot sit in this House and claim that they were the only ones who have ever done anything for Cayman Airways. They talk about expensive salary rates. During the time that the Member was there we had to bring in expert after expert in finance at CI\$40 an hour and with a house allowance, a food allowance and a car allowance; to help to put the financial figures of Cayman Airways together. We also imported the friends from Costa Rica who were in high positions in the airline, in preparing the financial affairs. Yet, they tell us that they have cured all ills in one year, when those ills existed for years with them knowing about them, and with one of the largest accounting firms in this country being responsible for it, Price, Waterhouse and Company. So, how can these people continue to try to delude the country? Why do they not admit that they are incapable of governing?

MR. PRESIDENT: I had been hoping that the Member would start to relate this to the Bill which is under debate. I know that I have allowed Members some freedom but they have always managed to come back to the Bill. I hope that the Member will start to do so.

MR. JAMES M. BODDEN: Mr. President, I intend to come back to the Bill. I only asked of you the same latitude which you allowed other Members, to speak of this statement in the newspaper today.

MR. JAMES M. BODDEN (CONTINUING): Mr. President, I have been continually relating to you and to the House why that was relevant, because they have said that the tax measures which are incorporated in this and other Bills have to be put in because of the amount of money which Cayman Airways has lost. It is irrelevant.

Mr. President, anything which happens in regard to the debate on this Bill as well as the other tax measures which are coming up is very relevant because it is their necessity and their need to have these Bills passed to provide the money for them to do the things which they have budgeted. If they had not budgeted such large increases in certain areas of the Budget, it would not be necessary for us to have to stand here and debate these issues and to vote them into law to tax our people.

However, Mr. President, we have entered an era of experts and consultants which is creating an era of indecision and stagnation. I heard a little story on the marl road, as some people refer to it, a few days ago that there has been a recent dilemma at the Government Administration Building, when it was discovered that the supply of toilet paper which had been purchased during the Unity Team administration was about used up. Now, I cannot attest to the accuracy of this marl road story. However, many people in the House have told marl road stories, so I hope that I will be allowed to tell this one. On hearing of this the genius of all geniuses immediately ordered to discontinue the use of the bathrooms until an expert from the United Kingdom could be brought in to advise on the colour and brand of toilet paper to use. An expert was despatched from the United Kingdom with about 20 cases of equipment. A flatbed truck was sent to the airport to meet him and a committee was formed to brief the expert and to make recommendations. Many days were spent on studies, discussions and research. Finally, the expert said that there really was no problem. The Unity Team paper had done a good service and they should continue to use it. The genius of geniuses scratched his head and pulled the few fibres which were left and said, "We cannot accept this advice. We must have another expert. We swore to the people that we would change everything which the Unity Team had accomplished". In the midst of the uproar a strange voice was heard coming from the direction of the Governor's bathroom and the voice said, "Unity is a great thing. Have no fear we are all united down here".

MR. W. McKEEVA BUSH:

What a lousy joke.

MR. JAMES M. BODDEN: Well, I recommend the experts. It is not as good as some of the Member's I will admit. (PAUSE). I have so many papers here. In this Bill, Mr. President, the smallest increase that we can find would be about 100 per cent. Now, some of these people will tell us that when it comes to putting taxes on the people, 100 per cent is not much money. Yet, they will tell us that 100 per cent is a lot of money in every other sense of the word. However, they have not stuck with the 100 per cent. They have not even stuck to the 200 per cent, but they have gone their usual way. They have gone to 433 per cent, 318.67 per cent, 4,900 per cent, 400 per cent, 566.67 per cent, 3,233.33 per cent, 400 per cent and so on and so on.

Mr. President, these tax measures are too high. Other areas could have been found to present, if they wanted to, a balanced Budget to the country. These measures are unacceptable to the majority of people in the Cayman Islands.

MR. JAMES M. BODDEN (CONTINUING): For two years, or going into two years now, we have continually had new tax measures presented to this House. With every tax measure we are not asking for a 50 per cent increase or a 25 per cent increase, or even 100 per cent increase, but usually an average of 500 per cent increases. This cannot be tolerated regardless of what story or what song and dance we get to support it. Our country cannot survive three more years of misguided and misdirected leadership. If we do have to survive those three years we will be arm in arm with Haiti and Jamaica. Maybe that is where the Government wants to take us.

The people of this country, Mr. President, have lost complete faith in the present Elected Government of this country. The people have been deceived and they have been misled. The people have been told many things which have not come to pass. We were accused of spending too much. Well, I can prove to this House as I will later in my submission that the increases which are being asked for this year in expenditure which relate to this, because if they do not get this they cannot pay that, I do not think ever took place in the history of this country, not just alone our administration.

We have increases as we break the Portfolio spending down, sometimes in thousands of per cent. Yet, the people were told that they would balance the Budget. They were told that the country was broke. Well, that lie has been proved otherwise, because they have used the money which we built up to try to balance their Budget and to try to present a financial picture to the country. However, thank God there is not much of that left. They will soon have to start putting some back on their own.

They accused us of neglecting social services. The only contribution of any importance which this Elected Executive Council has made to social services since they have been in office, has been the political payment to the Laurences of the position of naming the Frances Bodden Girls Home, an institution which the people of this country took their savings and contributed to for the welfare of the country and then asked Government to step in and operate it. The public trust was broken in that respect. I am saying this at this time. Later in my submission I will prove what I am saying in regard to the expenditure for social services. This is an important point as if we were going to use this money towards increasing the expenditure in social services, then maybe I would be wholeheartedly behind it. However, there have been no increases in those areas and I hope that you will give me the latitude to point that out to the House, because it is very important in regard to this Bill. The Government would have no deficit budgeting. We have not had anything but that for two years and we are going to have it continually in the future. They must curtail their expenditure. They are talking about other Governments not curtailing their expenditure. Mr. President, in my submission I will prove that many of their expenditures have been going up in respective areas. There are very few which are as low as 25 per cent. Most of them will be 250, 450 or 2,000 per cent.

That is what they should be curtailing. If a Department could be run in 1984 for, say, so much money, even taking into consideration the additional cost of living which would be added on, we should not be looking at an expenditure which increases 250 to 400 per cent in some areas in the period of two years. This is either mismanagement or something else is wrong. It is either that or we are getting Members of the Legislative Assembly with contracts all over the place doing things.

MR. JAMES M. BODDEN (CONTINUING): They would bring prosperity and honour back to the country. I do not know where the honour is, but God knows we do not see the prosperity and I am afraid that the two have gone hand in hand sliding down that abysmal pit of darkness.

Our social problems are mounting. Unemployment is mounting. We have Government for a select few with nepotism. Then they ask us to come in here and vote these terrible increases in taxation, which must be passed down to every human being who lives in the Cayman Islands. Then they have the nerve to tell us that 100 per cent increase is nothing.

They have made an abysmal mistake in the last two years. Local revenue in the last two years has increased annually only 2.3 per cent compared to about 47 per cent during the years of the Unity Team Government between 1976 and 1984. That is what they must increase to get this country moving. They must give this country direction. They must give it leadership, that is decisive leadership and not consultants' and experts' leadership, but leadership from a Caymanian. We do not want leadership from Haitians, Cubans or Jamaicans. We want it from Caymanians.

MR. PRESIDENT: I am told that the tape is just about to run out. If you would like to pause for a couple of minutes we will get it changed.

MR. JAMES M. BODDEN: That is good, Sir. That will give me some time to....

THE HOUSE SUSPENDED TO ENABLE THE TAPE TO BE CHANGED

MR. PRESIDENT: The tape is now back on. Would the Member like to continue.

MR. JAMES M. BODDEN: When the tape expired I was trying to explain that what is needed in this country at the present time is something to spur the economy along to where we can increase our revenue as we did in the eight years of 1976 to 1984, rather than continue to put taxes on the people and continue to borrow. I will point out later in my submission that in just two years, the year 1985 and the coming year of 1986, this Elected Government will have borrowed nearly the amount of money which has been borrowed and was outstanding as loans over a period of many years up to 1984, which was an accumulation in many cases of loans which were made 20 years ago, which amounted to the aggregate which was owing. Yet in two years they will have borrowed nearly the same amount which has been done over a period of 20 years. This is ridiculous spending. It is ridiculous funding and the country cannot support this any longer.

In the coming year of 1986 revenue measures such as this one which we are debating will account for 2.3 per cent of the total local revenue which is expected. That is a big increase. The biggest year of our administration between 1976 and 1984 in new taxes was 1984 when we brought on 2.4 per cent of general revenue into new taxation. What was taxation in areas which did not affect the man on the street. We continually took taxes off, something which we will never live as long as Methuselah to see happen if this Administration could live and survive that long.

MR. JAMES M. BODDEN (CONTINUING): I am against this type of taxation. I am against it 100 per cent and I will vote at the end that way. It is not going to mean anything because we all know that the majority shall rule.

In 1985 the Government presented a Budget to us which showed a surplus of \$15,410, a Budget which at that time was supposed to have been the Unity Team Budget. I predicted when I debated the 1985 Budget that we would have an \$8 million to \$10 million deficit for the year 1985. We would have had at least an \$8 million deficit if we had spent according to what was projected into the Budget. However, Budget spending was curtailed. The money from the Reserves were used and we wound up on paper presented to us with a deficit of about \$2.5 million which I am sure by the time it is audited and the total expenditures for the year have been taken into account and the total income has been taken into account, I am 100 per cent sure that we will show an audited deficit for 1985 of at least \$4 million. This was the Budget which was supposed to be balanced and was supposed to be presented by geniuses and was supposed to be handled by experts.

Mr. President, that is not the bad part of it. The Budget which we have had presented to us this year will mean a deficit at the end of 1986 of at least \$6 million. I will attempt to prove that through this Bill right here with these increases, because these increases cannot take care of that deficit and they cannot increase this any more. There are only a few areas left where the people in the Cayman Islands can be taxed. That is in property tax and income tax. I am asking the Members of this Executive Council to say which one is it going to be and how quick is it going to be?

HON. BENSON O. FRANKS: That depends on how quickly you get back in power.

MR. JAMES M. BODDEN: Well, I will tell you one thing. There will not be anything left for us to tax after you get through with it. We will not even have a country.

MR. PRESIDENT: Order, order. Members must address the Chair.

MR. JAMES M. BODDEN: I do not mind jabbing back at him, Sir. I can handle myself.

In the year of 1986, we are looking at capital expenditures of \$4,525,862 from local revenue. That is a far cry from what was done in 1984 when we were able to spend \$11,714,092 from general revenue into capital expenditure. However with this the terrible fact is, Mr. President, that even with these 4,900 per cent increases they are still not going to be able to make that expenditure on capital.

Their loans will in 1986 be increased 100 per cent over what was done in 1984, yet all we have heard is about the foolishness of buying the Tower Building. It has been proved to this House what a good buy that was. It is a good thing we have it because the same Member who continually derides it has 90 per cent of his Portfolio housed in it. So, if we had not bought it he would have had to have them out in the bushes or around the ganja patches and then they would not be able to work, because they would be smelling too much of the ganja weed. So, it is a good thing that the Tower Building was bought. It is a good thing that the

MR. JAMES M. BODDEN (CONTINUING): airport terminal building was built. That is included in the loan figure which I gave for 1984. We can show something for the loans which we did make. There is very little which can be shown out of this Budget for what they project for the loan fees as well as the money they are raising from additional taxes.

It is hard for the local Caymanian to realise the complexity of some of the things which we debate in here, particularly when we have to debate under such onerous circumstances as happens from time to time. However, just for the years 1985 and 1986 this present Administration will have borrowed \$10,643,713. They will have increased the national debt by that amount. Yet, they charge us with being irresponsible with the size of the national debt which we left which accumulated over a period of 20 years. The loans from the creation of time in the Cayman Islands to the end of 1984, including the airport building and the Tower Building amounted to \$15,269,106.97 inclusive of \$3,581,322.35 which are loans recoverable such as student loans, Agricultural and Industrial Aid Development Board loans and so forth. These left the standing debt after the accumulation of the many hundreds of years of history of the Cayman Islands at \$11,687,784.59. Yet, in two years they will borrow nearly that amount and will borrow \$10,643,713, thus doubling the national debt and not having one thing to show for it.

The local costs of Government have increased overall about 25 per cent in two years, or by about \$10 million. This cannot match that. These are new revenue measures of about \$5.5 million. So where are we going to find the additional money? What other new form of taxation are we going to have in the year 1986? We must remember, Mr. President, that this country recently enacted legislation which, in my opinion, should never have been enacted, legislation which increases taxation without even the Elected Representatives of this country knowing anything about it, or being able to debate it. Yet, the Financial Secretary can on the strength of that legislation get up in this House, read a piece of paper and tell us that our taxes have been increased 100 per cent. It immediately goes into Law. Then he can bring the paper at a later Sitting to verify it and then we have a chance to debate it. What chance will we ever have of getting a tax measure like that taken off our people in the future? We will never be able to do it. So, we have taxation without representation. That is very, very destructive to our country.

We have a growing bureaucracy which is headed by geniuses and experts. We have a budget of nearly \$70 million with loans this year of \$8,454,000, taxes of \$5,505,907 which means that taxes, or loans and taxes with tax measures like this one being enacted account for roughly 20 per cent of the total Government Budget for the year. Now, when we are starting to inflict that load on the shoulders of our people it is time for us to get up in this House and even if we have to get ruled out of order or whatever it is, state our views and position. It is time that we take it to the people. It is time that we go on every street corner and explain to people and make ourselves available about what is happening to our country today. We cannot allow the tide to drift us any further. If we do, we will have no place to go. Cuba will not accept us. Our dollar would be on a par with the Jamaican dollar at that time so they would not want us either. So, what are we going to do?

HON. BENSON O. EBANKS: I hear that Texas has a good climate.

MR. JAMES M. BODDEN: The Member should know too. He has had many of his relatives live there and enjoy it, and make their livelihood there. You know something, the Member and some of his brains are very quick to make insulting remarks. They are not affecting me in any respect at all. I have a lot of friends in Texas. I lived in Texas and I may go back to Texas to live. However, I will say one thing. If it had not been for the money from Texas and California and the United States as a whole, we would all be in here with bare feet because we would not have one thing to live off.

HON. BENSON O. EBANKS: Yes, but the Member did not bring much back.

MR. JAMES M. BODDEN: I may not have brought much back....

MR. PRESIDENT: Order, order.

MR. JAMES M. BODDEN: ...but I will say one thing. The Member is full of... He is nothing but an insult. He continually gets up and makes these insults. The Chair will not bring him to order on it. I will say one thing. The House is not going to survive much longer this way. I might not have brought much back from Texas but I do not think that the Member brought back much from anywhere he went to either.

Mr. President, I have to ask you in all the sincerity in my heart, before I get into a lot of trouble in this House; how is it that with the four Members sitting here, the least thing we say which might be considered out of order, we are immediately told to sit down or to get out of the Chamber or something else, and yet we must stand here and take insult after insult after insult, in every degrading way in which they can be put to us by some Members in this House and you say nothing? Now, you you might rule me out of order again....

MR. PRESIDENT: No, I am not ruling you out of order. I am reminding you that I called the Honourable First Elected Member of Executive Council to order a moment ago, just as I called you to order. My remarks were addressed to you jointly. He started it. He interrupted, which he should not have done. However, you responded. You were both talking to one another instead of addressing the Chair.

MR. JAMES M. BODDEN: Well, that is the only way we can handle it.

MR. LINFORD A. PIERSON: Mr. President, it is true that that Member is always making nasty, insulting remarks to Members of this House.

MR. D. EZZARD MILLER: On a point of order, Sir, when the Chair is being addressed, the Member should stand.

MR. PRESIDENT: I deplore the tendency of any Members to make insulting remarks about one another and I hope that all Members will refrain from doing so.

MR. JAMES M. BODDEN: Be that as it may, Mr. President, the Member is still looking at his deficit for 1986 of \$5 million. He should please tell us what other taxes he is going to put in to cover that with?

I notice, Mr. President, that from customs duty this year we expect to get \$2 million more than we got last year. Is that the area where we will have a Law coming from in the next Meeting of the House, saying that we are putting back all the duty on foodstuffs or we are increasing the existing duties which are there now by another 400 per cent? Is that where we are expecting to get that money from?

MR. PRESIDENT: If the Member has reached a pause, I think that perhaps it may be convenient if we suspend for lunch now. I will suspend proceedings until approximately 2.15 p.m.

AT 12.57 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.25 P.M.

MR. PRESIDENT: Please be seated.
Resumption of the Second Reading
Debate on the Trade and Business Licensing (Amendment) Bill, 1985.
The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I wonder if we could wait another 20 minutes until my three good friends from the Elected Executive Council get here, so they can hear what I have to say?

HON. THOMAS C. JEFFERSON: We have a quorum, Sir.

MR. PRESIDENT: We have a quorum. I dare say that they are listening somewhere in the building.

HON. MICHAEL J. BRADLEY: If there is a vote they are within earshot.

MR. JAMES M. BODDEN: Well, we could easily ask for a vote now.

Mr. President, in debating this onerous tax measure, which is only one of many which are being put on our people this year, I would like to state that there is only one good point in the entire 1986 proposed Budget. That is in Sub-Head 67-002, where we find that the cemetery fees are being decreased, or what they expect to get from cemetery fees in 1986 is being decreased by 25 per cent. Evidently, they have good news for the country because they have found that the mortality tables will be increased. Longevity is being offered to our people in view of heavy taxation and they have found the balm to everlasting life. So, I am happy for that one good item.

MR. JAMES M. BODDEN (CONTINUING): However, Mr. President, we get a lot of dissension and we hear people saying that we are debating foolishly, which I know we are because we cannot win, but this is our inherent right. We are elected to represent our people, and represent them we will. Do not tell me that it is irrelevant. My roots are in this country. I am the accumulation of many of the old founding families of these Islands. I can go through these Islands from District to District and point out the cemeteries and show the gravestones of my ancestors. I will agree that due to poverty over the ages there are many of them who do not have gravestones. However, their bones lie there. My bones will lie there one day and I have a justified right to speak my mind as I see fit on these measures which are being presented to the House today, as well as on anything else which I consider affects my people.

If we look back into history 300 years ago in the Cayman Islands, we will find that our ancestors fled Europe for the same reasons which we are faced with today. They did not agree and they objected or we would still be enjoying the European winters if they had not seen otherwise. They had backbones of steel and they decided to come to a country like this where they would be hewers of wood and drawers of water, rather than to live in a country in subjection. Mr. President, I have that same steel and I will not agree to subjecting myself to something which I do not believe in. I hate oppression. Oppression I will not stoop to and I am here to defend the rights of the people of my country, and I will do so as long as one drop of Bodden and Eden blood runs in my body. So, it is no use anyone thinking that they are going to shut me up easily because I do not shut up easily.

These trade and business licensing fees are ridiculous and I will point out the reason why they are ridiculous. They are being brought about in order to keep our Government on a spending spree: in order to allow them to sink the country into the depths of nepotism. As I relate the expenditure department and tie it in with these new tax measures, the people of this country will easily see that these people who promised to bring us this Utopia are only bringing us darkness and destruction. Every penny which is collected here has to go over here, plus the loans which are being made in order to let this Government continue in the manner in which it has been going for the last two years.

If we look at Sub-Head 01, we find that personal staff emoluments are increasing 20 per cent in 1986. This is a big expansion to the Civil Service bureaucracy. They were supposed to be decreasing this. Instead we are finding that more and more people are being put into the Civil Service. More and more experts and consultants are being employed. More and more condominiums and expensive homes are being needed to keep these people in. More and more cars are being supplied at expensive rates to them. This is why our local people are being taxed in this manner.

If we look at Sub-Head 03, we find that supplies and materials in two years have more than doubled. Sub-Head 07, Operating and Maintenance Service have increased by way over \$1 million, or 32 per cent in two years. This cannot continue with them then coming back to the House and telling us to increase the trade and business licences. We are going to need to increase them again by the end of this year. We are going to have to increase every other tax measure we have in order to support the extravagance of this present Government.

MR. JAMES M. BODDEN (CONTINUING): Sub-Head 08, Grants and Subscriptions.

In two years we see 150 per cent increase in expenditure. Sub-Head 06, Personnel and Office Services increases by 20 per cent. Sub-Head 10 has a \$3 million increase in two years in Finance and Development. Sub-Head 11, Customs Department has a 50 per cent increase in two years. That is why we had to raise the baker's licence fee from \$100 to \$200. If we did not raise that additional \$100 they could not continue with this extravagant spending spree which they are on.

If we look at Head 1 which, Mr. President, is your Portfolio, we find that salary costs have increased by 75 per cent in two years. Head 2, Internal and External Affairs, personal emoluments have increased by 75 per cent in two years. Basic salary costs have increased 150 per cent and operating expenses have increased 60 per cent. This is why we have to put an additional 100 per cent raise in tax on the barber's licence. We do not have that many barbers. We would have to licence everybody in the Cayman Islands as a barber and we still would not be able to meet the increased expenditure in Head 2.

Head 4, Immigration Department. We find that maintenance services have increased by 150 per cent in two years. Basic salary costs have increased by about 30 per cent and overtime payments by about 50 per cent. Allowance payments are increased by 150 per cent. Now, in order to support that and for us to be able to pay that, we have to increase the building and engineering trade licences by 200 per cent from \$100 to \$300. Again, if we were to licence everybody in the Cayman Islands under that category, we still would not be getting enough money to pay this increased expenditure. Yet, these people come to the House and tell us to pay no attention to it. They are small increases. They laugh them aside, pass it and say, "We know what we are doing". Well, regardless of what their experts and their consultants have told them, they are heading in the wrong direction and this country cannot support it any longer.

Head 6, Personnel and Office Services has seen an increase in two years of 75 per cent. Housing expenses have gone up by about 47 per cent. Recruitment costs have gone up by over 200 per cent. Costs of Britain - yes, Sir, that is right, you can check that book - have gone up about 15 per cent. Janitorial services have gone up 150 per cent. Now, in order to support that we again have to increase the licence fee on the hairdresser from \$100 to \$200 or 100 per cent increase, and we would have to licence every lady in the Cayman Islands as a hairdresser in order for my colleagues over there to enjoy the fruits of spending the country's money. This is where the ridiculousness of this tax measure must be considered. This is where the ridiculousness of this Budget which has been presented to our people must be considered. This is not the people's Budget. This is a Budget of people who are misled, of people who are following a path with their eyes blinded.

Head 7, Police. Basic salary increases in two years are about 33.33 per cent. Leave passages have increased 200 per cent. Wages have increased 250 per cent. Housing has increased 66.66 per cent. Other passages are up 100 per cent. Subsistence is up 1,000 per cent. Radio maintenance has increased by 55 per cent and vehicle maintenance by about 20 per cent. Now, my God, I ask the people of this country is this considered correct? Is this good management? I will assure you that these figures are correct. They are taken in comparison to the 1984 Budget.

MR. JAMES M. BODDEN (CONTINUING): I hope that the people of this country will readily understand the large increases which are contemplated in these tax measures, particularly the one which I hold in my right hand. However, that is not the end of the story for our people. If this continues, Mr. President, we will not only have a bankrupt Government, we will have a bankrupt society, because no one will be able to afford to live here any more.

If we take Head 8, the Prison Service, we find an increase in basic salary costs of about 35 per cent. We will find that housing has gone up by 80 per cent. We will find that uniforms for the year 1986 over the year 1985, will show an increase in cost of 233.33 per cent. Water has gone up 50 per cent. These are the areas which the Elected Members of Executive Council who are responsible for the Portfolios should be riding herd on and checking. They should not be blinded in worrying particularly about Cayman Airways. These are the figures for them to deal with day by day. They should ride them, put their feet in the stirrups and control these expenditures, not come to the House here and ask us to vote for them *carte blanche*. We are not prepared to do so. We know that we are swamped when it comes to the vote but our voices will be heard, if they have to be heard on every street corner in the Cayman Islands. It is true that there are only four of us here who are in opposition. There are only four of us who are prepared to tell the truth to the country about what is going on. However, believe me, my other three colleagues can speak as loudly as I can so the Government is not going to get away with it.

Head 9, District Administration, supplies have gone up by 45 per cent. Basic salary costs have gone up 30 per cent. Dietary food supplies have gone up 2,000 per cent. Drugs have gone up 220 per cent. Now, in order to subsidize that, we will need to have every male person - pardon, I take that back, I thought I was looking at a painter here but this is a printer - we will have to licence half of the population of the Cayman Islands as printers. We are deriving a 200 per cent increase in the licence fee by raising it from \$100 to \$300. These people are not going to stand for this and stand for it continually. We put tax measures on the people last year. That is the first thing the new Government did. That was the Unity Team Budget. This is the people's Budget. The people say that this is not their Budget. The Government did it. They should face up to it. This is not the Financial Secretary's Budget. It is not the people's Budget. It is not our Budget. It is the four Elected Members of Executive Council who are responsible for this.

Head 10, Finance and Development. Personal emoluments have gone up 65 per cent, travelling by 80 per cent. I am talking about big figures here. This is not 60 per cent on one dollar or ten dollars. We are talking about hundreds of thousands of dollars and sometimes into the millions. Supplies have gone up 120 per cent. Operating and maintenance costs have gone up over 200 per cent. Purchases and services have gone up 2,500 per cent. Grants, etcetera have gone up 700 per cent. Basic salary costs have gone up 40 per cent. OSAS experts have gone up 100 per cent. Subsistence costs, which means what we are paying out to keep the experts, have gone up 320 per cent. Electricity costs have gone up by 45 per cent. Maintenance of the computer has gone up over 100 per cent. Visits and entertainments have gone up about 110 per cent. Again some experts from UNDP, this cost has risen by 450 per cent. Miscellaneous expenditure has gone up 37,000 per cent.

MR. JAMES M. BODDEN (CONTINUING): "Now, Mr. President, in order to do that we will have to find 20,000 Cardinal DaCostas, because the next item on this increase is a launderer. That is increased 100 per cent from \$100 to \$200. We cannot find that many people to licence as launderers in order to enable the Government to spend this amount of money in this particular Portfolio.

One Member of this House was quick to jump on one of my colleagues this morning when he was talking about the computer expenditure. I have been in this House for several years now and we continually spend huge amounts of money for computers. It is only, I think, this year that we really can say that we have got much service out of them. We continually buy computers. I remember when the Honourable Fourth Elected Member of Executive Council was the Financial Secretary, the many times that we had increases in the cost in buying new equipment, equipment which we probably should not have bought, but some expert said that it was a good buy, and naturally we bought it. We believe the experts.

Head 11. I would not take too much exception to this because this is where we get our main revenue. However, even so, I must point out to the House that the personal emoluments in the Customs Department have gone up 40 per cent in two years. Travelling costs have gone up 400 per cent. Maintenance services have gone up 150 per cent. Purchases and services have gone up 100 per cent. Equipment costs have increased 500 per cent. Basic salary costs have gone up by 115 per cent and wages by 22 per cent. Attendance at conferences has gone up 700 per cent. We are talking about a lot of money. We are borrowing a huge amount of money this year. We are putting on in these tax measures, including the Trade and Business Licensing (Amendment) Bill, 1985 about \$5.5 million in new taxes. These are the areas where they are going. This is allowing the Elected Government of this country to go on a spending spree to increase expenditure by their normal 300 to 400 per cent just like they increased taxation. I am asking this House and I am asking my people of the Cayman Islands how long can we bear that burden? You know, this burden is a lot like the Rotary motto where the man has a boy on his shoulder going down the road and he meets a friend. The friend says something to him and he replies, "He is not heavy. He is my brother". That is a good motto for us all and a very good motto for Rotary. However, the people of these Islands - it is not a good motto for them, because this load is getting heavy. We cannot use in reverse the Rotary motto when we come to this type of taxation..

Head 12, Judicial Department. The travel costs have gone up 150 per cent. The basic salary costs have gone up 60 per cent, official travel costs by 150 per cent. Now, for that we will have to use some of the money from the retailers. We will have to raise the money by licensing probably another 500 people as retailers where we increase their fee from \$50 to \$100, or 100 per cent increase again. It will take that much in order to defray the additional cost here.

Head 13, the Legal Department. In two years we find that personal emolument costs have increased 50 per cent. Supplies have increased 600 per cent, equipment 120 per cent, maintenance service 1,800 per cent, basic salaries 100 per cent. Now, we will have to apply the retailer here. I see that we are raising that fee from \$150 to \$300, or 100 per cent again. However, for the money which I have mentioned here in Head 13, we will have to licence probably 1,000 people in the Cayman Islands under this retailer section, in order to defray that expenditure.

MR. JAMES M. BODDEN (CONTINUING): Now, where are we going to find all these people to licence? So there has to be another tax measure coming to this House. That is why I am debating this one so strongly because I am afraid of what the next measures are going to be.

Head 14, the Portfolio of Health Education and Social Services. Personal emoluments have increased 33.33 per cent. Supplies have increased 1,800 per cent. Basic salary costs have increased 50 per cent, subsistence 100 per cent and travel over 100 per cent. Mr. President, for that Portfolio we will have to use the other section covering the retailer, where he has a 2,000 square foot retailing area to carry on his business and we are raising the licence fee from \$300 to \$1,250, or an increase of 316.67 per cent. We will have to try to find approximately 1,000 people in the Cayman Islands to licence under this category in order to defray these expenses. Is this not becoming ridiculous?

Head 15, Education. I agree and have always agreed that education is of paramount importance to our country. We should do everything within our means to see that our youngsters are educated and educated broadly. I do not mean specifically that they should all attend colleges or universities. There are other areas which we must train them for because not everyone can be a genius. However, in the Education Department personal emoluments have increased 10 per cent. Subsistence has increased over 100 per cent. Supplies have increased about 70 per cent. Utility costs have increased 1,500 per cent. Maintenance costs have increased 33.33 per cent. Purchases and services have increased 1,000 per cent. Basic salaries have increased 10 per cent, wages 66.66 per cent, car allowances 80 per cent, conferences about 275 per cent and subsistence about 80 per cent. Now, let me see if I can find anything in this new tax measure which can cover that. I notice in this tax measure that the licence for a service station, garage or marina is being raised from \$100 to \$250 or 150 per cent increase. Mr. President, to cover the increased expenditure under Head 15 we must go out at this time and try to find at least 500 gas stations to licence in order to get the money to cover this additional expenditure. Where are we going to get it from? The crux of this matter is that the Government have accepted what was given to them by their Civil Service staff and they did not research it. They did not ride hard on it. These are the areas which we should be cutting and not putting in these added tax measures for. All we need to do is to curtail the expenditures which the Government promised the country that they would curtail and they would control. Where have those promises gone to? They were empty promises, waffling under ether.

The ridiculous thing about it again is that this Government wasted into power on the good things they would do such as Social Services, school counselling and so forth. Yet, we find that since 1980 there has been no increase in school counselling, something which is so important to our youngsters. Our youngsters need counselling and guidance which can be provided by professional staff. Our enrolment at the schools is increasing tremendously. There are social problems mounting. Yet, we have not increased the expenditure for school counselling and we have only increased in two years the cost to defray scholarships for our local people by about \$20,000, or roughly 2 per cent increase in two years. That is not good enough. If we are going to put these tax measures in; if we are going on a spending spree we should go on it in the areas which will benefit and help our young people.

MR. JAMES M. BODDEN (CONTINUING): Now, in order to defray that one, Mr. President, I see shoe repairers here with an increase from \$25 to \$50, or 100 per cent. Well, that is something to do because we must wave at this point a magic wand. If we are going to licence enough people to defray these added expenditures, we will have to go to Cuba and borrow 20,000 people, put them with our 20,000 people and licence them all as shoe repairers. Maybe we can do that. Maybe that is what is planned. I do not know.

Head 16, Personal Health Services.

The maintenance costs for that Department have doubled in two years. Equipment costs have increased in two years by 350 per cent. Basic salary costs have increased by about 15 per cent, mileage costs by 250 per cent, maintenance at the hospital by 180 per cent. Now, are we led to believe that the hospital was in such bad shape in regard to maintenance in 1984, that two years later in 1986 the cost of maintenance must increase by 180 per cent. Well, this morning the Honourable First Elected Member of Executive Council made reference to his friend the supercargo who did not object to his licence being raised from \$100 to \$300 a year, or a 200 per cent increase. Maybe he is not objecting but let me explain to this House that to cover the added expenditure under Head 16 which I have just mentioned, we must licence 10,000 Caymanians as supercargoes in order to cover it. Where are we going to find the people in that position?

I once more say to this House that what must be done is that these people must be brought to task by the public and they must curtail these expenditures and come back to this House, kneel on their knees and say that they made a mistake, and they should be given forgiveness and be allowed to decrease these taxation measures upon the people's shoulders.

Head 17, the Department of Social Services. Personal emoluments have increased in two years by 25 per cent. Travel costs have doubled. Basic salary costs have increased 80 per cent and the miscellaneous expenditure in that Department has gone up in two years by 800 per cent. Now, to cover that we will have to deal with my friend the tailor. We are increasing his fee 100 per cent, very little, from \$25 to \$50. However, how many tailors do we have in the Cayman Islands to be licensed? We will need to licence at least 1,000 of them as tailors in order to defray the added expenditure here. One item, Mr. President, under Head 17 which I cannot fail but speak on at this point is again back to my social conscious friends who sit in the Elected Executive Council, the people who were going to cure every ill this country ever had. They said that all of the social problems and every other problem which had ever been encountered by the country would be solved. They would build playing fields. They would build museums and day care centres. We only had to call them any hour of the night or day and they would pick our babies up in their arms and walk through town with it and carry it to the hospital and nurse it themselves. However, I find in Head 17 that there is not one penny additional to be spent on poor relief in this country in the year 1986 than what was voted in the year 1984.

I remember when my colleague the Second Elected Member for Bodden Town and myself first came into this House in 1972, one of the first items which we ever tried to argue on behalf of the people of this country was the poor relief expenditure. The Member who now sits in Executive Council as the Honourable First Elected Member was at that time also an Elected Member in Executive Council and responsible for this Department. If I remember correctly, the amount which was voted in the year 1972 to cover poor relief was \$1,500. I speak on that subject to correction. It could have been \$750, I do

MR. JAMES M. BODDEN (CONTINUING): not remember one figure or the other. After a day of debate and after bringing in the lady who was responsible for that Department and trying to find out how she could work miracles with this small amount of money, she revealed to us that she had not even spent it because she did not know how to spend it, because if she spent out on one person, another one would come and she would have nothing left to spend on them. Well, after a very prolonged debate and much argument we were able to get that increased, I think, to \$3,000.

In the years 1976 to 1984 the records will show that there were substantial increases every year of the Unity Team administration. Yet, these sanctimonious people who promised so much for our people have not seen fit to increase this amount by even 10 cents in two years.

I deal at this point, Mr. President, with Head 18, Development and Natural Resources, the Portfolio which was the body of the Cayman Islands Government. In this Portfolio we deal with nothing but geniuses and experts, yet we find that personal emoluments in two years have increased by 175 per cent, supplies by 2,000 per cent, basic salary costs by 200 per cent, mileage costs by 500 per cent and travel costs by 100 per cent. I am looking at an expenditure in that Department in excess probably of \$600,000 from what it was two years ago. Now, I ask you, Mr. President, and I ask my colleagues in this House, and I ask the people who put this Budget together, the people on the street as they say when they say it is the people's Budget, how in the world are we going to defray that by increasing the licence fee under this Bill of the undertaker from \$100 to \$200? I agree that it is 100 per cent increase which is a low increase for these people. However, how many undertakers in the Cayman Islands do we have to licence? In order to support my friend in his expenditures we would have to licence at least 6,000 people in the Cayman Islands as undertakers in order for us to allow him to go on his spending spree and his moments of aggrandisement.

Yet, on the other good side he has pointed out to us that he has found an answer to the mortality tables and we can expect in 1986 not many deaths. Thank God there is one good thing to look forward to.

Head 20, Lands and Survey. Maintenance services have gone up by about 95 per cent. Head 21, Mosquito Research and Control Unit. The travel costs have gone up 75 per cent and maintenance services 80 per cent. Well, I got ahead of myself on this one but I will use the propane gas storage for this one. We are increasing the cost for this licence from \$1,000 to \$5,000 or a 400 per cent increase. Now, it would take us licensing about 100 of those facilities in order to cover the added cost of expenditure here. Where are we going to find that many Captain Theo's propane storage tanks? How many of those can we have on the Islands? The thing which we must remember when we debate these measures here is that we are debating the direct means of taxation on our people. However, we must look at the other added effect of the cost of living which is affected through these tax increases.

Head 22, Planning Department. We have an added expenditure there in supplies of 300 per cent and we have travel costs being increased by 150 per cent. Again, I cannot find anything much to put that in so I will have to put that in under the propane gas storage licences.

MR. JAMES M. BODDEN (CONTINUING): The Portfolio of Tourism Aviation and Trade, Head 25. I am somewhat sympathetic to my friend who now administers that Portfolio because, as was said in the Budget, we have a lean Budget and he has a lean Portfolio. That Portfolio which is so vital to the country has only, I think, two increases in the spending section of the Portfolio and I will deal with them as I go along. That Portfolio which provides most of the direct money and indirect money for the country has been cut and cut and cut and cut, and sacrificed to the Honourable Fourth Elected Member of Executive Council to administer. What was formerly done by one person is now split up amongst about four or five to do. They say that I did not have any brains and I was incompetent. Well, it is funny that it took four or five people to do the job I did. The only appreciable increase which occurs in the administration of that Portfolio is subsistence which has gone up by 350 per cent, so I will lump him in somewhere with the undertakers. Maybe we can find enough money from the business and trade licences to give him that increase.

The Portfolio of Tourism Aviation and Trade is literally the lifeblood for this country. If we do not have a booming tourism we have nothing. Let me remind the House again, we can increase figures tremendously on cruise ship arrivals and I agree with it. I put the programme in motion. However, we should remember one thing. The average expenditure by a tourist from a cruise ship is only about US\$22. So we are not putting a lot of money into our local economy when we increase the figures on the cruise ships. If we are going to increase the figures from tourism and the money derived from tourism, we must increase air arrivals. We must not only increase air arrivals but we must continue to have a top class of tourist. We should not denigrate ourselves continually into the popcorn and peanut butter sandwich type tourist. We fill our beds with them at a reduced rate. We fill the plane with reduced airline tickets. The taxis get no work from them. The rental cars get no money from them. The duty free shops get no money from them so we should not and I would warn this country not to proceed on a policy to promote that type of tourism. It is frowned on in most other countries. It has ruined every country which has tried it and we should not step from our high perch on tourism to go down to promoting continually that type of tourism, because if we do it then we are going to have to replace the money coming in from that into our economy by something else, and where are we going to get the tax measures to do it with?

The Department of Tourism, Head 25 -
I was just dealing with the administration of the Portfolio in Head 23. Again, we find mostly decreases and I wonder why when we should be spending more and more money in the promotion of tourism. We find that personal emoluments have increased by about 22 per cent. Grants have increased by about 140 per cent, advertising by about 35 per cent, operating expenses by about 40 per cent. The operating expenses of the local offices which we have abroad have increased by 40 per cent in two years. Again I wonder why unless we have put some very competent personnel in there to operate them. On our advertising cost increasing by about 35 per cent, I wonder again are we getting the type of advertising which we should be getting? I have heard various comments on it and in certain magazines we can put a beautiful picture of a bikini clad girl in the Cayman Islands waters. However, we must look at the circulation. We must look at the people who purchase that magazine. We are not just spending money putting beautiful advertisements in magazines. There are many different types of advertising which we can use which will be probably more beneficial.

MR. JAMES M. BODDEN (CONTINUING): Along with this increase I understand that the cost of our collateral printing has gone up by about 500 per cent with the new agency which we are dealing with. This is alarming and again I ask for the Member in charge to be sure that he puts his feet firmly in the stirrups, jumps across the horse and controls these expenditures.

Now, the increases which would be in that Department we can probably handle, Mr. President, if we licence about 18 petroleum storage plants on the Islands. I think that at this point we have two. So, we will need to find about 16 more to come in where we increase the fee from \$1,000 to \$50,000 or a 4,900 per cent increase. Now, that is a staggering increase even though in certain cases we may say that it is a justifiable increase. However, it would have looked much better if we had gone to them and said that we would take an increase of \$10,000 this year, \$10,000 next year and \$10,000 the next year until we got the fee up to \$50,000. However, I know that the Government could not do it because they had the problems facing them with their added expenditures and they were in a panic situation, and they were operating on a crisis mood and they had to try to plug the money in wherever they could find it.

I would say to Members of this House that this is like the decreases which we have been presented with to try to balance this Budget and fool the people. Once we dissect those decreases, anyone in this House and anyone on the street will readily see how an attempt was made to fool us.

Head 27, Communications Works and Local Administration. Again I have to sympathise with the Member in charge of that Portfolio for the way in which he has been treated as regards the curtailment of his expenditure. He has had terrible decreases in every section of that compared to what was administered under that Portfolio before. He, in addition, is now responsible for local administration of the Sister Islands as well as Communications and Works. The only increase which he can boast of in his expenditure is janitorial supplies being up by about 250 per cent. Again, I think he suffered at the hands of the genius.

We have a similar thing happening in the Postal Department and the only appreciable item of increase is maintenance services which are up by 90 per cent.

Head 29, Public Works Department. The only appreciable increase is utility costs of 125 per cent, so we can lump those increased expenditures in here with the Caymanian contractor who was paying \$300 for his licence before per annum and it is now being increased to \$2,000 a year, or a 566.67 per cent increase. Now, Mr. President, if these type of increases percentage wise are allowed to continue, whatever will happen when the genius puts income tax on us? Will the figures start at 99.99 per cent of our income? In order to meet these increases here I hope that we can find to cover Head 27, Head 28 and Head 29, about 40 contractors to licence. If so, those small increases there we will be able to take care of.

We are increasing the fees for the merchants and wholesalers under this from \$300 to \$1,500 a year or a 400 per cent increase. Now, Mr. President, I am totally against these tax measures and in order for us to accomplish or be able to pay the increased cost in the Portfolios which I have mentioned here and the Departments of Government which I have mentioned, someone will have to wave a magic wand if we hope to do it out of tax measures like this.

MR. JAMES M. BODDEN (CONTINUING): We are faced with tax increases of \$5.5 million this year. Yet, Mr. President, it will not come anywhere meeting the added expenditure costs which are outlined in the Heads of Departments carried in the Budget from Head 1 to Head 29. I did not take the time to add every one of these increases up to see what they amount to. However, I am quite certain that the increases which I have mentioned piece by piece in my submission amount to an added expenditure of at least \$10 million. That is in two years over the expenditure in 1984. Mr. President, that is a tremendous increase. Again I say to this House that these costs should be watched, and watched closely. The expenditure should be watched.

I will attempt at this point to show a few other points in regards to this Bill and how it relates to the expenditures which we have been supplied in the Budget. In Head 1, Maintenance Services, these are decreased by about 10 per cent in 1986 over 1985. Now, I am very worried as to these decreases. How are we going to be able to get these decreases in areas which normally cannot decrease? Head 1 would be one of them.

In Head 2, Maintenance Services, we find a decrease over 1984 of 120 per cent, yes a decrease from \$289,051 down to \$133,800. Now, are we led to believe, Mr. President, that if we pass tax measures such as the Trade and Business Licensing (Amendment) Bill, 1985 which is going to give us probably in the aggregate an additional \$1 million; are we being led to believe that with that they will be able to decrease maintenance costs under Head 2 by 120 per cent? These maintenance services costs are fairly well fixed. I wonder what genius is at work who will be able to effect this decrease?

We have the same thing, Mr. President, in Head 4, the Immigration Department, with personal emoluments decreasing in two years from 1984 by about 5 per cent. Now, immigration is the gateway to our country and overtones is talking about cutting work permits. They are talking about being restrictive on work permits. They are talking about being restrictive on immigration. Yet, on personal emoluments, in two years we are cutting these by about 5 per cent. It means that we have less staff than we had before.

It is just like this building here, the Legislative Department. We are going to do miracles again. Our maintenance costs of this facility will decrease by about 50 per cent in the year 1986 over the year 1984. I am asking again how can we accomplish these things? Are these figures just put in to plug the gap or did they figure that we would never catch them?

In Head 7, the Police Department relating again to this Bill which is before us for passage, if we relate it there we find that supplies have decreased considerably, by about 15 per cent in 1986 over 1984. Maintenance has decreased by about 10 per cent. Purchases and services have decreased by about 10 per cent. Equipment purchases have been reduced by about 300 per cent. Now, we are bringing in more and more experts in the Police Department from abroad. We are employing more and more of our local people in the Police Department. Yet, how are we going to equip them when we are decreasing the equipment costs or expenditure by about 300 per cent? The same thing goes for fuel and oil. We are cutting the expenditure on that by about 100 per cent. We are cutting the expenditure on uniforms by nearly 100 per cent. We are cutting our training programme by about 25 per cent. We are cutting the police band costs in half. We are cutting radio equipment by about 125 per cent. We are cutting special constabulary by about 500 per cent.

MR. JAMES M. BODDEN (CONTINUING): Yet, Mr. President, these are things which are standard. The cost of these has to increase year by year and not decrease. I am wondering why they are bringing this along with this legislation? To increase tax measures to this extent to try to support this Budget is ridiculous. Yet again, Mr. President, for a Government which is so conscious of all the problems which afflict our country, in road safety we see that the money allowed to be spent in road safety measures has declined by about 400 per cent in the last four years. This is of paramount importance to our country in view of the amount of people who have been killed on our roads this year. If they had brought this piece of legislation here and said to us, "Increase the petroleum storage costs for that licence from \$50,000 to \$500,000 and we are going to use the additional amount to promote road safety", I think all of the Members of this House would have agreed with it. However, they should not cut the expenditure in there by 400 per cent and yet expect us to approve tax increases here of 4,900 per cent.

The same thing applies under Head 8....

HON. THOMAS C. JEFFERSON: Mr. President, I would just like to call to your attention the fact that we do not have a quorum.

MR. PRESIDENT: My recollection is that we send messages round the building asking people to come in.

MR. JAMES M. BODDEN: Mr. President, it might be a good time for us to take a few minutes because I would like to get a cup of coffee.

MR. PRESIDENT: Well, I did say yesterday that I was not going to have any more coffee breaks and that Members could go out individually in order to....

MR. JAMES M. BODDEN: I am sorry. I did not hear that, Sir. That was when I was on vacation.

MR. PRESIDENT: That is quite right. If you think that you can slip out and get a cup of coffee before... If a quorum comes back I would have to stop you. So be quick. Meanwhile, if any Members in the precinct are listening....

THE HOUSE SUSPENDED IN ORDER TO ENABLE THE TAPE TO BE CHANGED

MR. PRESIDENT: Did the tape get on again?
Alright, I am calling for a quorum to come in please.

MR. D. EZZARD MILLER: Mr. President, in the absence of a quorum I propose that we adjourn the House. (LAUGHTER).

MR. PRESIDENT: We do not have a quorum so I cannot accept any motions I am afraid. (INDISTINCT TALKING). Ah, that is another matter but that is after a little time.

MR. PRESIDENT (CONTINUING): I think that we now have a quorum again and I invite the First Elected Member for Bodden Town to continue his speech.

MR. JAMES M. BODDEN: Mr. President, in speaking on the Bill which is before this House dealing with trade and business licences I am very alarmed when I look at Head 9, District Administration and find out that retiree benefits in 1986 decrease by a substantial sum over 1984. Again I have to wonder how we will be able to accomplish this. The same thing goes for purchases, travel, etcetera but there is an alarming situation in Head 9 and I am in favour of moving an amendment to the Trade and Business Licensing (Amendment) Bill, 1985 to help us change that. In dental supplies for the Lesser Islands we find in 1986 a decrease of 2,000 per cent in expenditure. What are we going to offer the people of the Lesser Islands in regard to taking care of their dental problems? Are we being funny, or what is the reason for all of this? So, Mr. President, I would be quite willing to move or second an amendment to this Bill that we increase some of these other fees here a couple of thousand per cent as usual, to try to find the money to supply the Lesser Islands with the funds to purchase their dental supplies. The same thing goes for sanitary supplies for the Lesser Islands which are decreased by 700 per cent. Laboratory supplies have decreased 350 per cent. Office supplies have decreased by roughly 450 per cent. Telephone costs have decreased by about 40 per cent. Maintenance of gardens and beaches, and parks have decreased by about 40 per cent. So, I am sure that one of my colleagues on this side of the House will be quite willing to join me in an amendment here to probably increase the merchants and wholesalers from \$300 to about \$5,000 rather than \$1,500 in the hopes that we can licence about 50 people under this and give the necessary money in the Budget to our friends so that they can supply these services to the Lesser Islands.

I point this out, Mr. President, to show the ridiculousness of bringing this type of tax measure to this House when we are decreasing expenditure in such vital areas by such alarming percentages, and allowing big increases in the areas which should not be increased the way they are. We should not be adding and adding to our Civil Service with their added benefits in the way that we are in this Budget.

Under Head 9, Finance and Development, retirement benefits have been decreased by roughly about 17 per cent in the year 1986. How can they decrease that when they have a stated amount of people who are retired? Their benefits are not decreasing. We are adding to that amount every year. How can we get this decreased? Thank God they did not give it to the Legislative Assembly Members but who else are they going to take it away from? How will we be able to accomplish this? We find the same thing with interest payments. Interest payments have decreased, or the cost of interest payments will decrease by about 115 per cent in the year 1986, that is non-statutory interest costs. How can we do this when we are borrowing money and borrowing money every day and we will have doubled what the country owed in 1984 by 1986? Yet, they are coming here and telling us that they are decreasing the interest payments by 115 per cent. Now, I know that some of us may be stupid but we are not that stupid.

We have to continue to borrow. We have to continue to tax because our friends over there have used up all the Reserves which were left to them. I am hopeful that every night as they go to bed they kneel by their bedside and they thank God that there was a Unity Team Government between 1976 and 1984 which could amass that amount of money and leave it there for them to squander as they have done in two years.

MR. JAMES M. BODDEN (CONTINUING): I am thankful that the Honourable Third Official Member of Executive Council, who along with the Unity Team has caught so much hell for purchasing the Tower Building which was so badly needed and which they are utilising at this point so fully, was sensible enough at that point to tie that to a certain amount of our Reserves. Thank God they cannot use that amount. They will have to tax the people some more in order to continue their spending since of the money which we left them they have less than \$1 million left. Now they can say the country is broke. It was not broke two years ago but they have it broke now. They have it broke and they are draining the pockets of every Capitanian.

Another area which these people have decreased expenditure on and which I will say to the people of this country is not the correct way to balance one's Budget is in the grants to public schools. In 1984 we gave them \$80,000 out of Government funds. Two years later, even with an inflation factor of, say, 8 per cent that should have increased to about \$92,400 but we find that it has decreased to \$70,000. I am in favour again of seconding an amendment to the Trade and Business Licensing Bill to increase another category by 10,000 per cent to see if we can find the money to help these people, unless the Members of Executive Council will agree to cut down some of their other expenses and find it.

Gratuities are decreasing by 12.5 per cent in 1986 over 1984. Yet, salary costs have increased in that period by at least probably 12 per cent. We have added probably another 20 per cent of officers under contract. So, how are they going to decrease? You know, that is like feeling sympathetic to the Civil Service. So many of the members of the Civil Service thought that they were going to be in this Garden of Eden and enjoy all of the wine which flowed in this wonderful Utopia. Yet, in the year 1986 we can only find \$10 for a salary review. So, they are not getting anything out of this Garden of Eden. They are going to have to have a raise somehow. However, the most convenient thing to do was to show that we could have a little surplus at the end of 1986 so they slipped \$10 in and they proposed to spend maybe \$600,000 for the salary review. Is this right? Is this what we are portraying as a Government to the people of this country? Please, we should be treated as having some intelligence. \$10 cannot handle the added cost of the salary review. They should not try to fool us. If it does, I am sure that the Elected Member for North Side would be glad to help me sponsor an amendment to increase some of these fees again 10,000 per cent to help them cover it.

To pursue this ridiculous facade a little longer, Customs Service subsistence under Head 11 in 1984 compared to 1983 has decreased by 270 per cent. Yet, they have added additional staff to the Customs Service. So, how can they accomplish this? Sanitary supplies for the Customs Service have been decreased in two years by about 125 per cent. They cannot do that. I say that they must still have a good supply of that Unity Team toilet paper. The same thing applies to vehicle maintenance which has decreased by about a third in two years. Now, how are these decreases going to take place? Who is the genius who will control this? I am calling on my colleagues on this side of the House to please help these people out. Let us increase these fees much more because they said it is the people's Budget, so the people will like it.

MR. JAMES M. BODDEN (CONTINUING): Head 12, Judicial Department. Overtime payments in two years have decreased 300 per cent. Publications and periodicals' purchase decreases by 400 per cent. Janitorial supplies decrease in expenditure costs by about 60 per cent. We are working miracles. Have we found another Member of the Legislative Assembly who can contract these janitorial jobs for so little money that we can make all of these savings? I hear that we have some contracts with them but I did not know that we could work this amount of wonder and get these jobs performed so cheaply.

Head 14, the administration of Health Education and Social Services. Maintenance costs decrease again by 50 per cent. Overseas medical cases decrease again by about 16.67 per cent. These are the areas which these people were going to help the people of the Cayman Islands so much in. They have not increased the poor relief. They have not increased school counselling. They have not increased the parks and so forth or I do not know how many other areas. Here we find that the cost of medical cases abroad is going to decrease. Well, they must be trying that along with their projection on cemetery fees. I see now why they projected such a decrease in cemetery fees because they were figuring they could not send them abroad and they were going to be healthy and they were not going to get any medical attention abroad, so they would not have to spend the money.

Head 16, Personal Health Services. We find personal emoluments decreasing, again by about 16 per cent. How are we going to do it when they provide for new services which bring in added people at the hospital? They are adding to personnel and yet they are able to cut personal emoluments by about 16 per cent. I really am at a loss to understand how this can be accomplished. Utility costs would be down by about 16 per cent. Leave pay is down by about 15 per cent. Subsistence is down by about 200 per cent. Travel is down about 100 per cent. Yet, we still have to spend the same amount in these areas as we spent before, because nobody is decreasing the cost. We hire more and more consultants every day yet I see that we are decreasing the expenditure on consultants by 200 per cent. How can we accomplish this? How can one genius bring in a consultant, the next one bring in an expert and the next one bring in another consultant so that we multiply the consultants, and yet we spend less money?

Another point which would concern me and concern me tremendously for the future welfare of the country, is that under Head 16, again going back to the promises which these people made of correcting all the ills of the community, in 1934 the Member who was then responsible under the Unity Team Government for this Portfolio saw fit to ask for \$50,000 to be spent towards alcohol and drug rehabilitation, something which afflicts a tremendous amount of our community. Yet, two years later the Member who would cure all our ills has decreased that to \$16,000 or by well over 200 per cent. This is not being fair to our people. I am dealing with the vote. I do not know exactly what was spent. The Member can tell us what was spent. He will have a chance to speak on that. However, I want to know what they are going to do with the \$16,000? What kind of programme can they put together for \$16,000 which is going to help the people of this country? He should either tell us that he has no programme or he is not going to spend any money.

MR. PRESIDENT: I would not like the Member to invite the Member opposite to be irrelevant, which really it would be.

MR. JAMES M. BODDEN:
him to be that way, Sir.

I do not think that I have to invite

MR. PRESIDENT:
invitation, please do not issue one.

Well, if you feel that he needs no

MR. JAMES M. BODDEN: Head 17, the Department of Social Services. We need to increase some of these fees again under this Bill which we are talking about if we are going to be able to help them, because under grants and contributions it shows a decrease of about 25 per cent in two years. Equipment purchases have been decreased by 60 per cent. Mileage costs have been decreased by 400 per cent. Dietary food supplies show about a 10 per cent decrease. Educational supplies for 1986 over 1984 are reduced by a half. Janitorial supplies are cut by about 75 per cent. Maintenance of gardens, parks and beaches are cut by about 700 per cent. These are areas which these people swore to the country and swore to the people that these were their special interest areas and they would change everything, and they would make it much better for the people. Yet, these are the particular areas where we have the big decreases and the areas which should not be increasing are increasing 200 and 300 per cent in expenditure. It is ridiculous.

I know that under Head 18 we have some geniuses at work. However, it must really be a genius who is able to effect a 25 per cent decrease in utility costs in that Portfolio, and to decrease maintenance expenses by about 60 per cent, grants by about 200 per cent, leave passages by about 600 per cent. Yet, we have a Portfolio which has probably three or four times as many people in it as it had in 1984 and we are still able to do these decreases. Have we made a special deal with the utility company that with certain leaders we will get the meter going the other way instead of the right way?

Under Head 20, Lands and Survey, subsistence has decreased by about 300 per cent in expenditure. Office supplies have decreased by about 75 per cent in expenditure. Equipment costs have decreased by about 50 per cent. We are really beginning to work wonders because these are areas where if something costs \$10 today, it can only go up. The price of it cannot go down. So, why have we been deluded to this extent?

The same thing goes for Mosquito Research and Control Unit. We see substantial decreases in that area. Again, this is one Department which has done such tremendous service for this country that we should be careful that we do not get back to the era of the smoke pans. Why did they not increase these fees a little bit more if it was necessary to increase the expenditure in these sections rather than to delude us by decreasing them to tell us that they were presenting a balanced Budget to the country, and yet give us all the new taxation which they have given us?

Head 23, Tourism and Trade Administration. Personal emoluments have decreased in two years by 375 per cent. Supplies have been reduced by 1,500 per cent. Maintenance services have been reduced 650 per cent. Basic salaries have been decreased by about 200 per cent. Mileage costs have been decreased by about 700 per cent. Travel has been decreased by about 150 per cent. Tourism and trade promotion has been decreased by about 250 per cent. Yet, this is the Portfolio which is supposed to bring most of the money into the country to keep the wheels rolling. I really feel sorry for my friend in that Portfolio. When he looks at the genius and sees the amount of expenditure which he has for his Portfolio and compares it to his, he must really feel like a stepchild at that point.

MR. JAMES M. HODDEN (CONTINUING): Head 25, Department of Tourism. We see the same thing going on. Office supplies are cut by about 100 per cent. Travel is cut by about 25 per cent. Collateral and photography, although I understand that they are paying five times what they were paying for it before in certain areas, have been decreased by about 10 per cent. Local promotion budget has been decreased by about 20 per cent. They cut, they cut, they cut. They will soon have that garment completely cut to pieces.

Head 27, Communications and Works and Local Administration. Personal emoluments have decreased by 175 per cent. Travel has been decreased by about 100 per cent. Office supplies have been decreased by about 2,700 per cent. Basic salaries have been reduced by about 90 per cent, and subsistence by about 60 per cent. How is that Portfolio going to efficiently overrite with such severe and drastic cuts? I would ask my colleagues again to join with me and ask for some more increases so we can make the four Elected Members of Executive Council be happy, particularly the two who administer Head 23 and Head 27. I have always heard that the Honourable Third Elected Member of Executive Council was a man who could efficiently manage money. Well, he will have his task to perform to administer his Portfolio with these many reductions in cost.

Head 28, Postal Services. Again the cost of overseas mail service is being cut by about 100 per cent. If we are going to have, and I am sure we will, as much mail in 1986, maybe more than we had in 1984, how are we going to cut the cost of transporting it by 100 per cent? I wonder if the Members of this House really have thought how serious this is? I wonder if they have paid attention in going through it to observe these many serious cuts?

Head 29, Public Works Department. Equipment purchases have been reduced by 50 per cent. The money paid to temporary workers has been cut by about 200 per cent. Maintenance to buildings has been cut by about 8 per cent. How are we going to be able to do these things? We need the equipment. We are continually buying more equipment. Yet they tell me that it takes less money to maintain more equipment, or 50 per cent more equipment than we had two years ago? I cannot figure this thing out.

The contribution from the local revenues to capital expenditure in 1986 will decrease over 1984 by about 225 per cent. Yet, they tell us that they have a good budget. They have the people's Budget. We must not pay attention to the tax measures and we must not think about the \$10 million which they are borrowing. Yet, they are not able to contribute anything of any amount to capital expenditure. Most of the money which will be spent in the coming year to buy furniture, supplies and so forth will come from borrowed funds, rather than as has been the policy of years past to take it from general revenue.

Mr. President, I am very hopeful that the Elected Members of Executive Council will see the error of their ways and come back to this House, if not before this Meeting ends, but early in the New Year, and ask for forgiveness for the heavy load which they have put on the shoulders of the Caymanian public for the year 1986, and the years to follow if they continue this policy.

We are seeing a dark blanket of gloom and despair settle over our land. We see unemployment. We see a lack of investor confidence. We see a rise in bureaucracy. We see indecision. We see nepotism being rampant. We cannot continue this path much longer. Before the Cayman Islands become like a rocket in space which self destructs, Mr. President, I call on you to protect our people from any more of this. Something must be done. We cannot continue to hear

MR. JAMES M. BODDEN (CONTINUING): taxation measures of this amount on the shoulders of our people. We must find a way. We must sit down as a united group and see if there are answers which can be found. However, we must not continue to treat our people in this manner. Our national debt cannot be enlarged any more. Taxation measures of such onerous extent cannot be imposed on our people any longer, particularly when I refer to it at this point as taxation without representation. It was things like this which caused England to lose the greatest colony she would have ever had. The people who left Europe, particularly England and came to the United States and formed that great country, did it for many reasons. One of them was that they did not like the oppression which existed in Europe. I am saying to you, Mr. President, and to this Assembly today that our people are getting tired of oppression. I as a representative of the people in the Bodden Town District feel that I do not have my democratic right to speak freely on subjects in this House as we have enjoyed in the past. If we take away the democratic rights of our people; if we force them into onerous taxation measures and take away their respect and desire to have a great country, Mr. President, we will all fail in our jobs. I ask you if these people will not on their own accord listen and try to do something good for this country, and at least intervene before it is too late.

I will be voting strictly no against these taxation measures.

Thank you.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, the Bill before us is one which I have given much thought to ever since I received it. I have also had to try to explain to my people the many lies, or untruths if that is not a proper parliamentary word, which have been told about it. I will get to that later on.

Mr. President, I gave my Budget debate a few days ago. I do not propose to go into the Budget again. However, perhaps I may take up the challenge to answer what I feel have been some misleading statements, maybe. However, let me hasten to say that I will not support the Bill in its entirety. I do support the increase in the Second Schedule, section B which says, dealing with commerce:-

"being the business of storing for distribution to other persons -

petroleum products or other fuel products, except propane gas \$50,000

propane gas \$ 5,000";

I support that part, Sir, but I am sceptical of it because I know that it will be passed on to the consumer, and that it will hurt most in the already stretched pockets of the homemakers in these Islands.

Mr. President, I would like to address the issue of extra high profiteering racket in these Islands. When we stop and think, Sir, that the two companies which will be affected by the \$50,000 have been making hundreds of thousands of dollars in this country for the many years they have been here, and that they were only paying \$1,000, one would tend to say, "Yes, they can afford to pay the increase". However, Mr. President, I have to look at what they will do to get back their increased fees.

MR. W. McKEEVA BUSH (CONTINUING): We have been told that it would only cost the consumer five cents more on a gallon of gas. Mr. President, ten to one the price of gas probably would have gone up anyway even if the fees were not increased, because there is no control on the high profiteering by the oil companies and propane gas companies.

Mr. President, I asked a question and I hope and pray that the Members in this Honourable House are paying attention to what I am saying. Is there no end to high profiteering in this country? I have long said, Sir, that I do not support the way Government goes about collecting its taxes. One of the reasons is because Government of the day and Government of the past has no mechanism and will not create any form of mechanism, whatever the reasons, to ensure that their increased taxes are not passed on to the poor consumer in an extra high profiteering manner. It seems that the buying public must continue to suffer at the hands of those people in these Islands who have no conscience other than to see their balance sheet with higher and higher profits regardless of what they must do to get them. As I understand it, the price of crude oil is at its lowest ebb but the price here still continues to rise. Mr. President, what of the quality of gas? For the past couple of weeks many car owners had to get their vehicles worked on because of bad gas. Mr. President, what is being done about this sort of thing? That is only one area, Mr. President.

I have one day to see in this country, because we need it, a better business bureau to protect the buying public. Mr. President, I feel that those who import propane gas should be paying more. However, as before I am sceptical because I know that he too will have no conscience, and more increases will be put on the people of these Islands, not that they are not making good profits but because I believe that the concept of extra high profiteering is also practised there.

Sir, looking at the increases of fees generally, some of them are reasonable. As for the others, I am going to pose the question whether there is any provision to increase wages in this country in a corresponding fashion? Mr. President, no one can deny the fact that the cost of living makes it a near impossibility to live here in this country for most people. I have often had to wonder why it is that the product one buys in the United States for \$10 is found on the shelves here for \$30 or \$35, Cayman Islands dollars that is. These sometimes are basic commodities which are bought in bulk in the United States. They would get them much cheaper than I could when I purchased them from a store in the United States. Something has to be done, Mr. President, about the way prices are put on the public in these Islands.

We often hear, "Oh, you cannot do that. You cannot control prices". Mr. President, I do not know who is determining that fact because they claim that we would have to control wages. Mr. President, I hope to God that they do not try to control wages any more than they are controlled now.

Mr. President, I have to look at both sides of the issue we are dealing with. I am now dealing with the effect it will have on our people. I will also try to give the other side of the story as well as far as what they will gain from it. However, right now do you not think, Sir, that the pockets of our people are not stretched already? Let me tell you how I see the situation. During the boom years in this country, most of our people overextended themselves because of their needs. They built on a room on their home. They bought a new car. Some people did not have a home and they built one. Most of our people had to borrow the money. Now, they have had to budget because they have to meet their loans and they have to look after the upkeep of their homes.

MR. W. McKEEVA BUSH (CONTINUING): So, our people's pockets have already been stretched. I want and I expect Government to set the pace for a cost of living raise in these Islands in 1986. I do not mean \$2 or \$3 either, I mean a raise to correspond with the high cost of living in these Islands.

Mr. President, there have been many stories told about this Bill to amend the Trade and Business Licensing Law. The small stores in my District were being told that they will pay \$1,500 to get their licence. Mr. President, that is the sort of propaganda which was spread. Over the weekend I had to talk to many people and explain to them that this was not so. Why can we not tell the truth about the contents of this Bill?

Another area, Mr. President, is the raise to \$2,000 in the last column of item number 3. Mr. President, the Honourable Financial Secretary said that the contractors would go up on their fees and nobody would question them. Well, they are certainly going to have something to go up on now.

Mr. President, we have to look at both sides of the coin. Also, Mr. President, I have been told that I have no knowledge, I have no intelligence. However, I am not going to get into any economic theory. I do not boast of any great knowledge of those things but as for intelligence or knowledge, let me hasten to say that a little mind is boastful and incredulous for he fancieth all knowledge is his own. I will stick to the basics. I will deal with the basics. I will tell people about the weevils in the flour. I will tell the people about the poor quality of merchandise. These things my people relate to, not what some people try to shift and make a piece of paper look like with figures to please themselves, so that they can pat themselves on the back and say what good boys they have been. They had better stop and deal with the basics, because those are what is affecting our people.

I heard talk of contracts to Members of the Legislative Assembly. I have heard the First Elected Member for Bodden Town say that only the four of them tell the truth. I do not know which four he was talking about. However, I challenge him, Sir, to show me any place where I have lied to my people. I have nothing to hide if I have a contract. My company is duly registered and paid for. I wonder for how long in this country have Members of this House been given contracts? I must say that I believe that those who are doing the work are doing a pretty good job. What they should tell us is who was doing it before. That is what is not told.

Mr. President, some people have said that we should cut the Budget. Would they cut out the money for the hospital services? Would they cut out the money for the schools, the free education, the things which are needed in the Districts? Would they cut out the money for the road programme? Would they cut out the money for the two fire stations, one in George Town and one in West Bay? Would they cut out the money for social services, the rehabilitation programmes for drugs and alcohol or the rehabilitation programme for prisoners? Would they cut out the money voted for poor relief. The social services in this country have a long way to go. They have been neglected for too long. Although the figures there are not satisfying to me, we need more, not less. I say that we should not cut the Budget but I say let us make sure that our people, the buying public in these Islands get their money's worth. I trust that in the near future an account will be given of the financial stewardship which Government has.

MR. PRESIDENT: It is now 4.30 and when Members were canvassed in accordance with the request I made of the Honourable First Official Member, the opinions expressed were eight against continuing beyond 4.30, and seven in favour of continuing beyond 4.30. I think that the most democratic arrangement is for him to move the adjournment. If indeed we get a majority for the adjournment, so be it. If there had been a majority favouring continuing I would have invited somebody to move the suspension of Standing Orders. However, before inviting him to move anything at all, I would like to give notice that I think that unless we make very much more rapid progress, it really will be necessary to continue late tomorrow evening. I suggest also that we might meet at 9.30 a.m. again tomorrow as we did today. I hope that in case we do not make more rapid progress, Members will do what they can so to adjust their affairs so that we shall be able to continue after 4.30 p.m. tomorrow. That at least gives people 24 hours notice to try.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 9.30 tomorrow morning, Sir.

MR. PRESIDENT: The question is that this House do now adjourn until 9.30 tomorrow morning.

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT: I heard a very loud no but I do think that the ayes have it.

MR. W. McKEEVA BUSH: May I have a division, Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
NO. 98/85

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. W. McKeeva Bush	Hon. Banson O. Whelan
Hon. Michael J. Bradley	Mr. G.raig Rodden	Hon. Capt. Charles L. Kirkconnell
Hon. Thomas C. Jefferson		Hon. Vassal G. Johnson
Hon. W. Norman Rodden		
Mr. Linford A. Pearson		
Capt. Mahry S. Kirkconnell		
Mr. James M. Rodden		
Mr. D. Ezzard Miller		
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AGREED BY MAJORITY:

AT 4.33 P.M. THE HOUSE ADJOURNED UNTIL
9.30 A.M., THURSDAY, 19TH DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

FOURTEENTH DAY

THURSDAY

19TH DECEMBER, 1985

PRESENT:

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 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 McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ABSENT

MR. JAMES M. BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
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CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

THURSDAY

19TH DECEMBER, 1985
FOURTEENTH DAY

1. PRAYERS

TO BE READ BY THE HONOURABLE SECOND OFFICIAL MEMBER.

2. QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM
AVIATION AND TRADE

NO. 155: WOULD THE HONOURABLE MEMBER COMPARE TOURISM AIR ARRIVALS MONTH TO MONTH 1984 AGAINST 1985?

NO. 156: WOULD THE HONOURABLE MEMBER STATE HOW MANY CRUISE SHIPS WHICH HAD NOT CALLED PREVIOUSLY CAME HERE DURING 1985, AND WHEN WAS EACH ORIGINALLY GRANTED PERMISSION TO CALL?

NO. 157: WOULD THE HONOURABLE MEMBER STATE HOW MUCH MONEY FROM THE TOURISM AVIATION AND TRADE VOTE HAS BEEN SPENT ON ADVERTISING PROMOTIONS AND COLLATERAL DURING 1985 SO FAR COMPARED TO 1984, AND HOW MANY ADVERTISEMENTS HAVE APPEARED IN NATIONAL MAGAZINES DURING EACH PERIOD?

3. GOVERNMENT BUSINESS

BILLS:-

CONTINUATION OF SECOND READING DEBATE

- (1) THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985
(The Second Elected Member for West Bay - to continue)

FIRST AND SECOND READINGS

- (2) THE TRAVEL TAX (AMENDMENT) BILL, 1985
(3) THE TAX COLLECTION (AMENDMENT) BILL, 1985
(4) THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985

-2-

COMMITTEE THEREON

- (5) THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985
- (6) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
- (7) THE INSURANCE (AMENDMENT) BILL, 1985
- (8) THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985
- (9) THE TRAVEL TAX (AMENDMENT) BILL, 1985
- (10) THE TAX COLLECTION (AMENDMENT) BILL, 1985
- (11) THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985
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- (15) THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985
- (16) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
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- (27) THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1985
- (28) THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985
- (29) THE INSURANCE (AMENDMENT) BILL, 1985
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THURSDAY

19TH DECEMBER, 1985

10:00 A.M.

MR. PRESIDENT:
West Bay to say prayers.

I invite the Third Elected Member for

MRS. DAPHNE L. ORRETT:

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.

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.

The Lord bless us and keep us; The Lord make his face shine upon us and be gracious unto us; The Lord lift up his countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Please be seated.

QUESTIONS

MR. PRESIDENT: Questions. In the absence of the First Elected Member for Bodden Town, has he deputed any other Member to ask the questions standing in his name, or to request their postponement? Evidently not, in that case the questions lapse.

Item three, Government Business, continuation of the Second Reading Debate on the Trade and Business Licensing (Amendment) Bill. The Second Elected Member for West Bay.

GOVERNMENT BUSINESS

CONTINUATION OF SECOND READING DEBATE

THE TRADE & BUSINESS LICENSING
(AMENDMENT) BILL, 1985.

MR. W. MAKEEVA BUSH:

Mr. President, when we took the adjournment yesterday, I was dealing with some of the remarks made by the First Elected Member for Bodden Town.

Mr. President, I am sorry that the debate on the Bill has become a general debate, but this is the way it has been and there have been things said which I feel the truth needs to be told about. Mr. President, let me go back one step Sir, and say that I am not about to tell any lies. I will tell the truth as it is in this Country. I have no favours to pay back to anyone. Mr. President, a year ago the newly elected Government inherited a terrible situation. In my opinion we never had far to go before the Country would collapse, and some of this mess was due directly to the policies of the last Government, which never seemed to have their priorities right, or any restraint or understanding of the people's money. This Mr. President is no lie, the Budget bears it out.

Mr. President, I want to put the position clear again, and I know I will be refuted, or they will try to refute what I will say, but the facts are there and cannot be disputed. If a person has \$5,000.00 in the bank and he owes someone \$5,000.00 he has nothing. If we have \$5,000.00 in a bank and we owe to someone \$10,000.00 we are broke, bust and that was the position of the Cayman Islands Government in November of 1984. When the new Government took over the business of the country, they started a stock taking exercise, and one can believe, there were a lot of things to take stock of. The Government is still uncovering some of the terrible mess, which I hope and trust and pray we are coming to the end of in this exercise. The Country was in a very tight financial position, and I know this will be disputed too, but it is the truth. I have nothing to lie about.

We found a situation where in many areas Government was not getting value for its money. The new Government took over the running of the Country with a lot of uncertainty, and a lot of promises to give it a hard time, not to work alongside the old Government, but to do everything in their power to destroy, and we are on that course.

We inherited a position in relation to the National Airline which has given rise to much concern, even alarm, and must be examined carefully. We inherited a number of public debts of \$11,687,784.59 ranging Mr. President from the Tower Building loan, the Public Works security fencing loan and other loans as well of \$3,581,322.38 which they say are self financing. Mr. President let them search the Budget, it is there the total loan position at the end of 1984 of \$15,269,106.97. Let them refute this Mr. President, they cannot refute it they are the facts. It was said that there was a total reserve of \$7,192,261.00 at the end of 1984. Mr. President what they failed to tell the people was that Barclays Bank forced the Government to give them a cash collateral. Mr. President, what did that say for the Government, and I am not talking about Official Members, I am talking about the Elected Membership of Executive Council. It says to me that the bank was saying to them "look, you put up your cash, because you will not be getting any loan from me unless you put up your cash collateral". This is what the bank told them, and this was the position. No confidence, this is how it speaks to me. So what did the Government do, they put up their \$4,583,333.33 enabling them to purchase the Tower Building, and Mr. President I will stand here, and I will stand on any forum in this Country and tell my People that the Tower Building loan, or the buying of the Tower Building was not a good move. I do not care who says it was a good move.

MR. W. McKEEVA BUSH (CONTINUING): The Government is using no less, but in a time of recession when a Government should be about providing work for its people, they bought the Tower Building. Now we have to pay for it Mr. President, they did not tell the people that either. One cannot touch that money, sure the \$4,000,000.00 is there, but one cannot touch it. One cannot touch it until the Tower Building is payed off. Mr. President, I hope that no one is going to tell me that I am straying, because I am answering what was said here yesterday. I do not intend Sir to stray, or to carry on as some other Members did, but I have my rights as well.

MR. PRESIDENT: All I was going to say to the Member was that he is undoubtedly straying, as he is clearly well aware. That I have been liberal I think, very over liberal in allowing Members to stray at first a little, and then rather farther during this Debate. I just ask the present speaker to get back, fairly soon to the Bill that he should be discussing, and when we come to later Bills, I shall I think interpret Standing Orders very much more strictly.

MR. W. McKEEVA BUSH: I agree with you Sir, and I will try to keep to the Bill, but I have to answer some of what was said here. I trust you will not be too conservative with me, Sir.

MR. PRESIDENT: Well I do not want you to add too much, otherwise other Members will be tempted to add more still.

MR. W. McKEEVA BUSH: Well I agree with this, but I am only telling the truth. So the total reserve position at the end of 1984 was \$2,608,927.00, but on taking office the new Government had to pay bills for Cayman Airways, bills which totalled CI\$5,880,000.00. So do not tell me that they had reserves which could be used. There were no reserves Mr. President, let them talk their rubbish. They can dispute what I have said, but the facts are there. It is the truth, and the truth will hurt, this is what some of them cannot take. All the financial juggling with figures cannot now be hidden. Anything one hides will one day come to light, and the true position of the Country as of December 1984, has at long last been brought to light, when the 1986 Budget was presented here. So I do not know whom they will fool. But one can believe, the People of this Country understand the position.

Mr. President, I heard the Member discuss the increasing recurrent Budget and the growing bureaucracy. But Mr. President, is it not a poor time to be crying about it? Did not the recurrent budget grow during their eight years on the Government bench? Did not the bureaucracy grow during their eight years in Executive Council? Why, why did they not do something about it then? why were their lips sealed? and now they come and tell us, Mr. President that the recurrent Budget and the growing bureaucracy is going to destroy the Country. People preached that to them during their eight years, but they had their ears clogged, and they looked at one thing, what they could spend. They did not take advice from anybody, but even a fool sometimes can give one a little advice. Why come now after a new Government has been in power for one year and bewail the fact that these things are happening. Can the Government after one year reduce, sensibly that is, what they took eight years to do? After eight years in Executive Council, and overspending, they come now complaining about these things. Where are the alternatives, where are the alternatives Mr. President? They must give the people their alternatives.

MR. W. McKEEVA BUSH (CONTINUING): Sure, they build an Airport, and I give them credit for it, but tell the people, tell the people the truth now. This Government has to pay for it. The people are paying for it. Sure, they bought the Tower Building, and I say that that was a poor move. But this Government has to pay for it, and this Government has had to provide money in this Budget for its loan and its interest, and for parking. This Government has to pay for it, the People will pay for it. Sure, they created Cayman Airways and they said they would spend every penny in the Treasury on it, and they did just that. Now the Country must pay, and will continue to pay for it. The people are paying for it in these new revenue increases. Let us tell the people the truth, tell them the underlying problems in this Country today, and where it started. As I see it, the basic problem with our economy is that each successive Government has failed visibly to produce more industries, to diversify, they have failed the people and we will continue to be dependent on the very fickle industries of finance and tourism, which are controlled mostly by outside factors. When these two industries take the slump, this Country suffers in the loss of revenue. Mr. President these are the facts. I do not want to sit on the Executive Council, one can believe that. So I ask them, who say they can do better, where are the sensible alternatives to the mess which they have created in their eight years of stewardship. The mess is there, now the Country will pay, the Country is going to pay for it, but let them tell the truth.

Mr. President, everything in the book has been thrown in this Debate, I did not see the kitchen sink, but one can believe the water came.

Mr. President, I asked a question some days ago about experts, and what it cost this country in the last eight years. Mr. President, the answer, some one million Dollars was spent on experts by the previous Administration, and this was ranging from a study done on Tourism which cost this Country well over \$100,000.00 and it was not even accepted by the Opposition, nor did they even allow it to be made public. Any time they have an expert here, who tells them the truth, they are either kicked out of the Country or they hid the report. Tell the people the truth, the facts and the answers are there. They spent over a million Dollars and the Financial Secretary said that it was not the end of the exercise either.

So, they had their share of the so called experts. It has cost this Country dearly, so why talk rubbish about experts by this Government, to try to make the Executive Council look bad. Mr. President, how bad have they looked, spending over a million Dollars on experts. All I am saying is, let them bring the sensible alternatives to the problems which beset this Country, let them be a responsible Opposition.

Mr. President, and what of this talk in this House of colonialism, what of this talk of colonialism. Why does the Opposition not tell this House and the Country what kind of system they want for it? Mr. President, should we change our dress, shall we change our English, shall we change our Parliamentary system, because it is derived from Great Britain? Should we change the jury system, because it is English, derived from Great Britain, is the jury not colonial? Our system of Law is colonial, and although it has its inadequacies, must we destroy our Courts because it derives from Great Britain and is a colonial legacy. I am not ashamed of any institution which exists in this Country merely because it derives from England. What we must do, and we must do everything in our power to see that these institutions are not abused by power, ~~this~~ is a job, and ~~this~~ is our job, and we do not need to change the system to do it.

MR. W. McKEEVA BUSH (CONTINUING): All we need to do is to be vigorous representatives of the people, never losing sight of the fact that power corrupts, and absolute power corrupts absolutely. So, stop complaining about colonialism and be honest with yourselves, and be honest with the People, and tell them that you cannot and will not live within the system, if this is your desire. They have said so before, so let them say so again, but what they cannot live with they will destroy, and they said so on the opening day of this House on November 20th last year. If they cannot rule they will destroy.

Mr. President, what are the alternatives to this Bill? If we defeat it, there are people who should be paying more, who will be satisfied. If we defeat it, there are people who are asked to pay from \$100-\$200 and I am not too satisfied with this. But, in giving due consideration, it is not much of a strain for a year if we take it through all its stages and pass it, the Government will be able to do some of the things which need doing in these Islands. If we pass it, the Opposition will say 'have a new Election'. If we have a new election, what are the alternatives then to these increases. After the new election the new Government will not do one thing about the increases. In 1975/76 they said the same thing about the hospital fees. They did the same thing they are doing now, and in November 1976 they were elected - what did they do about the hospital. Mr. President the hospital has become a rundown situation, they increased the fees and the people were made to pay. So what are the alternatives? This is what I want to hear. Right now nobody has any sound workable alternatives, not even this Member. I do not have the alternatives, and I have not heard any. Well, I trust that the Opposition will show them, and as I have said, they have a chance to prove their stewardship too.

Mr. President, before I close, there is one last remark which was made, which I am going to refer to, namely the Members on this side do not believe that Executive Council can do anything wrong. Mr. President, I do not know who this was being thrown at, but it certainly was not the Second Elected Member from West Bay. I know when to tell the Government bench they are wrong, and I have done it. I did it, the Elected Member for North Side and I told them they were wrong on the Pension Bill, which in this Budget is paying some \$260,000.00, and although I did not support the Pension Bill with the exception of the Vestryman Pension, I give credit to Government for amending the Law, because the previous Government had provided a pension which could have been in the region of some \$800,000.00, but what happened on the Pension Bill Mr. President, the Executive Council was united with the Opposition against myself and the Elected Member from North Side. They were united then, why? So do not say that the Government does not listen to them.

Mr. President, in the Finance Committee I made my points clear, the same points I raised on the floor of this House, where my People heard me, and the Second Elected Member for Bodden Town was there in the Finance Committee, and what did he do, he offered a motion, he offered two motions not to decrease spending. They did not say a word about decreasing spending, and his motions were accepted, because they were sensible motions. I believe that any time they offer a motion on the floor of this House which is sensible and workable, Government and the other four Members from this side will agree with them, but they must put up, and I do not mean talk either.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, there were some very disparaging remarks made about the Second Elected Member of Executive Council, and I am quite sure that both he and the Fourth Elected Member of Executive Council can testify as to their stewardship of Cayman Airways, and the audited accounts will bear them out this year. Since they took over, the Airline is in a better position than when the Unity Team Government left office last year, so do not talk rubbish. Mr. President, I know that we should not mention names in this House, but I just want to say that the Second Elected Member of Executive Council William Norman Bodden is a man of honesty, and the whole of the Cayman Islands knows it, a man of integrity, and the whole of the Cayman Islands knows this. Need I say more, Mr. President, this man has my full and entire support because he is an honest man. Only those who seek to destroy will say the things they have said about him. But, his honesty and his integrity are the reasons why I voted him into Executive Council. When the rest of them were chasing me down, pulling on my sleeve, asking me to vote for them, well I knew what I was doing in that place.

Mr. President, there are no alternatives, I have not heard any in this Bill. There were a lot of lies told about it, and I believe that people are now understanding the truth, not that they are satisfied. I am not saying that everyone is satisfied, I know otherwise, but I know all the lies which have been told since the House began its Budget session, have been refuted, and they can be refuted further when people go to pay, because all they were told is not true.

In closing, let me say, I have been in heated debate before in this House. But Mr. President, at this time, it is right and proper I believe for me to recall that in a democracy, an Opposition has the right to say what it wants to say. In a democracy an Opposition has the strength to cripple also, the national economy, if it so decides for its own advantages. But, we must recognise that this Country cannot carry on on the basis that whatever the Government tries to do or to deal with, the Opposition remains determined to destroy, because no country will, or can develop on the basis of this catashot approach, or the lack of a clear focus of its efforts, and we should all recognise that it is not so much the political victory, the Election is a long way off. It is not the political victory which matters, but the way we go about building this Country, in accordance with the wishes of our People. Let us not destroy the Country, and I will remind all those who call themselves an Opposition of an old Jamaican saying, 'same knife, stick goat, stick sheep'. If one destroys the Country to get at the Government, one is only destroying ones self, and I will repeat what I closed my Budget Debate with. I ask again, let us all pool our efforts together with a view to making the Cayman Islands more prosperous, and a better place to live in, but let us do it peacefully. Let us come together, we have, none of us except those with their Green Cards, have anywhere to go.

I will end by saying, 'I man born here, I man will die here, this is mine I have no place to go'.

Mr. President, as I have said, I do not support the Bill in its entirety, and I hope the newspapers can get it right this time.

Thank you very much.

MR. PRESIDENT:

The Member for East End.

MR. JOHN B. McLEAN: Mr. President, before saying what I have to say, I would like to clarify two points raised by the previous speaker.

Mention was made of those who had flocked to him for a vote to go on to Executive Council. I would just like to make it abundantly clear that I was not one of those Members...

MR. W. McKEEVA BUSH: This is correct Mr. President.

MR. JOHN B. McLEAN: The second thing, mention was made of those having a Green Card. If I wanted a Green Card I could have had one, because I do not know if it is luck or what, but my father-in-law happens to be a United States citizen. But I think very much of the British flag, and I have no intention of ever changing this.

Mr. President, what I have to say today may be interpreted as the shortest speech, and I would like to say that it may be remembered like the shortest verse in the Bible, 'Jesus wept'.

Mr. President, the four Members in this Chamber who have been branded as 'Opposition Members' have taken insults, we have been ridiculed and the only thing I can say Sir is, that it is due to the fact that we have stuck to our guns in trying our endeavours to protect the 'little man'. I know it is a bad word in here, but I will continue to preach this word, the little man.

Mr. President, I know that the four of us are in no position to change anything which comes before this House, because it happens that we are in the minority. But I will continue to defend the Public, and I would just like to say that this Budget has been referred to as 'the People's Budget', and I feel Mr. President that the public should have the final word on it. I for one, a representative of the people, am prepared to put my life on the line to defend my people, and I will take this Budget throughout these Islands, I will take these tax increases throughout these Islands, one way or the other to the people, and I hope that the final word will come from the people.

Thank you Sir.

MR. PRESIDENT: Does any other Member wish to speak?
The Fourth Elected Member of Executive Council.

HON. VASSELL G. JOHNSON: Mr. President, Honourable Members, I did not intend to debate on this Bill of a Trade and Business Licensing (Amendment) Law, because I did not think there was a need to. Neither did I debate any of the other Bills which came forward before. But Mr. President, there has been so much said by the Opposition bench in their attempt to fully debate the Budget Address, that many things emerged from those debates which cannot go by unheeded. Because Mr. President the debate of this House is on the air every night. The people are listening and we cannot allow any portion of it to be the onesided story.

We know that the Opposition is gifted in selecting a good case for themselves, and once this is done, it matters little to them whether they are deceiving the public or not, once they can win a point for themselves.

Mr. President we have heard a lot about economists in the role of budget preparation, and also who is qualified to be an economist. Mr. President, in dealing with budgetary matters, it is good to have advice from those people, the economists. In my days as Financial Secretary in charge of Economic Development of these Islands, I took their advice too.

HON. VASSELL G. JOHNSON: Mr. President I am referring to very qualified and experienced economists. They are people Mr. President, who dwell largely on the scientific side of things, and they pay very little attention to political impact, and so one has got to be very careful how he relates economic views with budgetary matters. Someone once asked me if I knew what an economist meant, and I said that I had a good idea but that I would like to hear his. He said that an economist is one who tells you what to do with your money after you have done something with it yourself. Well, there are many meanings being expressed by various ones about economists.

The progress which this country has made over the years, was not made altogether on the advice of economists. They were very carefully scrutinised and they were put to test. Portions which suited this Country were accepted, and Mr. President, the success of this Country was based on that portion exercised by good and sound judgement of the Country's Executive Council, and this Honourable House. Mr. President, a lot has been said about experts during this Session, and the Opposition tried to prove that everything this new Government does, must be geared to expert advice. But I am sure, that by this time the Public will have heard that over the last eight years of the former Government regime, they too believed in experts to some extent, and the vast number of people who were brought into these Islands to advise on various aspects of development, and the vast sums of money which were paid for these experts. Of course, Mr. President, the past Administration as was just a while ago mentioned by the Second Elected Member from West Bay, the past Government accepted that advice which they wished to have, and they rejected the others. Some reports they did not even look at, much less accept.

Mr. President, increases in the Trades and Business Licensing fees drew a vast amount of debate. Debate which I would regard as a complete review of the Budget Address, and I am glad Mr. President, that the opposition who walked out of this House had the opportunity of debating the Budget Address, something which they had declared to the public that they would not do. There are many ways of dealing with a matter, and they are certainly taking the opportunity to say their piece, by the debate on these various Revenue Laws.

Mr. President, we heard perhaps for the first time the sound of poverty mentioned in this Honourable House. That the new revenue measures which are being examined here, if approved will produce poverty, and that poverty is the parent of discontent and revolution. Mr. President, anyone who has good intentions for this Country would not utter words like those. It shows Mr. President the thinking of the Opposition, and I would like to say today Mr. President, that this Country has no poverty, and neither has it got 'little people'. We have poor people and we have humble people but they are people of strong character, people with a big heart. I do not see why they should always be referred to as 'little people'. Are we classing them with others in the Eastern Caribbean, or poverty-stricken people of other areas.

MR. LINFORD A. PIERSON: Mr. President I believe we have a lack of a quorum here, perhaps....

MR. PRESIDENT: You are quite right. In accordance with the provisions of Standing Order 13(2), I direct that Members be summoned.

The quorum is now present, the Fourth Elected Member may now continue.

HON. VASSELL G. JOHNSON: Mr. President, I was going to say something, but I had better not. I mean, everybody can see what the quorum of the House is, and they walk out and leave the House without a quorum.

Mr. President, in the Debate on the Budget based on examination of the amendment to the Trades and Business Licensing Law, it was said by the Opposition that Members on this side made many promises during their campaign. Mr. President this is quite true, I personally made promises myself. Mr. President, what I would regard as important issues made on the platform, that we would rid this Country of what we regarded as fear, intimidation and victimisation, and Mr. President I am quite happy myself that those three evils have been put to rest.

From the 15th November 1984, people have been smiling, people have been writing about this Government - some good, some criticising. People walk freely around, people have no fear of their work permit being pulled for vicious and evil reasons. The People feel that they are free once again, those Mr. President were the promises we made on the platform, that we would certainly put those evils to rest. I am satisfied Mr. President that as far as this Government is concerned the people can be assured that they will not be molested in any way.

Mr. President, another important thing which we said on the platform, that we would be sure to do, that was to tell the People the truth, and Mr. President we have been doing just that. We have demonstrated this in every way, we can go to the Public and look people in the face and have no regret. Nothing to hide Mr. President, for we have told them the truth, and we will continue to do so, the truth is what hurts in some cases, and this is why the Opposition is so upset.

Mr. President, in the Debate on the Trades and Business Licensing (Amendment) Law, a lot was said by the Opposition. They said things which they themselves became confused about, for they went on to say Mr. President one thing, and then contradicted it with another. They said that they could not figure the reason why we had to introduce all these new revenue measures, while at the same time Mr. President, they went through the entire Budget and they searched out all the Heads of Department and found in each one a decrease in expenditure, and then they started to lambaste the Government for this, reducing services, important services at that. So on the one hand they were condemning the new revenue measures and on the other hand, condemning the decrease in expenditure. I am not worried Mr. President about the decrease in expenditure because I have always believed that there were grounds for pruning the Budget. I still think there is some more room, but one cannot prune and prune to the bone.

Mr. President, we heard the Debate going on to explain direct taxation. Well Mr. President I need not advise this Legislature how dangerous it is to even mention direct taxation, and so I want to allay the fears of the Public, that this Government places Income Tax and any such kind of taxation in the same rejected basket with gambling and internal self-Government.

HON. VASSELL G. JOHNSON (CONTINUING): My policy Mr. President, in my long years in Government has always been to spend only what we can afford, and this will continue to be my policy as long as I am here, and I hope Mr. President that in the balance of time which I will have in this House as an Elected Member, that we will not have to burden the Public with this sort of taxation. Because, Mr. President, I am very optimistic about the present trend of the economy. I see out there in the field economic activities which indicate that this Country is moving on to another boom period. Booms, Mr. President do not come by luck, they come by action, and when this Government took office Mr. President, and as we have heard from the Opposition bench in their debate on the Trades and Business Licensing (Amendment) Law, that the recession which we experienced, some of which we are still experiencing, is second to that depression of the 1930's. Well Mr. President, I was born a little before that time, and that depression started in the early 1920's, and if anything is being compared with that depression Mr. President, I can assure you it was quite an awful thing. This is what the economic situation, prior to our coming into Government in November, was described as, yet we experienced some of it Mr. President.

Mr. President mention was made of increased expenditure, relating it to the salary of Civil Servants. I am sure it is quite evident in the Estimates that the salaries of Civil Servants increase year by year. The Opposition speaking across the way Mr. President must have had short memories, because like many other things they contradicted themselves. Mr. President the increases under the Trades and Business Licensing Law were related to all sorts of things. They hackled the poor barbers who talked about the increase that they would have to pay, and also their other 'little people'.

Let me say this Mr. President, that in these Islands everybody shares alike, the barbers and whoever they may be, and this is the reason why we have not got Income Tax today. Income Tax to a little tax haven like this is a dirty word, and this is the reason why we we it and abolished the Poll Tax, because the Opposition had tagged it 'Income Tax', and we wanted nothing in this Country which related to direct taxation, and so we were satisfied to turn it loose.

Mr. President, it was said across the way that the increase in Trades and Business Licenses is going to be very inflationary. Mr. President, what the economists should have known was that all things are inflationary, but that the worst inflationary commodities in this Country are wages for labour and salaries of Civil Servants. Either of these two can send the cost of living spiralling up. I am not saying that increased taxation does not cause inflation, but Mr. President one of the blessings which we have had over the past nine years where increased taxes are concerned, is that any new measure which affects commodity prices in the supermarkets were fairly well controlled because the Honourable Third Elected Member of Executive Council, who is a supermarket owner as well, was the first to move in and establish new prices which were very well controlled, and so other merchants did not have an opportunity to do their own thing.

Mr. President, it was said too in the Debate that had we not abolished the four per cent condominium tax, we would not have had to increase taxes. Mr. President this is a big joke, but I will give you the performance of the past Government, where the four per cent tax is concerned, and which was introduced in 1981.

HON. VASSELL G. JOHNSON (CONTINUING): Over the four years of administration of this four per cent Mr. President, what was caught in 1981 together with a couple of developments which followed thereafter, produced four per cent revenue of \$628,848.00. That Mr. President over four years produced an average of \$164,000.00 a year, now this is the revenue they are talking about, but worse than that Mr. President, looking at the performance, they had only collected up to the end of the year 1984 a sum of \$235,022.00, leaving on the streets \$393,825.00. Now that \$235,022.00 would represent something like \$61,300.00 per annum. Now Mr. President, this is the sort of revenue which they are telling us we should have retained, so as not to introduce new taxes, but Mr. President we knew the feeling out in the market, where this four per cent was concerned. It was objected to from 1981 when the very thought of it came to the notice of the developers, and Mr. President that four per cent resulted in a slump in the condominium business in these Islands. Since the four per cent has been abolished, we hear of many developments coming here, some which had been put on the shelves two years ago, are now under construction, and others are moving on - Penny wise pound foolish.

Mr. President this Government knows what is good for this Country, and do not let anyone fool you about that. We are not jumping in the office and using toilet paper. Some people did not even use it Mr. President because they did not stay in the office.

Mr. President we heard too about the reserves, which is a hot potato in this House, I do not know why. Mr. President, we can go to the bank and we can ask the bank if the cash is there, we have no fear that the bank will tell us that it is there, but whether we can remove that cash is the other question, and what we have been saying right along is that we cannot, because it is there locked in against a loan, a loan for that 'white elephant' the Tower Building. Mr. President I want to make it quite clear that from a long time ago 1981 in fact, I saw the need for additional office accommodation in this Government, so I did not have to come forward and oppose Government obtaining additional accommodation. There were departments in the Government Administration Building which were bursting at the seams, and with all the pleas we made, no we could not have new offices. Mr. President it was recommended that a new office block be built, on Government property east of the present Government Administration Building which had more than sufficient space for parking accommodation. Mr. President, my objection to the Tower Building 'white elephant' is that the little parcel of land on which it was built, was so small that it could accommodate very few parking spaces, and this is the reason why the Honourable Third Official Member stretched the point to acquire additional land adjoining the Tower Building property, and Mr. President, let me tell you this, that land is not going to be used in ten years time it is going to be used right now, because there is no parking. There is not sufficient parking around that Tower Building, I have been there many times driving round and round and had to park outside. So let us not fool ourselves, the reason was genuine and good to purchase that little piece of land, however expensive it was, by the Tower Building. I do not know why people are hiding all these things, I do not know why they are dodging the main issue. The Public need to know this because they are being deceived in many of the issues debated in this House.

HON. VASSELL G. JOHNSON (CONTINUING): Mr. President, I can tell you another thing about that Tower Building. The owner of the property on which that building is erected, has not been paid yet for his land. Imagine, that Government went forward and purchased that property with the owner running around town like a chicken with its neck chopped off, wondering how he is going to be paid for his parcel of land.

Mr. President, this Tower Building purchase was another thing, it was to rescue some of those people who were between the frying pan and the fire. There are members of the Public who know the true story about it Mr. President, let alone all the dodging which is going on, do you not want to hear the truth, the truth shall reign for ever, we are not going to bury it. Mr. President, that Tower Building is constructed of steel clad with prefabricated material. We have heard hear that it is constructed of steel and concrete blocks, this is not so Mr. President. I was round there looking at things while that building was going up. It is just like the Anderson Square building, and one knows who owns that building Mr. President, I need not call names here.

Mr. President, another reason why I was against the purchase of the Tower Building with all the other difficulties I have mentioned, was because Mr. President, that building, that property was purchased in the height of that depression which was spoken of from the Opposition bench, which was next to the 1930 depression. People all around the Country were there groping around, no work, I am sure that it was commonplace for people to come into everybody's office and ask if there was a job around. Mr. President, that five million Dollars could have been used to build a conventional office structure, four or five storeys on Government's land, which had sufficient parking accommodation, and it could have relieved people here during that depression by putting money into their pockets, by putting into the circulation of the Country a few million Dollars, even if some of it had to be sent overseas to buy material. Imagine what that could have done to the economy of this Country Mr. President, rather than putting into the pockets of one knows who. This is what I had against the purchase of the Tower Building, and I want the Public to know it. So it is no use the Opposition riling up there and telling us about our criticism of the Tower Building, which is now used to house so many Government departments. I appreciate it, but it is not the point.

Those 'little people' they were crying all over the place for a little job. Ah, little people are known but only at certain times. If one went out before the election campaign started, and one asked those little people what they thought about Members before that, they would tell you. With an election coming on, everybody knows little people, yes.

Anyhow Mr. President, thank God that when this new Government came on stream we knew what to do to start the economy moving. I bet one does not go round today and have people coming and asking one where they can get a job, and come 1986 one will see. Mr. President, let me say this, that if we wanted to spend the balance of that restricted reserve, we could have gone to the bank and offered some other form of guarantee, and we could have avoided introducing new revenue, and I am sure that the bank would have agreed to lift that hypothecation and make the funds available to us. They probably would not have done it for the previous Government Mr. President.

HON. VASSELL G. JOHNSON (CONTINUING): The Banks are very scared of the Opposition, and kept far away from them too, I can tell you that.

Mr. President, when people are talking they should try to understand that people who live in glass houses should not throw stones. Mr. President, I heard the word 'nepotism' mentioned in here in that debate across the way a couple of times. I wonder if the Members really know the meaning of 'nepotism'. It seems to me that they grasp these words because they sound nice, and they use them wherever they think they would fit without realising the meaning. Mr. President I do not want to mention names here, but I could really tell this House of blatant nepotism during the past Government's régime.

Mr. President much has been said about the 1985 and 1986 financial years, and much has been done to mislead the public as to what the true position is. Mr. President in the previous Government's administration 1977-1984, they introduced many, many new measures. I do not know what new measures they are talking about for 1986. Mr. President, they introduced new measures in 1977, 1978, 1980, 1982, 1983 and 1984, six out of eight years. They introduced new measures amounting to over seven million dollars. Banks were taxed three times, from a meager \$10,000.00 dollars a year or thereabouts, to \$27,500.00. Mr. President, I notice that when it comes to taxing the offshore business, everybody is quite happy to support it, tax them and one will hear squeals, but I have said before, and I will say it again, that we are reaching a time when the offshore industry cannot alone be taxed. The local people will have to bear a part of that responsibility as well, to service those industries which are the lifeline of this Country, and make every endeavour to keep them here and to keep them satisfied, and the taxes which the local people are called upon to pay, are just a small cost of the wonderful services which the Government provides for them.

Mr. President, they talk about 1985 and 1986. Let us look at their last grand year, 1984. We will see that in 1984 Mr. President, they brought forward the surplus revenue balance of over a million dollars. During 1984 they introduced new tax measures amounting to \$1.3 million dollars. During 1984 they pulled from reserve a sum of over \$3,360,000.00. Mr. President, those sums amount to \$5,863,000.00 and still Mr. President, using these along with the recurrent revenue for 1984, 1984 ended with a deficit of \$590,748.00, a sum which was brought forward into 1985. Well, Mr. President you can compare 1984 with 1985 and 1986 and tell me which in your estimation is the worst of those three years, I know.

Mr. President, the Opposition referred to loans which this Government raised this year. The accounts on the Estimates indicate that the only loan sum in the books of Government for 1985 is \$168,825.00.....

MR. PRESIDENT:

If I may interrupt the Honourable Member, I am told the tape will run out in a few seconds time. So perhaps he would like to stop for approximately one minute while it is changed.

HON. VASSELL G. JOHNSON:

Mr. President, I was really just winding up. I was saying that it was always referred to on the Opposition bench that loans were raised by this Government this year. But the only loan sum appearing on the records is \$168,825.00 which is the last of the Airport Development Loan from Caribbean Development Bank, and this sum was drawn down to make the final payment to the contractors of the Terminal Building.

HON. VASSELL G. JOHNSON (CONTINUING): What is being proposed Mr. President in the 1986 Budget which we examined a short while ago, is a sum under the Loan section of the Estimate, amounting to approximately eight million dollars, which we hope to raise in 1986 for certain and specific projects, but no loan has been raised by this Government this year.

Mr. President there is a lot more that I could say, but I know we are struggling for time here and Christmas is shortly to descend on us, and so I will not continue the debate, but only now to indicate once again, my support for a Bill to amend the Trades and Licensing Law 1985.

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 House, a Bill for a Law to amend the Trade and Business Licensing Law (Revised) is a very necessary and important Bill. I have given it very serious and careful consideration from the time I received it. I regret, that due to my constituency being separated by water, I have not had the opportunity of taking it to my people. I have talked to as many as I could. I would like to call the attention of the people listening, that I have only been in Cayman Brac since this was published in an Extraordinary Gazette on the 4th December, 7th and 8th which were a Saturday and a Sunday and the 14th and 15th, the rest of the time I have been in Grand Cayman attending meetings here in this Honourable House.

I made my contribution to the Budget Debate. I explained in detail where it had an effect on my District. I also realise Mr. President, the view I have now is considerably different, for I understand the procedures of Government. We met in the Finance Committee on Friday, and I approved recurrent capital and new services. Out of those fees, the funds for these are coming from fees from this Bill. Therefore, I could not hear it today, and stand and say that I do not support the Bill, as I have already voted giving the Honourable Third Official Member authority to spend money which will be raised under it.

But I would like to say Mr. President, that my District is in a depressed condition. I spoke from the heart when I said what I did in my Budget Address, and I will not try to repeat it, but I do ask all Honourable Members who control finance and development that we will be given some special consideration in the payment of these fees. The Honourable First Elected Member of Executive Council made a suggestion yesterday, on which I might have to take his advice, to close down the business which we operate under Trade and Business License and work for someone else. This may have to be done by many others in my District, for I would like each and every Honourable Member to review the situation which exists in Cayman Brac and Little Cayman, and understand that I am not just standing here talking and wasting time.

So I do ask, whatever can be done, that funds can be available which can provide employment for my people, and some concession in the payment of these fees.

Mr. President, I take my responsibility here very seriously. I do not come here to debate the 1972 or the 1976 Government, I have no axe to grind for any of them. I appreciate all that has been accomplished over the number of years, and I feel the time has come in the Cayman Islands where we must realise that our Country has been built up over a number of Administrations. There has been good and there has been bad, maybe all have done their very best, and I am appreciative of what has been accomplished.

CAPT. MABRY S. KIRKCONNELL: But I would ask all Honourable Members of this House, let us get on with the business of Government, let us not debate the Budget at a time when it is not the proper time. We all had our opportunity, if we did not exercise it, let us not go back into a Budget Debate in each and every Bill.

Mr. President, I realise every minute taken in this Legislature creates additional expenses on my people, therefore in closing my remarks, I would like to say, because I supported this Bill in the Finance Committee, I have changed my view, I had not proposed making an amendment for some concession to the Third Electoral District, but I have changed my mind on this.

I would close by saying that I do support the Bill. I know it is necessary, if we want the capital projects, and not only that we want but we need so deeply for employment and for infrastructure. I would again, in closing, ask the Honourable Third Official Member to do all that he can to make funds available as early in the year 1986 as is possible, in order that we can get some capital projects going in the Lesser Islands.

Thank you Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak. In which case I will invite the - you nearly missed your chance.

MR. G. HAIG BODDEN:

Thank you Mr. President for being so tolerant.

The Bill before the House is a Bill to increase the fees payable under the Trade and Business Licensing Law. It is a Bill which I cannot support, simply because I believe we are today violating one of the measures of good economic sense. I cannot see how the Government can seek to increase taxation at a time when they themselves admit to being recessionary.

This Bill, like others which have proceeded it and others which will follow including the afterthought which we have just received, are all part of the intention of Government to raise five and a half million dollars this year, in new measures from the local population. I understand from you Sir, that the House may only sit until six or six thirty this afternoon, and as I intend to reply in great detail to the many silly arguments which have been put forward in defence of this Bill, I intend at this stage to deal with the details of this Bill first so that if I should use up all of my time and not be able to obtain a suspension of the Standing Orders to finish my speech, at least I will have made known the phenomenal increases which are proposed in this Bill.

One Member, or perhaps more than one Member mentioned that there has been some confusion in the minds of the public about certain increases under this Bill. I think specific mention had been made of increases relating to certain business places. The reason for this confusion is that the Budget Address did not give any detail on this Bill, with one exception in that it mentioned that the fee for a merchant and wholesaler is to be increased from \$300.00 to \$1,500.00. I believe that this is where the public may have got the impression that the fee for all business places will increase from \$300.00 to \$1,500.00. So the confusion has been brought about by the Government. Perhaps they were afraid to detail the increases, as the increases were so abominable, and would subsequently prove to be unacceptable. The Budget Address merely mentioned that the fees under the Law dealing with Trades and Technical and Commerce Sections comprised of 18 items are proposed to be increased.

MR. G. HAIG BODDEN (CONTINUING): No proposal for fees under the professional section are put forward, as these were increased in 1984. These fees have not been increased since the mid 1970's. An example of the increase is the fee for a merchant and wholesaler, which is to be increased from \$300.00 to \$1,500.00, a cost to the owner of \$28.85 per week, and perhaps there should have been a line to say that the increase was a 400 per cent increase.

Much has been made of the fact that the fees under this Law have not been increased since the mid 1970's, and in fact from the debate of certain Members it would appear that they seem to believe that the fact that these fees had not been increased since 1975, was a justification for the abnormally high fees now recommended.

What the public should know is that the reason why these fees had not been increased since 1975 is because the First Elected Member of Government, who seems to be the leader of the elected Members was thrown out of office in the 1976 Election, simply because these particular fees and other fees had been doubled by him and his Government in the 1975 Session at the end of the year, which provided for new increased fees to be collected during 1976, his last year of office. So the reason why these fees were not increased, was simply because he was not around, and the same is true of the other increases, the increases under the Motor Vehicle Law. They have not been increased since 1975 because his last act in 1975 was to increase those fees. But now that he is back in Executive Council after ten years, as he mentioned sometime ago After having spent ten years in the wilderness he is back in Executive Council and has gone promptly to work to continue the job which he had started back in 1975.

It is alarming to see the proposed increases in the fees under this Law, and in fact when I received the first draft I did not worry too much about it because I believed at that time that there had been a typographical error in the number of zeroes added to the figures in the Bill. Since the Session got underway I realised there had been no typographical error, and the error had really been in the economic policies of the Government, and the pricing mechanism is simply an outpouring of those bad economic policies.

In the Bill it is recommended that the annual Trade and Business Licensing fee for a baker be raised by one hundred per cent. To my mind the pricing policy of the Government is a policy which can only help to further weaken our economic system, and to further carry out the promise of the newly elected Government to help the 'little man'. I mentioned that they had done a good job with helping the little man, that is helping him out of existence. Because there is no area in which one can hurt the little man by increasing any fee, can hurt the little man more than by increasing the fee for any business connected with bread, because bread is a staple food in the Cayman Islands. It is one item which is probably universally found on the table of every person, and particularly found on the tables of the poor man. Bread is a commodity Sir which has been promised by God, but now taken away by EXCO.

The fee for the annual Trade and Business License for a barber is raised from \$25.00 per year to \$50.00, an increase of one hundred per cent. This increase is alarming, the Member who introduced the Bill told us about the expensive barber who attends his tonsorial needs, and I believe that the price which the Member said he is paying will probably now increase again.

MR. G. HAIG BODDEN (CONTINUING): Because, after all, these people have to recover in the cost of a haircut the money which they have to expend to keep in business, and in addition to this, they need to make a profit, because the profit to the businessman is what the salary is to the wage earner. He must have his profit to enable him to live.

What alarms me about this Bill, with particular emphasis on the increase to barbers, is that the poor man needs his hair cut as well. So the increase burden which will eventually trickle down to the consumer will hurt the little man, or maybe to use the terminology of the Government Members 'will help him', which I expect to mean help him out of existence.

Fees for the building and engineering trade increased by two hundred per cent. Here again, the cost of building and the cost of engineering is borne in this Country by the little man, as well as the big man. This increase has been made at a time when we have an acute shortage of housing, and it is bound to effect the cost of building.

If we move from the barber to the more sophisticated hairdresser, we will see that the fee for the hairdresser has also been increased by one hundred per cent. Since this Bill has been published I have learnt that the Government is taking the necessary steps to enforce the Sunday Trading Law, which has been mentioned by other Members. Two of the calls which I received shortly after the publication of this Bill, and the resurrection of the Sunday Trading Law came from hairdressers. So what the Government is doing is increasing the fee payable by the hairdresser at the time they are now attempting to enforce a Law which has been on the Books for a long time.

I believe that the Government should enforce a Law, or they should amend it, or repeal it. No Law should be on the Books and become a mockery, as the new Government has done with the Marine Conservation Law. They will not amend it and they will not enforce it, and I believe the Sunday Trading Law, which effects businesses, which is the subject of this tax, should be amended, repealed or enforced.

The Bill before us deals with the increase in fees of certain businesses which did not exist in these Islands at the time the Sunday Trading Law was passed in 1963. A responsible Government, discovering to their amazement that an archaic Law had not been enforced, has the responsibility to change that Law to suite modern times, or repeal the Law or enforce it, but they should not jump up as they have done and try to enforce an archaic Law.

Under this Bill the hairdresser who is asked to pay a one hundred per cent increase in his license fee, cannot now open his place of business on a prohibited day under the Sunday Trading Law. So this is an indication of a Government by crisis of the new Administration, instead of sitting down after long discussions and deciding what is good for these Islands. They make decisions which hurt rather than help the economy. Under this Bill, the fee for a job painter is raised by two hundred per cent, this is a large increase. If Government had come with reasonable increases, five per cent, ten per cent, twenty per cent I am sure the public may have found it acceptable, but to shut their eyes and perhaps pull little matchsticks, and in an arbitrary fashion slap on increases, which are unreasonable and wrong.

MR. G. HAIG BODDEN (CONTINUING): The fee for a laundry, raised from one hundred dollars by one hundred per cent - I do not know if this fee includes the laundromats, but I suspect it does. In any case, this is immaterial, the fact is that the little man needs his clothes washed and cleaned. Any increase in the fees, or any other expenses must trickle down to the little man.

The fee for a retailer with a place of business with less than 600 square feet, will go up by one hundred per cent. Now these are the people at the very bottom of the commercial scale. These are the people with the very smallest businesses. These are the little corner grocery stores, and the little one-room boutiques, and their fee has been increased by one hundred per cent, which bears out statements which I have been making over the last year, that the new Government seems bent on putting the small man out of business. A retailer who is a little bit more fortunate than his small brother down at the bottom of the scale, and he has a place of business of 1,501 square feet up to 2,000 square feet, finds his fees increased by four hundred and thirty three and one-third per cent. The retailer with over 2,000 square feet finds his fees raised by three hundred odd per cent. The one that concerns me most in this exercise is the large business with 2,000 square feet, which seems to have gone up from \$300.00 to \$1,250.00, as these are the supermarkets I believe, where the poor man is always looking for a special buy, and when the Government interferes with the pricing system in this manner, then they upset the price which the owners were accustomed to paying, and we will find shock waves in the retail price of goods.

We find that the fees for Service Stations have gone up one hundred and fifty per cent. In the little exercise which was worked out in the Budget Address on the cost per week to the car owner, this increase in the fees of the Service Station seem not to have been taken into account. I think the exercise specifically dealt with the annual registration of a car. There is another item in this Bill which will affect the operating cost of a car, and these two items coupled with the other increases under the Motor Vehicle Law appear to me to show clearly that the Government lacks an understanding of the role of the automobile in our society. It seems to me that motor vehicles have come in for more punishment under this Bill, and the other tax measures pertaining to motor vehicles, than perhaps any other item mentioned as new revenues. Lacking in these Islands as we do, a public transportation system, I cannot see how motor vehicles can be treated as luxury items, when there are people who own motor vehicles only because they have a business or they have a job. Gone are the days in the Cayman Islands when the rich people only had motor cars, and when they used them it was only on Sundays or public holidays to go for joy rides. The automobile is as necessary as the kitchen sink, which they talk about, it is as necessary as the toilet in the bathroom, it is as necessary as the stove in the kitchen, and as necessary as Cayman Airways for the continued existence of our economy.

Possibly one of the smallest business is that of shoe repairs, because this business is carried on usually by individuals, and the night axe has fallen on this business as well, and there is a recommendation that the fees payable by the shoemakers be increased by one hundred per cent. So if the cost of shoe repairs should go up it is the small man who will feel it more than his richer brother, because I believe that more poor people repair their shoes than rich people.

MR. G. HAIG BODDEN (CONTINUING): The cost of the fee for a super cargo has been increased by two hundred per cent, to keep it in line with the other items in this Bill.

The cost for a tailor has gone up by one hundred per cent, and here again, all people if they go out publicly wear clothes and the cost will fall on the little man as well as the big man.

The next item increase is the fee for an undertaker, raised from whatever it was, by one hundred per cent. If this Government stays in office much longer the people will not even be able to afford to die. Because the poor people as well as rich people need the services of an undertaker, and the burden will fall most heavily on those below the poverty line.

The fee for the bulk storage of petroleum products has been increased by four thousand nine hundred per cent, an increase unheard of in any Government, in any tax and in any land. It has gone from \$1,000.00 to \$50,000.00 a year. I do not have exact figures, but I believe I am close to being correct when I say that the operating expenses for a bulk storage plant will probably be in the vicinity of \$20,000.00 a month, because everyone knows that these plants, and there are only two of them here run by Esso and Texaco, do not have very many staff, and more compounds are built so that delivery and intake of fuel can be handled efficiently, and this increase of \$49,000.00 per year is bound to make a significant impact on the operating expenses of these companies, and will subsequently impact the consumer. It is unreasonable to increase this specific tax by more than \$4,000.00 per month. It is unreasonable because this increase will have to be passed on to the consumer of petroleum products, and there are many consumers of petroleum products including the owners of motor vehicles, and when this tax is coupled with the increase in the Trade and Business License for the gas stations, and coupled with the increased tax on diesel and gasoline, and coupled with the thirty items which have already been increased by Executive Council under the Motor Vehicle Law, we will find that the total increase for the operation of any vehicle must significantly increase. One would have thought that the Second Elected Member of Executive Council would have raised a storm on this increase, which is bound to affect tourism.

I see the price of taxi fares rising, I see the cost of our transported goods rising, perhaps even the air-fares rising, because many businessmen have a cost which they must pass on to the consumer. So the Member for Tourism has a responsibility to try to prevent increases of this nature which could be detrimental to tourism. It is also a well known fact, which I have from a most reliable source, that the Government has recently agreed with CUC that they will pay import duties on their goods starting this year. Their biggest item imported, is the item known as petroleum products. I do not know how far the increase in operating costs of CUC will go, but it is my belief that if the Government does what it has purported to have done, that is to agree with CUC to collect import duties on their imported goods, we are going to see a catastrophe in these Islands, particularly if there are increased costs measured by the increase in charges for petroleum products, whether it be by license or import duty. Of course, the Government itself will appear to be alright, because they will then collect import duties which will swell the revenue. But under the franchise CUC will be allowed to make another fifteen per cent profit on their operational expenses. So, when I speak against these increases I am not only thinking about the devastating effect that the increases will have today, but I am thinking about what will happen to the electricity rates next year, when CUC under its franchise seeks an increase in rate to compensate them for their operations with the new increases for their operating cost.

MR. G. HAIG BODDEN (CONTINUING): In this Bill, it is recommended that the fee for propane gas storage be raised from \$1,000.00 to \$5,000.00, a four hundred per cent increase. But we are not finished with this Bill yet, and I heard the Member from North Side recommend that this particular item be changed from \$1,000.00 to \$25,000.00, and I also heard the Second Elected Member from West Bay recommend, or indicate that he would support an increase larger than the \$5,000.00 proposed in the Bill.

MR. W. McKEEVA BUSH: What else did I say?

MR. G. HAIG BODDEN: There is no area where the small man could be hurt more than by the increase in the price of propane.

MR. W. McKEEVA BUSH: That is what I said.

MR. G. HAIG BODDEN: There is no area where the poor man could be hurt, the poor man who certain Members one year ago proclaimed they would help, the poor man whom they are helping out of existence. The rich in the Cayman Islands today are no longer using propane stoves they have moved to electric stoves, and it is the little man who will pay. I heard some very disparaging remarks yesterday about the proprietor of the propane storage business in the Cayman Islands. Remarks which I do not agree with because this particular person has provided a good service to the Cayman Islands, by supplying them with propane. It is true, he has the only storage plant, but there is nothing to prevent any other person from having such a plant. The idea to tax this business is an idea that we should penalise the people who have been successful, and it is the feeling which runs throughout all the new tax measures.

Mr. President, this is about the fourth time this unruly Member has rudely interrupted me. I would just like to call it to the attention of the Chair.

MR. PRESIDENT: The Member knows very well that the Member who did the interrupting knows very well that he should not do so. But a number of Members do from time to time interrupt, but as long as it does not become too frequent or too troublesome, I do not propose to call them to order each time, although I give them notice that they are out of order each time.

MR. G. HAIG BODDEN: You are perfectly correct Mr. President. I do not mind the odd interruption either, but when it becomes so persistent it violates the rights of the speaker.

MR. PRESIDENT: This is perfectly true. Perhaps I ought also though to call the speaker to the Standing Order about tedious repetition. I have been very tolerant throughout the debate on this whole Bill, and I am therefore being equally tolerant with the present speaker, but there is a Standing Order which does enjoin speakers to avoid tedious repetition, and I just draw it to the Members notice.

MR. G. HAIG BODDEN: Mr. President if you can call my attention to any area of repetition this morning, I will be glad to abide by your ruling. I have enough material in front of me to use up my entire four hours on this Bill, and will ask the House for their indulgence to suspend the Standing Orders so that I can continue over the four hours, and test their belief in freedom of speech.

MR. G. HAIG, BODDEN (CONTINUING): The fee for contractors raised by 566.67 per cent, up to a total of \$2,000.00, such an increase will fall hard on the shoulders of Caymanians struggling to build a house. It is an unreasonable increase and is bound to be passed on to the consumer. Another increase in this Bill is the fee for a contractor who is subject to the local companies control, and this fee is being raised from \$300.00 to \$10,000.00, an increase of 3,233.33 per cent. Does anybody believe that the contractor, under the Local Companies Control License will absorb this fee himself. Does anybody believe that he will pay this fee out of his profit margin, or will he like other prudent businessmen pass this fee on to the consumer, and as the consumer will be big men and little men, the little people will hurt most of all.

Another fee increased under this Law is the one mentioned, or given as an example in the Budget, being the fee to merchants and wholesalers, raised from \$300.00 to \$1,500.00, a four hundred per cent increase. Here again, the wholesaler must pass all of his costs on to the retailer, who in turn must make a profit on his goods and pass the cost on to the consumer, who will include the little man.

Another fee increased under this Bill is the fee for restaurants, up by one hundred per cent. Now I know that there are restaurants in these Islands which have big businesses, and there are restaurants which have many customers, there are restaurants where you need a reservation in advance to get a table, but these restaurants are few and far apart. Many of the restaurants in these Islands are owned by individual people, many of which are owned by women who are widows, restaurants owned by women who need the income to send their children to school, to provide meals for their children. There are in Cayman Brac and in Bodden Town and in East End some very small restaurants that only serve a few meals per day, restaurants where the owners struggle to keep the doors open, and these are the people who will be hurt by this Bill, not the restaurant on Seven Mile Beach or restaurants offering gourmet food, but the restaurants in the outlying districts that not only provide a source of income to the owners, but provide an invaluable service to workmen who use them every day, because they have to buy meals when they are working out of town. These are the little people of whom I speak, these people who find an extra one hundred dollars here or an extra two hundred dollars there to be a real burden, and these are the people who are being squeezed out of business, and of course the more of these who are squeezed out of business, the better off the big boys will be.

We should be concerned when a package such as the one before the current sitting of this House is put before us. If this amendment to the Trade and Business Licensing Law were the only Bill before this House, seeking these avaricious increases, maybe we could find some justification for supporting it, but when this Bill comes to us seeking to raise a large sum of money, we should give it careful consideration. We must not overlook the inflationary results which will arise from this type of increase. Anyone who has to pay an increased tax must get that money back some how.

MR. PRESIDENT:

If I can interrupt the Member, I am told that the tape is about to run out, so I think he had better pause for a moment.

MR. PRESIDENT:

The tape is on, the Member may continue.

MR. G. HAIG BODDEN:

Mr. President, Members who spoke before me seemed to believe that the business person or the individual who is called upon to pay a tax can find the money. But I do not believe that we should attempt to measure a persons propensity to pay tax, only by the fact that he can find the two hundred dollars or whatever other sum is required by Law. For example in the case of the restaurants, the owner may be able to find the money, but this does not mean that he can pay the tax comfortably. His capacity to pay should only be measured by the amount he has left after paying it, so it follows, that the poor man or the little man will have little left after paying a particular tax, and would therefore be considered as really being unable to pay it. The rich man who would have a great deal left after paying the same tax, would be considered as being able to pay it, so the concept of ability to pay, which has been so loosely referred to in these tax measures requires careful definition.

The Government has been very apologetic about these tax increases, including this particular Bill. But their apologies cannot put bread on the table. We have heard during the debate on this Bill, as well as the debate on other tax measures, and the debate on the Budget many excuses why these taxes are necessary. They have done a good job in this Chamber of apologising to the public about these tax measures. However, they seem to have panicked, and on the front page of the newspaper yesterday morning, there was a public apology to the people of these Islands signed by the four Elected Members, about these tax measures. I refer Sir to a letter which the Second Elected Member for George Town mentioned yesterday, and to the replies made.....

HON. W. NORMAN BODDEN:

Mr. President, would the Member clarify, I think he has the wrong number for George Town.

MR. G. HAIG BODDEN:

Yes I have, it should be the Third Elected Member. The Third Elected Member, sorry the First Elected Member from George Town, if you do not mind I will say Mr. Pierson, now the Honourable Member from George Town

MR. W. McKEEVA BUSH:

He is confused now.

MR. PRESIDENT:

Maybe, maybe the Member is.....

HON. W. NORMAN BODDEN:

I am sorry about that Sir.....

MR. PRESIDENT:

(LAUGHTER) Maybe the Member is tiring slightly, and perhaps.....

MR. G. HAIG BODDEN:

It would seem so Sir, that the Member who interrupted was wrong, I was correct, Mr. Pierson is the.....

HON. W. NORMAN BODDEN:

I did apologise Sir.

MR. G. HAIG BODDEN:

I do not mind this kind of interruption Sir, especially when I know I am right.....(LAUGHTER)

MR. PRESIDENT:

But that must be all the time. But, I dare say the Member might be quite glad of the chance to break anyway, and so perhaps might.....

MR. G. HAIG BODDEN: Yes Mr. President, because it will take a long time to deal with this apology.

MR. PRESIDENT: (LAUGHTER) Well, I will give you the lunch hour to deal with it. Let us break now and I will suspend proceedings until approximately two o'clock.

AT 12:59 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:03 P.M.

MR. PRESIDENT: Resumption of the Second Reading Debate on the Trade and Business Licensing (Amendment) Bill. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, when we adjourned, I had begun to mention the letter which appeared in the newspaper yesterday, a letter which in my opinion sought to offer an apology for the Bill before the House, as well as the other new tax measures. This letter was discussed yesterday by a few Members, and I will not be long with it. But I must offer a few comments. The letter seemed to say that there had been attempts to mislead the public, and that the Government does not mind constructive criticism, and it went on to mention the deficits which Government incurred over the years, and to point out that there was a deficit in 1984, and of course, Members when debating this Bill as well as other Bills, have tried to imply that the 1984 deficit and the 1985 deficits give them a reason, or an excuse to impose \$5.5 million dollars of new taxes in the current sitting of the House.

No one can deny that there have been deficits in Government. Starting from 1904 there have been deficits. There were severe deficits in the early 1930's following the 1932 hurricane, and there were deficits in the 1970's. The years 1975-1977 were years of consecutive deficits, the year 1977 being perhaps the worst. This picture changed in 1978 when there were many years of surplus revenue, and in fact this document which was prepared by the Fourth Elected Members of Executive Council and is called 'An Economic and Financial Review of the Cayman Islands' shows that in 1978 there was a surplus of over one million dollars. In 1979 there was a surplus of nearly four million dollars. In 1980 there was a surplus of nearly eight million dollars, then in 1981 there was a surplus of eight and a half million dollars. Their records end at this point because I believe that this was the point in time when the account was written. But since that time there has been one substantial deficit year, but our Administration over the eight years did not leave a deficit. The Estimates show, and I think the audited figures also show that 1983 ended with surplus revenue of over a million dollars, which was brought forward into 1984. Now, 1984 did end with a deficit, but at the point in time when the Administration changed hands, there was a surplus, and a good surplus at that. Where it went, and this is borne out by two documents - one was a report which appeared in the newspaper, prepared by Government's Financial Secretary, setting out the position on the 31st October 1984, and I need not go into it, as that document has been verified by the answers given to a question in the Legislative Assembly after the November Elections. The Financial Secretary was asked this question:

MR. G. HAIG BODDEN (CONTINUING):

'In view of the conflicting versions of the financial position of Government, as at the 31st October, 1984, would the Member state the current balances at that date?'

The answer given by the Financial Secretary, an answer which we know according to the procedure in Government, is an answer which must have been approved by Executive Council. So on that day when the Financial Secretary gave his answer, Government's position must have been stated in very accurate terms. This is the answer which the Financial Secretary gave in this House after the November Elections:

'The current balances of Government's financial position as at 31st October, 1984 are as follows:

General Reserves	\$10,032,644
Surplus Balance or Surplus Revenue	\$ 891,510.....

HON. BENSON O. EBANKS:

He must have burnt it up in the

next twenty days.

MR. G. HAIG BODDEN:

Another rude Member Mr. President,

whom I shall ignore.

These I must restate, since the Member who rudly interrupted; does not like. These figures were stated in this House by the Financial Secretary, and read as follows:

'That on the 31st October, 1984 this Government had General Reserves of \$10,032,644. Surplus Balance or Surplus Revenue Balance \$891,510.....

HON. BENSON O. EBANKS:

How large was the overdraft?

MR. G. HAIG BODDEN:

Mr. President, this Member continues to repeat his rude interruptions. I have a right to speak without interruption, unless the Member has a Point of Order.

MR. PRESIDENT:

Quite true. I will remind the other Member that interruptions strictly are not permitted.

MR. G. HAIG BODDEN:

Here Mr. President I am simply endeavouring to repeat the answer which was given by the Government, relating to the position of the Government on the 31st October 1984. The Member who continues to interrupt, does not like this because he and some of his other colleagues had published a statement in the newspaper, which differs considerably from this. But I am not concerned here with any political propoganda which he spread. If he can live with his conscience, having spread the statement which varies so much from this, that is his business.

'The General Reserves (if I may continue to read), on the 31st October, 1984 were \$10,032,644.'

So the Country was not broke....

MR. W. McKEEVA BUSH:

Oh yes, broke.

MR. G. HAIG BODDEN:

Another interrupter, who has consistently made a statement that the Country was broke, despite the fact that the new Government, in answering this important question, denied the fact that the Country was broke.

MR. W. McKEEVA BUSH: Broke, yes.

MR. G. HAIG BODDEN: Mr. President, this is the third time this Member has rudely interrupted, and it is becoming impossible for me to continue with his unwarranted interruptions. I am simply stating a fact, and simply stating the answer given by the Financial Secretary, and I see no call for any interruption.

MR. W. McKEEVA BUSH: Look at the Budget this year, and look at your loan position, what money we had left was from the loans you paid out.

MR. PRESIDENT: Order, order.

MR. G. HAIG BODDEN: Mr. President, if the Financial Secretary's answer bothers the Member, why does he not take it up with the Member in a private meeting. The fact that the Financial Secretary's statement differs from the Members who have interrupted, does not concern me in this debate, and now that the two Members have withdrawn from the Chamber, as they should have done earlier since they find it difficult to take the medicine which is being handed out to them now. I will continue to read the answer, hopefully without any interruptions. Well I know there will not be any because there are no other two Members in the House who would act as rudely as those two have done.

'The answer given by the Financial Secretary on 31st October, 1984 was:

General Reserves	\$10,032,644
Surplus Balance or Surplus Revenue	\$ 891,510
Public Debt	\$ 8,587,922'

(Attached to this Paper is a breakdown of the Public Debt which I need not go into).

But if Members have any doubt about the ability of the Financial Secretary to show a true breakdown, perhaps Sir, I had better read the attachment to the answer, which I think I will, because it is very important in refuting the wild claims which have been made by certain Members during this debate.

'There was a self-financing debt of.....	\$ 2,780,444
Loans due to Government on that day were.....	\$10,000,920
There was a bank overdraft of.....	\$ 3,555,372
The amount due from Caribbean Development Bank was.....	\$ 3,148,840'

So the Financial Secretary gave a true picture of the state of affairs on that day. The overdraft to which he refers was the overdraft incurred in the construction of the Airport Terminal Building, as Government had been carrying on the construction before the cash had actually been received from the Caribbean Development Bank, and this overdraft, I imagine, would be wiped out when they got hold of the loan funds from the bank. If you examine the figures given here, you will see the Financial Secretary saying that we have an overdraft at this point in time, 31st October, of over three million dollars, but we will also receive in loan funds from the Caribbean Development Bank for the Airport project, the loan funds which are also over three million dollars.

MR. G. HAIG BODDEN (CONTINUING): Now, the Elected Members of Government and those christmas tree lights we hear about, like to say that there was an overdraft, but not one of them has mentioned that the overdraft was caused simply because the Government had carried out, and paid for construction on the Airport Terminal when the funds had not yet been placed in the hands of the Financial Secretary. Those loan funds were part of the 1984 revenue, so the Airport construction had been budgeted for, had been financed by a loan from the Caribbean Development Bank, and it was simply only an administrative matter, in that the Government had advanced the funds to pay the contractors before the cash was actually in the hands of the Financial Secretary. So, that while on the 31st October there was an overdraft, the fact is that the cash to cover that overdraft was on its way to the Government from the Caribbean Development Bank. So if the new Government wants to twist these figures and let the public believe that we left an overdraft, they must also tell the rest of the scenario that we left the revenue to pay for it, and this is what actually transpired. As these figures are the figures of the Financial Secretary, I need not defend them, because they speak for themselves. They were clearly set out in the Estimates for 1985, and were proved by the audited accounts for 1984. The Budget which we discussed, and which these tax measures form a part, also verify that the Financial Secretary told the truth, the whole truth and nothing but the truth when he presented these figures.

People must be struck by the consistency of the Financial Secretary, he has given these figures many times, in newspapers, in answers to Parliamentary questions, in Budget Addresses, in Debates in the Legislative Assembly and they have never varied. The plain fact is, that what we left the new Government were reserves of ten million dollars and surplus revenue on the day we walked out.

If the Member who is grinning, doubts the authenticity of this Parliamentary answer given by the Financial Secretary, he must, in a private session, find out whether the figures are correct, but knowing the Financial Secretary, I know that he will tell him the answer which I gave, is the answer.

MR. W. McKEEVA BUSH:

It is only the interpretation which is bad.

MR. G. HAIG BODDEN:

I have put no interpretation on these answers. I simply related the answer, read it word for word, and the answer speaks for itself. It needs no interpretation, and the Financial Secretary went a little bit further than that when he stated the position of Government, round about that time, and said in a headline report in the newspaper that Government at that time, was in a sound financial position.

Now if other people had been caught telling stories which vary from this position, I can only say they will have to take their own medicine, because they should not tell stories which vary from the truth, as propounded by the Financial Secretary.

Another reason given by Members in this Chamber to justify the increased tax measures, of which this Bill is a part, is that we had amassed so many debts which they now have to pay. In fact, the letter even tries to put it in sharper focus, because they said that we cannot live in a false economy, stacking up debts for somebody else to pay.

MR. G. HAIG BODDEN (CONTINUING): Here again, one only needs to go through the audited accounts of Government to realise that the Bodden Administration as they called it, did not stack up any debts, for anybody to pay. When Members make statements, as we have heard in this Chamber about the Public Debt, it would be useful for the public if the Government would give them a true picture of the Public Debt. The present position is set out in the 1985 Budget, and the position is so clear that even a blind person would see that there is no need to have these tax measures to finance the Public Debt. If one wants to look at the history of Public Debts in order to satisfy ones mind that the Public Debts of these Islands cannot be the reason for these tax increases, one will see that prior to 1972, Public Debts were almost unknown in the Cayman Islands. But with the coming into effect of the new constitution, and elected Members of Council being given responsibility for capital projects, we find the debts mounting. In 1972 the Public Debt was in the vicinity of a million dollars. By 1976, four years later, the debts had increased to \$6.99 million, roughly seven million dollars, and that was the state of the public debt when we took over. It had increased from one million to seven million dollars in only four years.

During the eight years between 1976 and 1984 the Public Debt including the much maligned Tower Building only stood at about eleven million dollars. But what do we see here today. The 1986 Budget has been approved, and the Public Debt will jump in one year by \$8.4 million. If we, and we have approved the Budget, and we have approved the revenue to come from loans, and this will change our Public Debt from eleven million dollars to over nineteen million dollars in just one year. The same type of buying that the First Elected Member for West Bay and the Fourth Elected Member of Executive Council used during the years from 1972 to 1976. So the policies which they used then, are being used now, and that is why the taxation policy complements them. Their spending from capital is mostly on borrowed money, and not from revenue collected, like the Administration from 1976 to 1984.

In order to justify the tax measures presented, the Members say that any person who can pay off a car loan at the rate of \$150 a month should not object to paying these extra taxes now. This statement gives, as the Member likes to mention, a transparent view of the thinking of the Government. Because a person is able to meet the mortgage which is necessary in order that he can own the vehicle, so that he may get his work done, does not necessarily mean that he is able to pay his portion of the \$5.5 million in new taxes.

In dealing with the tax increases which are mentioned in this Bill, regarding the Bulk Terminal and the Service Station, and all the other tax measures relating to automobiles, they gloat in the letter that people are ignoring the fact that these licenses have not been raised for ten years, the same argument put forward in the Legislative Assembly. Leaving this subject, I would just like to say that the Government having all the opportunity it wants in the Chamber to deal with the new tax measures, seem to have become frightened and have run out to the Press to expose themselves.

A Member, in debating this Bill made a wild statement saying that the new Government had inherited a terrible situation, and a mich statement that some of this mess is due to the policies of the past Government. Unfortunately for him, the Member was unable to state specifically, what the terrible mess was he was talking about.

MR. W. McKEEVA BUSH:

Too numerous to mention.

MR. G. HAIG BODDEN:

The mess to which he refers is not substantiated by any Government documents. What the Government inherited was the position of the Country as stated by the Financial Secretary in the Paper I have just read.

The same Member in debating the Bill before the House, mentioned that the new Government had inherited public debts of \$11.9 million, and it is true that a Public Debt of \$11.9 million was the debt owed by the Government at that time. But those public debts were not inherited solely from our Administration. I explained that the Public Debt in 1976 was around seven million dollars, and the debt which we left was \$11.9 million. So what was inherited from our Administration over eight years was a debt of about five million dollars. This Mr. President, is shown very clearly in the Estimates which the House accepted, and therefore, it is wrong for him and for the people of his Party to claim that they inherited such a large Public Debt from us, that they now need to increase taxation in one single session by \$5.5 million.

This is a very important point, because when Members make statements, which they have done on this Bill, and on other Bills, the public tend to accept their statements. Because this is so important for a proper understanding of my contention, that there was no need to increase taxation in this fashion, merely to service the debt, that I would like to run down very quickly the accumulation of the Public Debt, because it is a wild statement to say that the eleven million dollars of Public Debt was accumulated by our Administration.

The first loan of any substance, according to the Budget which we have just passed was acquired by this Government in 1967. It was called an Exchequer Loan and was for the construction, or rather the rehabilitation of the Airport, and was in the sum of £257,000.00, or was C\$257,000.00 which was the equivalent of the Sterling in which the loan was made. Also there was another Exchequer Loan (these are loans I imagine from the British Government), for the Airport extension, acquired in 1968 of \$90,000.00. It is significant that the first of these two loans was structured so that the repayments would not commence until 1975, and will not end until 1992. There was also in 1976 a loan for the construction of the Broadcasting Station in the amount of \$85,580.00, repayments on that loan commenced in 1982, so that rather than leaving a debt for this new Administration, we have paid off certain parts of the debt which we had inherited. Also there was a loan to provide the fence for the Public Works Department. A loan acquired before November of 1976. A loan whose repayment did not commence until 1983. There was also a loan for the Learning Resources Centre, and some of these were substantial loans in those days of \$125,821.00, and here again, repayments did not commence until 1983. There was another loan for printing facilities, and this loan again the repayments did not commence until 1983. There was a loan for the Cayman Brae Airport, repayments commencing in 1984. There was a loan for Public Works stores, workshop and offices, repayments commencing in 1984. There was a loan for the Education Building Programme which commenced repayments in 1984. There was a loan for Public Works facilities commencing repayments in 1984. There was a loan for aerial photography, repayments starting in 1985. There was a loan for plant and vehicles, repayments starting in 1984. There was a United Kingdom loan agreement in 1977.

MR. G. HAIG BODDEN (CONTINUING): One of the most substantial loans made by previous Governments was a Barclays Bank loan made in 1971, and in fact the loan was made much earlier. The repayments commenced in 1971, in the sum of \$400,000.00. Then there was, perhaps the worst loan ever made to this Government, or made by this Government, was a loan which the 1972-1976 Government made from a consortium of local banks, a loan in a sum of \$4,262,196.00, because the interest rate on that loan fluctuated and was fixed at one and a quarter per cent above the London Interbank market rate, and during the days of the high interest rates this Government payed on that loan interest in excess of twenty per cent. I believe that it may even have gone as high as twenty five per cent, but the interest rate was extremely high, and that loan has been payed off with the exception of \$852,439.20, these being United States figures. So that the payments on this particular loan started in 1977 during our Administration, and for seven years we payed into this loan a total sum of \$3,409,756.80, this was on one loan which we had inherited, and now these loans are the loans which this Government had. There were four substantial loans, one was to build main and feeder roads, from the Caribbean Development Bank, and this has to be repaid over twenty years. There was the loan for the new Airport Terminal of five million United States dollars, which is remarkable, when one considers the Airport Terminal cost ten million dollars, and we only had to borrow five million. There was a loan from the EEC which I think was used mostly for works in Cayman Brac, and at an interest rate of one per cent.

Now the only loan which really upsets our opponents, was the loan for the Tower Building. Members went as far as to call it this morning, a 'white elephant'. The truth is, that the Tower Building is one of the best investments made by the Government in its long history of more than 150 years. The loan for that building is covered by cash collateral, and the Financial Secretary made it very clear that we are only paying one per cent above the interest we are earning on our fixed deposit in Barclays Bank. The loan was US\$5.5 million, or roughly CI\$4.4 million, and we pay one per cent above the interest we get from the bank on a fixed deposit. So we have a fixed rate of one per cent, and this is the actual payment. Because while we may pay fifteen per cent of whatever the rate is, or eleven per cent of whatever the rate is we are guaranteed that whatever we pay, will be just one per cent above the payments we will receive from the bank. So the true cost is only one per cent. What is amazing about this whole exercise, is that during this sitting, the Financial Secretary announced that we are receiving nearly \$88,000.00 in rent from this building. He said eighty thousand and some odd dollars, and it does not take much of a mathematician to find out that one per cent of \$4.4 million is equivalent to half of the rent which we are receiving. So the Tower Building, with respect to the interest we pay on it is self-financing, because we can take the rent of \$88,000.00 a year and use half of that rent to pay the interest of \$44,000.00 which is equivalent to the one per cent we have to pay on that loan, and of course, the rest of the interest is paid for by a fixed deposit which we left, in other words, by reserve cash which we left. This is why the Opposition keep referring to the purchase of this building as a bad investment, simply because the Tower Building loan is really no loan at all, it is fixed back to back with reserves to cover it, and every night I thank God, and the people of this Country should thank God that the Financial Secretary had the wisdom to tie this loan to other reserves, or we would not have a penny in the reserves today, because the new Government will have spent it.

MR. G. HAIG BODDEN (CONTINUING): So this loan is a beauty, the collateral used.....

MR. W. McKEEVA BUSH: It cannot be touched.

MR. PRESIDENT: Order, order.

MR. G. HAIG BODDEN: ...are the reserves which we have built up, and I mean that, because when they were elected in 1976, according to the figures of the former Financial Secretary, the reserves were in the vicinity of one million dollars. So we have built up reserves between 1976 and 1984 of the figure which his successor mentioned of ten point something million dollars, he not only mentioned, but he put in these Estimates which are before the House. So I trust.....

HON. VASSEL G. JOHNSON: Mr. President, Standing Order 34, Point of Order Sir. The Member is misleading this Honourable House when he said that the interest which is paid on the Tower Building Loan is only \$44,000.00. In the Estimates for 1986, page 71., it is clearly stated in there that the Tower Building Loan interest is in the sum of \$550,000.00, and that the repayment of the loan itself on the following page, 72. Tower Building repayment is \$658,000.00.....

MR. PRESIDENT: I think this is getting rather beyond the Point of Order.....

MR. G. HAIG BODDEN: Mr. President I can deal with it, and I just wanted to develop my..... (INTERRUPTION)

MR. PRESIDENT: I..... (INTERRUPTION)

MR. G. HAIG BODDEN: The statement he has made is not correct Sir.

MR. PRESIDENT: I think we are way off the question that we are supposed to be debating, which is the Trade and Business Licensing (Amendment) Bill. I do not really think, that despite his ingenuity the Second Elected Member for Hodden Town has succeeded in convincing me that the subject he has introduced is really relevant to the Bill. I have stopped the Fourth Elected Member from continuing with a Point of Order which I do not think really was a genuine Point of Order. I know his anxiety to correct what you were saying, but that could have been left to somebody later in the Debate. I think I must stop you from continuing to correct him, and ask that you try fairly soon to get back to the Bill itself.

MR. W. McKEEVA BUSH: He is very repetitious Mr. President.

MR. G. HAIG BODDEN: (INAUDIBLE)

MR. W. McKEEVA BUSH: Mr. President, on a Point of Order, the Member has already said.....

MR. PRESIDENT: I hope this is a genuine Point of Order.

MR. W. McKEEVA BUSH: Well Mr. President, I have been called to the same one, and it was taken as a genuine one.....

MR. G. HAIG BODDEN: What is this Member's Point of Order?

MR. PRESIDENT: Let the Member state his Point of Order, and I will tell him whether it is genuine.

MR. W. McKEEVA BUSH: I am saying that the Member is repeating himself over and over. He has said what he is saying here about five or six different times here today.

MR. PRESIDENT: Well, I have already drawn the Member's notice to that, that is a Point of Order, it is perfectly true. I have drawn the Member's attention to it.

MR. G. HAIG BODDEN: Mr. President, I will leave the subject but I must correct what the Member, who should have kept quiet, has interjected into my debate. He is saying I am not telling the truth. All I say.....

MR. PRESIDENT: He was meaning you were not telling the whole truth.

MR. G. HAIG BODDEN: No, no there is no such thing Sir. What I said was that the interest we pay on it is one per cent above the rate we get for the fixed deposit.

MR. PRESIDENT: I must ask you to get back to the subject of the Bill. I did say that I had stopped him from pursuing his point of interruption.....

MR. G. HAIG BODDEN: But Mr. President, in my debate I have been called a liar, and I have a right to show that I am not lying. The interest which we pay on that loan is one per cent above what we receive from the fixed deposit, and the rest of it is the figure which he sees in the Budget. With this, what happens really is that the bank is paying us what they would have paid us for the fixed deposit, is kept as interest on the loan, and we have to pay one per cent more, so that the \$550,000.00 which he sees, is really the interest, but a part of that money comes from the fixed deposit, and we pay the other one per cent above it. What I have said is correct.....

MR. PRESIDENT: I think the Member has made his point. I think he must move on to another subject.

MR. G. HAIG BODDEN: Certainly Mr. President, I would have finished my point long ago, but for these two rude interrupters.

MR. W. McKEEVA BUSH: Tell the truth then.

MR. G. HAIG BODDEN: And I must say neither of them understood.

MR. W. McKEEVA BUSH: Not that sort of story.

MR. G. HAIG BODDEN: Another fallacy put forward by the Member who debated the Bill, was, and I think I have a right to reply to his comments, that Barclays Bank forced Government to get a cash collateral, and I can only say that Barclays Bank did not force Government. The Financial Secretary can answer this, and I hope he will. They were glad to get the account, and did not force Government in any way. They said a lot more about that building, but I will leave it, there will be another time.

MR. G. HAIG BODDEN (CONTINUING) One Member said that we have criticised the tax measures when asked where the alternatives were. What is the alternative to imposing new tax measures?

MR. W. McKEEVA BUSH: No to the money to pay for the works.

MR. PRESIDENT: Order, order.

MR. G. HAIG BODDEN: Well, the alternative to new tax measures would be simply to have more economic activity, so the Government could get more revenue from the same sources, without increasing the rate of taxes. In other words, instead of putting up the things on this Bill which include fees on restaurants, barber shops, grocery stores and so on. Government's policy should be geared to stimulating economic growth, so that in each successive year we can get more revenue from the items in this Bill and in other Bills, instead of trying to squeeze more out of the existing businesses. Government's policies should be aimed at encouraging economic growth, and then there would be no need to ask for the increases which are sought in this Bill.

One Member in debating this Bill, and I do not know what it had to do with this Bill, but he was allowed to say that he had spent a lot of money on reports from experts, and he did not even use the reports, which shows that as a Government we did not accept every report which came to us from the experts, but simply adopted those reports which we thought best in the interest of this Country.

The First Elected Member for West Bay and one other Member, in debating this Bill, tried to lay blame on the good Member for George Town, in that he did not seek in Finance Committee to cut expenditure, and took him to task for suggesting here that some of the capital works could have been financed by loans rather than new taxes, and accused him wrongfully of suggesting that they cut essential services. However, the Member for George Town had offered an alternative, and had actually pointed out certain unnecessary expenditures which could perhaps be delayed, and his words were twisted.

The increased taxes provided by this Bill and by other Bills seem in the minds of the Government to be necessary, because Cayman Airways is in such a mess. I wonder if the Members including the Member for Tourism, have seen in the audited figures of Cayman Airways, that whatever position Cayman Airways had been in, that after one year of their Administration it is much worse off.

MR. W. McKEEVA BUSH: Oh no.

MR. G. HAIG BODDEN: The Member can say 'oh no' because he does not understand the figures in the audited accounts.

MR. W. McKEEVA BUSH: I do not understand your kind of accounting, and you will not tell the truth about it.

MR. PRESIDENT: Order, order.

MR. G. HAIG BODDEN: I cannot do anything to enlighten you.

MR. W. McKEEVA BUSH: You will not tell the truth.

MR. PRESIDENT: Both Members must address the Chair please.

MR. G. HAIG BODDEN: Mr. President, I would like to call your attention to the Standing Order, that the Member from West Bay is impugning my character personally.

MR. PRESIDENT: I did not understand him to be doing that. Indeed, I thought you were both referring to one another in terms which I did not really approve, but were not uncomplimentary.

MR. W. McKEEVA BUSH: Mr. President, on a Point of Order, I have the accounts here, maybe the Member could read them out, and compare them with the last ones.

MR. PRESIDENT: I really do not want to invite the Member to read out the accounts of Cayman Airways in the middle of a debate about the Trade Licenses....

MR. G. HAIG BODDEN: Yes, I am not going to do that Sir, but I would certainly like your permission to read just one line with regard to the deficit that it had at the end of the accounting year in 1984, and the end of the accounting year in 1985. The Member will see that Cayman Airways now has a deficit of \$1.4 million larger than it had, and in fact the figures are right here. The deficit of Cayman Airways in June of 1984 was \$16,237,553.00, and the deficit in June of 1985 was \$17,639,997.00. So the audited accounts show that at the end of the last accounting year, the deficit had increased by \$1,402,444.00. These are the figures given by Price Waterhouse.

MR. W. McKEEVA BUSH: Read the whole thing.

MR. PRESIDENT: I must ask the Member to stop there....

MR. G. HAIG BODDEN: I will Sir.

MR. PRESIDENT:not because he has run out of time or because he is irrelevant, but because the tape has run out.
The Member may continue.

MR. G. HAIG BODDEN: The Fourth Elected Member of Executive Council this morning made much of the fact that we should not talk about new measures, because our Administration had put in seven million dollars of new taxes over our eight years.

Mr. President, I would like to call your attention to Standing Order 39(c), with special reference to the First Elected Member for West Bay, and the Second Elected Member for West Bay.

MR. PRESIDENT: Yes, I agree, I will call those two Member's notice to that Standing Order, which says Members should maintain silence while other Members are speaking, and not interrupt except in accordance with Standing Orders.

HON. BENSON O. EBANKS: I was using Standing Orders Sir.

MR. G. HAIG BODDEN: The Member nearly got into trouble yesterday with another Member for his interjections in the Member's speech, which were unwarranted. This time he will get into trouble with me.

The Bill before the House is necessary according to the Government bench, because of many reasons. However, as I see this Bill, the real problem has been the present Government's actions. They have come up short of a lot of money in these Estimates. They are borrowing \$9.5 million, they are putting in new revenues of \$5.5 million which makes \$14 million. They are transferring half a million dollars from the reserves, \$14.5 million. They are transferring one million dollars from the Currency Board, making it \$15.5 million, and this is the problem. They are short, but it is not because of the subsidies we pay to Cayman Airways, because in the Estimates we are earmarking a certain sum of money, I do not recall the exact figure, but I believe it is in the vicinity of \$3 million, more or less. This is the money we will pay to Cayman Airways. What about the rest of the money? What about the other \$12½ million which they are short of, which is being made up by loans, new taxes, money from the reserve, money from the Currency Board.

One Member who spoke this morning, spoke about a motion I made in the Finance Committee with regard to spending on the George Town/Bodden Town Road. I just want to make it clear in one sentence, that my motion did not seek to increase expenditure. What the motion asked for was that money already in the Estimates be used on this road, because of the high incident of traffic fatalities. In other words, all I was asking the Government to do with its road programme was to reorient its priorities, and spend the money where it is needed.

The First Elected Member from West Bay in his speech which was off course most of the time.....

HON. BENSON O. EBANKS:

(INTERRUPTION)

MR. PRESIDENT:

Order, order.

MR. G. HAIG BODDEN:talked about the Social Services mostly with reference to the speech made by the Second Elected Member for George Town, and he feels that there must be spending on Social Services, with which I agree. He talked about neglect for many years, I suggest he watch the spending on Social Services prior to 1976, and then he will have a self correcting ink which is to correct himself.

The tax measures of which this Bill is a part will put many businesses out of operation. All I can say is that the Government must love poor people because they are creating so many of them.

We have seen quite recently how Government's tax measures, particularly on the Bill we are dealing with, can and will, upset our economy. Since the days of the oil crisis we have never seen a gas shortage at the pump, until after the announcement of Government's new tax proposals. I can only say that these proposals which in my opinion created the crisis, were proposals that were not thought out properly because the Government failed to take notice of the repercussions in a small community, of such drastic measures.

MR. G. HAIG BODDEN (CONTINUING): With regard to increases under this Bill, and the rest of the package which goes with it, I feel it is Government's duty to expand the economy without heavy taxation. Here in these Islands there are Caymanians who are already unemployed, and short of money, and this Bill will cause serious hardship.

This Bill has alarmed many business owners, but its real effects will be felt for many years, because it must discourage people who would like to enter into business, and will prevent the very activity which the Government needs if we are to pull ourselves out of the deficit position, into which we found ourselves at the end of 1984, and at the end of 1985. We find that the Government's spending programme is simply the act of changing campaign promises into taxes.

John F. Kennedy said, "Our task now is not to fix the blame for the past but to fix the course for the future". The new Government has had one full year of twelve months, and at this stage according to their own words, they do not know if they have control over Cayman Airways. They have not been able to stem the deficits. They have not been able to correct the deficiencies which they claimed had existed before, but they find themselves spinning around like a top which has been put in motion, not knowing how to stem the worsening of our economy. They have attempted to take credit for many things, and if they are going to take credit for the things they do, they must also take the blame for things such as this Bill. For it is said that a political party which takes credit for the rain must not be surprised if its opponent blames it for the drought.

The public must be alarmed when this House meets, because they can feel certain that under the new Administration they have a burden of increased taxes, such as the ones in this Bill which will be put on them.

The great American wit Will Rogers said "This country has come to feel the same when Congress is in session, as when the baby gets hold of a hammer", and I think those words apply to our present state in the Cayman Islands.

This new Bill will wreck the same havoc on the 1986 performance of Government as the March Bill did on the 1985 performance of Government. I would wager a bet that these new tax measures will not produce the new revenue which is expected. We may expect to see the same slow-down as we experienced this year. Some Members in discussing this Bill perhaps with the Bible in their hand, like to talk about the truth, and that they are telling the truth. But I would remind them of these words which were said in 1968, "Let us begin by committing ourselves to the truth, to see it like it is, and tell it like it is. To find the truth, to speak the truth and to live the truth," and also remind them that those words were spoken by Richard M. Nixon who was impeached for his kind of truth.

There has never been in the history of these Islands any session like this one. There has never been a time when the Government has come to the people and said, 'we need so much money out of your pockets'. I must admit that the Members supporting these Bills have done a remarkable job in telling the public that this will be an easy Bill to swallow. However, the stark reality is that if the Government takes the \$5.5 million from our local economy this year, along with the \$1.3 million which they took in March, only eight or nine months ago along with the other tax increases, such as imposing the duty on goods brought in by air, as well as the agreement with CUC, we are bound to end this year with empty pockets. Empty pockets for the businessman, empty pockets for the little man, and perhaps this year they will finally keep their promise of helping the little man by taxing him out of existence.

MR. PRESIDENT: If the Member has finished his speech, does any other Member wish to speak? The Second Elected Member for Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I rise to support a Bill for a Law to amend the Trade and Business Licensing Law (Revised). This Bill seeks to amend the section headed 'Trade and Technical' which will adjust the trade and business license fees effective January 1st, 1986. It does not increase the section dealing with professional fees which are already increased by the past Government in 1983, and that increase, incidentally, represented a several hundred per cent increase for many businesses, because the amendment was changed from \$200 to \$300 for each professional member of the business. So I am sure, for many businesses this resulted in a tremendous increase.

These other fees for trade and business licenses have not been increased since 1975, and I will repeat what I said during my debate on the Budget Address, and that is that the increase, or the increases represented in this Bill are necessary. There are no alternatives without reducing drastically the services which Government is expected to provide, without continuing to ignore urgent and important projects, which to my mind should have received attention long ago by the Unity Team Government. This Bill was also necessary Sir, as part of the overall revenue earning measures, in order to help provide funds with which to assist Cayman Airways with its annual subsidy, and because, as I have said previously, of the over \$20 million in cash which has had to be injected into the Airline over the past few years 1982 to 1984, and three years during which I was not the Managing Director of Cayman Airways, because I resigned on December 16th 1980. So the large injection of capital which went into the Airline from this Country's coffers, was during the past three years.

Mr. President, during this Meeting I have heard so much about economists and experts in every field, and the more I have heard, I have finally come to the conclusion that I am just as much an expert as any other Honourable Member of this House. There was a point made by the previous speaker, the Second Elected Member for Bodden Town regarding Cayman Airway's accounts, which were tabled. He wondered if I understood or noticed the financial situation in Cayman Airways for the financial year ended June 30th 1985. I most certainly do, and for anybody to read these accounts and look at the balance sheet or the statement of loss or deficit and say that there has not been an improvement, this has to be a word which I have heard recently and which is unparliamentary, but certainly a distortion of the truth. For the year 1984 the operating loss of Cayman Airways was \$313,028.00, after adding interest and capital lease charges, that loss for the year ended June 30th, 1984 was \$2,750,316.00. Let us look now at June 30th 1985, there was an operating profit of \$461,310.00 which is an improvement in performance of a total of \$774,338.00, converting a loss of \$313,000.00 to a profit of \$461,000.00, one does not have to be a mathematician or an accountant to see what the improvement is there. But going further down, after adding finance and interest costs to the profit of \$461,310.00, or after deducting that from the total finance and interest costs. The year ended June 30th 1985, there was a loss of \$1,402,444.00 compared to a loss for the previous year of \$2,750,316.00. With my simple addition and subtraction, there is an improvement between 1984 and 1985 of \$1.3 million. So I really could not follow either what the Member was saying, but I think for the sake of the record, this point should be made.

HON. W. NORMAN BODDEN (CONTINUING): Mr. President, in looking at this Bill before the House, I have heard the large percentages being pruned out by the Opposition. Maybe a part of this is an attempt to conceal the amounts involved, but while one hundred and two hundred per cent might be pruned out as the increases, in some cases the actual amount involved is only \$25.00.

I will now go through all of these involving the Baker, which went from \$100 to \$200, the Barber from \$25.00 to \$50.00, so forth and so on. I would like to make a point because I have had some of the people from George Town approach me regarding their small businesses, and they said that they have been told also that instead of paying \$50.00, they will now have to pay \$1,500.00, and they were naturally very concerned. I think maybe this point has been made before, but I should also make it here as well. What this Bill seeks to do is to increase for the retailer from \$50.00 to \$100.00 per annum, but it also increases the selling area from 600 square feet to 800 square feet. So even in that case, consideration has been given to the smaller man and to the small shopkeeper.

There was also a point made by the previous speaker, regarding the bulk storage fee of \$50,000.00. This is a large amount, but we are dealing with big operators from very large countries which have a very big volume of business, and certainly this fee can be written off and charged to their expenses, which will eventually be written off from their income tax, and this point was made before. It is true, that when any charges are added there is a certain amount of reluctance, and there is also an increase to be expected in certain areas. But I cannot see where this is going to have any adverse affects on tourism. Other businesses charge what rate they think is necessary in order to be profitable, and Government, while it does not seek to be profitable, it has to have funds with which to provide the services which the public are demanding.

Mr. President, the Bill before this House seeks to increase fees, to raise funds which Government needs as I have said, and one of the main, and it is a fact, that one of the main contributing factors to this situation is our National Airline. We have said it before, I have and I want to repeat it here again, I support the Airline and share a certain amount of pride in it, as most Caymanians. But having said that, we must accept that it is costing this Country a significant amount of money to operate, and this cannot be disguised or hidden, it is a fact which has to be faced. This Bill with which we are dealing is to raise money that will assist Cayman Airways as well as other needs which Government has. It is the \$20 million in cash which has already been injected into the Airline, had part of that money even half of it been in reserves, there were transfers which could have been made that would have avoided the necessity to bring this Bill and other revenue earning measures to this House at this time.

There is also the need for the annual subsidy which has to be found, there is also Government's financial obligation for the next ten years, because there is a lease agreement and there is an annual payment of \$2.5 million. Certainly, if the company cannot find it, Government will be called upon to pay it.

The Member for Bodden Town, the Second Elected Member referred to a statement which was put in the local newspaper yesterday and signed by the Four Elected Members of Executive Council. He considers it an apology, that is his interpretation, but as far as I am concerned it is a statement of fact, not an excuse.

HON. W. NORMAN BODDEN (CONTINUING): The fact remains, had some Members of the Unity Team not taken the attitude that the Country's reserves would be spent how they chose, because they had made the money during their eight years of Administration, it was theirs, and they would spend it how they chose, and no new tax measures would have been necessary at this time. But what has happened Mr. President, to really face facts, is that for the past eight years they have lulled the people of this Country into a sense of false security, while they piled up debts, which one day would have to be faced. Actually, I feel at times that they should have been left to face the music today, but in my opinion, the Country would have been all the poorer for it. The electorate saw otherwise and put them where they belong in the election of November 1984.

Mr. President, the last couple of days Members have used this Bill as a means, or a vehicle for them to debate the Budget Address, and I trust that you will allow me the same, or similar latitude. Because there have been disparaging remarks made against me personally which I cannot afford to go unanswered. As far as I am concerned, I have always endeavoured to operate and present myself in this House in accordance with Standing Orders. I, as you, and many of the members of the general public I am sure, have been concerned about the level of debate in this House. I do not intend to stoop to some of the levels I have seen demonstrated, but at the same time, no one need believe that I am going to sit back and play the gentleman and let any personal attacks be launched on me, and they go unanswered. This would be an injustice to me, and to my good family, and I do not intend to tolerate it from anyone. If they are going to give it, they are going to have to take it, because there is a two-way street.

The First Elected Member for Bodden Town yesterday launched, what I would consider as I have said, a personal attack against me, and I would like to answer the four areas which he raised, for the benefit of the listening public of this Country.

I know it has been said, I have heard it in this House many times during the past five years, that Cayman Airways is a political football. It has been a political football from the day Government took it over on December 1st, 1977, and it was made a political football by the Government who created it, not by me. The Member went on to say that I was responsible for the management of Cayman Airways, that I was the Managing Director for four years. This is incorrect, I was the Managing Director of Cayman Airways for three years, December 1st 1977-three years and one month if you want to put it at that - for the years 1978, 1979 and 1980. I resigned on December 16th 1980, so it was not four years as he had said, it was three years. I was the Managing Director not the accountant. Having said that, I would like to state here that it is the common knowledge of all Cayman Airways staff, Management and the general public, that it mattered not whether I was the Managing Director, whether it was Mr. Sanguinetti or whether it was Mr. Tino Gonzales. The First Elected Member from Bodden Town, who was the Chairman of the Board and the member responsible, he ran the show from December 1st 1977 until November 14th 1984 when he was cut down from his high perch. He called the shots, he told Management who to hire, he told them who to fire. He told Management where to fly to including the Turks and Caicos Islands, which operation lost \$651,000.00 of this Country's money. He told them which type of aircraft to lease against the advice of airline experts brought in here and paid for by Government, and against the advice of the Finance Committee.

HON. W. NORMAN BODDEN (CONTINUING): He told them when the accounts would be made public, and many of the employees and staff, and this is no secret, were Unity Team supporters. Whether they had airline experience or not, they were found a position and a place in Cayman Airways. Let me tell you, had Cayman Airways been the success which the Member thought it was going to be in November 1977, when he took it over as Chairman and member, I would not have been given any credit for that, he would have claimed that credit, as he has been claiming the improvement over the past years and he will have to take the blame for the problems and the mess we found, in November 1984. He referred to me as being a Board Member. I was a Member of the Board appointed by the Finance Committee, but everyone who has served on that Board knew that hardly anyone there was allowed to make any contribution, which is the reason why Board Members walked out of meetings and handed in their resignations the next day. He knew it all, the Member claimed to be an airline and tourism expert himself, and now it is hard for him to accept that he is no longer the man in charge, this is hard for him to accept, but this is democracy at work. I hope he will learn to accept it, because he has got three more years until 1988 and I can only say, that I hope that by 1988 the people in this Country will remember and not put him back in any position of power in this Country.

The Member also said that my contribution was little. Mr. President, my contribution was large enough because it was large enough when I worked with professional people, people who knew how to run a company successfully. Because, in 1977 the Member found an established airline with a computerised reservations system, recognised by international carriers and enjoying a good reputation in the airline industry. In 1971 I prepared a docket for the Civil Aeronautics Board which would have cost Cayman Airways at that time \$100,000.00 if it had been done by a lawyer or a legal firm. I was the witness at the CAB hearing for Cayman Airways in Washington in 1971, and that gained Cayman Airways its foreign aircarriers permit to that country, and it inaugurated the service to Miami on May 1st. 1972. In 1978, I also prepared a docket for the renewal of that foreign aircarriers permit which gained us five points in the United States, two of which we could activate and the second point was chosen as Houston. So the Member need not worry as to what my contribution could have been had I been given an opportunity, and people who worked along with him on the Board know this to be a fact, I do not like to blow my own horn, but I will say this without stooping to smallness, if the Member can play the detective in Texas, and be a cruise operator in the North Sound, and today he is a tourism and aviation expert, I can lay claim to that as well.

The Member spoke about accounting problems. Sure, there were accounting problems, I acknowledge this, but I was not employed as the accountant, I was the Managing Director. The Airline when he took it over in a haphazard, adhoc fashion in December of 1977, the Airline had been dependant on LACSA to provide their account services, and their interline billing and everything for nine years. To convert that Airline overnight into a full-fledged Airline and not expect that there would have been problems which a small inexperienced staff which we had, was unreasonable. There were problems, and the Member knew it because I reported to him, and he knew that we had to do some things. What was done, he gave the contract to Air Florida to provide the accounting services for 1978. In 1979 the cost was running high, and we took the accounting services back, in an attempt to try and operate them locally at less cost, because we were not getting the services which we were paying for.

HON. W. NORMAN BODDEN (CONTINUING): Mr. President, I can tell this House and the public of this Country without fear of contradiction, that it was management by crisis in those early days, and with the Member at the head, there was continued crisis, day after day, there is no doubt about that.

In 1980, the situation with the accounts, the problems continued and a Director of Finance was employed, additional staff were brought in and Price Waterhouse was brought in to bring the accounts up to date. These are the experts he referred to yesterday, I imagine they were getting \$40.00 per hour. We needed help, the Board recognised this and they provided the help, and early in 1980 we had a Director of Finance, we had five or six additional staff in the accounting department and Price Waterhouse was called in and the accounts were brought up to date. Nevertheless, even though they were brought up to date, there was still a long elapse before the accounts were ever tabled in this House or made public. They were held up, delayed, and tabled when the Chairman and Member felt and chose to do so. Since we took Cayman Airways over in December of 1984, this House knows that two sets of accounts had been tabled, June 1984 and for the financial year ending June 1985 by this Government during the past year, and now that the people have been told the truth, and shown the fact that the past Chairman and Member is looking for a scapegoat, but he must not look in my direction.

It has been said, and it is true that some low class people believe the rest of the world are just like them. The last point I have in connection with this Sir, and I am going to come back to the Bill, as the rest have done. The Member said that he did not want to belittle me. I want to remind him Sir, that he cannot belittle me, neither do I need to belittle him because he has belittled himself enough, time after time. Mr. President, in this Country I am not known as the Godfather, nor have I ever been closely associated with drug trafficking or any shady characters. I have not bought land from poor Caymanians and sold it to rich Texans at a high profit, nor have I sold condominiums to little old ladies who appeared later and could not find the condominium they had paid for, much less the title. Mr. President, I can challenge anyone, anyone in or out of this House, in any part of this Country to prove that I have ever gained one penny in any manner or means which was not above board, that is number one. Number two, if the Member is referring to poor management of Cayman Airways, he will have to blame himself for that. He ran it totally, he was the fly in the ointment and the Country must face the results of his expertise today, in piled up debts and an economy which is just beginning to recover. Expertise can be measured by the success of the business one operates and I am not boastful, but I have two operations to my credit, two personal businesses which are successfully operated.

Mr. President, I said during the debate on the Budget Address, that if Cayman Airways ever stood any chance at all to at least even reach a break-even position, that time is now. The new Cayman Airways Board, which as I have said is comprised of successful businessmen from the private sector and Government officials, the Second and Third Official Members of Executive Council, our Director of Civil Aviation & our Chief Fire Officer. The measures they have taken gives Cayman Airways a new chance, and I do not see how the former Chairman can claim any credit for this by saying that he had put everything in place previously.

HON. W. NORMAN BODDEN (CONTINUING): Much mention has been made during this debate on experts. The Member I do not suppose needed them because he took no advice from them. He is a self proclaimed expert himself, and I know that there has been much comment on the number of experts whom they claim this Government has brought in. But the Unity Team Government had their share, because in reply to a parliamentary question, the facts are that from 1977 to 1984 they had a total of 70 themselves, which cost this country nearly one million dollars.

I do not know how it came into this debate, but mention was also made about the Sunday Trading Law, and mention was made that a responsible Government would enforce it, amend it or repeal it. Since the Unity Team Government was so responsible, why did they not do something about it, but I believe that they chose popularity rather than upholding the heritage and principals of these Islands.

Mention was also made of the Portfolio of Tourism Aviation and Trade. I do not know what comparison the Member was making, because he is well known for being able to dazzle ones eyes with statistics and boggle the mind with science, I am referring to the First Elected Member for Bodden Town. In comparing the cost in my Portfolio, it seems to me that he was projecting a picture of me taking every little bit that I could get in funds, and that there was going to be such an adverse effect on tourism. The reduction of cost in my Portfolio has been primarily due to the fact that certain subjects have been distributed to Health, Education and Social Services where they should have been, the Hotel Training School and so on. The funds which we have in there, I am satisfied Sir, have been put forward by the people in my Portfolio with whom I work, I understand them, I back them up, and I think they are what we can afford at this time, and will enable our Department of Tourism to continue to do the job needed for Tourism in this Country.

The Member also pointed out that there was a five hundred per cent increase in collateral. I do not have anything to substantiate this. What my people tell me and have shown me in the Portfolio is that we are 2.6 per cent less in funds spent on collateral material, not five hundred per cent increase in this expenditure, so I do not know what comparison he is making there.

With regard to the quality of tourists whom we hope to attract, I have said publically many times, and thus our efforts will be concentrated in this direction. Through the years we have attracted a middle to upper class tourist, and we will continue to do so. One thing is for sure, we will not go after the casino crowds, we will do our best to attract quality tourists who can contribute in a meaningful way to the development of our Country.

Mr. President, the First Elected Member for Bodden Town also said that he was sorry for me. I really believe that he should reserve that sympathy for the people of this Country. If he had remained in power any longer or gets back in 1988, this is my view, and the Country cannot buy integrity and principal with money. He talked about four men taken to do his job. It took four men, yes, the four men to clear up some of the mess which we found there. Where the public is concerned today about increases in fees, their concern would be the continuing loss of investor confidence and the threat to the future security and well-being of our Islands.

Yes Mr. President, the day of reckoning has come. Facts must be faced, funds must be found to meet the financial burden placed on this Country and its people.

HON. W. NORMAN BODDEN (CONTINUING): This Bill is necessary, Mr. President, to assist us in raising the funds which we need to meet the projected expenditure for 1986, and while there are some large amounts in some areas, I feel that it is absolutely necessary, and I give the Bill my full support.

HON DENNIS H. FOSTER: Mr. President, this might be an appropriate time under Standing Orders 83, Standing Order 10(2) to move the suspension of Standing Order 10(2) to enable this House to carry on its business.

SUSPENSION OF STANDING ORDER 10(2)

MR. PRESIDENT: Thank you very much, I was going to suggest that you might do so, because it is just before four thirty. The motion before the House is that in accordance with the provisions of Standing Order 83 Standing Order 10(2) shall be suspended in order to enable the House to continue with its business. Does any Member wish to speak?

MR. G. HAIG BODDEN: Yes Mr. President, I would like to oppose the suspension of this Standing Order. The act of keeping the Assembly in session after the prescribed hour in the Standing Orders puts a heavy strain on the staff of this Department, which will have the job of making up the papers for tomorrow's meeting, and so on, and perhaps clearing up from today's meeting.

It also, Sir, puts a heavy strain on the Members of the House, who at this late hour will have to reschedule any appointments or business which they may have planned. Furthermore, we are here the week before Christmas, which is a busy time. With the amount of business left, it seems virtually impossible for this House to finish its business prior to Christmas Day, no matter how many extensions we take in the evening. I would suggest that instead of continuing this sitting after four thirty, that the proper thing would be to come back tomorrow morning on the understanding that we would adjourn at noon tomorrow for the balance of the year, because the business of this House, particularly the very new measures, are too important to be rushed. Furthermore, there has been a new Bill handed to us this morning which certainly cannot be dealt with in a hurry. If Members are to have prescribed time to study the Bill, which incidentally I asked for additional tax measures, we will need to adjourn until the early part of the year, just after New Year's Day. So I cannot support the continuation of this meeting today. If it were simply to finish the Bill we are dealing with, and if it were the last item on the Order Paper, there might be some point in taking a suspension of the Standing Orders, but certainly, there can be no justification for this move, and I will have to vote against it.

MR. PRESIDENT: Thank you. Does any other Member wish to speak? I will put the question.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: Do you want a division. Yes.

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

MR. PRESIDENT:

May we have a division please.

DIVISION
NO. 99/85

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
HON. DENNIS H. FOSTER	MR. G. HAIG BODDEN	MR. LINFORD PIERSON
HON. MICHAEL J. BRADLEY		
HON. THOMAS C. JEFFERSON		
HON. W. NORMAN BODDEN		
HON. CAPT. CHARLES L. KIRKCONNELL		
HON. VASSELL G. JOHNSON		
MR. W. McKEEVA BUSH		
MRS. DAPHNE L. ORRETT		
CAPT. MABRY S. KIRKCONNELL		
MR. D. EZZARD MILLER		
<u>10</u>	<u>1</u>	<u>1</u>

AGREED BY MAJORITY: STANDING ORDER 10(2) SUSPENDED TO ENABLE THE HOUSE TO CONTINUE WITH THE BUSINESS ON THE ORDER PAPER.

MR. PRESIDENT: *We will then continue with the Second Reading Debate on the Trade and Business Licensing Amendment Bill. Does any other Member wish to speak? Does the Mover wish to reply?*

CONTINUATION OF SECOND READING DEBATE
ON
THE TRADE & BUSINESS LICENSING
(AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: *Yes, Mr. President. Having listened to the debate over the last two days, and having done already what I would propose in the winding up of the Budget Address, I am going to have a third shot at it.*

Mr. President, we have heard so many statistics and percentages in the last two days that I was reminded of a little story about statistics, and it reads like this:

'I never listen to a speaker launch out on one of those long discussions filled with statistics of all kinds, or commit the same error myself, but that I think of the Professor in a Western University who taught mathematics and statistics. One day he was standing dressed in his bathing suite at the edge of a swimming pool on the University Campus, when a beautiful CoEd. accidentally dropped her camera into the deep end of the pool. She called to the elderly Professor for help. He said he would be glad to dive in after the camera, but first wanted to know why she happened to choose him when there were so many young men within easy reach to do the job. She answered, Professor, you have apparently forgotten me, I am in your large statistics class. I have found that you can go down deeper, stay down longer and come up drier than anyone I know.'

HON. THOMAS C. JEFFERSON: I do not propose Mr. President, to go down too deep or stay down too long, or come up too dry. But I would just like to, in the process of winding up, help to clarify a few points. I realise that there were some questions asked the other day about how this Government can have such substantial decreases in the 1986 allocation as compared to 1984.

One of those decreases Mr. President, dealt with rent of property, land and buildings. There is a simple answer Mr. President, we no longer rent a building for the Teachers Centre. We no longer rent a building for the Water and Sewerage, they are presently housed at the Tower Building.

A Member also did not understand how the retiring benefits could decrease. In 1984 we paid \$1.1 million. In 1986 we are estimating to pay \$909,000.00. There is a simple answer Mr. President. The gratuities payable to Civil Servants was discontinued on recruitment, and the figure in 1984 as compared to 1986 is \$110,000.00 less in 1986 than it was in 1984.

I have heard some talk about cash balances Mr. President, and interest. I would just like to remind Members that in the 1985 Budget we did budget for \$800,000.00 to be used for interest on cash balances, and we have revised this estimate to \$935,000.00, and this interest is all part of deposits et cetera, Mr. President this is where it derives from.

Another question Mr. President, which I think was earlier clarified by the Second Elected Member of Executive Council regarding the administration and the small amount of funds which are allocated to his Portfolio. I agree with his explanation. Training Schools were part of that Portfolio, they are now part of the Education Department.

Similarly Mr. President, for the administration of Communication, Works and District Administration, it is substantially reduced from previous years, or from 1984. The reason being, that the Water and Sewerage is no longer part of that Portfolio, but it has been reallocated and now forms part of the Portfolio of Development and Natural Resources.

Another question dealing with Social Services, and that fact that Government does not seem to have allocated much money for poor relief. It is \$125,000.00 Mr. President, the figures have been around that sum for a few years, except that in the 1986 Budget we also have support grants of \$20,000.00, this is to assist persons who are in need, help to repair their homes et cetera, and there is \$25,000.00 under New Services, for a total sum if one wants to put it together of \$170,000.00.

Now Mr. President, there were a few comments as well about an economist. I lay claim to be one of them Mr. President, I have a little degree in economics, and since everybody is poking at them, I will take a poke at myself too. I have no difficulty laughing at myself Mr. President. There is a definition for an economist, which says that he is 'an unemployed financier with a Phi Beta Kappa key on one end of his watch chain, and no watch on the other end'. I am a little better off than that Mr. President, I do not have a watch on my arm. I am looking at it, and I do not want to take too much time because the business of the House is essential.

Coming back to the Bill before us Mr. President, the Trade and Business License, and the fees which are being proposed in that Bill. We have heard some real orators during the last couple of days, and I again was reminded of a few selected quotations of oratory, which are:

'Oratory is the power to talk people out of their sober and natural opinion.'

HON. THOMAS C. JEFFERSON (CONTINUING): Another one Mr. President is, 'Oratory, the art of making deep noises from the chest sound like important messages from the brain.'

This is the end of my jokes

Mr. President, if they can be accepted as such. Let us come back to the proposals before this House Mr. President. I recall, and I will hope to remind the Members to recall an explanation given perhaps twice by me, about the value of the Cayman Dollar in 1975. These fees which are being proposed for increase have not been changed since 1975, ten years ago Mr. President, and the value of that \$25.00 for the Barber, no one needs to elaborate on too much. What we bought for \$25.00 in 1975, you need \$50.00 today Mr. President. It is the effect of the inflation and the erosion of the dollar.

The proposal is for the fee for a Barber to be increased from \$25.00 to \$50.00. If we were to increase it Mr. President, simply by using the consumer price index, and that is to give back or put back that \$25.00 at its purchasing power in 1975, the License fee for the Barber would be \$49.00. So in essence, we are rounding it off and calling it \$50.00. But Mr. President it does not take many people coming into the Barbers shop to make up the \$25.00 rather quickly. I am not going to go item by item Mr. President, but be basically selective in trying to demonstrate the effect of the Consumer Price Index, and the erosion of the dollar.

For persons who are in the building and engineering trade Mr. President, their fee in 1975 was established at \$100.00. It has never been changed, and we are seeking now to change it. The effect of the Consumer Price Index of giving back, or putting back, or giving the value of that \$100.00 in 1975, if we want to put that at its purchasing power in 1975 we would have to charge \$196.00, and we are asking that the fee goes to \$300.00.

We have heard many arguments

Mr. President about the little retailer. We know about him Mr. President. This is the reason why under the Retailer item of the Trades and Technical Section of the Trade and Business Law, we decided to increase the fee from \$50.00 to \$100.00, and simultaneously we increased the square footage from 600 square feet to 800 square feet. Roughly, Mr. President, a little store which is 28 feet by 28 feet would hit the 800 square feet. Any person owning a store of that size would pay \$100.00 a year, and obviously anyone having a store with less square feet than 28 feet by 28 feet or 800 square feet, he or she would have to pay the \$100.00 as well.

We were worried about the petroleum fee of \$50,000.00 Mr. President. But you know Mr. President, during 1985 they have sold, and we have been estimating during the last couple of days of 1985, something like 14.6 million gallons of diesel and gasoline. If one divides that figure Mr. President into 50,000, or one puts the two operations together, Texaco and Esso and say that the total sum paid was \$100,000.00 by the two of them, what is one talking about 1.2 cents is the effect of this \$50,000.00 on a gallon of gasoline. Let me remind Members Mr. President, I am sure they are aware of this, the profits made by this operation do not remain in the Cayman Islands, they are remitted back to head office or some regional office. Once they arrive there Mr. President, they are subject to Corporate Taxation, and we just want them to leave a little bit for us, so that we can help service our people. This is the reason why we increased it Mr. President.

I am not going to labour the points which were made earlier Mr. President, but simply to express my gratitude for the support of Members, and I understand democracy for those who did not agree.

Thank you Mr. President.

MR. PRESIDENT: The question before the House is that the Trade and Business Licensing (Amendment) Bill be given a Second Reading.

QUESTION PUT: AYES & NOES: THAT THE BILL BE GIVEN A SECOND READING.

MR. G. HAIG BODDEN: Mr. President, may I have a division.

MR. PRESIDENT: Yes certainly.

DIVISION
NO. 100/85

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. VASSELL G. JOHNSON
CAPT. MABRY S. KIRKCONNELL
MR. D. EZZARD MILLER

NOES
MR. LINFORD A. PIERSON
MR. G. HAIG BODDEN

9

2

AGREED BY MAJORITY: THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985, GIVEN A SECOND READING.

MR. PRESIDENT: Item 3(2), the Travel Tax (Amendment) Bill.

THE TRAVEL TAX (AMENDMENT) BILL, 1985.

FIRST READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1985.

MR. PRESIDENT: A Bill entitled The Travel Tax (Amendment) Bill, 1985 is deemed to have been read a first time, and is set down for a Second Reading.

SECOND READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill, a Bill for a Law to amend the Travel Tax Law 1976, Law 11. of 1976, and Mr. President, the Memorandum of Objects and Reasons got it slightly wrong. The Bill seeks to increase from four dollars to eight the tax payable by passengers departing by air, not passengers on a cruise ship. I have circulated Mr. President earlier, or have given notice that I will be seeking to amend the eight dollars to six dollars.

I recommend the Bill to the House.

Thank you Mr. President.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to amend the Travel Tax Law 1976, be given a Second Reading. The Motion is open to debate, but before inviting any one Member to speak, I will ask that the tape be changed, because I am told it will run out in two or three minutes time.

.... Well, I earlier sensed that for whatever reason, we did not have quite as full a debate on the Appropriation Bill as we might have done, and rightly or wrongly, I therefore allowed Members to wander a little, but as I have just said, from now on I shall interpret Standing Order 41(1) strictly, and shall ask Members to address themselves to the particular Bills which are under debate.

So, a Bill for a Law to amend the Travel Tax Law, the question is that it be given a Second Reading, and the Motion is open for debate. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, my comments on your ruling.

MR. PRESIDENT: No. I am not inviting comments on my ruling.....

MR. LINFORD A. PIERSON: I think I will make this one, and I do not think it is out of order Sir.

MR. D. EZZARD MILLER: Is that Section 36. of the Standing Order Sir?

MR. PRESIDENT: Sorry, Section 36?.... is it relevant?

MR. LINFORD A. PIERSON: Yes Sir.

MR. PRESIDENT: ... that is why I am calling attention to it.

MR. D. EZZARD MILLER: (INAUDIBLE)

MR. LINFORD A. PIERSON: Mr. President with respect, the man (the Honourable Member) must have manners. He is pre-empting what I was going to say. He did not know what I was going to say. Let him sit down and be quiet.

MR. PRESIDENT: Order, order. I hope that all Members will try to be courteous to one another. The Member may continue.

MR. LINFORD A. PIERSON: Mr. President, I believe I have sufficient information before me on the Travel Tax Law, for a Bill for a Law to amend the Travel Tax Law 1976; Law 11. of 1976, to be most relevant. However Mr. President, it is impossible for any Member in this House to discuss any of these tax measures without making reference to the Budget and the Budgetary Address in this House, because, these tax measures are an integral part of the Budget.

MR. PRESIDENT: Perhaps I can just assist the Member by trying to elucidate my ruling. I quite understand that all these measures are consequential on, and therefore related to the Budget, but we have debated the Budget in full already, and if I consider the Member is attempting to debate the Budget again, rather than to debate this Bill and the merits of this particular tax increase, then I shall be obliged to draw his attention to Standing Order 41.

MR. LINFORD A. PIERSON: Thank you Mr. President, but I will say here that I do intend to relate some of my debate to areas of the Budget which I feel are relevant, and I will be subjected Sir, happily to your ruling.

This Bill, Mr. President seeks to increase from four dollars to eight dollars the amount now payable under the Travel Tax Law. However, Mr. President it is noted that the Honourable Third Official Member of Executive Council has had a change of heart, and it seems now to be the intention of Government to reduce this tax from eight dollars to six dollars. Government's change of heart in this respect however, seems to have come about only after representations made by the Hotel Association and other prominent organisations and individuals. Unfortunately Mr. President, except for the four Members on this side of the House, there seems to be no one from the vote we have just seen, speaking out in favour of the poor people in this Country, on the issue of the Draconian measures and increases brought about through this revenue Bill, and this Mr. President...

MR. PRESIDENT: I did warn the Member.

MR. LINFORD A. PIERSON: ...is a sad state of affairs. Mr. President, if I cannot debate, just tell me, I do not see that I am irrelevant.

MR. PRESIDENT: If the Member can explain to the House the relevance of this Bill which effects only travellers, to the poor people of this Country, then of course, I shall be delighted to allow him to continue.

MR. LINFORD A. PIERSON: Well Mr. President, I see in this House where other Members can have a lot of latitude, but as soon as the four of us get up, we are brought to order.

MR. PRESIDENT: With respect, that is not true and the Member knows it to be untrue. The Member himself and other Members who are, I think in the group he must refer to as the four of them, have been given the widest possible latitude, and if he examines the length of time for which those Members spoke, he will find that the statistics bear it out.

MR. LINFORD A. PIERSON: I shall make another shot Mr. President, thank you.

Mr. President, there should have been no need to have increased the travel tax in this Country. Any increase in this tax will only be a further deterrent to the prospective investors coming to the Cayman Islands. Especially is this true when we examine the travel tax charge of our competitors in the tourism industry. To name just a few of these countries Mr. President, we see in the Bahamas the charge of only five dollars. In the British Virgin Islands, five dollars; in Curacao five dollars and seventy five cents, these are all United States dollars. Jamaica, three dollars and fifty cents, Surinam (Dutch) five dollars, Surinam (French) one dollar and twenty five cents. In the United States Virgin Islands, three dollars.

Mr. President this is the reality of the situation in these countries, and in my opinion they are sensible positions for those countries to take.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, as has just been seen, it is becoming increasingly difficult for Members in this House, or at least some of the Members, to make any contributions to debates in this House without having massive slurs and derogatory remarks hurled at them, and this is particularly true of certain Members of the Government bench, and of course some of their cohorts. I believe that this is a proper word because I have heard it used many times by the First Elected Member of Executive Council.

Mr. President, yesterday we saw the personal attack made on myself and other Members on this side of the House by the First Elected Member of Executive Council, and some of his cohorts for our defense of some of these revenue Bills.

HON. BENSON O. EBANKS: Mr. President, could I draw your attention against irrelevancy Sir. He must be on the same thing today.

MR. PRESIDENT: Yes, I think really that the Member, if he considers that a personal attack is out of order must raise the matter immediately. I have said earlier, and I will say again, that there have been personal attacks which I deplore from both sides of the House, against both sides of the House. I think both have been equally offenders....

MR. LINFORD A. PIERSON: Mr. President.

MR. PRESIDENT: I do not think as a rule they have been unparliamentary, and therefore I have not intervened to stop them, but I do not think this is the place to raise the issue....

MR. LINFORD A. PIERSON: Mr. President, these attacks which I have referred to, you sat there yesterday and you heard them, and you allowed the Member to carry on, but I will abide by your ruling Sir.

MR. PRESIDENT: I allowed Members on both sides of the House to do it, and I deplore as I say the attacks from both sides of the House, but I did not think them sufficiently unparliamentary to intervene myself.

MR. LINFORD A. PIERSON: I think he should be a man and take his licks, as he is willing to give.

Mr. President, in order for me or any Member of this side of the House to debate any Bill coming to this House, we must be given the freedom, and we must be free from undue interference on this or any other Bill. I do not want to hear remarks Mr. President while debating this Bill, of myself or any Member of this House being transparent, or in any other way derogatory remarks being made. Because, Mr. President I would love to be able to settle this matter in my own way.

Mr. President, I do not believe in improper behaviour in this House, I have spoken on this on many, many occasions, so I do not need to be reminded that this is unparliamentary. You will recall, and the Hansards of this House will recall that I have brought this to the attention of this House on many, many occasions.

MR. LINFORD A. FIERSON (CONTINUING): Mr. President, you are also aware that yesterday I attempted to have a matter clarified in this House. I attempted to have a personal explanation read, but unfortunately this was not allowed in this form. I indicated at that time that I felt it was only just and proper, that I be given the opportunity within the customary latitude which has been allowed to other Members, to be able to clarify this point. Mr. President, at this time, if I am not allowed to clarify this point I will see very little purpose in further debating this Bill.

MR. PRESIDENT: My understanding when the Member yesterday asked leave to make a personal explanation, was that he wanted to do so because he thought that his position regarding the Sunday Trading Bill might have been misunderstood or misrepresented, and I did tell him that had that been so, although I was not altogether sure that it was a matter of the kind in respect of which, a personal explanation could absolutely and without doubt properly be allowed in accordance with normal practice. Since the matter was a sensitive one, and provided that the explanation is brief and uncontroversial, I would allow it. The Member wanted to deal with a range of other matters which I said would not be permitted, and I think he then decided that he would not wish to continue with the explanation. He may now continue with his speech, as long as it is relevant to the Bill.

MR. LINFORD A. FIERSON: Thank you Mr. President. I am not sure whether what you have said means that I can clarify the point I have asked you on the Sunday Tradings Bill, or whether I should continue without doing that. Could you clarify what you said Sir.

MR. PRESIDENT: I will repeat it. If the Member wishes to seek permission to make a personal explanation which is strictly limited to the Sunday Trading Bill and it is brief and uncontroversial, he may be granted it, but appropriate provision will have to be made on the appropriate days Order Paper, and I shall wish to see a statement of the explanation first. He cannot make it in the course of this speech.

MR. LINFORD A. FIERSON: Mr. President, I wish to say this Sir, that this is not the understanding which I received from you yesterday. I also would say that I am very, very disappointed in your position on this today Sir. This is the end of my speech, I do not support this Bill.

MR. PRESIDENT: Does any other Member wish to speak?

MR. G. HAIG BODDEN: Mr. President, I have to oppose this Bill, which if passed without amendment will double the travel tax, and if passed with the amendment would substantially increase the travel tax.

This year has not been a good year for the arrival of tourists by air. This is set out clearly in the Budget Address. There has been according to the Budget Address a decline in air arrivals, and in fact the Budget Address makes the point that 1985 was a highly competitive year for tourism. In our situation the Government claims that the strong United States dollar during the first half of the year, was one of the major contributing factors towards a decline in air arrivals in the summer.

MR. G. HAIG BODDEN (CONTINUING): It is a strange position for this Country to find itself in. For many years the Director of Tourism boasted of the fact that the number of arriving tourists was up in relation to other Caribbean countries, and in fact, many times in personal conversations with the Director, and in a speech he made at the Rotary Club, and in other newspaper articles, the Director had pointed with pride to the fact that the Cayman Islands tourist trade had increased, while in many of the other Caribbean Islands there had been a sharp decline.

To increase this tax, it could only have but one effect on the tourist, and that would be to further discourage his visit to these Islands. I would like to ask if receiving an extra four dollars from passengers leaving by air, is worth offending the sensibilities of the tourist. Is it really worth it?

We have a problem with this Tax Bill, the same problem we have had with other tax Bills, and the suggestion I will make is that we try to collect more travel tax by attracting more tourists, rather than trying to collect more travel tax by increasing the present tax.

I do not believe we will see in 1986 an increase in Government revenues, simply because we have put up the tax. It is not correct in my opinion, to compare the tax charged in a previous year, and to try to equate that tax with the then purchasing power of the dollar. Their policy with regard to the travel tax is, that when it was fixed for the last increase the price charged then may have been too much. So, to use the argument, what they did was to increase the Travel Tax not any other tax, simply because they did not do so in March, and it had not been done since November last year, or whatever date the last increase was, and it is entirely wrong.

The Government has announced that they expect to have more hotel rooms when the Hyatt Hotel is completed. We also know that recently the Grand Pavillion Hotel opened, and these two hotels which will increase the number of beds available will have to be filled by tourists. So, if we are in any way interfering with the Travel Tax we should be trying to lower it, in order to lure the additional tourists which we will need to fill the additional 560 rooms. We must consider that this Travel Tax is not as simple a matter as it appears to be, it affects not only the tourists but the residents as well. The tourist is affected when he is leaving; the residents who have to travel or want to travel, are affected when they have to pay this tax. And because we live on a small Island it is always necessary for other residents to travel. Many of them travel to institutions of higher learning abroad; many of them travel because they are sick; many of them travel to visit relatives who work, or go to school or live abroad. Many of them travel in connection with their businesses, and every dollar makes a difference.

The Member in introducing the Bill mentioned that he would seek the leave of the House to have the Bill amended, so as to reduce the increase which was originally sought, by 50 per cent. I cannot think what could have prompted this change of heart in the Government, who in this Session have appeared as I said yesterday, to suffer from hardening of the arteries. However, I received a copy of a letter which had been sent to the Government by the Hotel Association. I must congratulate them on their efforts, because it is good to know that the Association is thinking, not only of their own interests, but on the broader horizon of the economy of the Cayman Islands, and that they had the courage to write to the Government to seek a reduction in this Bill.

MR. G. HAIG BODDEN (CONTINUING): It is a pity that all the other little people who are being squeezed by these suffocating taxes, do not have someone to stand up for them.

It is a pleasure to see that the Travel Tax which is applied to tourists has an opponent as formidable as the Cayman Islands Hotel Association.

If we look at the Estimates, we will see that the actual collection for Travel Tax in 1984 was \$1,119,252.00. I believe that this tax includes the cruise ship passengers. The approved Estimates for 1985 showed an estimate of \$1,560,000.00 in revenue to be collected from Travel Tax, and here again, I think this figure embraces the tax to be collected from the cruise ships as well. However, the revised figure for 1985 does not show an improvement over the approved figure, and remains constant at \$1,560,000.00. For then can the Government expect a change in revenue for 1986, when we have barely met our 1985 estimates. When the Government acknowledges that they are facing very stiff competition, and when the Government itself has done its utmost to increase the cost to the tourist by the other severe measures meted out in other Tax Bills since November 1984, how can we expect in the light of the climatic tourist situation in the Caribbean to be able in 1986 to get \$1,700,000.00 from the Travel Tax.

When a tourist comes to the Cayman Islands or any other country, he has to consider three major expenses; the accommodation he will sleep in, the restaurants he will eat in and the transportation he will use when he is in the foreign land. Our tax measures in this 1986 Budget will increase the cost in every area of tourism. Ever since last week, we have discussed the many increases on the automobile which are bound, when put together, to increase the taxi fares. The last bill we passed increased the licence fee to restaurants. The aircraft uses fuel which must be affected by the Trade and Business Licence at the bulk terminals. So, Government seems bent on destroying the tourist industry which we have been told in our Estimates, or at least in the Budget Address that the air arrivals are showing a decline.

MR. W. McKEEVA BUSH:

Banks are up though. More money coming in.

MR. PRESIDENT:

Order! Order!

MR. G. HAIG BODDEN:

Yes Mr. President.

MR. PRESIDENT:

The Member must not invite the speaker to stray into irrelevancies. He is starting to repeat himself already.

MR. G. HAIG BODDEN:

I would never do that Sir, considering the source from which the request came.

MR. W. McKEEVA BUSH:

I could deal with him later Mr. President.

MR. G. HAIG BODDEN:

The Cayman Islands Hotel Association has for many years worked for the advancement of tourism in this Country, and the concern which the Association shows over this Bill is shared by me and should also be shared by any other well-thinking person.

In the letter which was written to the Government on December 4th, the Association says:

MR. G. HAIG BODDEN (CONTINUING):

"On behalf of the entire membership of the Cayman Islands Hotel Association, it is with grave concern we refer to the article in the Caymanian Compass of December 3rd, 1985 in regards to the proposed increase of the departure tax."

Not just one person complaining, the entire membership, viewing with grave concern the tax increases they had heard about through the Caymanian Compass.

Tourism is one of the pillars of our economy, and apparently Government has made no effort to discuss the increase in this departure tax with a well organised body like the Cayman Islands Hotel Association Limited, which over the years has been responsible in conjunction with the Government, of building up our tourist trade. The letter goes on to say:

"We note that in your statement, that you believe that the departure tax to be substantially less than our competitors in the Caribbean."

I would like to draw the attention of this House to the provision for new measures which were set out in the Budget Address on page 35. Under the heading of Travel Tax, the Government has put forward a statement which reads:

"The travel tax which we are seeking to increase in this Bill, the travel tax charged is substantially below our competitors, and it is proposed to increase it from four dollars to eight dollars!"

However, the Government did not do its research on this matter, as an appendix to the letter shows that our travel tax is not substantially below that of our competitors, and I will be dealing with this a little later on, or maybe tomorrow morning. But at this time, I will continue with this letter which is an organised opposition to the Bill which we are here debating. I am continuing to quote from the letter:

"Enclosed for your review and use, is a copy of the 1985/86 departure taxes of other islands in the Caribbean. Based on this, we feel it would be a grave mistake to increase the departure tax."

This is my view also. It would be a grave mistake to increase the departure tax. What they are saying in that sentence is that the Government should withdraw this Bill. They should not make any change in the tax payable under this Law at this time. I may add that it is a grave mistake to increase not only this item but all the other items which will effect our tourist trade.

MR. PRESIDENT:

I think it is about the third time the Member has made that point, and really he must seek to make his points a little bit more infrequently, particular points.

MR. G. HAIG BODDEN:

Mr. President, I quite understand your position. I am familiar Sir with Erskine May's and the rights of the person speaking, and I have some latitude in this debate to expound on points, providing I do not stray or do not repeat myself.

MR. PRESIDENT:

My comment was not related to your straying, because I think you have been admirably relevant. It was related to repetition, because you have said the same thing, all be it in slightly different words, three or four times, and that too is out of order.

MR. G. HAIG BODDEN (CONTINUING): Mr. President, I am not fortunate like some of the other Members who have their speeches written for them outside this House, and brought in here and read in a sing-song fashion, without being able to pronounce properly, some of the words in it.

MR. W. McKEEVA BUSH: Mr. President, the Member is not relevant.

MR. PRESIDENT: I am sure the Member is going to get back to the subject in a moment. I have allowed him his little bit of humour, and I do not think it was amiss.

MR. G. HAIG BODDEN: Mr. President, a while ago I called your attention to the Standing Order which would prevent this rude Member from interrupting unless he has a proper Point of Order.

MR. PRESIDENT: I think this rude Member is giving you an opportunity to use up more time which may be perhaps your purpose.

MR. G. HAIG BODDEN: No. I think.....

MR. W. McKEEVA BUSH: Mr. President, Mr. President on a Point of Order. On Standing Order 36, the Bill deals with travel tax and not somebody's speech.

MR. PRESIDENT: I have already ruled on that. The Second Elected Member for Bodden Town may continue.

MR. G. HAIG BODDEN: Mr. President, I sympathise with you. You have a difficult job. You know, if you are going to have a good House, I can only say you will have to be like Governor Maddox, who said that if one wanted a better prison one would have to get a better set of criminals.

The Hotel Association in placing their opposition to this Bill, went on to make the point:

"We are already having to discount our room rates drastically to maintain our position in the marketplace. Despite the lowering of the room rates, our occupancy level has dropped in 1985."

In dealing with the travel tax, the Government must listen to the drumbeat which is coming from the industry involved. We must watch the economic indicators of the tourist industry before we seek to increase by this Bill, the travel tax by one hundred per cent.

The plight of the hotel owner was highlighted by the remarks in the Budget Address, because while the hotel owners say "we have to discount our room rates," the Budget Address says that the number of passengers arriving by air has declined. It is true, there was an increase in passengers arriving by cruise ship, but the passengers arriving by cruise ship do not live in hotel rooms. Despite the discounting of the room rate, the occupancy level of the hotels dropped in 1985. Does this mean anything to the Government who is advocating an increase in the travel tax, because, the occupancy level is important to the hotel owner, if he is to have a viable business.

To continue to quote from the letter:

"We therefore feel that an increase of one hundred per cent would only be a further deterrent to the prospective visitor to the Cayman Islands."

MR. G. HAIG BODDEN (CONTINUING): I share the same view, and the view I share is the view of a knowledgeable group of people, the people who made our tourist industry with the help from Government; the people who run the industry with the help of Government; the people who cater to the tourists. The people who hear every day the remarks of the tourists, and the people who have their hands on the pulse of the tourist industry. To continue to quote from the letter, because every word is relevant to the tax Bill before us:

"Please bare in mind our United States and Canadian visitors are receiving 80 cents on the dollar for the US dollar, and 57 cents on the dollar for the Canadian dollar, and for a family of four, this would be an additional 40 dollars, which could create hardship and could deter future business."

But these increases do not only hurt a family of four tourists. It would also hurt a family of four local people, who were forced to travel because somebody was sick, or because...

MR. PRESIDENT: The Member is repeating himself - we have heard all this before.

MR. G. HAIG BODDEN: I have never said that with respect Sir. I have never mentioned a family of four.

MR. PRESIDENT: No, but you mentioned.....

MR. G. HAIG BODDEN: What I am trying to do Sir, is to show the extent of the hurt. While the tax is per person, the travelling is usually per family, and if we are going to be limited like this, what is the purpose of my being here to debate this Bill?

MR. D. EZZARD MILLER: Mr. President, on a Point of Order, I think the Member may be inadvertently misinforming the House, because I do not think that children under 12 actually pay the departure tax.

MR. PRESIDENT: Perhaps the Member meant a family of four over 12.

MR. G. HAIG BODDEN: Yes Mr. President, I am familiar with the Law. I know the exemptions in the Law. I did not suggest the children were under 12, he knows what I am talking about.

But why are the Members being so petty? The Member has an obligation under the Standing Order to keep quiet, unless he has a Point of Order.

To continue to quote, despite the distractions:

"We would also like to bring to your attention that many of our brochures which are in the marketplace, and valid until December 16th 1986, quote the current departure tax of US five dollars."

This is true, the brochures usually indicate to the traveller the hotel rate and other expenses which the tourist may have to pay, and amongst those other expenses is the travel tax, the hotel accommodation tax of six per cent and in many instances, the gratuity of 15 per cent, which some hotels charge. So any change in any of these items may leave a sour taste in the mouths of the tourist, and is it worth it, just for the sake of a few dollars?

MR. G. HAIG BODDEN (CONTINUING):

"In closing (I am quoting from the letter Sir), I would like to quote a remark made by the Honourable Norman Bodden at a Cayman Islands Hotel Association Meeting, held on June 26th, 1985:

"We must improve our product and we must bring every segment of our tourist related business together, so that our efforts, funds and energy are not fragmented, but combined in a well planned strong approach to preserving our place in the highly competitive and cost conscious business of tourism." "

And it is a pity Sir, that the Member did not live up to those words, and is now part of a Government which is seeking to change the price of the tourist tax.

I mentioned that our tourist tax, if increased as recommended in the Bill, would put us out of line with our competitors. In Anguilla the tourist tax charged this year is US five dollars, only a half of the original proposal in the Bill. Antigua and Barbuda charge US four dollars. If the Bill goes through as presented without the amendments, ours would be ten dollars, and with the amendment, I think it would be something in the vicinity of seven dollars and fifty cents. Aruba charges seven dollars and seventy five cents. Our proposal was to put ours to ten. The Bahamas, which is really a competitor, charges five dollars, and the original proposal in the Bill which was the original thought of the Government, recommended ten dollars. Barbados charges seven dollars seventy five cents, and certainly if ours had gone to ten dollars we would have lost that competitive edge in this particular instance, of which we have talked so much about. Belize charges ten dollars, and the increase would have brought us to ten dollars (these are all United States figures). Bon Aire charges US five dollars and seventy five cents, the proposal here was ten.

MR. PRESIDENT:

I do not think the Member need remind us again of what the proposal was, we have heard it five times now.

MR. G. HAIG BODDEN:

The British Virgin Islands fee is five dollars; Curacao is US five dollars and seventy five cents; Dominica is US six dollars; Grenada is US six dollars; Haiti is fifteen dollars, the only island in the Caribbean which would have had a higher tax than the Cayman Islands - the land of Claude and Papa Doc Duvalier and their repressions. So why are we anxious to get our feet up in line with Haiti. We do not want their tourism policy, because this tax in Haiti is intended to keep the Haitians from leaving the country legally, because it has the poorest economy in the Caribbean, and the tax is intended as a deterrent, and we do not need to adopt their policies in setting the travel tax in this Bill. Jamaica who is a strong competitor for the Cayman Islands tourists, their travel tax is three dollars and fifty cents. Montserrat, the tax is five dollars; St. Kitts-Nevis the tax is three dollars; St. Lucia, US four dollars and fifty cents; the Dutch side of St. Martin charges five dollars; the French side of St. Martin charges one dollar and twenty five cents; St. Vincent and the Grenadines, four dollars; Trinidad, four dollars and fifty cents; Turks and Caicos five dollars; the US Virgin Islands, three dollars, and although the letter did not have it I added Miami to the list where the travel tax is US three dollars. We are definitely pricing ourselves out of the market.

MR. G. HAIG BODDEN (CONTINUING): The Hotel Association is not the only body or person to object to the increases in the Bill. There was a letter in the Compass of Wednesday 18th December, yesterday, in which a well renowned gentleman who has been associated with the tourist industry for many years, and who is now a man of Caymanian status, has complained bitterly but sensibly about the increases proposed in this Bill. The letter says, and I quote:

"I would like to add the possible increase in departure tax, is another slap in the face for our visitors. (The first part of the letter with which I will not deal now had mentioned another imposition on the tourist). Do not get me wrong, I do not mind the increase personally as a resident, but why should a visitor be hit with it when he leaves. As far as I am concerned, tourists should pay no departure tax at all. They are our guests. We want and need them to come back. Would you invite someone to your home for dinner, and then charge them when they leave, of course not."

The letter writer suggests that there should be no departure tax. The sad fact is that the tax exists, but it is definitely wrong to seek to increase it in this Bill. The letter goes on to say, and I quote:

"And I know there is someone out there saying, 'Well, if they want to enjoy our sunshine and our beach and our diving, they have to pay for it.' Well, let me say this friends, they are paying for it. The hotels, condominiums, restaurants, gift shops and taxis are far from cheap in the Cayman Islands, and also be reminded that we are not the only Island in the Caribbean with sunshine, beaches and diving. So, the tourist does not have to come back here to spend his money. It is up to all of us to make the tourist happy and as comfortable as possible."

The tourism policy of Government for years has been to get the repeat visitor, and if the departure tax gets too high, or if any other charge which the tourist has to pay gets too high, the tourist who is in many instances a person of limited means may decide to go elsewhere. We have boasted for years on the quality of our tourism in the Cayman Islands. We have tried, in a place where labour is expensive, to keep the prices in line. Do not let us spoil it now.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Quickly Mr. President, I would have agreed with the Second Elected Member for Bodden Town, had there not been an amendment circulated, to reduce the tax from the proposed eight dollars to six dollars. But the amendment is there, so I support the Bill. I do not know why he chose to go on for so long, because I know he saw the amendment.

Mr. President, I would attempt to tell you the many types of criminals which exist in this Country, but I know you would stop me.

MR. PRESIDENT:

Quite right.

MR. W. McKEEVA BUSH: There is another forum Mr. President, but I would end by saying that criminals come in many forms, even those who rape people.

MR. PRESIDENT: Does any other Member wish to speak?
The Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I rise to support a Bill for a Law to amend the Travel Tax Law, 1976, Law 11 of 1976, which seeks to increase from four to eight dollars, the tax payable for air departures, passengers departing by air, and have made note that the mover has explained that at Committee Stage, he will be moving an amendment for the increase to be six dollars instead of eight.

I note that the Second Elected Member for Bodden Town referred to a letter sent by the Hotel Association, of which I have a copy and in which they referred or used a quote from an address which I gave them earlier in the year. I am ever conscious of the fact that tourism is a very cost-conscious business, and I am also always aware that tourism is very important to our Country. The words which I used at the Hotel Association meeting I stand by. I think the Member said that it was a pity that I did not live up to them. I stand by those words however. I did not make any more commitment to the Hotel Association that downline we might not have as a Government to look at certain increases anymore than the Hotel Association members made a commitment to me that they would not at some time in the future have to increase their hotel rates.

In comparing what other countries charge as has also already been pointed out, Aruba is higher than us, Barbados, Belize and Haiti. Travel Tax was introduced many, many years ago and the object of it was for a fund to be used to improve the facilities of the travelling public at airterminals. The opposition has claimed so much credit for the beautiful new terminal we have, that I thought that they would at least go along with this and understand that passengers travelling from this new terminal would not really object too strongly to paying an increase of two dollars for the nice facilities which we now have to offer them. I would also point out that there have been increases made to travel tax in the past in 1976, 1979 and in 1982. The percentages might have been much smaller, but I am sure that at that time some consideration should have been given to the fact that this increase could perhaps affect tourism adversely as well.

I really do not believe Mr. President that the additional two dollars would deter the tourist or local people from travelling. It is true that I go along with the increase, and I feel that it has been necessary for the same reason that other revenue earning measures have had to be considered at this time. I support this. When the hotels, the taxis, the restaurants, the stores and other tourism related businesses decide that they have to make an increase, with all due respect to them, they do not consult Government; there is no price control here. They decide from a business point of view that it is necessary, and they go ahead and do it, and I am sure that the same considerations are made.

The Travel Tax also really fluctuates at some airports from time to time. There have been airports like Miami where at one stage they introduced it; once they increased it and at one stage they cancelled it out altogether, and reintroduced it at a later date when there was an expansion programme for the airport. So this does not preclude us from taking a proper look at this downline.

So with those few words Mr. President, I support the Bill with the proposed amendment.

MR. PRESIDENT:

Does any other Member wish to speak?

HON. VASSEL G. JOHNSON:

Mr. President, I rise to support this Bill for a Law to amend the Travel Tax Law 1976.

Mr. President, I do not think there needs to be any long debate on this Bill, but I rise to speak on two points made by the opposition. One is, that speaking on this Bill Mr. President, it was said that before tax is imposed on the industry, meaning the tourist industry, that there should be a sounding of the tourist economy to decide whether the increased tax will affect the industry or not. Because, if there is damage to be done, naturally we should try to avoid it. Well Mr. President, I fully agree with that statement, but I want to say that this is exactly what we did. We examined the increase which was proposed, and saw that it was in the best advantage of the industry to reduce the increase by two dollars.

Mr. President, we had a case back in 1981. As Financial Secretary the Unity Team Government decided to introduce in this Assembly a four per cent condominium tax, (four per cent on the construction of any new condominium)....

MR. PRESIDENT:

I hope this is going to be relevant? I will allow the Member to continue, but I just ask him - I would like the condominium tax related to this tax in some way.

HON. VASSEL G. JOHNSON:

Yes Sir. It is very relevant Mr. President, I can assure you of that.

I went into the industry and enquired (that is after the Bill had been given a First Reading here), what the industry thought about this increase. Mr. President, the adverse reaction was vastly greater than that letter which was read here. A letter addressed to the Honourable Financial Secretary and copied to the world. Mr. President, when I reported the adverse reaction of the industry regarding this four per cent condominium tax, you should read the Hansard Report of this House, what the Members said and what they told me about it. So, you know, it is alright for the opposition to be saying that now. Their memory is very short too.

The other point I want to make Mr. President is that the opposition said too that when the tourists come here as our guests, we should not be charging them tax, especially an exit tax. Well Mr. President, that Member seems to have lost track of himself, travelling to other countries. Because I know when I travel to other countries and am regarded as a tourist in those countries too, besides being a businessman, I am also charged their hotel tax, not even hotel tax Mr. President but we are charged other tax, we are charged other state tax, we are charged sale tax and all the tax which is imposed by the state, and there is no exemption at all where we are concerned. So, what are the grounds for us to exempt tourists coming here. Tourists come here to enjoy the facilities we have, just as we enjoy their facilities. If we can pay in their country these taxes, there is no reason why they cannot pay taxes here.

Mr. President, I support the Bill.

MR. PRESIDENT:

Does any other Member wish to speak? The Third Elected Member of Executive Council.

HON. THOMAS C. JEFFERSON:

Yes Mr. President, thank you.

MR. PRESIDENT:

Well he has sat down again, perhaps he does not want to after all. But it was the Third Elected Member I invited to speak.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support the Travel Tax (Amendment) Law 1985, which is to come into force on the 1st January, 1986.

Mr. President, I did have a bit of a reservation about the eight dollars as originally presented to this House. I am very pleased to know that it has been reduced to six dollars, which brings it in line with most of the other Caribbean Islands, and I do not see this as a deterrent to people coming here, as has been stated. One Member said that it would be a deterrent to investors. Mr. President, if an investor coming here of any substance at all, and is going to complain about paying seven dollars and fifty cents, we really do not need this type of investor.

The people come here Mr. President because of the friendliness of our people, and they get value for their money; the stability of the Government. They can walk here unmolested, and this is something they cannot get in the other territories of the Caribbean, and in many of the other countries in the world.

Mr. President, the question was also asked why should the tourist.....

MR. PRESIDENT: If I may interrupt the Member, I am told that the tape is just finishing, so we will get it changed and then you can continue.

The Member may continue.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, when we stopped, I was saying that there was a question in the Letter which was read by the Second Elected Member for Bodden Town, written by someone yesterday in the Compass, and it said "Why should tourists pay departure tax". Mr. President, this is normal practice in every country in the world. We are only charging a departure tax on persons twelve years and up. In the United States where I visited recently, I had to pay on my young child who is just four years old. They make no exceptions, everybody pays the departure tax. This tax is very necessary Mr. President, to help us to defray the expenses of our Airport Terminal and other facilities. I can see no objection to visitors paying the seven dollars and fifty cents, because they get value for money when they visit here.

I thank you Mr. President, and I support the Bill.

MR. PRESIDENT: Does the mover wish to reply? Does any other Member wish to speak?

HON. THOMAS C. JEFFERSON: Yes Mr. President. First of all, I would like to say that when I was winding up the other Bill I forgot to make a mention to the First Elected Member for the Lesser Islands that in relation to the Trade and Business Licence, I will take it on board, and he has my assurance that I will work with him on it.

In respect of this Bill Mr. President, there was some mention of a letter from the Hotel Association. One of the reasons Mr. President why Bills are published, although in this case it is a Revenue Bill, so we cannot give any indication of what we are doing until after the Budget Address is given, and any representation which is put to us we examine it. If we agree with it, we will do what we are seeking to do here, which is to reduce the travel tax sum being requested, from eight dollars to six.

HON. THOMAS C. JEFFERSON (CONTINUING): I do not believe Mr. President that this will cause any difficulty in the air arrivals. I think the Islands decline in tourism over this year is due to other factors as well, the strength of the United States dollar in my view. During the summer when people took the advantage of travelling to the European Continent which they have been wanting to do for a long time but could not afford it, but thought that this was the year, because of the strength of the United States dollar to make that journey. Mr. President, there are countries who are charging travel tax at a higher rate than we are; Hong Kong is one example, and there are many other examples in the Caribbean. I will not bother to mention them.

Some Members who started to quote figures, I took note that they quoted the low figures in the Schedule forwarded by the Hotel Association. But Mr. President, the gist of it is that the amendment to a Bill before us, we will seek during the Committee stage to move an amendment to reduce this sum from eight dollars to six.

Another mention was made and a Member thought that the Bill also was seeking to secure additional travel tax from the cruise ship passengers as well. This is not what this Bill is seeking to do Mr. President. It is dealing strictly with passengers departing from our airport.

Thank you.

MR. PRESIDENT: The question is that a Bill for a Law to amend the Travel Tax Law 1976 be read a second time.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Certainly.

		<u>DIVISION</u>		
		<u>NO. 101/85</u>		
<u>AYES</u>			<u>NOES</u>	
Hon. Dennis H. Foster			Mr. G. Haig Bodden	
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				
Capt. Mabry S. Kirkconnell				
Mr. D. Ezzard Miller				
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MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: THE TRAVEL TAX (AMENDMENT) BILL, 1985, GIVEN A SECOND READING.

MR. PRESIDENT: Item 3(4), Bills, First Reading.

FIRST READING

THE TAX COLLECTION (AMENDMENT) BILL, 1985

CLERK: THE TAX COLLECTION (AMENDMENT) BILL, 1985

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend the Tax Collection Law (Revised), is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE TAX COLLECTION (AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Tax Collection Law (Revised).

This Bill Mr. President, seeks to abolish the personal tax, that is the Head Tax of ten dollars due annually to Government, which has been around for a long time, and initially, as my understanding is it was called a poll tax and was used in terms of trying to determine who could vote in elections, and if one did not pay ones poll tax, one was not allowed to vote.

I recommend the abolition of this Law
Mr. President.

MR. PRESIDENT: The question before the House is that a Bill for a Law to amend the Tax Collection Law (Revised) be given a Second Reading.

The motion is open for debate. No Member wishes to speak, I will put the question. Will those in favour please say 'Aye'. Those against 'No'.....Sorry, you are all too late.

MR. W. McKEEVA BUSH: That was quick Mr. President.

MR. PRESIDENT: I looked around, and I sensed that the House is not wanting long delays, so perhaps I did not look for as long as I sometimes do, but I did look.

MR. D. EZZARD MILLER: It is alright looking.....

MR. PRESIDENT: In all directions.

MR. D. EZZARD MILLER: Look less the next time, Sir.

MR. PRESIDENT: I really did.

HON. MICHAEL J. BRADLEY: Mr. President Sir, on a Point of Order, a Member desiring to speak may rise in his place. I did not see any Member rise.....

MR. PRESIDENT: Nor did I, not until I think each Member was waiting until the other Member had spoken, and they both waited too long. However, I have now put the question and it has been answered, and I declared the motion carried.

MR. W. McKEEVA BUSH: Mr. President, I did not vote. May I have a division.

MR. PRESIDENT:

You may certainly have a division, yes of course.

DIVISION
NO. 102/85.

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
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

NOES

Mr. W. McKeever Bush

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MR. PRESIDENT:

I declare the motion carried.

AGREED BY MAJORITY: THE TAX COLLECTION (AMENDMENT) BILL, 1985,
GIVEN A SECOND READING.

MR. PRESIDENT:

Bills, First Reading. Item 3(4).

FIRST READING

THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985

CLERK: THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985.

MR. PRESIDENT:

The Bill entitled a Bill for a Law to allow and confirm certain expenditure during the financial year (1984), is deemed to have been read a First time, and is put down for Second Reading.

SECOND READING

CLERK: THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985.

HON. THOMAS C. JEFFERSON:

Mr. President, I move the Second Reading of a Bill. A Bill for a Law to allow and confirm certain expenditure during the financial year (1984).

This Bill Mr. President, seeks to allow and confirm supplementary expenditure during the financial year 1984, and the sums are set out in the schedule to the Bill. These additional expenditures Mr. President were approved, in most cases, by Finance Committee and there may be a few where at the end of the year, the sum paid exceeds the sum in the original Appropriation Law.

I recommend the Bill to the House,
Mr. President.

MR. PRESIDENT:

The question before the House is that a Bill entitled a Bill for a Law to allow and confirm certain expenditure during the financial year (1984) be given a Second Reading.

The motion is open for debate. No Member wishes to speak? I will put the question.

QUESTION PUT: AGREED. THE SUPPLEMENTARY APPROPRIATION (1984)
BILL, 1985, GIVEN A SECOND READING.

COMMITTEE ON BILLS

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled The Customs (Amendment) (No.2) Bill, and other Bills committed to it.

THE CUSTOMS (AMENDMENT) (No.2) BILL, 1985.

COMMITTEE THEREON

MR. CHAIRMAN: The House is now in Committee. The Customs (Amendment) (No.2) Law, 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 FIRST SCHEDULE.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AYES AND NOES. CLAUSE 2.

MR. G. HAIG BODDEN: May I have a division Mr. Chairman?

MR. CHAIRMAN: Of course.

<u>DIVISION</u>		
<u>No. 103/85</u>		
<u>AYES</u>	<u>NOES</u>	
Hon. Dennis H. Foster	Mr. G. Haig Bodden	
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		
Capt. Mabry S. Kirkconnell		
Mr. D. Ezzard Miller		
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MR. CHAIRMAN: One 'No'; I think I snatched the microphone before the Clerk was able to speak. I declare the motion carried. Clause 2 stands part of the Bill.

QUESTION PUT: CLAUSE 2 PASSED BY MAJORITY.

CLERK: CLAUSE 3. AMENDMENT OF SECOND SCHEDULE.

MR. CHAIRMAN: The question is that Clause 3 stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: No.

MR. CHAIRMAN: It is just a grammatical correction, you understand that. (LAUGHTER) If you want to vote against it, of course you are at liberty to, but that is all it is.

MR. G. HAIG BODDEN: I am voting against this entire Bill, Sir.

HON. MICHAEL J. BRADLEY: English is a living language Sir, and may be it is evolving in the House!

MR. CHAIRMAN: Very well. I still declare the motion carried..

CLAUSE 3 PASSED BY MAJORITY (SECOND ELECTED MEMBER FOR BODDEN TOWN AGAINST)

CLERK: A BILL FOR A LAW TO AMEND THE CUSTOMS LAW (SECOND REVISION)

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: I declare the motion carried, the Ayes have it.

THE TITLE AND ENACTING CLAUSE PASSED BY MAJORITY. (THE SECOND ELECTED MEMBER FOR BODDEN TOWN AGAINST).

MR. CHAIRMAN: The Banks and Trust Companies Regulation (Amendment) Bill.

THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985

COMMITTEE THEREON

CLERK: SHORT TITLE AND DATE OF COMMENCEMENT.

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

QUESTION PUT: CLAUSE 1 PASSED BY MAJORITY (SECOND ELECTED MEMBER FOR BODDEN TOWN AGAINST)

CLERK: CLAUSE 2 AMENDMENT OF SECTION 4

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: CLAUSE 2 AYES AND NOES

MR. G. HAIG BODDEN: May I have a division.

MR. CHAIRMAN: Yes of course.

DIVISION
No. 104/85

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
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

NOES
Mr. G. Haig Bodden

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MR. CHAIRMAN: I declare the motion carried.

CLAUSE 2 PASSED BY MAJORITY

CLERK: A BILL FOR A LAW TO AMEND THE BANKS & TRUST COMPANIES
LAW (REVISED)

MR. CHAIRMAN: The question is that the Title and
Enacting Clause do stand part of the Bill.

QUESTION PUT: THE TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: The Insurance (Amendment) Bill.

THE INSURANCE (AMENDMENT) BILL, 1985

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: CLAUSE 1 PASSED

CLERK: CLAUSE 2 AMENDMENT OF SCHEDULE

MR. CHAIRMAN: The question is that Clause 2 do stand
part of the Bill.

QUESTION PUT: CLAUSE 2 AYES AND NOES

MR. CHAIRMAN: I think the Ayes have it.

MR. G. HAIG BODDEN: May I have a division please.

DIVISION
No. 105/85

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
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

NOES
Mr. G. Haig Bodden

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MR. CHAIRMAN: I declare the motion carried. I think we are making rather good progress at the moment, I would be a little reluctant to interrupt it, maybe at the end of the Committee Stage.

CLAUSE 2 PASSED BY MAJORITY

CLERK: A BILL FOR A LAW TO AMEND THE INSURANCE LAW, 1979

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: THE TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: The Trade & Business Licensing (Amendment) Bill.

THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985

CLERK: CLAUSE 1 SHORT TITLE AND DATE OF COMMENCEMENT

MR. CHAIRMAN: I think, before I put the question, I will just give notice to Members that, if I am right, at one time notice of a Committee Stage amendment was circulated, but the Member who circulated it since sought my permission to withdraw it. I think that is correct.

CAPT. MABRY S. KIRKCONNELL: That is correct Sir.

MR. CHAIRMAN: So that just for the clarification of any Members who have had the notice of a proposal to amend Clause 2 of the Bill; that proposed has been subsequently withdrawn. So I have not notice of any amendment.

The question now is that Clause 1 do stand part of the Bill.

QUESTION PUT: CLAUSE 1 PASSED

CLERK: CLAUSE 2 AMENDMENT OF SECOND SCHEDULE

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: CLAUSE 2 AYES AND NOES

MR. G. HAIG BODDEN: May I have a division please.

<u>DIVISION</u>	
<u>AYES</u>	<u>NOES</u>
<u>No. 106/85</u>	
Hon. Dennis H. Foster	Mr. G. Haig Bodden
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	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
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MR. CHAIRMAN: I declare the motion carried. Clause 2 stands part of the Bill.

CLAUSE 2 PASSED BY MAJORITY

CLERK: CLAUSE 3 EFFECT OF SECTION 2

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, it may be appropriate if you indicated whether or not, since there is a typographical error in this one, you would give the usual.....

MR. CHAIRMAN: I am so sorry. I should have said this before we began the whole Committee Stage, that with Member's agreement I would propose that any typographical or similar errors be corrected by the Honourable Second Official Member of Executive Council, in accordance with our usual practice these days.....

MR. D. EZZARD MILLER: Mr. Chairman.....

MR. CHAIRMAN: Well, let me just finish that one and make quite certain that I have got that straight first and on record, and unless any Member dissents, I will assume that our practice should continue. Now, you had a point?

MR. D. EZZARD MILLER: Yes Sir. I had served notice of my intention to file an amendment to Section 2 Sir, but I wonder if we could recommit the Section, so that I could file the amendment, with your leave, under 52(2) of the Standing Orders.

MR. CHAIRMAN: With respect, firstly I cannot trace that I have ever received.....

MR. D. EZZARD MILLER: I did not circulate it, two days did not allow it.....

MR. CHAIRMAN: Secondly, I did say that I had not received notice of any amendments and you did not speak up at that point, and thirdly, we did pass the Clause.

MR. D. EZZARD MILLER: Yes Sir.

HON. MICHAEL J. BRADLEY: If the Member was thinking about the Pizza that is his risk.

MR. D. EZZARD MILLER: No Sir, I did not realise that Section 2 was four pages long.

HON. BENSON O. EBANKS: Mr. Chairman Sir, I wonder if the Member was moving the motion on behalf of the First Member for Bodden Town, who was suggesting all the amendments yesterday?

MR. D. EZZARD MILLER: No Sir. I was not moving them. My amendment was to do with raising the \$5,000 on propane gas to \$25,000. They are not going to support that, they are going to protect Captain Theo.

MR. CHAIRMAN: I am afraid that the Member has lost his chance.

MR. D. EZZARD MILLER: Unfortunately Sir. I will get a chance in November, Private Member's Motion. In March Sir.

MR. CHAIRMAN: We will have to see about that. I think you read Clause 3, I am not quite sure whether I put the question, I think I did not. I have not, no. The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: CLAUSE 3: AYES AND NOES

MR. G. HAIG BODDEN:

Mr. Chairman, may I have a division please.

DIVISION
No. 107/85

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
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. G. Haig Bodden

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MR. CHAIRMAN:
stands part of the Bill.

I declare the motion carried. Clause 3

CLAUSE 3 PASSED BY MAJORITY

CLERK: A BILL FOR A LAW TO AMEND THE TRADE & BUSINESS LICENSING
LAW (REVISED)

MR. CHAIRMAN: The question is that the Title and
Enacting Clause should stand part of the Bill.

QUESTION PUT: THE TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: The Travel Tax (Amendment) Bill.
Before we start on this one. I have
been given notice of a proposed amendment, and my understanding of the
debate was that all Members had received the Notice, because it was
referred to by a number of them, and it is an amendment to Clause 2.

THE TRAVEL TAX (AMENDMENT) BILL, 1985

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: CLAUSE 1 PASSED

CLERK: CLAUSE 2 AMENDMENT OF SECTION 4

MR. CHAIRMAN: This is the Clause of which we were given
notice of an amendment. Perhaps the Third Official Member would care
to formally move the amendment now.

HON. THOMAS C. JEFFERSON: Yes Sir.
I, the Honourable Third Official Member
move in accordance with Standing Order 52(1) the following Committee
Stage amendment to Clause 2 of the Travel Tax (Amendment) Bill, 1985;
that Clause 2 of the Bill be amended by substituting "six" for "eight"
in the second line.

MR. CHAIRMAN: Does any Member wish to speak to the amendment? In that case I will put the amendment.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: We now turn to Clause 2 as amended. Does any Member wish to speak? In that case I will put the question, that Clause 2 as amended, do stand part of the Bill.

QUESTION PUT: AYES AND NOES THAT CLAUSE 2 AS AMENDED DO STAND PART OF THE BILL

MR. G. HAIG BODDEN: May I have a division.

MR. CHAIRMAN: Certainly.

<u>AYES</u>	<u>DIVISION</u> <u>No. 108/85</u>	<u>NOES</u>
Hon. Dennis H. Foster		Mr. G. Haig Bodden
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		
Capt. Mabry S. Kirkconnell		
Mr. D. Eazard Miller		
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MR. CHAIRMAN: I declare the motion carried. Clause 2 as amended, stands part of the Bill.

CLAUSE 2 AS AMENDED PASSED BY MAJORITY

CLERK: A BILL FOR A LAW TO AMEND THE TRAVEL TAX LAW, 1976

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill.

QUESTION PUT: THE TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: The Tax Collection (Amendment) Bill.

THE TAX COLLECTION (AMENDMENT) BILL, 1985

CLERK: CLAUSE 1 SHORT TITLE AND DATE OF COMMENCEMENT

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

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: CLAUSE 2 REPEAL OF SECTION 6

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: CLAUSE 3 REPEAL OF SECTION 7

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: CLAUSE 4 AMENDMENT OF SECTION 14

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK: A BILL FOR A LAW TO AMEND THE TAX COLLECTION LAW (REVISED)

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: THE TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: The Supplementary Appropriation (1984) Bill.

THE SUPPLEMENTARY APPROPRIATION (1984) 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 EXPENDITURE CONFIRMED

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

HON. BENSON O. EBANKS: I would just like to say Mr. Chairman that this shows where all the money went in 1984, and that could not have been spent from the 20th November to the 31st December.

MR. CHAIRMAN: I will put the question. I think the Ayes have it.

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: A BILL FOR A LAW TO ALLOW AND CONFIRM CERTAIN EXPENDITURE DURING THE FINANCIAL YEAR 1984

MR. CHAIRMAN: There does not seem to be an Enacting Clause, can that be correct? Let us.....

HON. MICHAEL J. BRADLEY: May I move that the notice has been given Sir.....

MR. CHAIRMAN: Sorry.

HON. MICHAEL J. BRADLEY: May I move with your permission Sir, that the.....

MR. CHAIRMAN: Well, I think it could be covered by typographical and printing errors. It is clearly an obvious error, and if we now put the question that the Title and the Enacting Clause be carried, I think Members will allow you to put the Enacting Clause which is absolutely standard, in.

QUESTION PUT: AYES THE TITLE AND ENACTING CLAUSE.

MR. G. HAIG BODDEN: May I have a division Sir.

MR. CHAIRMAN: A division! Yes of course. On the Title and Enacting Clause? All right.

HON. MICHAEL J. BRADLEY: What is the division on Sir?

MR. CHAIRMAN: Presumably, whether the Title and Enacting Clause stand part of the Bill, that is what we are voting on, and if the Member does not want them to stand part of the Bill perhaps... I certainly cannot properly refuse a Member a division if he asks for one. So we have one. We will see who votes what way.

<u>DIVISION</u>	
<u>NO. 109/85</u>	
<u>AYES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster	Mr. G. Haig Bodden
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	
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MR. CHAIRMAN: I declare the motion carried.

HON. MICHAEL J. BRADLEY: I would just add Mr. Chairman, that if it had not been carried, there would have been certain difficulty. Because one of the instructions provide that all Laws shall have words of enactment.

MR. CHAIRMAN: Well that is quite right. So it is fortunate that it was carried.

THE TITLE AND ENACTING CLAUSE PASSED BY MAJORITY.

MR. CHAIRMAN: The Evidence (Amendment) Bill.

THE EVIDENCE (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 7 OF LAW 13 OF 1978

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 8

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: CLAUSE 4 AMENDMENT OF SECTION 9

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK: CLAUSE 5 SUBSTITUTION OF NEW SECTION 23(a) and (b)

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

MR. G. HAIG BODDEN: Mr. Chairman, during the debate I attempted to raise a matter on Clause 5, and the Honourable Second Official Member replied. However, since leaving the Chamber I had a very short discussion with him, and I have come to the conclusion that in Clause 5 there is no provision for the Court to call a person to be cross-examined who has given a fingerprint certificate. There is a provision in Clause 24, for the Court to call a person, but with their knowledge of the Second Official Member, that provision seems to apply only to 24, which deals with written statements. There is a provision in 24(3)(b) that the Court may of its own motion, or on the application of any party to the proceedings require that person to attend before the Court and give evidence. But that same provision which allows the Court to call a person to be cross-examined on a written statement, does not seem to apply to 23, it deals with fingerprint certificates. I think it would be safe to have that provision in 23 as well, so that the Court would have a general power to call a witness who had put in a certificate on fingerprints, so that the person could be called at any time during the trial, as is the case with 24. Maybe the Second Official Member can guide us on it. But what really happens it appears is that the provision in 24 only applies to 24. It does not give the power to the Court in 23.

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir. If I may take the Second Elected Member for Bodden Town up on this. I agree that I had a conversation with him, and I agree that I informed him correctly that the power of the Court not to admit the certificate, and to call for the fingerprints to be produced by a live witness, is not contained in the new 23(b). In 23 there is a provision that the certificate cannot be tendered if the person charged with the offence, six days or more before the hearing has served a notice on the Prosecutor challenging the fact or authority mentioned. Or such later time before his trial as the Court may in special circumstances allow. And I think that the circumstances are different, because Section 24 of the principle Law refers to written statements which the Court can, because they are written statements require the person who made them to come before the Court to see their demeanor, to make them subject to cross-examination.

HON. MICHAEL J. BRADLEY (CONTINUING): In 23 there is a right on the person charged, to challenge the authority for the fact of the certificate. In which case then, the certificate does not apply. There is not the provision that the Court may challenge the certificate itself, unless the accused or the defence lawyer does so.

MR. G. HAIG BODDEN: I understand what the Member is saying Mr. Chairman, but it appears to me that in 24, the Court can call a witness who had tendered a written statement, at any time during the trial. In the case of a fingerprint, the only way a witness could be called is if the defendant had challenged it before the trial started, and this may not always be possible, because of many things which could arise. I was hoping that the same right would apply. The Court has to call a person who has tendered a written statement to be cross-examined. The court could also call a person who has put in a fingerprint certificate, which could be very damaging, and I think it is an important point.

HON. MICHAEL J. BRADLEY: I have no strong feelings myself, against putting such a provision in, and if the Honourable Member wishes to move such a provision, I shall be happy to help him in his choice of words.

MR. G. HAIG BODDEN: Mr. Chairman, I would like to move with the concurrence of the Second Official Member, if he agrees with what I have said, that Clause 5 in.....

HON. MICHAEL J. BRADLEY: Perhaps, subject to what the Honourable Member says, we could take a break for a couple of minutes.

MR. CHAIRMAN: I was wondering....I was just going to suggest that. I do not like trying to draft in a rush like that. I did promise Members a few minutes ago, that if we made good progress which we are doing, we might take five or ten minutes break. Why do we not take about ten minutes break now.

HON. MICHAEL J. BRADLEY: Perhaps the Clerk could order some more pizza, because there is probably none left.

MR. CHAIRMAN: We might get some pizza ourselves too.

MRS. DAPHNE L. ORRETT: There is plenty left, it is just cold.

MR. CHAIRMAN: I think just ten minutes, which hopefully will give you enough time to do the drafting.

AT 7:19 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 7:37 P.M.

MR. CHAIRMAN: Please be seated.
We had reached Clause 5 of the Bill when we broke for a brief period, and the Second Elected Member for Bodden Town had sought leave to move an amendment of which notice had not been given, and I had granted leave in accordance with Standing Order 52(2). So the Member may now formally move the amendment of which I think copies have been circulated.

MR. G. HAIG BODDEN: Mr. Chairman, I beg to move under Standing Order 52(1) and (2) that Clause 5 be amended in the newly to be inserted section 23B(2) by -

(a) the deletion of the word "or" at the end of paragraph (a);

(b) the deletion of the colon at the end of paragraph (b) and the substitution therefor of the word ";or"; and

(c) the addition, immediately after paragraph (b), of the following new paragraph -

"(c) in any case where the judge or magistrate so determines;"

And, if I may add Mr. Chairman. The affect of this amendment would be to allow the Court to call someone who had put in a fingerprint certificate for cross-examination at any time the judge or magistrate determined that it was necessary.

MR. CHAIRMAN:

Thank you very much.

Does any Member wish to speak to the amendment?

Does any Member wish to speak to the amendment?

HON. MICHAEL J. BRADLEY:

As the mover of the Bill, I have no objection to the amendment proposed by the Member.

MR. G. HAIG BODDEN:

Mr. Chairman, just before you put the question, I was wondering if the Second Official Member remembers the point I raised about changing the word "constable" to a "ser eant", because in his winding up of the Bill he did.....

MR. CHAIRMAN:

Could we deal with your first amendment...

MR. G. HAIG BODDEN:

All right.

MR. CHAIRMAN:

That is a second and separate point is it not. So the question now is that the amendment which you have already put forward and to which you have spoken, and that the Clause should be amended in accordance with your amendment.

QUESTION PUT: AGREED. AMENDMENT I PASSED.

MR. CHAIRMAN:

The question now is that Clause 5 as amended do stand part of the Bill.

Now is the moment to raise your other point.

MR. G. HAIG BODDEN:

Yes, I think the Second Official Member might want to speak on it. What I suggested was that the word "constable" be changed, because a constable could be a new recruit. The suggestion made in the winding up by the Second Official Member was that he would not object too strongly to the word "ser eant" or "of higher rank". I agree, I had originally sought to have the word "inspector" put in, but I would be satisfied with "ser eant". A sergeant is a Police Officer who has had a couple of years in the force, and would have had some experience, and changing it to "ser eant" would satisfy me completely.

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, it is quite true and I was going to remind the Honourable Second Member for Bodden Town of his representation, and ask him whether he wished to move a Committee Stage amendment to this, as he had indicated. I did say at the time that I could see no objection to it. As "serjeant" had been the person of minimum rank under the old 1965 Fingerprints Law, but that I would check with the Police Authorities. I checked with my prosecutors in fact, and they and the Police see no difficulties in it being "a serjeant or above", and I would suggest to the Honourable Member that if he wished to make the amendment he could do so, by proposing that the words "not below the rank of serjeant" be inserted immediately after the word "constable" in the third line of the newly to be inserted Section 23B(1).

MR. CHAIRMAN: Constable, not below the rank of..Serjeant.

HON. MICHAEL J. BRADLEY: Serjeant. Constable means all Police Officers, and is so defined. So if the Member wished to move that amendment, the effect of it would be that it would read:

"in criminal proceedings propoing to be signed by a constable not below the rank of serjeant, authorised to do so."

MR. CHAIRMAN: And in line ten it would automatically be caught because it says that the constable, yes.

MR. G. HAIG BODDEN: Mr. Chairman, with your permission I would like to move the amendment that the new 23B(1) be amended in the third line by inserting after the word "constable" "not below the rank of serjeant".

MR. CHAIRMAN: Firstly for the record....I am sorry.

MR. G. HAIG BODDEN: I was going to say that further down in the same paragraph, we will have to make the same amendment.....

MR. CHAIRMAN: No. No he would not.

MR. G. HAIG BODDEN: He would not, all right.

MR. CHAIRMAN: Because it refers back to the first one.

MR. G. HAIG BODDEN: All right Sir.

MR. CHAIRMAN: Firstly and for the record, I grant leave in accordance with Standing Order 52(2) for the amendment to be moved, and secondly; I will now put the question that Clause 5 as already amended, be further amended by the addition of the words "not below the rank of serjeant" after the word "constable" in the third line of the proposed new Section 23B(1).

Does any Member wish to speak to that?

MRS. DAPHNE L. ORRETT: Mr. Chairman, am I to understand that all Police Officers are constables, no matter what their rank?

MR. CHAIRMAN: They are defined in the Police Law as constables, no matter what there rank. It struck me as slightly odd, but if that is the definition in the Police Law, then it is perfectly all right that the Member's point can be met in the way that the Second Official Member has met it.

MR. CHAIRMAN (CONTINUING): If no Member wishes to speak, I will put the question.

The Ayes have it, so Clause 5 is amended now a second time.

QUESTION PUT: AGREED. AMENDMENT II PASSED

MR. CHAIRMAN: The question now is that Clause 5 as twice amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 AS TWICE AMENDED PASSED

CLERK: Clause 6 Amendment of Section 24

MR. CHAIRMAN: The question is that Clause 6 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED

CLERK: A BILL FOR A LAW TO AMEND THE EVIDENCE LAW 1978

MR. CHAIRMAN: The question is that the Title and Enacting Clauses do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: The Finger Prints (Repeal) Bill.

THE FINGER PRINTS (REPEAL) BILL, 1985

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 REPEAL OF LAW 19 OF 1965

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 REPEAL THE FINGER PRINTS LAW 1964

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: The Succession (Amendment) Bill, 1985.

THE SUCCESSION (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 LAW 18 OF 1975

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 SUCCESSION LAW 1975

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled the Customs (Amendment) (No.2) Bill, and other Bills. The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Reports. The Customs (Amendment)(No.2)

REPORTS THEREON

THE CUSTOMS (AMENDMENT) (NO.2) BILL, 1985

HON THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled The Customs (Amendment) (No.2) 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 Banks & Trust Companies Regulation (Amendment) Bill.

THE BANKS & TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled The Banks & Trust Companies Regulation (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 Insurance (Amendment) Bill, 1985.

THE INSURANCE (AMENDMENT) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled The Insurance (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 Trade & Business Licensing (Amendment)
Bill, 1985.

THE TRADE & BUSINESS LICENSING (AMENDMENT) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that
a Bill entitled The Trade & Business Licensing (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 Travel Tax (Amendment) Bill, 1985.

THE TRAVEL TAX (AMENDMENT) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that
a Bill entitled The Travel Tax (Amendment) Bill, 1985 was considered
by a Committee of the whole House, and passed with one amendment.

MR. PRESIDENT: The Bill is accordingly set down for
Third Reading. The Tax Collection (Amendment) Bill, 1985

THE TAX COLLECTION (AMENDMENT) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that
the Tax Collection (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 Supplementary Appropriation (1984)
Bill, 1985.

THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that
the Supplementary Appropriation (1984) 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 Evidence (Amendment) Bill, 1985.

THE EVIDENCE (AMENDMENT) BILL, 1985

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to report
that a Bill shortly entitled The Evidence (Amendment) Law 1985 was
considered by a Committee of the whole House, and passed with two
amendments, namely in Clause 5 thereof, by the insertion in the newly
to be added Section 23B(1) of the words "not below the rank of serjeant"
immediately after the word "constable" in the third line thereof, and
secondly; in the newly to be inserted section 23B(2) thereof, by the
addition of a new paragraph 3 "In any case where the judge or magistrate
so determines".

MR. PRESIDENT: The Bill is accordingly set down for
Third Reading. The Finger Prints (Repeal) Bill, 1985.

THE FINGER PRINTS (REPEAL) BILL, 1985

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to report that a Bill shortly entitled The Finger Prints (Repeal) Law, 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 Succession (Amendment) Bill, 1985.

THE SUCCESSION (AMENDMENT) BILL, 1985

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to report that a Bill shortly entitled The Succession (Amendment) Law, 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 Land Acquisition (Amendment) Bill, 1985.

THE LAND ACQUISITION (AMENDMENT) BILL, 1985

HON. VASSEL G. JOHNSON: Mr. President, I have to report that a Bill entitled The Land Acquisition (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 Companies (Amendment) Bill, 1985.

THE COMPANIES (AMENDMENT) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that The Companies (Amendment) Bill, 1985 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. Third Readings.

THIRD READINGS

THE CUSTOMS (AMENDMENT) (No.2) BILL, 1985

CLERK: THE CUSTOMS (AMENDMENT) (No.2) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Customs (Amendment) (No.2) Bill, 1985 be given a Third Reading, and passed.

MR. PRESIDENT: The question is that a Bill entitled The Customs (Amendment) (No.2) Bill, 1985 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: No.

MR. PRESIDENT: I think the Ayes have it.

<u>DIVISION</u>			
<u>AYES</u>	<u>NO. 110/85</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Hon. Dennis H. Foster		Mr. W. McKeever Bush	Mr. D. Ezzard Miller
Hon. Michael J. Bradley		Mr. G. Haig Bodden	
Hon. Thomas C. Jefferson			
Hon. Benson O. Ebanks			
Hon. Norman Bodden			
Hon. Capt. Charles L. Kirkconnell			
Hon. Vassel G. Johnson			
Mrs. Daphne L. Orrett			
Capt. Mabry S. Kirkconnell			
<u>9</u>		<u>2</u>	<u>1</u>

MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: THE CUSTOMS (AMENDMENT) (NO.2) BILL, 1985
GIVEN A THIRD READING AND PASSED.

THE BANKS & TRUST COMPANIES REGULATION
(AMENDMENT) BILL, 1985

CLERK: THE BANKS & TRUST COMPANIES (AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Banks & Trust Companies Regulation (Amendment) Bill, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that the Banks & Trust Companies Regulation (Amendment) Bill, 1985 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: No.

MR. PRESIDENT: I think the Ayes have it.

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

MR. PRESIDENT: Certainly.

THE EVIDENCE (AMENDMENT) BILL, 1985

CLERK: THE EVIDENCE (AMENDMENT) BILL, 1985

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled The Evidence (Amendment) Law, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Evidence (Amendment) Bill, 1985 be given a Third Reading and passed.

QUESTION PUT: AYES

HON. MICHAEL J. BRADLEY: May we have a division please?

MR. PRESIDENT: (LAUGHTER) But of course.

<u>AYES</u>	<u>DIVISION</u> <u>NO. 114/85</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			
Mr. W. McKeever Bush			
Mrs. Daphne L. Orrett			
Capt. Mabry S. Kirkconnell			
Mr. G. Haig Bodden			
Mr. D. Ezzard Miller			
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MR. PRESIDENT: I declare the motion carried, unanimously.

THE EVIDENCE (AMENDMENT) BILL, 1985, GIVEN A THIRD READING AND PASSED.

THE FINGER PRINTS (REPEAL) BILL, 1985

CLERK: THE FINGER PRINTS (REPEAL) BILL, 1985

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled The Finger Prints (Repeal) Law, 1985 be given a Third Reading, and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Finger Prints (Repeal) Law, 1985 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE FINGER PRINTS (REPEAL) BILL, 1985 GIVEN A THIRD READING AND PASSED.

THE SUCCESSION (AMENDMENT) BILL, 1985

CLERK: THE SUCCESSION (AMENDMENT) BILL, 1985

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled The Succession (Amendment) Law, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Succession (Amendment) Law, 1985 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE SUCCESSION (AMENDMENT) BILL, 1985, GIVEN A THIRD READING AND PASSED.

THE LAND ACQUISITION (AMENDMENT) BILL, 1985

CLERK: THE LAND ACQUISITION (AMENDMENT) BILL, 1985

HON. VASSEL G. JOHNSON: Mr. President, I move that a Bill entitled The Land Acquisition (Amendment) Bill be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Land Acquisition (Amendment) Law, 1985 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Certainly.

DIVISION
NO. 115/85

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. McKeeva Bush
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

NOES
Mr. G. Haig Bodden

11

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MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: THE LAND ACQUISITION (AMENDMENT) BILL, 1985, GIVEN A THIRD READING AND PASSED.

THE COMPANIES (AMENDMENT) BILL, 1985

CLERK: THE COMPANIES (AMENDMENT) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move that a Bill entitled *The Companies (Amendment) Bill, 1985* be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled *The Companies (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?

MR. PRESIDENT: Certainly.

DIVISION
NO. 116/85

<u>AYES</u>	<u>NOES</u>
Hon. Dennis H. Foster	Mr. G. Haig Bodden
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. Orrrett	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
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MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: THE COMPANIES (AMENDMENT) BILL, 1985, GIVEN A THIRD READING AND PASSED.

SUSPENSION OF STANDING ORDER 47

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 83, I move the suspension of Standing Order 47 in order to take the Third Readings of the *Travel Tax (Amendment) Bill; The Tax Collection (Amendment) Bill and the Supplementary Appropriation (1984) Bill, 1985.*

MR. PRESIDENT: Just so as I have understood it, it is the three remaining Bills which we have already discussed, that you....

HON. THOMAS C. JEFFERSON: Yes Sir.

MR. PRESIDENT: In that case, the motion before the House is that in accordance with the provisions of Standing Order 83, Standing Orders be suspended in order to enable Third Readings of the.....

HON. MICHAEL J. BRADLEY: Committee Stage and.....

MR. PRESIDENT: No. We have completed the Committee Stage and we have had the Reports, at least according to my tally. It is the Third Readings of the Bills that are shortly entitled The Supplementary Appropriation (1984) Bill, 1985; The Tax Collection (Amendment) Bill, 1985 and the Travel Tax (Amendment) Bill, 1985. Does any Member wish to speak? I will put the question.

QUESTION PUT: AGREED BY MAJORITY. STANDING ORDER 47 SUSPENDED
(The Second Elected Member for Boden Town voted against)

MR. PRESIDENT: In that case, Third Readings, perhaps the Clerk will read.

THIRD READINGS

THE TRAVEL TAX (AMENDMENT) BILL, 1985

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1985

HON. THOMAS C. JEFFERSON: Mr. President, I move the Travel Tax (Amendment) Bill, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Travel Tax (Amendment) Law, 1985 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Yes, of course.

DIVISION
NO. 117/85

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. McKeeva Bush
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

NOES
Mr. G. Haig Bodden

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MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: THE TRAVEL TAX (AMENDMENT) BILL, 1985, GIVEN A THIRD READING AND PASSED.

THE TAX COLLECTION (AMENDMENT) BILL, 1985

CLERK: THE TAX COLLECTION (AMENDMENT) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move that a Bill entitled The Tax Collection (Amendment) Bill, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Tax Collection (Amendment) Bill, 1985 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: Mr. President, can I have a division?

MR. PRESIDENT: Yes of course.

DIVISION
NO. 118/85

<u>AYES</u>	<u>NOES</u>
Hon. Dennis H. Foster	Mr. W. McKeever Bush
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. G. Haig Bodden	
Mr. D. Ezzard Miller	

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MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: THE TAX COLLECTION (AMENDMENT) BILL, 1985,
GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: But there is one more Third Reading, The Supplementary Appropriation Bill - The Supplementary Appropriation (1984) Bill, 1985.

THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985

CLERK: THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move that a Bill entitled The Supplementary Appropriation (1984) Bill, 1985 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Supplementary Appropriation (1984) Bill, 1985 be given a Third Reading and passed.

QUESTION PUT: AYES

MR. W. McKEEVER BUSH: Mr. President, can I have a division please?

MR. PRESIDENT: Yes.

DIVISION
NO. 119/85

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
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

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NOES

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MR. PRESIDENT:

I declare the motion carried.

THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1985, GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT:

Before I invite the Honourable First Official Member to move the adjournment, perhaps it might be helpful if I make one point for Members' information.

Members may recall that when I spoke to them almost at the very beginning I think of this Meeting, it probably was on Budget Day, and explained the situation which had at that time arisen over the Matrimonial Causes Bill, or Law. I did say that there were possibly one or two other Laws which would come into the same category, not necessarily cause the same embarrassment, but would turn out not to have been brought into effect, although those concerned believed they had long been in force and had acted on that belief. We have now completed what we hope is a thorough going check of all Public Bills. There are one or two Private Member's Bills about which I am slightly uncertain still. There are two or three Law which have quite deliberately not yet been brought into effect, and nobody has thought they were in effect, but there are two which were believed to have been in effect, and people have made appointments or charged fees, or have taken other action in court, or made regulations under those two Laws, and they were the Education Law of 1983 and the Public Health Law 1981. It is therefore necessary in both those cases to have validating legislation, and that is the reason why at rather short notice, Bills have been circulated to Members, and I think they will have received the Gasetted copies today, and they will have seen if they have had an opportunity to read the Gazette today, that notices have been published bringing those Laws into force, with effect from tomorrow. But what has to be done by the Bills which are in front of the House is to validate action taken during the past four years in one case, and two years in the other case.

I would suggest that we adjourn until ten o'clock because the staff have been kept up very late, and I think there is not too much business now for tomorrow, and it will give the staff a bit more chance to catch up and get a rest. I do not think there is a lot of business left for tomorrow now.

ALJOURNMENT

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 8:20 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., FRIDAY, 20TH DECEMBER, 1985.

BUDGET AND FOURTH MEETING OF THE 1985 SESSION
OF THE LEGISLATIVE ASSEMBLY

FIFTEENTH DAY

FRIDAY
20TH DECEMBER, 1985

PRESENT:

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

GOVERNMENT MEMBERS

HON. D.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. W. NORMAN BODDEN, MBE	MEMBER FOR TOURISM, AVIATION AND TRADE
HON. 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. 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

ABSENT

MR. JAMES M. BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR. JOHN B. MCLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

1985 BUDGET MEETING

FRIDAY

20TH DECEMBER, 1985

FIFTEENTH DAY

PRAYERS

TO BE READ BY THE HONOURABLE THIRD OFFICIAL MEMBER.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE BUSINESS COMMITTEE

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER,
CHAIRMAN OF THE STANDING BUSINESS COMMITTEE.

QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 161: WOULD THE HONOURABLE MEMBER STATE WHY WAS THE DECISION MADE TO PAINT CAL PLANES IN PERU?

NO. 162: WOULD THE HONOURABLE MEMBER STATE WHY DID A RECENT FLIGHT OF CAL FROM OWEN ROBERTS AIRPORT ABORT?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 163: WOULD THE HONOURABLE MEMBER GIVE A BREAKDOWN IN RESPECTIVE AREAS OF MONEY SPENT UNDER SOCIAL SERVICES IN 1985 COMPARED TO 1984?

GOVERNMENT BUSINESS

BILLS:-

SUSPENSION OF STANDING ORDERS 46 AND 47

FIRST AND SECOND READINGS

- (1) THE EDUCATION (VALIDATION) BILL, 1985
- (2) THE PUBLIC HEALTH (VALIDATION) BILL, 1985
- (3) THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1985

COMMITTEE THEREON

- (4) THE EDUCATION (VALIDATION) BILL, 1985
- (5) THE PUBLIC HEALTH (VALIDATION) BILL, 1985
- (6) THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1985

REPORTS THEREON

- (7) THE EDUCATION (VALIDATION) BILL, 1985
- (8) THE PUBLIC HEALTH (VALIDATION) BILL, 1985
- (9) THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1985

THIRD READINGS

- (10) THE EDUCATION (VALIDATION) BILL, 1985
- (11) THE PUBLIC HEALTH (VALIDATION) BILL, 1985
- (12) THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1985

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FRIDAY

20TH DECEMBER, 1985

10.04 A.M.

MR. PRESIDENT:
Member.

Prayers. The Honourable Third Official

HON. THOMAS C. JEFFERSON:

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.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Please be seated.

The Honourable First Official Member.

Presentation of Papers and Reports.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE BUSINESS COMMITTEE

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.

HON. DENNIS H. FOSTER:

Mr. President, the Business Committee met on the 27th November, 4th December and 10th December to set the order of business of the House. The Report is very clear, Sir, and speaks for itself, and I ask that it be adopted.

MR. PRESIDENT: The question is that the Report of the Business Committee be adopted.

QUESTION PUT: AGREED. REPORT OF THE BUSINESS COMMITTEE ADOPTED.

MR. PRESIDENT: Questions. In the absence of the First Elected Member for Bodden Town, has any other Member been deputed in accordance with paragraph 3 of Standing Order 23 to ask the questions for him or to request postponement? No. In that case the questions all lapse.

Government business. Suspension of Standing Orders 46 and 47.

GOVERNMENT BUSINESS

SUSPENSION OF STANDING ORDERS 46 AND 47

HON. BENSON O. EBANKS: Mr. President, under the provisions of Standing Order 83 I beg to move the suspension of Standing Order 46(1) since Members have not had the two Bills on the Order Paper, that is the Education (Validation) Bill, 1985 and the Public Health (Validation) Bill, 1985 for the required 14 days.

I also move, Sir, out of an abundance of caution that Standing Order 46(4) be suspended. I further move, Sir, that Standing Order 47 be suspended to allow all stages of these Bills to be dealt with today.

MR. PRESIDENT: The motion is that Standing Orders should be suspended in the manner moved by the Honourable First Elected Member of Executive Council. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. STANDING ORDERS 46 AND 47 SUSPENDED.

MR. PRESIDENT: Bills. First Reading.

BILLS

THE EDUCATION (VALIDATION) BILL, 1985

FIRST READING

CLERK: THE EDUCATION (VALIDATION) BILL, 1985.

MR. PRESIDENT: The Bill entitled a Bill for a Law to validate acts done under the Education Law, 1983 (Law 35 of 1983), is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE EDUCATION (VALIDATION) BILL, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move, Sir, the Second Reading of a Bill for a Law to validate acts done under the Education Law, 1983 (Law 35 of 1983).

HON. BENSON O. EBANKS (CONTINUING): Mr. President, this is a very simple Bill, Sir. I would not see much debate on it. When the Education Law, 1983 was passed by this Honourable Assembly it contained a clause that the Law shall come into operation on a day to be appointed by the Governor by publication in the Gazette. A search of the Gazettes, Mr. President, leaves some doubt as to when, if ever, this Law came into operation. To put matters right, this Bill now seeks to validate all actions which might have been purported to have been taken under the Education Law, 1983 from the 22nd December, 1983 up until today, the 20th December, 1985.

Members will have seen today's Gazette, Mr. President. A notice has been published in that Gazette naming today as the date under which the Law comes into effect, to remove all doubt. This Bill is required to validate acts done, as I said, purportedly under that Law. I ask Honourable Members to give this Bill their favourable approval.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to validate acts done under the Education Law, 1983 be given a Second Reading. The motion is open for debate. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. THE EDUCATION (VALIDATION) BILL, 1985
GIVEN A SECOND READING.

MR. PRESIDENT: Bills. First Reading.

THE PUBLIC HEALTH (VALIDATION) BILL, 1985

FIRST READING

CLERK: THE PUBLIC HEALTH (VALIDATION) BILL, 1985.

MR. PRESIDENT: A Bill entitled a Bill for a Law to validate acts done under the Public Health Law, 1981 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE PUBLIC HEALTH (VALIDATION) BILL, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled a Bill for a Law to validate acts done under the Public Health Law, 1981 (Law 6 of 1981).

The circumstances regarding this Bill, Mr. President, are identical to the Education Law, 1983 which I just piloted through the Second Reading. There is uncertainty with this Law as well and all this Bill seeks to do is to validate acts purportedly done in exercise of any powers conferred by the Public Health Law, 1981, which would have been lawfully done if that Law had come into operation on the 24th April, 1981. So, it seeks to validate anything done under the aegis of that Law between the 24th day of April, 1981 and the 20th day of December, 1985.

Similarly, Mr. President, today's Extraordinary Gazette carries a notice bringing this Law into operation, that is Law 6 of 1981, today. This Bill seeks merely to validate actions taken before today and I commend it to the favourable consideration of the House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to validate acts done under the Public Health Law, 1981 (Law 6 of 1981) be given a Second Reading. The motion is open for debate.

If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. THE PUBLIC HEALTH (VALIDATION) BILL, 1985
GIVEN A SECOND READING.

MR. PRESIDENT: Bills. First Reading.

THE TOURIST ACCOMMODATION (TAXATION)
(AMENDMENT) BILL, 1985

STANDING ORDER 58

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 58 I move the withdrawal of the Tourist Accommodation (Taxation) (Amendment) Bill, 1985.

Mr. President, I am moving this because we have not given Members sufficient time to study the Bill. Neither has the Bill been published by the Gazette. As the Bill is seeking to come into operation on the 1st May, 1986, I am seeking the withdrawal of this Bill from this House with a view to presenting it in the first Meeting in 1986. This will give the public sufficient time to study the Bill.

Thank you.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 58 this Bill will now be withdrawn. Does any Member wish to speak?

MR. G. HAIG BODDEN: Mr. President, I would like to put on record that I support the withdrawal of this Bill. I was amazed to receive the Bill yesterday and cannot see how the Government could have the temerity to put forward such a Bill. The Members....

MR. PRESIDENT: I think that the Member must not speak to the substance of the Bill. However, he has not done so yet. If he was not going to that is alright.

MR. G. HAIG BODDEN: No, Sir. However, I am wondering....

MR. PRESIDENT: I stopped myself. I thought that you were going to....

MR. G. HAIG BODDEN: I am wondering, Sir, if you will give us written guidelines as to what we can say and what we cannot say, because our speech is so limited by your interruptions, Sir. I am amazed.

MR. PRESIDENT: Please continue your speech. It was perfectly in order.

MR. G. HAIG BODDEN: God help this country. Members are expected to toe the line in debates here. In order to do this Members must be given the Bills so that they can study them and know how to debate them intelligently in order to comply with the stringent requirements which we are now expected to meet.

MR. PRESIDENT: Does any other Member wish to speak?
In that case I will put the question.

QUESTION PUT: AGREED. THE TOURIST ACCOMMODATION (TAXATION)
(AMENDMENT) BILL, 1985, WITHDRAWN.

MR. PRESIDENT: The House will now go into Committee
to study a Bill entitled the Education (Validation) Bill, 1985 and
other Bills.

THE EDUCATION (VALIDATION) BILL, 1985

COMMITTEE THERON

MR. CHAIRMAN: Please be seated.
The House is now in Committee. A Bill
for a Law to validate acts done under the Education Law, 1983.

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 - VALIDATION OF ACTS DONE UNDER LAW 35 OF 1983.

MR. CHAIRMAN: The question is that clause 2 do stand
part of the Bill.

HON. MICHAEL J. BRADLEY: There is a small typist's error in the
first word of line 4.

MR. CHAIRMAN: Perhaps I could say what I said, and
should say what I said yesterday, that on this occasion too, subject
to the wishes of the House, I suggest that we empower the Honourable
Second Official Member to make any necessary corrections to typing
errors and printing mistakes. I think I detect the Committee's
acquiescence to that. So, the one particular one to which you have
drawn our attention and any others which you may subsequently notice
could be corrected. Subject to that, clause 2?

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO VALIDATE ACTS DONE UNDER THE EDUCATION
LAW, 1983.

MR. CHAIRMAN: The question is that the Title and
Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: A Bill for a Law to validate acts done
under the Public Health Law, 1981.

THE PUBLIC HEALTH (VALIDATION) 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 - VALIDATION OF ACTS DONE UNDER LAW 6 OF 1983.

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 VALIDATE ACTS DONE UNDER THE PUBLIC HEALTH LAW, 1981.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: The Clerk has pointed out to me just in case you have not noticed it. It says in the marginal note:-

"Validation of acts done under Law 6 of 1983".

It should be, "Law 6 of 1981".

That concludes proceedings in Committee on Bills entitled a Bill for a Law to validate acts done under the Education Law, 1983 and another Bill. The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Reports.

THE EDUCATION (VALIDATION) BILL, 1985

REPORT THEREON

HON. BENSON O. EBANKS: Mr. President, I have to report, Sir, that a Bill for a Law to validate acts done under the Education Law, 1983 has been considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.
Report on the Public Health (Validation) Bill, 1985.

THE PUBLIC HEALTH (VALIDATION) BILL, 1985

REPORT THEREON

HON. BENSON O. EBANKS: Mr. President, I beg to report, Sir, that a Bill shortly entitled "The Public Health (Validation) 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.
Bills. Third Reading.

THE EDUCATION (VALIDATION) BILL, 1985

THIRD READING

CLERK: THE EDUCATION (VALIDATION) BILL, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move, Sir, that a Bill shortly entitled "The Education (Validation) Bill, 1985" be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled "The Education (Validation) 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 PUBLIC HEALTH (VALIDATION) BILL, 1985

THIRD READING

CLERK: THE PUBLIC HEALTH (VALIDATION) BILL, 1985.

HON. BENSON O. EBANKS: Mr. President, I beg to move, Sir, that a Bill shortly entitled "The Public Health (Validation) Bill, 1985" be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled "The Public Health (Validation) Bill, 1985" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House sine die. However, before you take the vote, Sir, I would like to take this opportunity to wish you and your family a very, very happy Christmas and prosperous New Year. I would also like to wish every Member of this House and their families the same. Mr. President, I could not leave out the staff of the Legislative Assembly. We have had a long, tiring Meeting and the staff have really coped well. To them I wish a very, very happy Christmas and prosperous New Year too.

Mr. President, Christmas is a time for joy. In enjoying ourselves and eating plenty, I think that Members should just look back and realise how grateful they should be for the peace, joy and comfort which we enjoy in our little Islands and give thanks to God.

MR. W. McKEEVA BUSH:

Mr. President....

MR. PRESIDENT:

before you actually speak.

Let me just put the question first

The question is that this House do now adjourn sine die. The motion is open for debate and the Second Elected Member for West Bay had caught my eye, and may speak.

MR. W. McKEEVA BUSH:

Mr. President, I too would take this opportunity to extend season's greetings to you and your family, to all Members and their families and to the entire staff of the House. May the season, Sir, bring peace and happiness for us all in these Islands.

Mr. President, we have had a rough and tiring year. I have lost many good friends who have been taken away from us suddenly. However, during this Christmas season I have some hope. I have heard many carols sung in this season but one which has meant most to me this Christmas is the song "Oh Holy Night". A thrill of hope, the real world rejoices, for yonder breaks a new and glorious morn. A thrill of hope, Mr. President, that is it. As we look to the New Year there is some hope. We recognise the complexity of the tasks which we are called on to perform. However, thank God, through Him all things being well, there is a thrill of hope in the coming year. May God bless us. May God bless these Islands and our people whom we represent.

MR. PRESIDENT:

of Executive Council.

The Honourable First Elected Member

HON. BENSON O. EBANKS:

Mr. President, I speak on behalf of the four Elected Members of Executive Council, Sir. We would like to extend to you and your family a wish for a very merry Christmas and a prosperous New Year. The same good wishes go to all the members of the Legislative Assembly staff including Miss Mary in the back, Sir. I know that the Honourable Second Official Member would not like me to leave that one out in particular. These good wishes, Mr. President, also go to all Members of the Legislative Assembly, present and absent.

I would like on behalf of the four of us, Sir, to thank you for the patience you have displayed in this House with us and other Members. You have a very trying time but I believe that you have done an excellent job. May God bless you in the future.

MR. PRESIDENT:

Town.

The Second Elected Member for George

MR. LINEFORD A. PIERSON:

Mr. President, I too would join Members in extending to you and your family sincere, warm Christmas greetings, and would extend to all Members of this House wishes for peace and goodwill for the festive season. I too would agree that we had a fairly rough and sometimes tough debate in this House. However, I am satisfied, Sir, that it was all in the interests of the people of this country and of good Government. I carry no ill will out of this House, Sir, for any Member who I may have clashed with, or who may have opposed me, because I see this as good, clean democracy. I am, however, Mr. President, reminded of Erskine May who states that the position of Speaker of the House is very difficult indeed, because the Speaker must not only be impartial but must appear to be, and this can be difficult at times.

MR. LINFORD A. PIERSON (CONTINUING): I trust, Sir, that all Members of this House will be kind to each other and that the New Year will find us being much more relevant and much more understanding of each other, and that the Opposition of regardless of what side, will also be given equal hearing in this House, Sir.

I wish all Members a very merry Christmas and a prosperous New Year.

Thank you, Mr. President.

MR. PRESIDENT:
Lesser Islands.

The First Elected Member for the

CAPT. MABRY S. KIRKCONNELL: Mr. President, I too would like to take this opportunity to wish you and your family a very merry Christmas and a happy and prosperous 1986. This comes from me, Mr. President, and the members of my constituency. We are sorry that you will not be able to visit us during the holiday season. However, hopefully it will be early in 1986.

I would also like to convey the same good wishes to the Clerk and her entire staff of this House. They have worked hard and they have been very helpful to me and all Members during the year, for which we are very grateful.

To all Honourable Members of this House and their families I convey the same good wishes, also to the people of the Cayman Islands as a whole. I think that much has been accomplished during the year 1985 and I hope for a very happy and a prosperous 1986 for all.

Thank you, Mr. President.

MR. PRESIDENT:
Member for West Bay.

Does any other...The Third Elected

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

I would like to say, Mr. President, that I am grateful for the opportunity to wish you, Sir, and your wife and family all the best for Christmas. I am grateful for your leadership and for the fine example which you set for us here in the House. For that I am extremely thankful.

I am grateful to each Member who has contributed to the debates in this House, as well as for all that Government has been able to accomplish during this year. I feel, Sir, that we are on the right road for good things and I think that at Christmas it is a good time for reflecting on what we have and have not done, and for setting our sights on high goals.

I thank the staff of the Legislative Assembly who have been very patient and dependable regarding all our needs here in the House, including the good food which was served. Perhaps I had too much of it. I want to say that I hope that Christmas and the New Year will hold all the best for us.

Above everything else I trust that we will recognise that what we celebrate here is the birth of the Lord Jesus Christ and that paramount in our minds will be that he came to bring peace, not least of which is to be displayed in this House of Assembly.

Thank you, Mr. President.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I too would like to take the opportunity to extend season's greetings to you and your family, to the Members of this House and their families and to the staff of this Assembly and their families.

Thank you, Sir.

MR. PRESIDENT: If no other Member wishes to speak, perhaps I may just say a word before I put the question, a word firstly of thanks to all Members for their good wishes, which I reciprocate. I would like to send my and my family's warm good wishes to each and every one of you and to those Members who are not with us today, and to all of your families in the hope that you will have a joyous Christmas and a peaceful and prosperous New Year.

I would like to send similar wishes to all members of the Assembly's staff coupled with our thanks to them for the way in which they have so admirably coped with a very substantial and growing burden throughout the past year, and in particular throughout the past three weeks, when at a time when Christmas was approaching they have been kept under heavy pressure.

I think that I heard the Honourable First Official Member correctly in that I understood him to say in one of the lighter moments during his speech that Christmas was a season when we all eat plenty. If I can give Members a piece of advice, it is do not eat too much, not that I am directing it especially to any particular Member. More serious advice perhaps and advice to be kept in mind I hope over the holiday period, is do not drink and drive. I was told by one Member during this Meeting that more people have been killed in road accidents in this territory during the year than have died from any other single cause. Let us not make the total any larger still.

If I could perhaps take up some points made by the Second Elected Member for George Town, I share his expressed view that the position of Speaker is often a difficult and delicate one. I renew the invitation which I issue regularly to Members to vote for the appointment of a Speaker who will preside over their Meetings in place of the Governor. Any encouragement I may be able to give you to that end I freely offer. I hope that you may decide to have one. Meanwhile, I share the Members' expressed hopes that in the coming year all Members will make the most strenuous of efforts to be both relevant and courteous to one another.

Finally, if I may just take up one point which the First Elected Member for the Lesser Islands made. He said that he was sorry that we should not have an opportunity, my family I mean, to visit his constituency during the holiday season. Perhaps it is a well kept secret, but I shall be visiting it. We are going to Little Cayman between Christmas and New Year.

So, the very best of wishes to all of you and I now put the question that this House do now adjourn sine die.

QUESTION PUT:

AGREED.

AT 10.45 A.M. THE HOUSE ADJOURNED SINE DIE.