

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY
FRIDAY
6TH FEBRUARY, 1987
(FIRST DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON LEMUEL J HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 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

APOLOGIES

HON BENSON O EBANKS	FIRST OFFICIAL MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
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* Present at 11:14 a.m.

C A Y M A N I S L A N D S

STATE OPENING
OF THE
LEGISLATIVE ASSEMBLY

BY

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO

ON

FRIDAY, 6TH FEBRUARY, 1987 AT 10:00 A.M.

9:25 a.m. Members of the Legislative Assembly and members
to of the public arrive.
9:30 a.m.
9:35 a.m. Guard of Honour in position.
9:40 a.m. Arrival of the Chief Justice, Sir John Summerfield
(met by Deputy Clerk).
9:45 a.m. Arrival of His Excellency the Governor and Mrs. Lloyd.

INSPECTION OF GUARD OF HONOUR

9:48 a.m. The Clerk/Deputy Clerk
The Governor and Mrs. Lloyd
The Governor's ADC
Proceed to the Common Room.
9:48 a.m. Members of the Legislative Assembly, the Chief Justice
to and members of the public SEATED. (Rev. Talmage Ebanks
9:58 a.m. right of Dias)
9:59 a.m. The Clerk/Deputy Clerk
The Governor and Mrs. Lloyd
The Governor's ADC
Proceed to main door of Chamber.
The Governor's ADC will give three knocks on the door.
The doors will be opened by the Sergeant-at-Arms. As
the doors open, the Sergeant-at-Arms will head the
procession and will announce -
"HIS EXCELLENCY THE GOVERNOR".....(ALL STAND)
The procession will consist of -
The Sergeant-at-Arms
The Clerks
His Excellency the Governor and Mrs. Lloyd
The Governor's ADC
The procession proceeds to the Dais and the Governor will
bow to the right and to the left.
The Governor will request the Minister to say PRAYERS.
At the conclusion of the Prayer, the Governor will say
'PRAY BE SEATED'.
ADMINISTRATION OF OATHS - HON. RICHARD WILLIAM GROUND
The Clerk will read the Proclamation summoning a Session
of the Legislature.
THE GOVERNOR READS THE SPEECH FROM THE THRONE.

The Honourable First Official Member, Leader of
Government Business, moves -

"BE IT RESOLVED THAT DEBATE ON THE GRACIOUS THRONE
ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED
UNTIL...."

The Governor and Mrs. Lloyd, the Governor's ADC, the
Sergeant-at-Arms and the Clerks rise (ALL STAND)

THE GOVERNOR BOWS AND THE PROCESSION LEAVES IN THE
FOLLOWING ORDER -

The Sergeant-at-Arms
The Clerks
His Excellency the Governor and Mrs. Lloyd
The Governor's ADC

AND DEPART.

THE CLERK RETURNS TO THE TABLE AND ANNOUNCES THE
SUSPENSION OF THE HOUSE FOR HALF AN HOUR.

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STATE OPENING OF THE CAYMAN ISLANDS

LEGISLATIVE ASSEMBLY

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

FRIDAY 6TH FEBRUARY, 1987 - 10:00 A.M.

PROCESSION

SERJEANT-AT-ARMS:

His Excellency the Governor.
All stand.

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

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

"The Legislative Assembly is now in Session.
I invite the Rev. Talmage Ebanks to say Prayers."

PRAYERS

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 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 as he presides at this his last Session of this Assembly. We ask that you would bless his family and himself in their new place of abode. Bless also 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. Bless the new Clerk of the Assembly as she begins her term of office at this time.

All this we ask for Thy great Name's sake, Amen.

The Lords Prayer. Our Father, who 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.

H.E. THE GOVERNOR:

Pray be seated.

ADMINISTRATION OF OATH

HON. RICHARD W. GROUND:

"I Richard William Ground do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth

II, Her Heirs and Successors, according to Law. So Help me God.'

THE CLERK:

'PROCLAMATION NO. 2 OF 1987

BY HIS EXCELLENCY GEORGE PETER LLOYD, Companion of the Most Distinguished Order of St. Michael and St. George, Commander of the Victorian Order, Governor of the Cayman Islands.

G P LLOYD
Governor

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

NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, GEORGE PETER LLOYD, Companion of the Most Distinguished Order of St. Michael and St. George, Commander of the Victorian Order, Governor of the Cayman Islands, DO HEREBY PROCLAIM AND MAKE KNOWN THAT A SESSION OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS shall be held at the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10:00 a.m. on Friday, the 6th day of February, 1987.

Given under my hand and the Public Seal of the Cayman Islands at George Town on the Island of Grand Cayman this Twelfth day of January in the Year of Our Lord One Thousand Nine Hundred and Eight-Seven in the Thirty-Sixth Year of the Reign of Her Majesty the Queen Elizabeth II.

GOD SAVE THE QUEEN.'

1987 THRONE SPEECH

HIS EXCELLENCY THE GOVERNOR:
Legislative Assembly -

Honourable Members of the

In accordance with the usual practice, the new Session opens with a Throne Speech which outlines the Government's plans for the coming year. But before I begin the Speech, I should like, firstly, to welcome the new Member of the Assembly who has just been sworn in, and our new Clerk, and to offer them on behalf of all Members, our warm good wishes.

Secondly, to welcome also some distinguished visitors who are here today, the Rt. Hon. Sir Frederick Bennett who is a Member of the House of Commons in the United Kingdom, and chances to be visiting the Islands now. We would, I am sure, all wish to offer him and his wife a very warm welcome. Welcome too, to the Justices of Appeal who chance to be here for the day, and who are attending this ceremony. As always, we are glad to see them in the Islands, and particularly glad that it chances they should be able to join us on this occasion.

And finally, before I begin the Speech, I have been asked by the Honourable First Elected Member to offer to the House, what he has already offered to me, an apology for the fact that he is today away on official Government business, and unable therefore to be present.

Now to the Speech itself.

Steps to strengthen the police and to improve standards by in-force and overseas training will continue. Careers of local officers are being carefully developed and in the past 12 months a further 14 promotions have taken place.

Crime generally continues to increase despite very high detection rates and harsh penalties by the courts; the sharpest increases are in drug related offences and this is viewed with great concern. Steps have been taken to increase the Drugs Squad and further, such steps will be taken within the coming months.

The high priority given to road safety, resulting in fewer accidents and road fatalities in 1986, will be continued.

Strenuous efforts continue to fill all vacancies with able young Caymanians, but competition from other Government departments and the attractions offered in the private sector cause high wastage. It may be necessary therefore to consider overseas recruitment on a careful and limited scale.

The Prison Service faces greater challenges as the number of people in custody continues to grow. Greater emphasis will be placed on the training and development of staff, so they are ready to respond appropriately.

Emphasis will also be placed on rehabilitation programmes intended to ascertain prisoners' potentials, and to develop their skills.

Further buildings will be constructed at Northward.

A further burden will be imposed on the Immigration Department during 1987 by the substantial growth in tourism which is anticipated. Efforts will however be made to expand and improve the services provided for the travelling public.

The demand for labour will be closely monitored to preserve full employment whilst being receptive to the genuine needs of local employers.

Nearly two years have passed since the new Caymanian Protection Law and the accompanying Regulations and Policy Directives were brought into effect. Experience during that period has revealed some gaps or anomalies. Legislation will be introduced to remedy these once a review of the position has been completed.

Radio Cayman recently celebrated its tenth anniversary. During the first part of this year it hopes to extend the FM broadcast system, offering residents in the Brac and Little Cayman the separate programmes introduced to Grand Cayman last year. Compact disc programming is also scheduled for introduction in 1987. This provides the optimum in audio fidelity.

Several members of the Department's staff will be sent overseas for training during the year. Government Information Services will continue to prepare and issue press releases, to produce the Islands' Annual Report, to update a range of factual booklets about them, and to sell or to distribute official publications. Its role will thus be to remain the official channel for the dissemination of news about Government's affairs - now including domestic coverage of tourism matters.

During the coming year the Attorney General's Chambers will continue to face the increasing burden imposed by the volume of criminal cases. This has recently dramatically increased, so that in the first Session of the Grand Court for 1987 there were 23 cases for jury trial.

On a brighter note, there are presently three Caymanian lawyers, qualified overseas, in the Legal Department itself, while a further newly qualified Caymanian has recently started at the Courts Office, as a prelude to joining the department. These young lawyers will play a significant part in shouldering the workload of the department, both in advisory matters and by conducting cases in court.

The first year's intake at the Cayman Islands Law School are scheduled to take their full examinations in July. Those who graduate will be the first Caymanians to achieve a professional legal qualification as a result of a course pursued in the Cayman Islands. The graduating students will also, as a result of the link with Liverpool University which the School enjoys, be awarded an external Bachelor's degree from that United Kingdom University.

In January 1987 \$2.0 million of

the 1986 surplus was transferred to General Reserve increasing the total to \$7.1 million. However, in the 1986 accounts the Financial Secretary has separated the deposits, which are collateral to the Tower Building Loan calling them "Special Deposits". This will reduce the General Reserve to \$5 million.

The unaudited preliminary figures for the 1986 revenue and expenditure accounts indicate a surplus position, so far, of \$2.9 million.

In order to effect greater efficiency in the Treasury, the Department is being restructured with four main sections - Revenue, Expenditure, Audit and Training.

The new structure will enable the additional staff approved in the 1987 Estimates, to deal effectively with the Public Finance and Audit Law, which is to come into force this month.

The draft five year Economic Development Plan, laid on the table last November, will be submitted to this honourable House for approval later in the year, after it has been examined by Finance Committee. Its purpose is to plan capital expenditure over the next five years and assist a smoother Budget preparation exercise.

To ensure that our Laws remain attractive and in line with modern Banking, Insurance, Trust, Partnership and Company practices, amendments to them are presently being considered in consultation with the private sector. They should be introduced in 1987.

Amendments to the Motor Vehicle (third Party) Insurance Law, which it was hoped to introduce in 1986, are being considered by the Insurance Industry.

A Bill to regulate the Registry of Shipping will be presented at this meeting. It will give authority to refuse to register certain ships and remove others from the Register, but will not seek to limit or to restrict the size of ships which can be registered.

The National Health Plan is due for completion this year, together with regulations governing hygiene and the safety of food handling.

Mental health and drug abuse programmes will be expanded, with an increase in personnel.

During WHO's 'Year of Immunization' our aim will be to improve the Islands' cover from the present 90 percent to 100 percent.

A mobile dental unit will be added to the Community and School dental health programme.

A consultancy will be undertaken during 1987 to determine the adequacy of the physical facilities at the hospital, and whether any recommended improvements can be accommodated on the present site.

The Education Department will continue to prepare for the introduction of the new GCSE examinations and the curriculum development which will occur at the Middle and Primary School levels because of this. To facilitate this change over, the Department is liaising closely with the relevant UK authorities and Examining Boards. Phase 1 of the training programme for teachers has already taken place.

The recruitment of an educational psychologist for September 1987 will further strengthen the services being provided for children who are experiencing learning and emotional difficulties in the school setting.

Additional training will be provided for teachers in the area of drug education and the teaching of interpersonal skills. The Quest programme will be introduced into the Middle School curriculum for the first time.

The school building programme will include a multipurpose hall at Savannah, Home Economics block and two additional classrooms in the Technology block at the High School, recreational facilities for George Town Primary School and a Library and Resource Room at the Middle School.

A Bill will be introduced to provide for the Community College to have its own Board of Governors, and an Advisor has been available to us by the Commonwealth Fund for Technical Cooperation, to help plan its future development.

The Department of Social Services' Home Health Aide Programme will provide home care services to elderly and handicapped persons in district. In addition, a small home for the elderly will be available in East End.

The Department has also started counselling groups of teenage mothers and potential juvenile delinquents.

Sports will be developed during 1987 in such a way that the whole Caymanian community benefits from a comprehensive programme.

Facilities provided at the Sports Complex (where a grand stand is to be constructed) will offer our young people an arena of international standard. They will have a further opportunity to enter regional competitions when we participate in the Regional Soccer Tournament which is being held during March.

A start should be made on the establishment of a physical "home" for a national museum of the Cayman Islands. This will involve renovating and adapting the old Courts Building, based on recommendations from a UNDP museum architect, to make optimum use of it.

Marine Parks were established by law early last year. The Development and Natural Resources Portfolio and the Natural Resources Laboratory subsequently installed most of the necessary markers, moorings and signs. Their installation in the Sister Islands will be completed during 1987. An enforcement officer has already been appointed.

Preparations are being made to build the Farmers' Market which should be built this year. The construction of the proposed abattoir is scheduled to begin in late 1987. Both facilities will be vested in a Farmers' Cooperative.

The successful stray dog programme undertaken in the Seven Mile Beach area will be extended to outlying districts.

The agronomist appointed to the Department of Agriculture will concentrate on the improvement of crop production.

Mosquito nuisance was reduced to an all-time low during 1986 with the MRCU using new techniques and upgraded physical control. Work on physical control in the Bodden Town and Rum Point areas will continue this year.

The West Bay Road Sewerage System, the construction of which has already begun, should be approaching completion by the end of 1987. Local personnel are being trained to operate the completed system.

Work on the first phase of the George Town piped water supply is due to start in July and to be completed by January 1988, and work on the development of water resources for Cayman Brac will continue.

\$68.7 million worth of applications were processed to full approval during 1986, and the Planning Department expects another busy year. The Development Plan Review process continues, using in-house staff under the guidance of a BESO advisor.

A draft of the proposed Building Code has been issued for public review. After any comments on it have been considered, the Code will be submitted to this Honourable House during the present session for approval. A Building Control Section is being established in the Planning Department, to administer it once it has been approved.

The Land Registry will be computerised during 1987, to make possible information such as an alphabetical list of property owners.

Topographical mapping of the western half of Grand Cayman was completed last year and the remainder will be mapped in 1987.

1986 air arrivals were up 14.5 percent over 1985 for a total of 166,082 stayover visitors. Cruise ship business continued to be strong with 270,949 passengers recorded, an increase of 4.5 percent.

Another 525 hotel rooms will be available in 1987 once the Hyatt Regency and Treasure Islands Resort projects have been completed during the first quarter of the year. So will additional condominiums. Continued positive growth is therefore expected, despite some delays in the completion of the two hotels: the revised Department of Tourism's forecast is that stayover visitors will increase by 35 percent, to 224,000.

To ensure that standards of service continue to improve too, the Tourism Law is being reviewed. Any amendments to it found necessary for this purpose will be

introduced.

Aviation continues to expand at a rapid pace in keeping with the continuing growth of tourism. The Civil Aviation Department is therefore making plans for extended hours of operation at the airports: by the end of 1987 it may be necessary to operate for 24 hours a day.

A Bill will be introduced to provide for the establishment of a Statutory Civil Aviation Authority, similar to the Port Authority.

The Fire Department is also taking account of tourist growth. Its new fire station at Owen Roberts International Airport will be built this year. And it may have to be strengthened by a slight increase of staff and equipment.

A new substation will also be built at West Bay. Manpower in readiness for this will be recruited, and some officers will be sent on specialized courses overseas.

Special emphasis will also be placed during the year on fire prevention measures in public premises used for accommodation, entertainment or the sale of alcohol and food.

As a result of negotiations on the Miami/Cayman Route Moratorium the National Airline has been granted rights to operate scheduled services to three new points in the United States in addition to Miami and Houston, and concessions on charter operations.

The selection of these points is presently under consideration.

Cayman Airways must now expect to face strong competition in the US market from other American carriers. Government support and the loyalty of the travelling public will be critical to the continued survival of the airline.

The company has acquired for the inter-island service a 30 passenger Shorts 330 aircraft.

The small staff in the Labour Office will continue to deal with job requisitions and to resolve labour disputes informally.

A Director of Trade and Labour will be appointed this year to further encourage investment and the diversification of the economy, and to strengthen and streamline labour operations.

The Select Committee on Labour Legislation is still continuing its work.

Due to delays in obtaining the loan funds required, the construction of the new Gerrard Smith Airport Terminal did not begin last year as originally planned. Work on the building (which will contain an Air Traffic Control Tower in addition to passenger facilities) and on the associated fire station, aircraft parking apron and runways, and car park should now start by June 1987.

Work will continue on the Bluff Road in Cayman Brac and on the resurfacing of the road from the dock to Blossom Village in Little Cayman. Other projects scheduled for 1987 include the building of a new dental clinic near the Faith Hospital.

The shortage of jobs in Cayman Brac caused some families to seek work in Grand Cayman, but the increased number of visitors coming there resulted in the hotels enjoying higher occupancy rates and in decisions to build additional rooms during 1987. This should generate welcome employment.

The Port in Grand Cayman continues to be a viable operation even though it is subsidizing the Port in Cayman Brac.

The installation of the Cruise Ships Mooring System should be completed in June 1987. Other projects include continuing the marking and lighting of all major navigation channels in the Islands, repairs to the George Town Dock Finger Pier and the renovation of the present Port Office in George Town.

In accordance with the recommendations of the 1985 Allgrove Report, the Building Section of the Public Works Department will continue to move away from direct labour operations. More work will therefore be put out to the private sector on a competitive basis.

The Department will also continue to place increasing emphasis on the training of young Caymanians - for example, in architectural drafting, in building technology, in construction engineering and in air-conditioning.

A Master Ground Transportation Study will be undertaken during 1987. It should be completed before

the end of the year.

An extensive building programme will also be undertaken: many of the individual projects have been mentioned already.

Major road works will include the realignment of sections of the George Town to Bodden Town Road in the Spotts and Lower Valley area.

The Postal Department continues to play an important role in the communication network of these Islands. An International Express Mail Service from the United Kingdom, the United States and Bermuda was introduced last year. It is hoped to introduce a similar service to the United Kingdom in the next two or three months and possibly to the United States before the end of 1987.

As you know, I shall be leaving Cayman in just under four months' time. This is therefore my last Throne Speech, and an appropriate occasion to thank all the many people who have made the past five years so pleasant and so memorable. Much has happened during them, the evidence of development is visible everywhere, with new buildings, growing sophistication, more visitors - and more traffic too. But what my wife and I will principally remember, is the warmth and friendliness for which Caymanians are renowned. They have been endlessly kind to us, and we shall be eternally grateful. Our wish is that these Islands may remain prosperous and stable, making progress but holding fast to their heritage of Christian virtues.

I pray that Almighty God will continue to bless and guide their Government and people.

MOTION

HON. THOMAS C. JEFFERSON: BE IT RESOLVED that debate on the gracious Address delivered by His Excellency be deferred until Tuesday, 10th February, 1987.

HIS EXCELLENCY THE GOVERNOR: The question is BE IT RESOLVED that debate on the gracious Address delivered by His Excellency be deferred until Tuesday, 10th February, 1987.

Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. THAT THE DEBATE ON THE GRACIOUS ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED UNTIL TUESDAY, 10TH FEBRUARY, 1987.

PROCESSION DEPARTS

The Clerk, the Deputy Clerk, the Serjeant-at-Arms, His Excellency the Governor, Mrs. Lloyd, A.D.C.

The Clerk returns to the Chamber.

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

AT 10:33 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:14 A.M.

H.E. THE GOVERNOR: Please be seated.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: The business of this Honourable House set down for today having been completed, I move that the House be adjourned until Tuesday morning, 10th February, at 10:00 a.m..

H.E. THE GOVERNOR: The motion before the House is that this House do now adjourn until 10:00 a.m. on Tuesday, 10th February.

Unless any Member wishes to speak, I will put that motion.

QUESTION PUT: AGREED. AT 11:17 A.M. THE HOUSE STOOD ADJOURNED.

UNTIL 10:00 A.M., TUESDAY, 10TH FEBRUARY,
1987.

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

TUESDAY
10TH FEBRUARY, 1987

(SECOND DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

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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 E KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

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MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
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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

STATE OPENING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY
10TH FEBRUARY, 1987
(SECOND DAY)

1. PRAYERS

TO BE READ BY THE THIRD ELECTED MEMBER FOR WEST BAY.

2. QUESTIONS TO HONOURABLE MEMBERS

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. 1: CAN THE HONOURABLE MEMBER GIVE THE COST OF CONSTRUCTING
THE ROAD BETWEEN BREAKERS AND FRANK SOUND IN 1986?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND
OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR LEGAL
ADMINISTRATION

NO. 2: CAN THE HONOURABLE MEMBER STATE WHY THE INDIVIDUAL WHO
DESTROYED THE BLOW HOLE IN EAST END BY BLOCKING IT WITH
CONCRETE WAS NOT PROSECUTED?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST
ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH
EDUCATION AND SOCIAL SERVICES

NO. 3: CAN THE HONOURABLE MEMBER STATE WHETHER THE GCE, CE
CSE EXAMINATIONS ARE TO BE REPLACED BY GCSE EXAMINATIONS
IN 1988?

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

NO. 4: CAN THE HONOURABLE MEMBER STATE IF THE CONTRACT TO
SUPPLY CRUSHED ROCK TO GOVERNMENT FOR THE PUBLIC WORKS
DEPARTMENT FOR 1987 WILL BE PUT TO PUBLIC TENDER?

3. GOVERNMENT BUSINESS

COMMENCEMENT OF DEBATE
ON THE THRONE SPEECH

MOTION:

THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS, TO MOVE:

"BE IT RESOLVED THAT THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE GRACIOUS ADDRESS DELIVERED ON FRIDAY, 6TH FEBRUARY, 1987."

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TUESDAY

10TH FEBRUARY, 1987

10:04 A.M.

MR. PRESIDENT:

West Bay.

Prayers.

The Third Elected Member for

PRAYERS

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 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, who 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:

Member for West Bay.

Please be seated.

Questions. The Second Elected

QUESTIONS

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. 1: Can the Honourable Member give the cost of constructing the road between Breakers and Frank Sound in 1986?

ANSWER: The cost of carrying out improvements from Breakers to Frank Sound Road in 1986 came to \$352,761.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH:

period of time this work was done?

Supplementary Mr. President.

Can the Member say over what

HON. CAPT. CHARLES L. KIRKCONNELL:: Mr. President, I think the period of time was about three months Sir.

MR. LINEFORD A. PIERSON:

supplementary. Would the Member state the estimated cost on this project, the budget that was set for this project?

Mr. President, a further

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the answer, \$192,000.

MR. D. EZZARD MILLER: Supplementary Mr. President. Does the Member have at hand, or could he give a breakdown of the cost, in terms of materials, labour, etcetera?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I do not have that breakdown. I can get it for the Member however.

MR. W. McKEEVA BUSH: Can the Member say what caused such a big difference between the estimate and the actual expenditure.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President the preliminary estimated cost was \$192,000. It was based on an initial concept of minor reconstruction and overlay works. However, the Department was able for the first time to do a proper design prior to the commencement of construction, and it was required that we construct a more substantial road at a higher standard.

MR. D. EZZARD MILLER: Supplementary Mr. President. Could the Member state, why in raising the standard, which I agree was good, a recosting was not done on the new design for the road?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, a recosting was done Sir.

MR. PRESIDENT: If there is no further supplementary, the Elected Member for North Side may ask Question No. 2.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR LEGAL ADMINISTRATION

NO. 2: Can the Honourable member state why the individual who destroyed the Blow Hole in East End by blocking it with concrete, was not prosecuted?

ANSWER: The Attorney General's Chambers has not received any complaint concerning this matter.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary Mr. President. Would the Member state if the Attorney General's Office would accept my question as an official complaint, concerning the matter?

HON. RICHARD W. GROUND: Mr. President, I would be quite prepared to look into the matter now that the Member has raised it.

MR. D. EZZARD MILLER: Would the Member also be prepared to accept a written statement by one of the people who was employed to pour the concrete for Mr. Harrison Bothwell, from me?

MR. PRESIDENT: I think that frankly, if we are starting to raise something that may become the subject of a criminal investigation, it would be unwise to pursue supplementaries too far in this House, for fear of prejudicing any possible proceedings, and I hope the Member will agree with me.

MR. D. EZZARD MILLER: I will accept your ruling Sir. But, can I have your permission to therefore lay the statement on the Table of the Assembly Sir, so the Honourable Second Official Member will in fact have a written official complaint?

MR. PRESIDENT: I think the proper thing to do is not to lay it on the Table, but to hand it to the Attorney General.

MR. D. EZZARD MILLER: All right Sir, I will do that.

MR. PRESIDENT: Question No.3.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 3: Can the Honourable Member state whether the GCE, CE, CSE Examinations are to be replaced by GCSE Examinations in 1988?

ANSWER: The GCE 'O' Level Examinations (Cambridge Board) will continue to be available to their overseas clients including the Cayman Islands until at least 1989. This examination will no longer be available to United Kingdom schools, through any Board, after 1987.

The Certificate of Secondary Education (CSE) is likewise being discontinued in the United Kingdom as from July, 1987. This examination, which is set for the Cayman Islands by the Welsh Joint Education Committee, is therefore being replaced in these Islands as from 1988 by the GCSE Examination.

The CE (Certificate of Education) is a new examination for these Islands and will be sat by students for the first time in 1988 and will continue indefinitely.

SUPPLEMENTARY:

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member state, in light of the fact that the GCE is being discontinued in the United Kingdom schools in 1987, whether this is going to pose any problems for students who sit the examination in 1988, for entry into institutions of higher learning in the United Kingdom?

HON. BENSON O. EBANKS: No, Mr. President, it will not pose any problems.

MR. PRESIDENT: If there is no further supplementary, the Member may ask Question No.4.

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

NO. 4: Can the Honourable Member state if the contract to supply crushed rock to Government for the Public Works Department for 1987 will be put to public tender?

ANSWER: Purchases of crushed rock by the Public Works Department during 1987 will be made in accordance with the Financial and Stores Regulations, 1986.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President, a supplementary Sir. Does the Store Regulations for 1986 tell us that this crushed rock, or anything used by the Public Works Department will, or will not be tendered?

MR. PRESIDENT: If I can just check one point first, am I right that the Finance and Stores Regulations have been laid on the Table and are available to Members. I am not absolutely sure myself?

HON. THOMAS C. JEFFERSON: I do not believe they have Sir, but they should.

MR. PRESIDENT: If they have not been, then I certainly will allow the supplementary. If they had been, then I would refer the Member to them. But I will assume for the moment, that they have not been, and the supplementary may be allowed.

MR. W. McKEEVA BUSH: No. I agree with the Honourable First Official Member, they should have been.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Financial

and Stores Regulations No. 8.1, the General Principles for Tenders Contracts and Local and Overseas Purchases; with your permission, I would like to read it Sir.

"The principles governing the purchase of goods, works and services, must be obtained openly and competitively so that not only do all potential suppliers of the goods, works and services have an equal opportunity to bid for public contracts, but the award of such contracts is seen by the community at large to be fair and equitable. To this end, except for purchases not exceeding \$10,000 in value, all goods, works and services required locally by the Government will be obtained by contract after public tenders. In no circumstances may a purchase or project be broken down into smaller components for the purpose of evading tender or contract requirements."

MR. D. EZZARD MILLER: Supplementary Mr. President. In light of the information just revealed by the Member, can I have his undertaking that crushed rock needed by the Government, will not be bought by the truck load?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the actual purchasing procedure will depend on the quantity, and in turn, the estimated value required.

HON. THOMAS C. JEFFERSON: Mr. President, just a point of clarification, to say that the Financial Stores Regulations and the Public Finance and Audit Law will come into effect on the 1st March, but at the moment we are using it as a guide.

MR. PRESIDENT: I think perhaps it would be helpful to the House if a copy of the Regulations could be laid on the Table. I think you were indicating you....

HON. THOMAS C. JEFFERSON: I will do so this week Sir.

MR. D. EZZARD MILLER: We need a Regulation Committee you see Sir, so we know what is going on.

MR. PRESIDENT: No, I do not think these are Statutory Regulations. I do not think they would fall within the terms of reference of the Committee, but I may be wrong about that, I am not absolutely sure, however, as long as they are laid.

Unless there is any further supplementary, we can pass on to Item 3. on today's agenda, Government Business. The Honourable First Official Member.

GOVERNMENT BUSINESS

COMMENCEMENT OF DEBATE ON THE THRONE SPEECH

MOTION

HON. THOMAS C. JEFFERSON: I rise to move the following motion:

"Be it resolved that this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the gracious address delivered on Friday, 6th February, 1987."

MR. PRESIDENT: The question before the House is:

"Be it resolved that this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the gracious address delivered on Friday, 6th February, 1987."

The motion is open for debate.
The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I wonder what

would have happened if I had remained in my seat, because everybody seems to be unprepared after the Business Committee has given them four clear days to be prepared. But, as usual Mr. President, what I have to say has no bearing on what anyone else is going to say; these are strictly the opinions of myself.

Mr. President, I would like to congratulate you in your role as Governor of these Islands, on your gracious Throne Speech, which was your last one. It is also my hope Sir, that against what appears to be heavy odds, it will be the last Throne Speech delivered by the President of this Assembly. As you see Sir, I hope on Thursday to successfully pilot Private Member's Motion No.1. asking for a Speaker of the House, through this Assembly and to see a Caymanian appointed to the high office of Speaker of our Legislative Assembly.

Mr. President, it is good to see that during the past 12 months there have been 14 promotions in the Police Department. My only regret Sir, was that all the 14 were not Caymanians. However, I believe that the majority were Caymanians, and it only goes to show that Caymanians are capable and will prove themselves worthy when given the opportunity. I believe Sir, that, and I speak subject to correction, no doubt the Honourable First Official Member will be glad to correct me in his reply, because I do not believe that this Throne Speech Debate is going to be like the one in 1986, because I am going to follow today an example set by a grand cousin of mine, Donald Chisholm, with chickens. He had a friend who wagered a bet with him that he could not steal his chickens. He went that night while the chickens were sleeping and he pinched each chicken on the toe, and the chicken stepped on his stick and he walked away with a whole chicken coop full of chickens. Now Sir, I am going to pinch each member on the toe today, and by the time I have finished speaking, I believe they will all be reaching for the microphones before them.

As I was saying Sir, I believe the Police Department is the only Department in Government where promotions are done through merit, determined by examinations. It is a pity that such a merit system does not exist in other departments of Government. I have long been a supporter that promotions in the civil arm of Government should be determined by some form of merit examinations, and not by some other whim and fancy, or whatever methodology is presently being used. The Police Sir, are to be praised for their work in the detection of criminals and their apprehension. But Sir, it is fairly obvious that the harsh punishment being handed down by the Court is not the answer to our problems. And Mr. President, one is left to question the wisdom of a Judge making a statement such as the next time somebody comes before him for a second offence for being over the alcohol limit and they are going to send him to jail. Mr. President, what concerns me most about the Police Force is what appears to be a growing mistrust and lack of confidence by some sections of the public. Mr. President, this is not necessarily a small section of the public, nor are they an insignificant number of persons who have voiced that opinion to me. And I still feel Sir, that this Government could go a long way in improving the confidence and alleviating some of the doubts of our citizens in the Police Force if the Brown/Lowe and other Police Reports were publicized. Because Sir, I myself am left to wonder what there is in those reports that has to be hidden? Why can they not be released? As my memory serves me, those were the terms of reference under which they were conducted, that they would be released to the public.

Mr. President, I also approve of the increase in the Drug Squad, and further steps to strengthen it, because that 'cancer' of illicit drugs in our society must be attacked. And, Mr. President, I would suggest to Executive Council that the Drugs Law be amended so that when these valuable boats are seized, they are seized as non returnable, unless a person is later found innocent by some Appeal Court. The boat either had the drugs on it or it did not have the drugs on it.

If it had the drugs on it, it should be seized as non returnable, whether it is a 275,000 ton tanker or a ten foot dingy, a \$7.0 million airplane, or a \$25,000 Cessna. And Sir, once they are seized, non returnable, they should be disposed of forthwith by public auction, so as to allow the maximum revenue possible to be obtained from them. Now Mr. President, I would not want to see that revenue going into General Revenue, to increase the reserves. I think that revenue so obtained, should be specifically earmarked to equip the Drug Squad with better equipment, to provide

educational programmes in our schools, in our communities, to provide rehabilitation at the school, at the prison, etcetera, etcetera. I believe Sir, that in the last four or five months, there has probably been close to a half a million dollars at market value, of yachts seized in this country, connected with the drug trade. If those boats were sold as soon as possible, a lot of that revenue could be gained. But, if you leave those boats there as has been the practice, for two years, three years, whatever, six months, they deteriorate, mildew, moss and all instruments are taken off them. By the time they are finally sent up for auction, they have very little or no market value. If that half million dollars was realised today, which I believe it could be, it could go well towards buying some kind of equipment, I would suggest a helicopter gunship, to patrol the coastal waters of this country, to allow for better detection. Because those little police boats that they have take at least four or five hours to get from the North Sound to East End, and you could almost unload a supertanker in that space of time.

Mr. President, the only section of your speech that really perturbs me is on the top of the second page, and I quote:

"Strenuous efforts continue to fill all vacancies with available young Caymanians, but competition from other Government departments and the attractions offered in the private sector cause high wastage"....(this is what concerns me Sir)...."It may be necessary therefore to consider overseas recruitment on a careful and limited scale."

Now Mr. President, I beg to differ with the Governor Sir. I do not believe that if a young Caymanian leaves the Civil Service, goes into the private sector, replaces one foreigner on a work permit, is allowed to contribute and perform in the private sector, that it is any waste at all, because that individual is continuing to contribute to the economy of the Islands. However Sir, what is a terrible waste, is when young Caymanians return from Colleges and other institutions of higher learning, all ready and gung ho to prove their worth and contribute to our Islands, and they are not allowed to do so. Mr. President, until we, the Members of this Honourable House find a way to fully utilize, motivate and encourage the Caymanians who have gone overseas under adverse conditions and obtained academic qualifications, we are wasting our time in this Honourable House, and we are nurturing a revolution of the kind that we do not want to see happen in these Islands. Mr. President, young people come back, as I have said, all gung-ho and ready to prove themselves. What happens to them? They are demotivated, they are desensitized by the system and their peers, who see them as a threat for some unknown reason to me. Because, if I were in one of those higher offices in the higher echelons of Government, and a bright young Caymanian came along, I would do what any good manager in any developed society does, that is, I would put him to work. I would capitalize on what he produces, and I would sign it when it goes out of the office. But these young people are not even given the opportunity to do that. You know Mr. President, in 1977 or 1976, I read an article written by a University Professor of Management on the Cave Hill Campus of the West Indies. I attempted to preserve the article, but unfortunately I could not put my hands on it today; but the gist of the article said that the problem with management in the Caribbean basically, was that management was not doing what management is doing in the developed countries. Instead of management promoting, motivating, encouraging, allowing young educated people to come back into the community and mushroom in development, and progress in the country, management in the Caribbean was destroying them - an extension of the old colonial creed 'keep them ignorant and we will always be supreme'. In this case they could not keep the young people ignorant because they went off and proved that they were not ignorant, so that when they came back they had to demotivate them, they had to desensitize them. What is happening in our society here in Cayman today, is the same thing. What is left for the young people to do? It is not only happening in Government, it is happening in the private sector, and in many of the sectors as well. The young people are left to wander from job to job, looking for some encouragement and motivation. Maybe just a pat on the back, someone to take an interest and the time to show them a career ladder, and to allow them to climb it. Instead, the managers and leaders like ourselves pat ourselves on our backs and say 'we work hard for what we

have, we have earned our place of superiority in this society, and you young ones will have to work harder to get there'. They have even coined a phrase to suit it Sir, as was done some years back when certain sectors of the community wanted to differentiate themselves from Caymanians, and make others believe that they are better, so you did not get invited to the parties etcetera, the kind of word 'expatriate'. These people, and they applied it to themselves you know Sir, we Caymanians did not apply it to them. They say now that Caymanians do not want to work.

Mr. President, Caymanians left here in the early 1950's as bedroom stewards on National Bulk Carrier ships. They were given the opportunity, the motivation, rewards and in a decade they were the worlds' greatest seamen. Are you going to tell me Sir, that that generation of Caymanians were so much better, are so different from this generation of Caymanians today? Are you going to tell me that in 20 years, two decades, we could not have trained Bank Managers, Trust Company Managers, etcetera, etcetera.

Mr. President, Caymanians do not want to work, is an excuse for the establishments in this country to console themselves and hide their guilt while destroying other people's lives and hope. Because Mr. President, my background is as a pharmacist, I know a little bit about drugs. People do not take drugs without a reason. And Mr. President, how can the young people prove to themselves and to their peers today, that they can achieve, that they can win? How are they proving it? They are proving it by drinking one more beer than their friend, by snorting one extra line of cocaine, by driving ten miles an hour faster on the road, by overtaking ten cars on a corner instead of two, because their friend only had the guts to do two. Mr. President, as legislators in this country, we have an obligation to the young people of this country to find a solution for this problem and to give them the opportunities to expound their energies and to prove their abilities in other areas, beside the ones I have just mentioned. Mr. President, I would be so bold as to suggest that in your very next breath in your Throne Speech, you have provided the answer that the establishment wants to hear in this country - 'consider overseas recruitment', why? Why is overseas recruitment the answer to the needs in manpower in our country, when our own young people are falling by the wayside. Mr. President, that is not the answer, and that is going to spell doom for this country. Why not look for the answer here in our own community, and put the actions which are necessary in place to treat the disease and not just kill the pain by bringing in two more foreigners that they can kick around. Why are the big companies, the big employers in this country being allowed, when work slows down, the first person to get laid off is a Caymanian.

When the Hyatt project was closing down, I had Caymanians coming to me Sir, who had been working with an electrical company for instance, for seven to nine years. That electrical company had brought in a couple of Scotsmen, and who was laid off? The Caymanian who had worked seven to nine years, because they had paid a couple of hundred dollars to Government for the Scotsmen's work permits. Mr. President, Government in its civil section needs some people in the Personnel Department who are trained in personnel management. Personnel management Mr. President, is a highly specialized area of management. We have to stop putting secretaries who have fulfilled the Peter Principle by reaching their level of incompetence into positions where they are then expected to fulfill personnel management functions.

People are not leaving the Civil Service because of the dollar sign. When I left the Civil Service I took a \$200 per month out in pay, and there are others who are doing the same thing. Increasing pay, increasing benefits is not the answer, and Government must find the answer. We need people in the Personnel Department of Government who can motivate our young people, find ways to extract maximum performance from our gifted young people. The young people today are no less gifted than those who went to sea in the 1950's. We may be a little less tolerant, and the generation that is coming behind me, because of the circumstances and pressures of society, might be even less tolerant.

Mr. President, I can tell by the smirks and the half smiles on the faces in this very room that people do not like to hear what I am saying. But Mr. President, what I am saying comes from the heart, and as I have said, I did tell you Sir, that I was going to pick their toes. They will have all the time in the world to prove me wrong in the next couple of days, because there is going to be a lot of toe pricking going on here today. But

Mr. President, I can look many of our young people in the eye today and say Sir, 'there but for the grace of God, good parents and a good Christian upbringing, there go I', because Mr. President, what I am saying here is not hearsay. I have been through the trials and tribulations of the young people of today.

And Mr. President, this is the very fact which has motivated me to offer my services for another term in office in this country, if the electorate in my constituency see fit to give me the privilege. Because Mr. President, change is the only thing that we are guaranteed. We cannot always determine what the change is going to be. We cannot always determine where the change is going to take us, but Sir, we have to at least for our own consciences sake if for nobody else's sake make a concerted effort to orchestrate that change to the maximum benefit of this country, and the generations to come. Mr. President, until we find people in Executive Council who are willing to tackle this problem, we will continue, as the Governor said in his Throne Speech, to build more buildings at Northward. And Sir, unfortunately in talking to the young people, if we do not do something pronto and I do not mean 1995, or we do not want to have to have six BESO people coming down doing ten surveys and ten studies to tell us what we want. Something has to be done now. You can continue that sentence Sir, by saying that you can build more walls at Spotts.

Mr. President, there are some people in here who would make you believe that I am a radical, I am a hothead. No Mr. President, none of them have a better heritage than me. The Miller family, the Chisholm family are nothing to be ashamed of, I can hold my head up anywhere I go. But Mr. President, I have been taught to call a spade a spade, and a spade it is Sir, but I would only say to them Sir, 'let he that is without sin cast the first stone'.

Mr. President, I will state plainly and unqualified that I will not support the overseas recruitment of personnel as a policy, or an answer to the brain drain in Government. We have to find the real problem. Mr. President I believe I have an idea where the problem is, and, part of it is a lack of personnel management expertise in Government, because for some strange reason Sir, the Public Service Commission, the Personnel Department of Government insist on hammering square pegs into round holes, and call it punishment or promotion, whatever terminology one chooses. A good example of what I see as the problem and where the people are desensitized and demotivated, has happened right here in this Chamber twice in the last four years. No disrespect to the new Clerk. I think she is one of the square pegs that will have the ability to become round and do a good job just like the last one did. But I have a question to ask the Public Service Commission, the Governor, the head of the Civil Service and the Personnel Department. How are they going to continue to motivate the Deputy Clerk, the Senior Clerical Officer and the Clerical Officer in this department? Twice in the past four years these three people should have had an opportunity to be promoted, they were not, and this is only one example you know Sir, because there are plenty more that I could give throughout the Service.

I hope that in the Legal Department, with the promotion of the Senior Crown Counsel to Attorney General, that the young Caymanians, of which a great deal is made in the Throne Speech, will be allowed to climb the ladder and follow him up, that is what needs to be done Sir.

It is happening in Cayman Airways. The Pilots who are in the senior positions there have put a clamp on all the others coming behind. They say they need 750 hours of experience, because some Law that was written in England in the 1960s' says that they have to have 750 hours. Mr. President, we have to stop R.S'ing the young people of this country, because those people have gone through superior training. In the days of your when those people were being trained as pilots, they probably had to fly 15, 20 years and hope that they loose an engine, to find out what it was like to loose an engine on an aircraft. Today Sir, there are computerized simulators in which these people are trained, which not only allows them to loose an engine, but they can have a multiplicity, a compounding of problems. They could loose an engine, they could loose a hydraulics system, one wheel might not come down, they could loose one oarlock, they could lose one elevator, they could only have half a rudder, but they are still expected to try and land the plane safely, and they can take those chances because they are doing it in a simulator, they are not jeopardizing a \$10.0 million piece of

equipment.

So what these people had to learn by experience over 15 years, the young people can now learn in six or eight months, and that kind of training has to be taken into context when we are telling the young people that they are not qualified, that is, those who are not qualified, because those who are qualified, we are telling them 'you need experience'. Mr. President, experience is a relative thing, and I have always maintained that if you have been sitting at the same desk shuffling the same set of papers, answering the same memos, putting them in file 13 in the garbage can for the last ten years, that is only one years' experience, that is just repetition of habit, that is not experience.

But, Mr. President, some Caymanians have the adaptability and the stickability to survive in spite of the system, not because of the system. Others have no choice but to stay in the system, because they cannot do any better.

Now you see Sir, as I said, I believe in the example that I use, and no disrespect to the lady, she knows that I am not telling the public anything that I have not told her, she understands where I am coming from. That lady should have been promoted in the department where she had the expertise. But you see Sir, there is such a thing in this country as Caymanian Status. So, her way to the top there was blocked. So what did they do? They took her, she is a bright young lady, she is a hard worker, they know, she has proven it, because she has been moved around several of the departments, that she has the ability, the adaptability and the stickability to do a good job. So, they hammer her in to one more round hole, because they know, that like some other Caymanians, that she is going to produce good work down here, she is going to do a good job. But you see, if we had not given Caymanian Status to the Englishman, she could have been made Director of Immigration, and the people in this department could have been properly promoted, and we could have hired a school leaver off the street and provided a job at a clerical level; that is what needs to be done in this country, not only in the civil arm but in the private sector as well. There are people out there, top management getting Caymanian Status and they are getting together with the establishment in this country and stymieing the growth of young professionals in this country, but Mr. President, that seat of power is going to change.

Mr. President, I believe I know enough about how to succeed in the Civil Service, that someday I should probably write a book on it, but you see Sir, I do not have the personality, I am not that adaptable, a spade is a spade, and I am not one of those who could not do better, because I believe that I am as well off today at 34, as most of the establishment in this country were when they were 34. Now there have been some battles, and there are going to be some more battles, but as I have said Sir, except for the grace of God, good parents, Christian upbringing, when I look into the eyes of some of the young people who have been tempted into the wrong paths of life, I am honest enough to say 'but for the grace of God, there go I'.

Mr. President, as I was saying, the people in the higher echelons in the private sector, getting together with the inner sanctum of power, the establishment in this country, and you can go to the cocktail parties, you can see them grouped, in one corner one group, in another corner another group, one group in the middle, one group over here. You know, somebody told me a couple of days ago that we had three political parties in this country now, the Unity Team which is a properly acknowledged political group, the Young Businessmen's Association which is hiding behind the scenes and saying they are not political, but they get involved in everything political that comes by; the Masonic Lodge which is wandering around controlling everything according to reports, so I guess maybe we need a fourth one.

We do not have any team, these people cannot play team work, they only wanted to bat for them, not against them. Mr. President, those same people would have you believe that the success of Cayman is due entirely to this, what they call the sacred document, the Constitutional position of this country, that is garble Sir. Turks Island, British West Indies had similar constitutional positions, where are they today. They were a little more advanced in certain areas, I will grant that Sir, but they had similar constitutions at some stage in their development to that which we had. Where are they today, their bankrupt economies with their Government Members in jail, some of them any way. This sacred document has very little to do with the success of this country. The

success of this country is founded and built on the honesty, hard work and the people of utmost integrity in this country that call themselves Caymanians, Sir. That is where the success of this country is founded, not on some piece of paper handed down from Whitehall as a particular sacred constitutional status, without the hardworking, honesty and integrity of the Caymanian people, this country would be just like Turks Islands, a salt town with only two coconut trees in it. Mr. President, let me say that the people over 45 have no special dispensation from God on being honest, hardworking and having integrity. There are some young people who have those same qualities. The only difference probably is, that those people were encouraged more by their forefathers than we are being encouraged by them.

Mr. President, my greatest fear for this country, lies in the form that change will take when the power shifts in this country, because it is going to shift. The days of merchant domination in this country are fast coming to an end. These problems are not only being created by the politicians as I have said, they are created by the establishment in this country that see themselves and set themselves up. If you look around in the community at who are getting the breaks in this country, you can see the writing on the wall. The establishment is doing its best to promote their own in certain areas, and I will go back to one of my examples I used earlier, Cayman Airways. Now, some people in there have the right family connections, a young man has told me whenever I want a job in Cayman Airways I can get it because I have a family that works there. Others are looked upon like myself, as upstarts, young radicals who went off and received some training, and then they try to tell them 'well you did not go to the right school, well you did not have enough time in this, you did not have that, well you need 750 hours', but that same rule has been waived for those people who have connections. Mr. President, the Bare Foot Man sings a song about gossip in Cayman, these things cannot be hidden you know, they are going to come out, so we might just as well face them and help expose it, and treat the problem. I have a member of my constituency who was sent on training by Cayman Airways to a school. They say he failed the first time around. I went with him, put up a reasonable argument, showed where I did not feel he had been given the same opportunity, the same chance that others before him had been given. The Managing Director obviously agreed with me, that the man had not been given the same opportunities, because they made the decision to send him back, he went back and got his qualifications. Now he went to the same school that those with the connections went to you know Sir, and talking about the school, I have a few things to say about that too. He gets what the others got, comes back with a restricted licence, so then they tell him 'you cannot fly with us man you have got a restricted license', and he said 'yes, but I received the same one that that man received, we went to the same school'. So what did they do, they hurried him up quickly and packed him off to Miami and they give him the plane ride and they qualify all three of them. Of course, the young man made the mistake of coming to his representative who made the mistake of going there and trying to fight with them, so they never did accept him, and he does not have a job today.

But if we could get back to the schools, you know Sir, these questions can be answered and I expect to see them answered in the press by the Chairman of the Board, by the Managing Director and I am sure the Member will provide me with some answers in his debate. But I want to know, why Cayman Airways is paying \$10,300 to train a flight engineer in Dallas, Texas with a restricted licence?

Now, Mr. President, I am fortunate, I have got a telephone on my desk and I know the numbers for the FAA in Oklahoma, and the one for Washington, and I know a few schools. I saw the contract that this young Caymanian signed with Cayman Airways, and my recommendation to him was not to sign it, because he was not going to get any benefit out of it, because it said that if you pass everything we do not owe you anything, we do not guarantee you a job. You fail one thing, you have to pay us back \$10,300. That is what they bonded the boy for, \$10,300. I can only assume that that is what the boy's training was going to cost in Dallas. Now what was Cayman Airways getting for that \$10,300? I am going to tell you Sir. They were giving the boy a living allowance of \$2,700 for the three weeks that he would be in Dallas, to pay his hotel bill, buy food etcetera. They were paying Branniff \$7,600 to train the young man. What was Cayman Airways getting for that \$7,600? They received two weeks of ground school, they received approximately 12 hours in a simulator, they were taught the performance of Branniff

aircraft. They were not even taught the performance of Cayman Airways, they had to go back after they qualified to be taught the performance systems of Cayman Airways. They did not get a walk around the plane, they did not get a plane ride and that is why he received a restricted licence.

Now Mr. President, I called a few other schools to find out what they were offering. There is a school in California if they want to fly far away, that will train a flight engineer with an unrestricted licence for US\$4,800. Burnside Aut in Miami would have trained them for \$5,400 and this, I never got it out of any book Sir, I telephoned them and asked them and told them that I wanted to do the training. I know one individual who went to the American Aeronautical and Medical School in Melbourne, Florida to train as a flight engineer. Of course, when that one comes back the licence does not mean anything. It is everything but not good enough. The cost of the course, \$3,850; accommodation \$285; individual estimates, that spent was approximately \$700 on living expenses, \$5,135. That Sir, included two plane walk arounds which is required by the FAA to get your unrestricted licence; it included the necessary plane rides to get your unrestricted licence; it included as much time on non-motion simulators (CRT's) as the person wished they could sit at it all night if they wanted, and use it. It included the 12 hours in FAA certified motion simulators, and it is \$5,000 less. And Mr. President, this individual does not only have what they got restricted from Branniff in Dallas for \$10,300, that is, a flight engineer for a Boeing 727 200 series. This individual has both for that price, they got both the 200 and the 100 series, and this is no back of the wall school Sir, they train people for People's Express and Eastern Airlines, etcetera, etcetera, all the big American airlines have employed their students. Even Venezuelans that we are now employing were at the school at the same time this person was there, because you know we bought a Trylander some 12 years ago and we bought a Bush pilot out of Tinson Pen Airport in Kingston, Jamaica, and he came here and received all kind of hours and experience flying between here and Cayman Brac in our Trylander, the Trylander cannot fly without him. We bought a Shorts 330 now, I understand we bought four Venezuelans too, and there are five Caymanians fully qualified, FAA qualified commercial pilots out of a job. Mr. President, why in Gods name are we bringing in experts to train Venezuelans to fly a plane between Cayman and Cayman Brac? These young people who do not have a job have flown a 172 between here and Cayman Brac dozens of times in all kinds of weather. Why could not the Americans train the young Caymanians, if they could waive the rule of 750 hours for one or two, because they have got people who have been flying the jets as flight engineers for 18 months, two years and three years that do not have 750 hours today, and they are not going to get it, because those people could have been put on the Shorts 330 too, so that they could build their flying time to get there 750 hours, get their Cayman commercial licence, go on and get their ATP, and then we put them back on the jet so that they could go to the right seat on the jet. They should not be put there without their ATP, but to get an ATP Sir, you can only use one third of your flying engineer time, and it cannot be any more than 500 hours. Those people need a thousand hours flying a plane. Mr. President.....

MR. PRESIDENT:

I wonder if this would be.....

MR. D. EZZARD MILLER:
is fine with me.

If you want a break now, that

MR. PRESIDENT:

late, I was letting you get to the end of one part.

I think so, we are a little bit

MR. D. EZZARD MILLER:
back.

Not to the end Sir, I am coming

MR. PRESIDENT:
to it.

Well, maybe you can come back

I think we will suspend
proceedings for approximately fifteen minutes now.

AT 11:24 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:47 A.M.

MR. PRESIDENT:

Please be seated.

Side.

MR. D. EZZARD MILLER:

Mr. President, when we took the customary break to feed our faces, I was dealing with the woes and troubles of the young people who are trying to develop careers in aviation in this country. I went into some detail as to what schools were offering what, for what price, and as I said before, I began to deal with the subject, I expect to see some answers in the local paper, by statements from the Managing Director, the Chairman of the Board, etcetera, as to why we are paying \$5,000 more for a restricted licence for a flight engineer, and if the answer is that we are using planes that were used by Branniff, and that Branniff's school in Dallas simulators have the same mock-up as our cockpit, is just not going to be acceptable. I want to know where the other \$5,000 is going. There are all kinds of ways that one can speculate as to where it is going. I will not speculate at this time.

We were talking about the Shorts 330. Now I believe that that is an adequate aircraft for the Cayman Brac route. Of course, I also believe that a Shorts 360 which looks more like a plane, would have been much better. But my concern Sir, lies in what I have been dealing with all morning. There again, is another example of Caymanians not being given the opportunity to develop.

Now Sir, we have before this meeting of the Assembly a Bill to create a Civil Aviation Authority. I know all the expert pilots are going to say that Ezzard Miller is only a private pilot, he does not know anything about the Regulations, and he does not know anything about flying a plane, he ran one off the runway and all that kind of thing. I will accept all that criticism, but what I would like to point out Sir, is that that authority is not issuing a British first class nor second class commercial licence, it is issuing a Cayman Islands licence. Mr. President, I see no reason why we cannot strike a happy medium for a Cayman commercial licence, even if we want to follow the British system, and call one a senior commercial licence, and say that you cannot get a senior commercial licence until you get 750 hours. But I see no reason why we cannot reduce the requirements for a Cayman commercial licence to say 300, which is another 50 hours plus, over and above what is needed for an FAA commercial licence.

Now Mr. President, some people are going to say that that is lowering the standard, it is a point which I am prepared to debate with those people, because the FAA has recently lowered the requirement for instrument rating from 200 to 150 hours, the results of that will not be unsafe skies, but they will be safer skies because more people will avail themselves of an instrument rating, than are presently doing, because it only takes a 150 hours versus the 200 hours it used to take, so we are going to have people who are better qualified flying as private pilots. You know Sir, I am going to tell those pilots of many, many, many years of experience out there that they must not jump the gun and get out and tell people what qualifications Ezzard Miller has and what he does not have you know, be careful not to misinform the public.

But Mr. President, as I was saying, it behooves me why, a company that is owned by the taxpayers of this country, that is subsidized by the taxpayers of this country, I have to stand up here and support revenue measures to pay the salary of the Managing Directors and the senior pilots of that Airline. Now everybody knows that in November I did not support the \$1.2 million subsidy of the airline, I still do not. I think it can make it on its own two feet, if it cannot, and the Caymanians are not going to benefit from it, close it down, as the Honourable First Official Member suggests, because when you look at some other areas in the same Airline, they have got some of those secretaries I was talking about earlier on Sir, who has reached their Peter Principle, the level of incompetence so you call them Personnel Directors and such and so forth, so you can keep giving them increases in pay, they have a couple of them in there, there is still a lot of fat which can be cut out, they have cut some, there is still some more that can go.

But Mr. President, the other question I want the management of Cayman Airways to answer is, what are the managerial qualifications of the Managing Director and the Deputy Managing Director in that Airline? Because the young people are being told that if you fail one exam we are going to kick you out. I understand Sir, and I speak subject to correction, but the EIU has been wrong in the past, but not too often you know Sir, where EIU

finds smoke there is some fire. They were trying to instill in the operations manual that if you failed your upgrading you were fired from the Airline. Now Mr. President, I know of no other Airline that operates such a principle. I believe the kind of norm is that you are given three opportunities to upgrade from flight engineer to co-pilot, from co-pilot to captain. If you fail the third time you simply remain in the position you are in. I want also to know Sir, why the double standards? Why can someone be allowed to fly for 18 months to two years with a restricted flight engineer's licence, and the next man who comes along is not allowed to go aboard the plane. I want to know if these people in the top echelons have the academic qualifications for their positions, that they are demanding from the Caymanians.

Further, I want to know Sir, because I know they have one flight engineer who came here for six months, and he is still here. Further Sir, the member of my constituency who passed his exam, was told he had to go to Jamaica almost immediately. He asked them to let him do his observation time on the line, then he would go to Jamaica and do the British exam. No, no, no you have to go now. The boy went, passed the exam, but the South African, the Africaner who came here for six months and still is still here, he is still working for the Airline. You know Sir, he has not done that exam yet. I want to know when they are hiring these foreigners, how far back into their history do they go? The advertisements that come out in the paper do not say that if you have ever failed an exam, we are not going to hire you. I understand that that same man was put on the line without his 50 hours of observation, and worse than that, they promoted him to chief flight engineer, and he is checking out the Caymanians, and he has not done a British exam. You know Sir, all of that is just wings flapping and no birds flying, or what people in my district call 'hogwash', because that is just one way of keeping them out.

Mr. President, I am not asking to lower any standards, to give these five or six young people anything they do not deserve. All I am saying is, give them what was given to those who belong to the establishment. I am going to bring it home to you Sir, because I had a meeting with the Managing Director of Cayman Airways and the Deputy Managing Director and with two young pilots whom they said had failed in Dallas. They agreed to send them back, the next thing I see is a letter from the chief pilot and the chief operations officer, saying that they are not sending them back because they are going to lower the standards, yet they had a captain who crashed a simulator in Dallas so badly that it took maintenance men nearly two days to fix it, but he had the right connections. Those two young people told the Managing Director and the Deputy Managing Director; so I do not have to ask anybody about the Deputy Managing Director. I went to school with him, I know how many 'O' Levels he has got, I know how many he has not got, and I know how many times he took them to get the one or two that he now has. Those two young people told the Managing Director and the Deputy Managing Director that they would do anything in the Airline for a job. They had spent their money, they had trained themselves. Cayman Airways never sent them on any scholarships as they did for other people you know. There is something on those Cayman Airways scholarships, many things. 'We do not have anything, nothing that you can do' they are told.

I happen to have heard that there was an opening in operations, so I asked the Managing Director and the Deputy Managing Director why could not one of these young people be hired in that job, because at least they knew something about the aircraft, and could be of some assistance to them in operations. He told me that no pilot was going to be hired for that position. "A pilot was not going to be considered", he said, that was Thursday afternoon at about 3.30 in the afternoon, and I have a witness who was in the meeting with me. Monday morning, Mr. Perry Panton, a qualified pilot, went to work in the job. Now Mr. President, I hate to get into colour; I hate to get into any kind of social discontent among young people, but I am left to wonder Sir, if it was because these two people did not have the connections, because of their surnames, or whatever, because they had the same things he had plus more hours, several more hours, one even had over 30 hours turbo prop time, and still got it. But you never see any advertisement come out in the paper for Caymanians to apply as pilots for the Shorts 330. As I have said, when they bought her they bought four Venezuelans. Come 1999 the four of them will still be here, whether they can speak English or not. It is time for the management

at Cayman Airways to tell the people of this country why the Short has not started to fly as it was scheduled to do. Why are we still chartering the Trylander if it has been sold? I hope Sir, that Mr. Sky Brown, the fixture on the Trylander, just like to yoke, cannot leave without it, is not going to be trained for the Short, because he can go back to Canada. He probably has Caymanian Status now for all I know, but I am going to get to that a little later on, I have got a good suggestion as to what to do with Caymanian Status.

Mr. President, all I am trying to say is that we have an obligation to provide the opportunities for our young people. We are not doing it, because Sir, one of those same people they said failed, obtained a lawyer to write to them, and got all their documentation. I read it Sir, I did not see the word 'fail' on it, I saw no problem, no problem, no problem for six sessions in a simulator. Strangely enough, all the 'S's' in the check ride looked like a little snake in the grass, but when it came to when it was sent back to the individuals, the 'U's' looked as if they had been drawn with a slide rule. Now, here again Sir, one has to wonder if they were tampered with, and it was not an 'I' instead of a 'U' meaning incomplete instead of unsatisfactory, because the person was recommended for two more hours of simulator time, when the chief pilot told them on the telephone to come back to Cayman, you have failed. They get back to Cayman, they are told their contract is being enforced, and you owe us \$6,300. The individual went and obtained the money by whatever means, I guess, he probably had to do what the rest of us have to do, borrow it from a bank. He carried the cheque and the book to the Deputy Managing Director, who pretended he did not know what was going on. They did not want to take the cheque, because the last thing I heard was that he was doing so well, the person said that that was the last thing they had heard too.

Mr. President, something is radically wrong, and I could stay here for the rest of the afternoon, and give examples in the banking sector, give examples in the accounting field, give examples in the insurance industry, give examples in the tourist industry. Tourism has been flourishing in this country for what, 20 years, two decades.

How many Caymanians have been offered training in hotel management? And I do not mean the way they do it down on the beach, Sir. They send you off to the Bahamas, and when you come back then they do the same thing that the Civil Service does to you, they desensitize you, they demotivate you, they tell you you have got to start at the bottom washing dishes, and work your way up after you have been through three years of school. Somewhere along the line Mr. President, we have to build into the system, where the person gets the recognition for the time they have struggled in school to get an academic qualification. Granted, most of us would work our way back up the ladder, and be glad for the experience, once we are shown the career ladder. Caymanians will climb it, that is the problem Sir, those Caymanians, if you give them half a chance they are going to take your job and you will have to go back to England, Canada, Jamaica, Honduras, wherever.

Mr. President, I do not accept what they tell me at cocktail parties you know, that things are so much worse in Cayman than what they were when they left home, because any person who migrates by his own volition from a good set of circumstances to a bad set of circumstances, is no less than an idiot Sir, and should be regarded as one.

Mr. President, the base of power in this country is going to change. With all sincerity Sir, the way I see the change coming about presently, makes me very scared and concerned for the future of this country. We need to do something about it now, otherwise Mr. President, when the change comes about, the establishments in this country had better hope that my generation and the generation after me, if they have, and if they are forced to wrestle the power away from them politically or economically, remember the Sunday School lessons that we were taught as children in Sunday School, when we are dealing with their offspring. Because Sir, I am not going to try and quote it verbatim, but there is a little verse somewhere in the Bible that has something to do with 'your children shall reap the fruits of the seeds that you plant'. I have got it turned around a little bit, but.....

MR. W. MCKEEVA BUSH:

grape, and children's teeth are set on edge.

The Fathers have eaten a sour

MR. D. EZZARD MILLER:

Thank you Pastor Bush. You see

there is always somebody who knows it Sir, but that is what I am trying to tell them. I have got children, the establishment of this country have got children, and they have got grandchildren. Vindictiveness is a hard cold fact of life Sir, and I would hate to know if my children, or the children of the establishment's power base in this country, have to fight any harder than the way we have had to fight to get somewhere. Because Mr. President, in four years in the Civil Service, and the Honourable First Official Member of Government can bare me out, and the Honourable Third Official Member of Government, because they are the only two left who attended the management courses. In 1975, 1976 and 1977 there were three management courses in Government, and of all the people who topped the management courses, they are the only two left in Government. The recommendations that were made in 1977 are as true today, as when they were produced in 1977. But what has happened to them, nothing, no one paying you any mind.

But I see it as my duty Sir, to sound the warning bell, if they do not heed it, I believe I can fend for myself and my own as well as the rest. But what I want to see Sir, is that I want to see the system changed. I want to see the young people encouraged to perform. There are boundless opportunities in this country. Somehow, we have got to get the young people to grasp those opportunities, and become useful products of society, instead of building more buildings up at Northward, because it is a clear choice, there is no middle road.

Mr. President, like the Governor, I believe that there are some changes needed to the Protection Law, there are quite a few anomalies in it. The first change I would like to see Sir, is that the Civil Service must go to the Protection Board for work permits too. They should not be able to sneak them in through the back door. Go to those Caymanians on that Protection Board and justify your need. Do not pick them up off the street, because the private sector cannot do that, and I do not see why the public sector should be allowed to do it. That is going to reduce the number of expatriate hired in Government. Of course, to do that now, we Caymanians have to fulfill our obligations too, because the Protection Board can only makes its decisions based on the information it has before it, and it is no good us standing up on the street corners of this country, sitting down on the front porches of this country, sitting down by the Sunset Bar or any other bar in this Island and procrastinating the woes of the Caymanian Protection Board, because those people are trying to make a decision with the information they have before them.

My advise to any young Caymanian, and old, because there are some old ones who are being kicked around too, who apply for any job in this country, from a gardener to the highest paid executive in this country, to the post of Speaker when it is created on Thursday.

Mr. President there is an old story, again about my Uncle Donald whom the Honourable First Elected Member likes to castigate me with, was the bad man, but that depends on who you talk to Sir.

MR. W. McKEEVA BUSH:

You are family to him too.

MR. D. EZZARD MILLER:

Sir, with an uncle of his in West Bay. The uncle had a brand new hammock, of course the one before that Uncle Donald had stolen from him, so he had to go and look for a new one. This man really was not my uncle you know Sir, he was some cousin or other but we all called him Uncle Donald, but I am not ashamed of it. So, he bet Uncle Donald that he could not take his hammock, because he was going to lie down in it, he was not going to get up out of it. Uncle Donald talked him to sleep....

HON. BENSON O. EBANKS:

Why do you not let the man rest in peace.

MR. D. EZZARD MILLER:

....talked him to sleep Sir, when he woke up he found he was tied up by the rope from Uncle Donald's mare, by his shoulder and by his feet, and the hammock was gone.

Mr. President, I notice you are dozing off Sir. Be careful when you wake up that the mare is not gone. And as for the Honourable First Elected Member of Executive Council, I know he is glad to get in there and claim a little bit of

fame from Uncle Donald, I understand that Sir, because the pictures I see of him and him are very, very similar Sir, it looks much more comparable than with mine, especially without his glasses....(LAUGHTER).

Mr. President, secondly, with the Caymanian Protection Law Caymanian status should be removed, done away with, kicked out of the window. We should allow foreigners to come here with the right to abide, the right to work and that is it, plain and simple. We should only allow them three years for that, and it should be renewed annually in case they break the law in between, or they start any immoral activity.

I know Sir, that that is one of the toes I am pinching you see Sir, we are going to get plenty of argument on that here today, and in the next couple of days, because they are going to tell me by saying 'oh you are going to get the wrong kind of people, you are going to get those people who only come in here to rape the country and they keep one foot back home. Mr. President, I humbly submit that we have got plenty of them here now who are trying to get Caymanian Status, but they are not giving up. Some have it, that is right, but they are not giving up their other citizenship you know. Things get bad here, and they are gone on Cayman Airways. It is people like me who will have to stay here and go fishing.

Make them register as aliens. They can write, they can work, they can abide here for three years, when the three years are up they leave, they come with that understanding. I do not want to hear no gibberish from anybody up in here today about 'well we cannot do that.' In Bermuda, it was on the news, they are doing it to the Filipino, no more Filipinos. Britian, they did it to the East Indians under the Nationality Law Act, they stopped them cold, bang, no grandfather clause, no back date no nothing. They never wrote to Ezzard Miller and asked him if he wanted to be a British Citizen, or a British Dependent Territory Citizen. They told me I was going to be a British Dependent Territory Citizen, and I am glad to be one, but I knew I had no choice, so we do not need to give them any choice either. One wants to come here let them give up their British Citizenship and take out British Dependent Territory Citizenship.

Mr. President, the Governor said that Radio Cayman is doing well, but you know, as usual, I have my convictions and I stick by my guns. I am going to go down with my boots on. I still believe it could operate that little much better as a public owned corporation. We could remove, or at least reduce the public's concept that news is being tampered with, that certain things are being taken off the air, etcetera, etcetera.

Mr. President, I am also happy to see that the General Reserve has been increased by \$2.0 million, and I also agree with the Financial Secretary's new accounting system of calling the Tower Building or the Unity Team's monument, or whatever you want to call it, the moneys that are against it, separating them from the real clear cut General Reserve.

I am also happy to see the restructuring of the Treasury Department, and no doubt Sir, the public will be better served as a result of its restructuring, and through the implementation of the Public Finance Audit Law and the publication of the Stores Regulation, so that they will know....there is one little thing in it that worries me you know Sir, and that is that part where it is determined about quantity, whether it has to go to a public bid or not. Well Sir, there is potential for a little bit of fiddling there you know Sir. I mean, you can buy crushed rock on a bid for 500,000 yards, or you can buy it by a five yard truck load. And in accordance with information given to me this morning, if you buy it by a five-yard truck load you buy it from who ever, when ever, wherever, at what ever price you want. If you buy the big amount, you must go to public tender, and I believe that Public Works Department has the expertise to calculate closely what is going to be needed, and put a lot of this stuff out to public tender.

Mr. President, the draft Economic Development Plan, which is a result of a Private Member's Motion brought by myself and the Second Elected Member for West Bay, because we like a little praise every now and again too Sir, has revealed some startling information. It just goes to show how important it was to document those facts, and Mr. President if the working population of this country by 1990 is going to be greater than 50 percent, we have to address it now. There is no use in waiting until 1990, because you cannot address it then, you are going to be

out numbered, that is why I am saying kick Caymanian Status out of the door; three years, pack up and they leave. They know what they are coming for, they know how long they are going to be here, and there is no argument because you have got all kinds of problems with people who fulfill the requirements, but Caymanian Status is not a right, Caymanian Status is a privilege, and is granted if the Board wants to grant it to them, etcetera, etcetera. And so you find that people feel that they are being slighted, people feel they are not being considered properly, people blame that others are being favoured and all of that kind of thing. If you come for three years and you have got to leave, none of that will happen Sir, because when one comes they know for how long they have come.

I hope that Finance Committee can complete its deliberations on the Economic Development Plan, and it can be debated in this Honourable House during the April Meeting, because we need to have that in place to assist with the preparations of the 1988 Budget, because I think it would help a lot Sir.

Now Mr. President, I want to get back to one of my little pet subjects again, and that is that I would like to see Government introduce Programme Budgeting and Responsibility Accounting, along with the Public Finance and Audit Law, because there again Sir, I believe we are going to get a little more efficiency and a little more cost effectiveness. I am going to give you an example, Sir. We are trying to get a playing field built and soccer pitch built in North Side, and it was borne out this morning in the Estimates for the piece of road in Frank Sound. Just after I got elected in 1984, the first estimate to build that soccer pitch was around \$200,000. Now I told them that I could not support it, it was a waste of money. Let us look for some land somewhere else and forget about that, so I went around and looked for some land. We found 17 acres that we could have obtained for around \$80,000. All of a sudden the cost of the soccer pitch came down from \$200,000 to \$70,000; so it does not make sense to buy the land for \$80,000 if you can build a soccer pitch for \$70,000. They went and got the plans drawn up for the soccer pitch. When I had a meeting with the Member responsible and his Principal Secretary it was down to somewhere around \$50,000, and that \$50,000 now Sir, was supposed to do two fields. It was supposed to do the one on at Old Man Bay and the Primary School field. Well I expressed my reservations about their ability to do it, anyway, they went ahead and they spent the \$50,000 on a soccer pitch, but they ran out of money before they got anywhere near the school, but two weeks ago I went up there with the Sports Coordinator.

You want to say something Sir? Would you like me to give way. All right, but I have seen you grabbing your microphone, I like to give way to people any time they want it.

Anyway Sir, as I was saying, last week I went up there with the Sports Coordinator, who is doing a good job. Now the soccer pitch was supposed to have been 300 feet by 200 feet. You know what the soccer pitch is, 300 feet by 148 feet.

HON. BENSON O. FRANKS:

You should have noticed that

MR. D. EZZARD MILLER:

I did, but Public Works was there measuring it. I am no surveyor, I am a pharmacist, and if I had said that it was not the right size, they were going to tell me that I did not know what I was talking about, so I took the surveyors there and made them set up their transit and measured it. The Sports Coordinator told them that it was the wrong size, they told him 'no way'. Anyway it is approximately 50 feet too narrow. Now you see Sir, if you had Programme Budgeting and Responsibility Accounting, somebody would have had to pay for the difference. What we are going to have to do now, we are going to have to go to Finance Committee, or we are going to have to go to Bodden Town, or we will have to go to West Bay and vire some funds from somewhere else, to complete the soccer pitch, because it is no good as it is. But I will haggle with the Member, we will get it, we will get it straightened out after a while, in spite of Public Works Sir, and there is a reason for some of that.

Mr. President, the Bill to regulate shipping as mentioned in the Throne Speech, I am convinced is a step in the wrong direction. I am not going to support the Bill, but I will expound on my reasoning when we are debating the Bill.

Mr. President, twice I sat up

in my seat while you were delivering the Throne Speech Sir, once, was the part I dealt with this morning about the wastage and the bringing in of expatriates on a limited scale, the second time was when on page 5. you said 'the National Health Plan is due for completion this year.' Now Mr. President, I am glad about that announcement. I hope that when it is introduced, it is something that I can support because I am no surveyor, but I know something about health planning. Is it just a Health Policy Statement, or does it involve National Health Insurance? Is it a scheme which is going to be a combination, I hope, of voluntary and compulsory health insurance; the voluntary being by the private citizens who can afford it, the compulsory side being Government's part of its benefit package for its workers and the indigent poor, and Government paying their insurance, or whatever? But I trust that the Members do not take his little pinch on the toe seriously, and he is going to expound for me when he gets up to reply to the Throne Speech, what the Health Plan is all about.

The regulation to control, because I do not like the word 'govern' Sir, I prefer 'control' hygiene and food handling is long over due. The hope for a hundred percent immunization is an admirable goal, I believe it can be achieved, and I believe it will be achieved.

Mr. President, the Pharmacy Law badly needs to be overhauled to control the dispensing of medications; the way medications are dispensed in this country, because every time I criticise the hospital on the floor of this Assembly, I get a letter from the Chief Medical Officer saying I am dispensing medications without prescriptions. I believe though that I have put that one to rest with my last reply to him. Any time, and the Member has a copy, any time Government is prepared to deal with that, and it needs to be dealt with, I am prepared, and the Pharmaceutical Society in this country, of which I am a member, is prepared, has made proposals to Government about doing something about it, but it has to be done the right way. It is not going to be like the Medical Society, adopting a set of ethics and then kindly ignore the part that says that doctors are not supposed to sell prescriptions for a profit - can clean it up properly. Because I can give you some serious horror stories about that kind of thing, Sir. A lot of people come into my shop with a piece of masking tape round a bottle, with one multiplied by four a day. No name on the medication, no date it was issued, no quantity, no patient's name and they want a prescription refilled because it is their blood pressure tablets and they do not have any for the weekend. When I question the quality of health care being delivered in this country, I have reason to Sir, and it is not all the fault of the pharmacist with these circular letters, being sent to everybody instead of sending them to where the complaint comes from.

Now Mr. President, you go on to say, and I quote:

"A consultancy will be undertaken during 1987 to determine the adequacy of the physical facilities at the hospital, and whether any recommended improvements can be accommodated on the present site."

Mr. President, I am going to be candid with you, Sir. I can save the Member the mental anguish, I can save the Honourable First Official Member the dollars out of Treasury to pay for the consultancy to determine the adequacy of the physical plant, or whether the necessary improvements can be accommodated on the site. Sir, in a nutshell, it is my somewhat considered, calculated, informed, intelligent belief, and maybe biased opinion, that it cannot be done. So it is no good the Member going through the anguish of having some consultant coming to tell him what I have just told him. He has been told, it cannot be done. Save the money in the Treasury to pay for those people that need to go to Miami to get their hearts operated on. Mr. President, from the time the former Member of Health, Education and Social Services Mr. Truman Rodden and his Principal Secretary at the time, the Second Elected Member for George Town, put the Fifteen-Year Plan for that compound in the cellar at the Administration Building, all hope for that site was lost. Because since then, they have proceeded, not the Second Elected Member for George Town, because he saw the writing on the wall and he left, he knew, he found out after the Plan was filed that it was a bad mistake, he did the right thing and left, but the Member persisted in developing the site, helter skelter, that is the only way you can describe it Sir. Every time you go up there there is another building being built in another direction. Honourable First Elected Member, I

made it clear it was not you, I told you what to do about the consultant, right, that was Mr. Truman Bodden, all right, do not confuse the public. It is a culmination.....

HON. BENSON O. ERANKS:

(INAUDIBLE)

MR. D. EZZARD MILLER:

Oh, Mr. President Sir, the Member would like me to say that he was the Member who left the Plan there in 1976, that is true, he did a good job on it in 1976, and it was one of the most unfortunate things that ever happened to the Health Care System in this country, because just when we had obtained for him the professionals and the paraprofessionals in the department, and got him to where he understood Health Care, he went out and lost the Election...(LAUGHTER)...we could not do anything about that Sir...(LAUGHTER)...but he is on the right track again, but I am going to save him the anguish of the consultancy.

If you would like to take a break Sir, I can say this all over when I come back, because I am going to be on Health Care for a while.

MR. PRESIDENT:

I hope you are not going to say the whole thing, the same part all over again. But no, I think it might be convenient to break for lunch now.

MR. D. EZZARD MILLER:
redundancy, Sir.

You will not get me on

MR. PRESIDENT:

So, I will suspend proceedings until approximately two fifteen, and just before I do suspend them before we leave, I have a commitment in the early part of the afternoon, and I have asked the Honourable First Official Member if he will preside over the proceedings for the first bit of the afternoon.

AT 12:37 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:23 P.M.

MR. PRESIDENT:

Please be seated.
Continuation of the debate on the Throne Speech. The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I do not know whether it is an omen, or a good sign, but even if we have not got a Speaker, we have a Caymanian in the Chair.

When we took the lunch break Sir, I was dealing with the National Health Plan which was mentioned in the Throne Speech, and had told the Member that he could save himself the agony, and Government the money of a consultant. If he feels that he really should spend some money, I will charge him one dollar for the advice that I gave him this morning, not to hire a consultant, but to scrap that mess that they have up there. Because, the only way to describe it now is a concrete maze. Every time I go to the hospital they are building a building in another direction.

I believe Sir, that it is going to become more and more obvious, that it is going to be increasingly difficult and eventually impossible to deliver quality health care from that facility, efficiently and cost effectively. Like Humpty Dumpty Sir, all the kings horses and all the kings men could not put that hospital plan together again.

I would, however, recommend to the Member responsible, when doing his National Health Plan that he gives serious consideration to the discontinuing of outpatient services, other than day surgery and emergency, because I believe that outpatient clinic services can be adequately and more efficiently handled by the private sector. I would recommend that he concentrates in the new facility on the delivery of inpatient care services. And as I said earlier, I hope that his Health Plan includes some form of a third party payment system, whether coinsurance or a combination of voluntary/compulsory, whatever. But I will be listening to his contribution to the debate, for his expounding on what is in the National Health Plan.

The Education Department seems to be progressing in the right direction, and maybe finally, Government has put a round peg in a round hole because I believe that for the last ten years, and one of the reasons why the Health

Services, the Social Services, and to some extent the Education System, is a bit behind its time is because for the last ten years the people who were promoted to Principal Secretary had financial backgrounds and not the specialized backgrounds needed in either of those areas, and I believe the results are showing up.

The Community College Bill before the Assembly is a good example, compared to the fragmentation which existed in the extended education, technical training over the past years, like the Hotel Training School, the Building and Trade Training School, the Marine School, scattered helter-skelter. And Mr. President, I am particularly delighted by one subtle, but what I believe is a very important aspect of both the Community College Bill and the Airport Authority Bill, in that, the Bills do not name the Member as the Chairman of the Board. Have we finally cracked the ice in removing serving politicians from Boards in Government? I hope so.

The intent to develop sports to the benefit of the whole Island is a move in the right direction. I believe that the present sports coordinator is doing a good job. Certainly, the facility at the sports complex, including the grandstand will be most welcome, and should do much for the further development of sports in the Island.

But Sir, we see that the National Museum and its physical establishment is to be underway, this will be an asset to the Island, both culturally and economically. Sir, I hope that the Member can find a section in the Museum to dedicate it to the seamen who built the foundation and many of the walls of this country.

And, speaking of seamen Sir, I held a public meeting in my constituency on Thursday night as I usually do prior to Meetings of Parliament, you have got to tell the people what you are doing, and a question came from the floor concerning what was known as the Global Seaman's Union. Now, it is my understanding from the discussion that went on during the meeting, and in discussion with other people, that this was a Union that was established by seamen, and apparently all Caymanian seamen contributed on a regular basis to this Union, their fees were deducted monthly, and people are wondering what happened to the funds. I am wondering if I could ask the Government bench to investigate what happened to this Global Seamen's Union and its funds, and have some kind of report made public in some fashion, so that the seamen who paid into it for 10, 15, 20, 25, 30 years either know that they were never entitled to any benefits, or are they supposed to get any benefits, or will there be any benefits, or there are no funds, but I think it is an area that needs to be cleared up.

Mr. President, while the Marine Parks that were established by law last year have been demarcated, I guess you could call it, the Throne Speech says that the necessary markers have been put in place. I would question the words 'necessary markers' Sir, because I believe there were three distinct zones in the Marine Conservation Law; there was a Marine Park, Replenishment Zone and Environmental Zone. I also believe that the privileges, freedoms and the restrictions for each of those three areas are different. Now, I have looked at almost all the markers in the North Sound. Certainly in that area there is only one marker, one type of marker used which says Marine Parks, it does not differentiate from Replenishment Zone, Marine Park or Environmental Zone, and I wonder what the legal ramifications are going to be when somebody is caught in the Environmental Zone where you are supposed to be doing five knots, and the buoy says Marine Park which allows more speed.

But Mr. President, I am afraid that this is another case of putting a law on our books, and I wonder if we are really achieving what we set out to do. I go to the airport quite often, I still see tourists walking through the departure side of the airport with pieces of coral, with sea fans, with conch shells, with sea stars in clear view of the airport security, of the police officers at the airport and nobody says anything. Up until yesterday afternoon, about five thirty a tourist came into my shop seeking to buy formaldehyde to preserve starfish, which they had taken out of the North Sound. Of course they tell me that it was washed up on the Seven Mile Beach, but when you really dig deep enough you find that they got them out of the North Sound. Now, I have made representation to the Portfolio of Development and Natural Resources, asking them to write letters to these charter boats, asking them to do something, asking them to put the starfish on the list that is covered under the law, because they say it is not specifically protected. Some of these people have ten and twelve starfishes, and the whole idea of the

Marine Parks is, if you enjoyed seeing them, leave it for somebody else to see. So, I am going to ask the Member to look into this and maybe, write a letter to the charter boat operators, making a regulation under the law that the charter boat operators who are doing the tours across the North Sound must display a map of the Marine Parks with the restrictions, liberties etcetera, etcetera, right on the boat, so that the tourists will know right from wrong. And if caught at the Airport, prosecute them, because Sir, the poor North Siders, who take two conchs, three conchs, or a dozen conchs over the limit, they are being hauled to Court to pay for it, yet, somebody can go and pour concrete over one of the few natural resources, the blow hole in East End, and, according to an answer to a question this morning, nobody made an official complaint about it. I believe that the Department of Development and Natural Resources was informed about it. I believe that the Department of Natural Resources removed the concrete from it. Government, I believe, paid the cost of removing the concrete from it. All I am looking for Mr. President is answers. I am the first speaker, everybody else after me can answer these questions, but do not tell me you are going to prosecute a North Side boy for having three conchs over the limit, and somebody can go and pour concrete over a blow hole and nothing is done about it. You can give me a reason for taking extra conchs because you are going to eat them, but you could never, never justify to me, pouring concrete over a blow hole, which is one of our few national natural resources.

You know, I believe that it even goes further than that, because I believe there is an individual who applied to either the Department of Planning or the Portfolio responsible, for permission to concrete it, and he was denied it. But I will be watching it closely Sir, and we will see what is done, because this is part of that double standard type of thing that we were talking about this morning. You cannot have one law for the young boys in North Side, and one law for somebody else. And the Marine Parks Law is not going to do any good unless it is enforced and it must not only be enforced on the little local boys, because on the other hand you know Sir, if those young boys did not have a market for those conchs, they would not take them. Somebody is buying them, and maybe that is where we will have to direct our energies, to the purchaser, because if we can stop the person from buying them, then the person who is not working all week, it is no good going to him on Saturday to get 300 conchs, because he is not going to sell them, and he cannot eat 300 conchs over the weekend, unless he is going to have a big party.

I am quite happy Mr. President to see that the Farmers Market is progressing, that the Farmers Cooperative is being set up, and that the Farmers Market is going to be vested in the Farmers Cooperative. I believe that is a step in the right direction.

From reports of the news it seems that we still have a stray dog problem in some areas, but maybe if that gentleman had had a general gun licence and not had it restricted to his own land, he might have been able to defend himself from those dogs, but that is another problem that we can deal with a little later on.

Now Mr. President, I do not know where the people from MRCU are living, because I really cannot agree with the Governor's statement that mosquito nuisance was reduced to an all time low during 1986. Sir, I can remember clearly twelve o'clock in the day, June and July sitting down by the Falls on Seven Mile Beach, mosquitoes would be eating you. I do not believe that it has been a year when mosquitoes have not been...they have not been much thicker in North Side for a long time than I can remember than they were in 1986. Maybe the fiscal control of Bodden Town and the Rum Point area will help, we hope so.

But here again Mr. President, you know I drive along Seven Mile Beach at six and seven o'clock in the evening and I have often seen tourists walking on the beach. In fact there are more tourists walking on Seven Mile Beach today and in the last couple of weeks than there have been for several years, and it bothers me to be driving along and these tourists are walking, and along comes a fogging machine and the people are running for shelter to get away from this mosquito stuff that we spray. You know what it does to your car windshield, it does the same thing to your eyes. So I am wondering if the timing could not be adjusted a little bit somehow to facilitate these people.

The sewer system is badly needed. I trust that the construction will be completed by the end of

1987, and it is good to see that local personnel are being trained to operate the complete system.

Mr. President, the Governor said that work on the first phase of the George Town Water System is to start in July. Everybody knows how I feel about the Water Authority. I think Government has no business in it, I think it should be left for private enterprises. I think it represents the potential for another Cayman Airways. Add that to the fact that at least with Cayman Airways when you want to go you have to buy your ticket before you go on board. With the Water Authority, we have the potential of another hospital fee/garbage fee situation. After people use the water, what are you going to do, cut them off? The bills are still outstanding. I am not sure that the public is prepared to pay the fees that are going to be necessary for this water service, Nor am I entirely convinced that there is a need nor a desire by the people of George Town for piped water and that they would be willing to pay the price for it.

Now Mr. President, I had some questions that I would have liked to have had answered before I replied to the Throne Speech on the Water Authority. In the absence of those accurate figures, because I have not seen the accounts for the last three or four years, I am afraid I am going to have to speculate, but like I say, what I have said is subject to correction, and each person will have their opportunity to correct me.

It is my understanding that the Cayman Water Company, a privately owned company, paid royalties to the Cayman Water Authority of close to \$200,000 for 1986. I would hazard a guess that that probably represents more than 50 percent of the income for the Water Authority for the year 1986, because the other sources of income are licences, the well fields in East End, the well fields in Lower Valley, and the well fields in East End. The well fields in Lower Valley have a cost of production. Now, Mr. President, we have been told in the last meeting, that CUC, or its subsidiary company Cayman De-Sal which is going to make the water which Government is guaranteeing to buy for distribution in George Town, is not going to pay a royalty, they are not paying any duty on the equipment, engines etcetera that they are going to use to get the waste from for that. Government is going to put in the piping. Government is going to buy the water and distribute it, sell it cheaper because they can do it cheaper than the water company can do it now. But I wonder how the people feel if they are subsidizing a Water Authority to the tune of 50 to 60 percent through royalties, and it is going to be in direct competition with them.

I mean we all say we are weary and we do not want public enterprise to dabble in private enterprise, etcetera, etcetera. As I have said Mr. President, and you know, the Water Authority seems to have a lot of power. I know of a member of my constituency who was sent overseas for medical care, his medical bill was not small, it was over \$100,000. Now we had someone to purchase a piece of property in North Side for such a sum of money that he could have paid off his Government bill of over \$100,000 and have some money left to look after himself and his family. Low and behold, the Water Authority vetoed the sale of the land, because they refused permission for the use of the land which I believe was to be a quarry because it was over a water lens. Now here it is, Government could have received a \$100,000 in outstanding fees collected, because Government has a charge over the property. Yet, another arm of Government is preventing the sale of the property because it is over a water lens.

You know, Mr. President, I think we have to wake up, we have to be realistic. The water that is underground in this country took years and years to get there, and it is not going to take years and years and years to pump it out, because I do not think they remove that much water from East End. I happen to live on the fringe of the water lens, and I can tell the deterioration in my water, and all the experts, they could bring them from Timbucktoo, cannot tell me that the well water in Savannah and Lower Valley has not deteriorated since they have been pumping water out of it. Because, my sister lives there and I know what it was like before they started to pump it, and I know what it is like today. It is as the Second Elected Member for Bodden Town told them at one public meeting, if she tries to make coffee with her well water now she gets scum on the top of it, and those are hard cold facts on the deterioration of the water lens.

The only solution to water in this country has to be desalinization, either by reverse osmosis or

steam. We are not going to pump the Caribbean sea dry, we have got seamen in this country who are retired, who can run desalinisation plants blindfolded. So why are we having all this wing flapping in these areas, and we are not producing anything? Because as I have said, in the absence of audited accounts being laid on the Table for the Water Authority for 1984, 1985 and 1986, I am left to speculate, and in a case like this, I am a pessimist.

I understand that the industrial development which I support for my constituents, which I believe is a good thing for the Island, is having problems with the same Water Authority after they have in fact, obtained at least conditional approval from the CPA, the Central Planning Authority. All the surrounding landowners have agreed that they development can go in, but the Water Authority is telling them that it is on a water lens, so they have got to meet this, that and the other, etcetera, etcetera. That is a monster that can get out of hand.

The Economic Development Plan Review process Sir, is overdue. We are now asking developers for instance on the Seven Mile Beach to develop under 1977 Regulations on density levels, and land in 1987 certainly costs more than it did in 1977. So we have to increase the density so that we can improve the investment on their money, or whatever...(You will have your turn).

I have read most of the proposed Building Code, I agree with most of it. I think it is a good thing, but now Mr. President, that Building Code is something that cannot be brought in in stages. They have been trying that for the last six years, bringing in one stage and then one stage, it has to be brought in at a cut off point, and anything after that has to meet it, otherwise I do not think it is going to work.

It is good to see that the Land Registry will be computerized during 1987, to make possible information such as an alphabetical list of property owners. You know Mr. President, there is a piece of information that is even more important than that computerization might help with, and that is the transfer of property to other people. And Mr. President, I know of several condominiums which have been bought and sold, and bought and sold on the Seven Mile Beach area and it is still in the original developer's name. My calculations on those that I know about estimate that Government has lost \$120,000/\$130,000 in stamp duty revenue. We have to find a way to stop that. I know there will be a hue and a cry from the real estate people, the lawyers and the rest of them, because that is part of their selling tactic. They tell people that you can buy this, but you do not need to transfer it, once I sign the top line you can keep that half filled out and you can sell it five or six times, and you never have to pay the stamp duty. I have a very interesting case in point Sir.

For about a year I have been trying to find the owner of a piece of property in North Side next to Apollo 11, to see if he could get an access for the people of Old Man Bay. Now that particular piece of property is registered in a Mr. Anderson's name. I went to Lands and Survey and obtained the man's name. I enquired, I obtained his telephone number, I telephoned him in Indiana. He said, 'Mr. Miller, I sold that piece of property to Mr. Selkirk Watler in 1972'. Well, so I go to see Mr. Selkirk Watler, 'do you own this piece of property, it is still in this man's name, we are interested in getting 50 feet off it to put down a launching ramp in Old Man Bay so we can have some access to the sea for the fishermen'. 'Oh my son, I sold that to somebody else and he sold it to somebody else, I do not even know who owns it now'. You know Sir, if I can get the cooperation of Executive Council on this matter, what I would like to do is, I would like to send Land and Survey up there, survey a 100 feet off the piece of property, gazette it that Government is acquiring it for public use, and let us see who steps forward to claim their compensation from Government. If nobody steps forward, we have got the piece of land. I think the end justifies the means.

I know that the Honourable First Official Member made an attempt some months ago to stop this hole, and as I have said, there was a hue and a cry, but I think we have to face it, because I believe that Government is losing a lot of revenue through it.

It is good to see that 1986 air arrivals are up 14.5 percent over 1985, and that the cruise ship business continues to be strong. But Mr. President, there is something about our cruise ship business that bothers me. I was listening to the radio one afternoon and I heard that the Jamaican

Minister of Tourism had expounded in Parliament, or in a statement to the press, how bad the cruise ship facilities were in Cayman, and how Cayman and Mexico were responsible for the demise of tourism in Jamaica, because we did not have proper facilities, like a landing jetty. That perturbs me because as far as I understand, I think that man had something to do with a proposal here a couple of months ago to build one. I have seen no statement from Government here to correct it, and while I will agree we do not have a dock that cruise ships can pull up to, I am certain when the passengers land on our cruise dock facility they are not bombarded by beggars, they do not have to step over naked people and they do not have to walk through all sorts of muck and stuff as they would have to do in his country, Jamaica. I have been to the cruise ship berth in Jamaica too. But when he can get up in his country and blame us for their own demise, I think we need to say something about it. Now whether he is trying to make a point, and get permission to do something or whatever, I do not know.

Mr. President, the opening of the Hyatt Regency Hotel and the Treasure Isle project are a boost to this community, but the reports that I get from people who stay at the Treasure Island Resort give me great cause for concern. I believe if those reports are true, and if it continues, it could be the most detrimental thing ever to happen to tourism in this country in the last ten years. I believe that they need to be looked into and make sure that they are brought up to scratch. I see that the Member plans to improve the standards of service required in the tourist industry, and revise the law where necessary, I will certainly support that.

I think the Bill that the same Member is introducing to provide for the establishment of a statutory Civil Aviation Authority, similar to the Port Authority, is again, a move in the right direction, I have always advocated this kind of thing in Government. The Bill, however, is superior to the Water Authority legislation and the Port Authority legislation in two distinct areas, as I see it. Firstly, as I have mentioned already, the Bill does not appoint the Member responsible as the Chairman, and secondly, the Bill obligates the members to make an annual report of the activities of those two Authorities, the Community College and the Civil Aviation Authority, to the Legislative Assembly. I believe, though there may be subtle changes in legislation, I think there will be great benefits derived from it.

The Fire Department is to be congratulated, and they certainly need improved physical facilities to continue to function properly. I will be glad to see both the Owen Roberts Airport Fire Service and the fire station in West Bay during 1987. I also agree that special emphasis should be placed on preventive measures, but not only on preventive measures Sir, because I have talked with the Chief Fire Officer on many occasions, and though some of the laws or their requirements for fire fighting are antiquated like the Cinematographic Law which requires you to have one bucket of sand and one bucket of water, and whether you have got a Haylon extension system or an ABC, you still have the bucket of sand and a bucket of water because that is what the law says. But, there are a lot of buildings in town, where I understand that the fire exits are not working properly and there are all kinds of boxes and parcels piled up in the stairways for the fire exits, and things like that. I know they used to have fire drills at the Administration Building, I have not heard of one recently, but I think these are the kinds of things that need to be implemented in the private sector building as well, and especially in the schools.

We should have an evacuation plan for that school compound area, for the High School, the Middle School, the Prep School, the Catholic School because the propane tanks are right across the street, and all you need is one light at night and it is just going to settle over the whole school compound; somebody strikes a match and boom. So I think, we need to put in place an evacuation procedure so that if something happens it is not just chaos.

Mr. President, I am concerned about the enforcement of the Liquor Licensing Law. I supported the removal of the quarter mile limit from the churches from the law, on the basis that I thought it was a necessary evil, and we had to continue development. But, the policing of the speak-easies is not up to par Sir, I do not think, there are still a couple of them around which need to be closed down. You can legitimately go and get a liquor licence now, it is not like a taxi licence in London any more. The other problem I see with the enforcement of the Liquor Law is an ID. Now I believe that Government can help in this, hopefully Sir,

one of these days we are going to get that piece of legislation called the Traffic Law brought to this Assembly. For two years now, there has been some Committee meeting somewhere, some place, redrafting this law, and they cannot get it here, because one way we could provide IDs is if your drivers licence was produced like Government's ID cards, rather than that book which is usually an embarrassment to pull out in a foreign country, and it not only carried your picture but it carried your birth date. We are asking people to keep children, young men, young women under 18 out of bars, I think the least we can do is to try and facilitate in offering some sort of ID service. Of course, Government has all the equipment sitting idle, they could easily advertise that anyone aged 18 who wants an ID could come and pay a small fee and get one, and they would have it. The system that some places are using where you go and carry your passport or your birth certificate, and they issue an ID, that ID is not usually accepted by anybody else, but if it was issued by Government it would have at least some semblance of security behind it. We need to enforce those laws, we have to keep the kids out of the bars.

I also believe Sir, that the Member made the right step when he traded the bringing forward of the moratorium for more entry points into the United States for Cayman Airways, because they are going to have some competition now and they are going to have to get their act together. Although I may have been the only one in 1986 who voted against the subsidy for 1987, I do not believe that they are going to have the free run of Government's Treasury as they have had in the past, in the future. As I have said before this morning, there are some serious problems in there personnel wise, and things like that. Part of it is due to the fact that they have secretaries who have risen to the level of incompetence, and then they are called Personnel Managers.

The small staff in the Labour Department is going to be increased. But Mr. President, I would hasten to add that I cannot accept the statement by the Governor that labour disputes are going to continue to be resolved informally. Mr. President, from experience, I can tell you that the day has past in this country when people like myself who represent people in their constituencies are expected, rightly so, by their constituents to assist him in times of need during labour disputes, when you could go into a company's office and talk amicably and pleasantly with the manager, and have the problem resolved. Those days are gone. Those people now ask you 'what legal authority have you to be on my property? What gives you the legal right to represent this person?' The Labour Legislation must come, September is the due date.

The appointment of a Trade and Labour Director, certainly, is a step in the right direction, but there again, I do not see the point of appointing a Director of Trade and Labour if we are not going to get the Labour Legislation. I know, and everybody else knows, that the introduction of Labour Legislation in this country is going to be a very unpopular thing, because it gets back to what I was talking about this morning, the 'establishments' in this country. I mean, when you get a letter saying that, an employer has the right to treat his slaves any way he feels like, that is a serious kind of mentality, but it exists out there. And the work force in this country are the only people that do not have a bargaining force. They have no legal rights behind them really, because all the legislation that are on the books are outdated.

Bankers have an association, the accountants have an association, the hotels have an association, the condominiums have an association, the contractors, everybody has an association, except the labourer. We do not have to call it a labour union, they are protecting themselves, the Hotel Association does not protect me, it is there to protect the hoteliers; The Condominium Association, ditto, the Contractors, ditto. They are dictating the terms of labour, and it has to be a two-way street. Some of the representation that we have received, and some of the opposition is well founded, some of it is not even worth reading. From the time you see the letterhead you can throw it away. But, unless something positive is done to alleviate the problems that exist in the labour force in this country today, we are sitting on a powder keg.

I see that the loan funds for Cayman Brac are coming through, they are going to get their new air traffic control tower, their new terminal, and they are going to continue the Bluff Road in Cayman Brac. But Mr. President, while I support the improvements in the infrastructure of Cayman Brac and Little Cayman, the answer I do not believe is for Government to

continue to find a capital project to employ the people. Somehow we have to find a way to encourage private enterprise to invest over there by incentives or whatever, and when private enterprise is prepared to do it, it is not vetoed by anyone. If private enterprises are encouraged to provide jobs etcetera, then the economy will develop. Remember, in Grand Cayman we built our tourism industry on a wooden terminal. We built the tourist industry which paid for the terminal we have today. I mean it is outdated already, but you know we have got it, and can live with it for another eight or ten years, until we get through paying it off, but that is just the problem of poor planning. Mr. President, somehow we have to find a way for private enterprise to invest in the Lesser Islands, because that is a solution to the problem. The solution to the problem is not by Government spending half a million, two or three million dollars every year, we banging our heads together looking for a capital project to do over there, which really cannot be justified on an economic basis, and encompassing the other needs of the Island. I mean that the single determining factor so far has been that the people over there need something to do, that is all well and good, but there are some needs in Grand Cayman that have to be met too.

The Governor says that the Port in Grand Cayman continues to be a viable operation, even though it is subsidizing Cayman Brac, I hope so. I have not seen audited accounts to prove it. I do not know by whose standards it is operating well, because as far as I know, they have got one bathroom down there that both men and women have to use. I think that is ultra vires to public health law. The Governor goes on to say that they hope to improve the offices there, but I hope it is not going to be another one of those half hearted attempts to turn what really was a house into an office building, but that they are going to look at it properly, and maybe put up a proper building which can provide some more storage space for the dock, and the part that is not being used for offices etcetera, etcetera. Not just to go in there and look at what it is and tear up the vinyl from the floor and put down a new one and shift the desk around and say that we have done a great job at the Port, because that is what they have been doing that for the last ten years.

The installation of the cruise ship mooring system of course, will be an advantage. The Governor also says:

"In accordance with the recommendations of the 1985 Allgrove Report, the Building Section of the Public Works Department will continue to move away from direct labour operations. More work will therefore be put out to the private sector on a competitive basis."

That is good, but we have been saying that for three years, nobody paid any mind to me. A man comes from overseas with a briefcase in his hand, and makes a report, it is implemented, that is all right Mr. President. Again, the end justifies the means. As long as we get an improvement and it is cost effective.

Mr. President, the Public Works Department has made some strides towards improvement over the last couple of years, there is no doubt about that, but there is still some room for improvement. I hope that the whole of the Allgrove Report, or at least the majority of it, is going to be implemented and not just the sections that we like. Because sometimes it is the sections that you do not like that are the most cost effective and the most beneficial for you. So you should not just ignore them just because you do not like them.

Mr. President, a Master Ground Transportation Study will be undertaken during 1987. It should be completed before the end of the year. Now Mr. President, I agree that we need somebody who knows what he is doing to do this Ground Transportation Survey, but I cannot accept the time frame that it might be completed by the end of 1987. How are these consultancies granted? I mean, does a man come in and is asked to do a study of the transportation requirements of the Island ad infinitum? Does he hand in his report when he feels like it? I mean, I really do not think he needs all the way until... because this thing was started last year, some of this groundwork was done from early on last year. We had teams sitting down here under the willow trees counting cars for days by street lights.

My concern Sir, is that it will not be completed by the end of the year, means that nothing can then

be done until 1989 since the whole budgetary process, capital budget, everything else will have been completed in November 1987 for the 1988 year. If this Ground Transportation Report comes in in December 1987 it is no use to us then. You cannot touch it until 1989, and the traffic situation in this country cannot wait that long. If the present people who are carrying out the survey cannot deliver the goods before the end of the year, find somebody who can deliver them by the end of May. You have got almost all of February, March, April, May, four months. We might not have the detailed design of how many feet this piece is going to be, or how many inches that is going to be from that tree, etcetera but we should be able to have a layout in principle, so that you can make capital budgetary allocations for the 1988 year.

It is not only Seven Mile Beach that is congested. You come into town from the Eastern Districts of this country, between ten minutes past eight and eight thirty the traffic is backed up, some mornings to Savannah. The only relief you get is when those people taking their school children to school turn off and go through South Sound, and that road is so bumpy that most people prefer to take the long way round. I think Mr. President, that with due respect to the people who are doing this master ground transportation study in an indefinite period, such as we might get it by the end of the year, is...I cannot accept that, I think we need it by the 31st May.

MR. PRESIDENT: Have you reached a stopping point?

MR. D. EZZARD MILLER: Yes.

MR. PRESIDENT: In that case I will suspend for afternoon tea for fifteen minutes.

AT 3:25 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:45 P.M.

THE PRESIDENT PRESIDED

MR. PRESIDENT: Continuation of the debate on the Throne Speech. The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, when we took the break I was dealing with the Public Works Department. An extensive building programme will also be undertaken, and we have dealt with some of it already.

Major road works, I am glad to see that the realignment of Spotts Road has begun. I hope that the turn immediately following the realignment is going to at least have the cliff rocks cut down by the machines so that the grass cutter can keep it cut, so you can see traffic around it. I do not expect that we are going to get it all straightened out, but as you know, the machine for breaking up the rock is there, it is only another 100 feet away. So we can break down that little piece of rock and put some grass on it, so we can see around the bends.

The Postal Department continues to play an important role. I will agree. I do not know what happened to the new Post Office and the carpark facility that was envisaged some time ago. I still feel that it is a facility which could serve the community well. Certainly, something needs to be done about parking around George Town. Maybe the experts on the Ground Transportation Plan can tell us what to do about that too.

It is good to see that we have an express mail service from the United Kingdom, United States, and of all places Bermuda. Well, I do not know why, but I guess it is good to have it.

Mr. President, in concluding my debate, I would like to wish you and your family good wishes in your next undertaking. I could not in all honesty, say that I am sorry to see you leave as President of the House, because it would not be consistent with the motion that I am bringing on Thursday. However, I think you have done a fairly good job as President of the Assembly. I certainly have enjoyed working with you in the two years that I have been here, and I will expound on the reasons why I am bringing the motion for a Speaker on Thursday, and I will simply say now that it

has nothing to do with your ability as President of the Assembly.
I thank you Sir.

MR. PRESIDENT: Does any other Member wish to speak? It is much too soon for the adjournment.

MR. D. EZZARD MILLER: Mr. President, I will draw your attention to Standing Order 38, that if you so move, I will so move that the debate be closed.

MR. PRESIDENT: Well, I will give Members just a moment longer, but I think another 15 seconds would be long enough, and if nobody seeks to catch my eye within that period, I will have to invite the mover to reply if he wishes.

I am not sure whether the Second Elected Member for George Town was trying to catch my eye, or whether he was.....

MR. LINFORD A. PIERSON: I am Sir.

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

You are giving way to the...in other words you are not making your speech now, it is not merely that you are....very well.

MR. W. McKEEVA RUSH: I am not going to make mine either Sir, I would want to make mine tomorrow, but I will start.

MR. PRESIDENT: Very well then. The Second Elected Member for West Bay.

MR. W. McKEEVA RUSH: Mr. President, the Speech from the Throne is an outline of Government's policy for the year. It gives us therefore, a chance to debate as it were, the state of the nation. The Governor's speech Sir, was brief and rather abrupt in some instances, and as someone said, has left much room for speculation. I do not like to speculate, and as a representative of the people, I should not have to speculate. As far as I am concerned, all things should be laid before us clearly, and not in such a guarded manner. However, as my arguments in favour or against develops, I trust that I will have made myself clear on where I stand on the Government's policies.

Before I proceed with the speech Sir, there are a few areas of importance that I would not mind addressing at this time. Mr. President, I will speak about these things because I feel strongly about them, and being young, I realize that change must come but not being the radical I am purported to be, I like to see change done in a way where it does not affect institutions in this country that have proven the test of time. That is why, when I talk on certain subjects I speak with some passion. I feel that we have a fairly good group of people in this House, you have conservatives, you have moderates and you have liberals. I feel that this group of people looking at our given situation in this country today, should make the necessary changes so that all of us can be satisfied, rather than pushing certain things down our throats to satisfy a certain small sector.

When I first entered this House, I brought a motion asking for a new timetable for the House. Government agreed with the motion Sir, they accepted the motion, but when we went into Committee they threw everything out. I asked for two things Sir, one, that meetings begin at 2.00 p.m. instead of 10.00 a.m. as we do now. My reason behind this Sir, is that members would have more time in the day to devote to their constituencies, and also the Members of Government, to the business of Government. By meeting as we do now, from 10.00 a.m. to 4.30 p.m. and sometimes later, it does not leave much time to do anything else, except to come into the House and we are here sometimes for two to three weeks. Government has not given me one logical reason why this time cannot or should not be changed. The other thing which I advocate and feel strongly about, is that we should change Meetings from once ever three months to once a month, or every other month. You know, right now, we meet every three months.

The Government's argument against this time change is that we would spend more time in the House, that is the only answer that I can ever get from them. They

say if we meet here more often than we are doing now, we will never get out, which is a flimsy excuse. It is not true. If we could meet once a month, we could deal with whatever matters we have in hand. As it is now, work piles up, and we are dealing in every meeting with an average of a half a dozen Bills plus Government Regulations, or Resolutions and Private Members' Motions, and every one of them carries a lot of debate, and you must accept this because we live in a democracy. If we met once a month, and we had one Bill and some questions, we would take the business, finish it and go about our business. Well, if we had no business we would not have any reason to meet. If we met every other month, we would probably have a little more business to do than if we were meeting once a month. It would not change the way we do things too much. The difference is, that we would not have as much business as we do now, and would not stay as long.

The other thing is that while we are here in the House, it gives a sort of disruption to Executive Council, which has to meet every Tuesday I believe it is, at 2.00 or 2.30 p.m. But if we met once a month, and perhaps on a Wednesday, it would make things flow much more easily. I know that I am not supported with this time change, except for the Member from North Side. But we would not be digressing from the way things are done in most dependent territories. Bermuda, which has a little larger population, meet every Friday. I do not believe that Bermuda is that much more busy than we are. All the territories as far as I can see, meet at a different time, they meet more often. But one of the main reasons I would like to see this time change is perhaps, that it might change the way we Members of the House are being ignored in important happenings in the country.

There are several blatant examples which I could mention, but I would mention one, and that is the recent announcement of the new Governor. Mr. President, why could we not have been informed about his appointment before the newspapers, the one in England and the newspaper here in the Island. I feel strongly about these things Sir. I consider it a slap in the face, as a representative of the people, for the man to pass through this country, let us say, on a familiarization visit, and for no one to say 'old dog, here is your new master'. I think it was a slap in the face for those representatives whose districts he toured without their knowing it, and who had to see it in the newspaper. I know Mr. President, that I will be told that these appointments are made by the Foreign and Commonwealth Office, and if I do not know that now, I will never know it. It is true, as far as I can understand, but somebody on this Island knew about it, once it had been decided. And I feel strongly as a representative of the people, that once an important decision such as that is known, we should be told about it. What are we, sticks?

We have a very responsible position, we are responsible to the people, not only the four Members of Council. I had 1,139 votes too, but what is worse yet, that the Members of Council did not know it. Maybe my line of argument is not getting much favour in this House, but maybe if we were meeting once a month, important announcements like that could be made to the House, where they should be. And since the majority of Members are for keeping His Excellency as Speaker in the House, with the excuse that he is closer to us, His Excellency would have no qualms about making known such an appointment after he had been informed by the Foreign and Commonwealth Office, and after he had informed the Members of Executive Council.

Too often I see important announcements come out in the papers, and you find a constituency member coming up to you and saying, 'well, tell me what about this'. And, you know, you have to be like an idiot. He does not really understand, his first question to you is, 'well what did we send you there for anyway?' But what was good back in 1959, is not good today. That is why I talk about change in conservatives, moderates and liberals. I make no apologies for my suggestions, for a new parliamentary timetable, or my observations on important announcements such as appointments, as has been made. If these things are thought about more realistically, it can only serve this country better. By meeting more often, we as the people's representatives, would have a better grasp of what is going on in Government. We need to know before my little puppy or my cat knows about it.

The present system as I have said was good in 1959 and in 1972, but today our workload is different, our problems have increased, but we, the ordinary Members

of the House who are held responsible, unless we are in Executive Council, and not everyone can be in Executive Council, are still not knowing what is going on. We have to go up to Sunset Bar, sit on a stool and hear the whole of the Government's business for the day. You think that is not a shame. It is true. You think it is not a shame....

MR. D. EZZARD MILLER:

go there this Friday evening....

You think it is not true, you

MR. W. McKEEVA BUSH:

Do not poke fun. Not everything is fun and games, I am serious about this thing. I had to put up my thousand dollars to run, and had to make a sacrifice to my family, promising my people that I would come here and try to do good for them. But how can we, when sometimes you are even misled in what you are told, and it is time for that kind of attitude to change. My people, the people whom I serve, expect service. The system must give me the wherewithall to be able to serve, and I am finding it quite difficult under existing situations to be able to serve properly.

And while I am dealing with us as representatives, I am hoping that during this coming year an office will be established in West Bay. I hope we can get together to decide where it should be. I want to serve my people better, but give me the wherewithall to do it. The Caymanian today, as I have said about problems Sir, is not the same as the man you had to deal with in 1965 and 1959, but today has many responsibilities himself, and his mind is taxed to the limit. He has teenage children with whom he has to deal, he has a house which he has to pay for, and there is a wind of change blowing in this country, and laugh if you want to, but when change comes, and coming it is, some people will not have it as good in an exalted position as they have today. We have heard about warning bells, that is a warning bell, Sir. You get out there and you will see the signs of the time.

I trust that the Government will look at what I am saying. We cannot all be rubber stamps for Parliament, so do not expect us to come here just to get up and speak our minds on a little piece of legislation, get laughed at in the bargain, sometimes they take your advice and sometimes they make you out to be the biggest idiot that walked the street, when they know deep down that what you have been saying is true. I trust that the Government will change their minds about the present position.

Mr. President, having said those things, I believe that the Cayman Islands can and does have a good future. The main indicators give on one side, cause for us to be in an optimistic mood. As we look around the country, there are all kinds of buildings going on; there are many homes being built; there are condominiums being built and there are major hotels wanting to come in; real estate seems to be moving, and as far as I can determine most businesses seem to have had a good year, and are expecting 1987 to be as good as 1986, or better. If we take all these indicators into consideration, it would seem that the Government is doing some of what it promised, and the future would seem to be bright. The economic picture from what I have seen, is beginning to look good, that is one side of the coin. The other side of the coin Mr. President, gives me much cause for concern and distress.

The Throne Speech began by saying on the first page, that crime is increasing, despite the rewarded efforts of the police, and the harsh penalties by the Courts. Sadly, it admits that the high increase in crime is drug related, pointing out that steps have been taken to increase the Drug Squad. I cannot say Sir, that I am in much disagreement with the steps taken. However, I must pose the question. Is this helping the situation? Is this helping to eliminate the crisis we are facing in the large increase in drug use over the last seven years, by our young people? Mr. President, the answer, if given in fairness, must be no. This scourge has grown to enormous proportions, even as more and more young people go before the courts, mainly because of detection of the newly devised urine test which I had hoped would have acted as a deterrent. In spite of this law, youngsters continue to go before the Courts, and who do we find getting long jail sentences and getting police records, but the very youngster whom I had hoped would have been deterred, they are even called out of bed to do the test. But the usage has increased, even as 10 and 12 year old boys are being used as peddlers, it grieves me Sir, it is serious.

At the Commonwealth

Parliamentary Association's conferences in Jersey and London last year, which I had the honour of attending along with the Member for North Side, one of the main topics for discussion was 'Drugs, the social and economic implications'. I was the second speaker set down for this subject, and I put forward the view that the war on drugs can only be won by a massive educational programme, and by eliminating the economic woes of the have-nots. I hold fast to that opinion. It is true Sir, it is true that this scourge of drugs reaches across all segments of society. It is no respecter of a person or a country; the rich as well as the poor. But I believe that its stronghold base is within that part of our society which is less able to help itself for one reason or the other. Mr. President, it is easy for what I call 'some of those just come here people' to say, 'oh, the young person just needs something to do, this is a kick for him'. That is not the entirety of the matter, some will try it because they have been challenged, but others get mixed up because of different pressures.

Years ago Mr. President, and I mean in the late 1960s' early 1970s', the ganja craze was on in this country. We did not know anything about cocaine or any of the other drugs that we hear are being used today, crack etcetera. In those years when I was just a teenager, and being tempted myself, I saw young people getting involved, I saw them dropping out of school, I saw them wearing their hair long and I observed society passing them by, criticizing of course, but rejecting them. I believe I am safe in saying that certain parents were not associated with because their child wore his hair long, and was counted as a ganja boy. Now whether this was plain prejudice or a do not care attitude, by those who were counted as the upper crust of society, I do not know. But I do know, that certain parents were left out by certain segments of society. Nothing I would say, was done to help those involved. Churches did very little, and society at large just talked, and Government increased fines and added to the membership of the force.

More and more young people fell by the wayside, creating a greater gap in the community. Some of them might have been accountants today, some of them might have been lawyers today, some of them might even have held some other important position. But no, no one saw that. Criticism! There were no rehabilitation programmes, no counselling of any kind to a meaningful degree. Things kept getting worse, but I should say Sir, that crime of a serious nature was very unusual. There was the occasional burglary or stealing of someone's ground provision but no serious crime - those were the days of ganja. Then cocaine came in, and a pandoras box was opened and chaos was unleashed into our society, murders, armed robbery, burglary to an all time high, young people degrading themselves to the lowest. I could not even give you the examples publicly, that I have heard about.

And still Mr. President, we have not realised that drugs is our single greatest problem in this country. Still, priority is not given in the vast establishment to the programme which we talk about, as if we have forever to deal with it and haul our young people from its clutches. Still we enlarge the force, still we enlarge the jail to lock up these young people. It is not helping the situation, it does not even serve as a proper stopgap measure because they get drugs as easily in prison as they do on the outside. In spite of the measures taken, the use of cocaine has taken over from the use of ganja. If you listen to some people talk, they say the few ganja boys are being locked up, to make way for the cocaine dealers. Hard words, but I am telling you what I am hearing on the street. And while there are steps being taken to rehabilitate, and steps being taken to offer help in some areas, Government has to move faster and faster and faster. Government has to devote more of its budget. Let us get the job done. Let us stop this attitude of a little bit here and a little bit there. It will take a mighty long time, and time is what this country does not have if we are going to save our young people.

The situation is extremely bad, terrible, terrible for a country of our size. I would like to know whether there has been any official assessment of the reasons for the accelerated growth rate of the usage of drugs in our society, the reasons, not just the medicine on the sore, but the reasons why you got the disease in the first place, and if they have not done it yet, why not. We just cannot go with stopgap measures, we have to have a real grasp of what we are dealing with. I know we say that we are going to set up that psychiatrists service and the counselling service, but these services can only be effective when they have the person in hand to deal with. But who is out there finding out what is

the cause for the young person to get to the stage where he needs psychological help, and who is out there to bring him in? Who is out there making an assessment of the community, who is out there educating them to the dangers of drug usage?

We have to get going, there is no time for slow pace, if there is anything like speed we need to do it, or else we are going to find that our young people will be piled up on the dump heap of society, and there is going to be cause for more and more outside help. I am wondering if there is not some master plan somewhere where you lock up and you lock up, and you give them a record and you degrade them so that they would have no chance to move in that direction to take a certain position. Mr. President, I feel strongly about these things because I have a nine year old son and a six year old daughter, and just as strong because I know that I was elected here to bring about the social change that is so vital to this community. Now one can easily say that it cannot be done over night, I know that. But Mr. President, we have to move faster on the programmes which we know we say we are going to put in.

It seems to be an easy thing to move a kilo of cocaine from Columbia to the United States, or to the Cayman Islands. It seems an easy thing to move a pound of ganja from Jamaica to Miami or Grand Cayman, but this drug is harmless in this country until it reaches the hands of the user. The peddlers and the users are two of the most vulnerable people in the chain of supply. If we take them out we are on our way to real victory. It is of paramount importance that we identify him and use our governmental resources to educate him against the evils of these drugs, so that he can find some hope in life other than peddling and using this destruction of our civilization. We can make laws, we can negotiate treaties, we can threaten with guns as the United States have done, it will not help. The real place to start, if we are serious about stopping this thing, is let us do as I have said, we need to do, let us get going with what we have planned, but let us put a little more effort into our plan.

MR. PRESIDENT: I think the Member is quite right to look at his watch, because I do have to interrupt him now, it is four thirty by mine.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: In accordance with Standing Order 10(2), I move that the House be adjourned until tomorrow morning at ten o'clock.

MR. PRESIDENT: The question is that this House do now adjourn until ten o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 11TH FEBRUARY, 1987.

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY
11TH FEBRUARY, 1987

(THIRD DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

* Absent in the afternoon.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

STATE OPENING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY
11TH FEBRUARY, 1987

(THIRD DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST OFFICIAL MEMBER.

2. PRESENTATION OF PAPERS AND REPORTS

1986 ANNUAL REPORT OF THE ROYAL CAYMAN ISLANDS POLICE
TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL
MEMBER OF EXECUTIVE COUNCIL.

3. QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH
ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT
AND NATURAL RESOURCES

NO. 5: CAN THE HONOURABLE MEMBER STATE WHAT WAS THE AMOUNT OF
ROYALTY PAID TO GOVERNMENT BY CAYMAN WATER CO LTD IN
1986 AND WHETHER THIS MONEY WAS PAID INTO GENERAL
REVENUE?

NO. 6: CAN THE HONOURABLE MEMBER STATE IF THE HYATT REGENCY
OR TREASURE ISLAND RESORT WILL PAY ANY ROYALTY ON THE
WATER THEY USE?

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

NO. 7: CAN THE HONOURABLE MEMBER STATE IF AND WHEN THE 1984
AND 1985 AUDITED ACCOUNTS OF THE CAYMAN ISLANDS PORT
AUTHORITY WILL BE LAID ON THE TABLE OF THIS HONOURABLE
HOUSE?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR
FINANCE AND DEVELOPMENT

NO. 8: WOULD THE HONOURABLE MEMBER STATE WHETHER GOVERNMENT
HAS, IN THE PAST, GUARANTEED ANY LOANS FOR CARIBBEAN
UTILITIES CO LTD?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

- NO. 9: WOULD THE HONOURABLE MEMBER PROVIDE A LIST OF CAYMANIAN STATUS' GRANTED DURING 1986 AND INDICATE THE NATIONALITIES OF EACH PERSON WHO WAS GRANTED STATUS UNDER SECTION 18(1) AND (4) OF THE CAYMANIAN PROTECTION LAW, 1984?
- NO. 10: WOULD THE HONOURABLE MEMBER STATE THE NUMBER OF NEW GUN LICENCES ISSUED SINCE 1ST APRIL, 1986?

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. 11: WOULD THE HONOURABLE MEMBER SAY WHAT IS THE PROCEDURE FOR THE GRANTING OF SCHOLARSHIPS AND FOR WHAT AREAS ARE THEY BEING OFFERED?

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

- NO. 12: WOULD THE HONOURABLE MEMBER STATE HOW MANY HOURS HAVE BEEN FLOWN BY THE 737 AIRCRAFT AND WHAT HAS BEEN THE AVERAGE LOAD FACTOR?
- NO. 13: WOULD THE HONOURABLE MEMBER STATE WHAT IS THE PURCHASE PRICE AND TERMS OF PURCHASE OF THE NEW 330 AIRCRAFT BOUGHT BY CAYMAN AIRWAYS LTD (COST OF SPARES PACKAGED TO BE INCLUDED)?

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

- NO. 14: CAN THE HONOURABLE MEMBER SAY WHETHER THERE WAS ANY INPUT BY CAYMANIAN PILOTS WITH REGARD TO THE DECISION TO PURCHASE THE 330 AIRCRAFT?
- NO. 15: WOULD THE HONOURABLE MEMBER STATE WHETHER THE SHORTS 330 IS A CHARTER, LEASE PURCHASE OR PURCHASE AEROPLANE, AND WHAT COMPANY HANDLES THE ARRANGEMENTS?
- NO. 16: WOULD THE HONOURABLE MEMBER STATE THE HOURS OF UTILISATION VERSUS IDLE-TIME ON THE 737 SINCE IT WAS LEASED?

4. GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH:

- (b) THE SECOND ELECTED MEMBER FOR WEST BAY TO CONTINUE.

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WEDNESDAY

11TH FEBRUARY, 1987

10:00 A.M.

MR. PRESIDENT:

Member.

Prayers.

The Honourable First Official

HON. THOMAS C. JEFFERSON:

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.

Name's sake, Amen.

All this we ask for Thy great

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:

Reports. The Honourable Third Official Member of Executive Council.

Presentation of Papers and

PRESENTATION OF PAPERS AND REPORTS

HON. J. LEMUEL HURLSTON:

with the provisions of Standing Order 18(1), I beg to lay on the Table of this Honourable House the Annual Report of the Royal Cayman Islands Police for the year 1986.

Mr. President, in accordance

MR. PRESIDENT:

So ordered. Questions.

QUESTIONS

HON. THOMAS C. JEFFERSON:

Question Number 5 be deferred for a few minutes until the answer comes down from the office. I inadvertently left it behind.

Mr. President, I ask that

MR. PRESIDENT:

Very well. I think probably it will be for the convenience of the House if we put Question Number 5 slightly lower in the Order Paper and return to it.

In that case, I will invite the Elected Member for North Side to ask Question Number 6.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED

MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 6: CAN THE HONOURABLE MEMBER STATE IF THE HYATT REGENCY HOTEL OR THE TREASURE ISLAND RESORT WILL PAY ANY ROYALTY ON THE WATER THEY USE?

ANSWER: NEITHER THE HYATT REGENCY HOTEL NOR THE TREASURE ISLAND RESORT PAY ROYALTY ON THE WATER USED FOR THEIR OWN OPERATION.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: A supplementary, Mr. President. Does that reply mean that they are not purchasing water from Cayman Water Co. Ltd., but are using their own equipment - or what does it mean?

HON. VASSEL G. JOHNSON: Mr. President, that is correct, Sir. They are producing their own water on site.

MR. JAMES M. BODDEN: So the franchise agreement then has not been altered, and if they are using water from Cayman Water Co. Ltd. they would then be paying the usual rate and Government would collect on the royalty part of it? Is that correct?

HON. VASSEL G. JOHNSON: Mr. President, that is correct, Sir.

MR. PRESIDENT: If there is no further supplementary, I invite the Elected Member for North Side to ask Question Number 7.

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

NO. 7: CAN THE HONOURABLE MEMBER STATE IF AND WHEN THE 1984 AND 1985 AUDITED ACCOUNTS OF THE CAYMAN ISLANDS PORT AUTHORITY WILL BE LAID ON THE TABLE OF THIS HONOURABLE HOUSE?

ANSWER: DUE TO THE PROBLEMS AT THE PORT AUTHORITY, WHICH THE MEMBER IS AWARE OF, THE AUDITING OF THE 1984 AND 1985 ACCOUNTS WAS NOT FINALIZED UNTIL SEPTEMBER OF 1986.

IT IS NOT A REQUIREMENT OF THE LAW TO LAY THE ACCOUNTS ON THE TABLE OF THIS HONOURABLE HOUSE. HOWEVER, IT IS MY INTENTION TO LAY THEM ON THE TABLE AT THIS MEETING.

MR. PRESIDENT: If there is no supplementary... .. I am advised that the Honourable First Official Member is now in a position to answer Question Number 5. So I invite the Elected Member for North Side to ask that question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 5: CAN THE HONOURABLE MEMBER STATE WHAT WAS THE AMOUNT OF ROYALTY PAID TO GOVERNMENT BY CAYMAN WATER CO. LTD. IN 1986 AND WHETHER THIS MONEY WAS PAID INTO GENERAL REVENUE?

ANSWER: THE AMOUNT OF ROYALTY PAID TO THE GOVERNMENT BY THE CAYMAN WATER CO. LTD. FOR THE PERIOD JANUARY TO NOVEMBER, 1986, AMOUNTED TO CI\$174,959.91. ACCORDING TO THE WATER AUTHORITY, THE AMOUNT PAYABLE FOR DECEMBER IS CI\$16,749.29 AND THE COMPANY HAS BEEN REQUESTED TO MAKE PAYMENT. THIS, WHEN ADDED TO THE COLLECTIONS THROUGH NOVEMBER, GIVES AN OVERALL TOTAL OF CI\$191,709.20 FOR THE YEAR ENDED 31ST DECEMBER, 1986. ALL AMOUNTS COLLECTED HAVE BEEN CREDITED TO GENERAL REVENUE.

MR. PRESIDENT: Unless any Member has a supplementary, I will invite the Second Elected Member for George Town

to ask the next question. But, since he is not here has he asked any other Member to ask the question on his behalf? Then we will defer his questions and see whether he is here at the end.

I will pass to Question Number

11. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I believe that this one will have to be deferred also. This is being asked to the Honourable First Elected Member of Executive Council.

MR. PRESIDENT: Unless any other Honourable Member has been invited to answer it.....

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the answer is here and the Honourable Member has asked that it be deferred if possible.

MR. PRESIDENT: Very well. Let us try Question Number 12.

MR. W. McKEEVA BUSH: Mr. President, before you proceed. When the Honourable Member said deferred, does he mean deferred to later on in the Sitting or?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am told that the Honourable Member should be here shortly.

MR. PRESIDENT: Perhaps the Second Elected Member for Bodden Town would like to ask question number 12.

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

NO. 12: WOULD THE HONOURABLE MEMBER STATE HOW MANY HOURS HAVE BEEN FLOWN BY THE 737 AIRCRAFT AND WHAT HAS BEEN THE AVERAGE LOAD FACTOR?

ANSWER: WHILE NO ATTEMPT IS BEING MADE TO CONCEAL NECESSARY INFORMATION ABOUT THE NATIONAL AIRLINE, THERE ARE, HOWEVER, MATTERS WHICH ARE CONSIDERED SENSITIVE IN NATURE AND PRIVATE TO THE COMPANY'S OPERATIONS, AND WHICH, IF DISCUSSED PUBLICLY COULD EASILY BE MISUNDERSTOOD AND PREJUDICE THE AIRLINE IN ONE WAY OR ANOTHER. THEREFORE, IT HAS BEEN THE PRACTICE IN THIS HOUSE NOT TO ANSWER QUESTIONS WHICH RELATE TO THE DAY-TO-DAY MANAGEMENT OF CAYMAN AIRWAYS. THIS QUESTION FALLS WITHIN THAT CATEGORY.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I remind the Member that he told the House last year that the reason for leasing a 737 was to see how economical it would be, and whether that aircraft would be used to replace the 727. If that is the case, I think the House can demand that he answer the question, and not dodge it. And I would like to ask if the Member, in the light of his statement to the House last year, that he gives us the answer now?

MR. PRESIDENT: I think the Member has to answer. I do not mean that you have to provide the information, but there was a supplementary question, and I think it is a permissible supplementary.

HON. W. NORMAN BODDEN: Mr. President, I am not sure what the Member from Bodden Town is referring to, whether it was a reply to an answer, a reply to a supplementary, or a statement I made in the course of the debate. I still stand by what I said originally, and I see no reason for me to get involved in how the aircraft is utilized, or the load factor.

MR. G. HAIG BODDEN: Mr. President, can I ask if the Member's refusal to give the answer is an admission that the performance has been poor?

HON. W. NORMAN BODDEN: No, Mr. President, I would not

say that that inference could be drawn, but the 737 was leased primarily for a charter programme which the company was conducting this winter. And to be quite fair and honest, the matter of average load factors is considered confidential information for each individual charter operator, and since the aircraft is leased to charter operators on a charter basis, load factors are really no concern of the company. I still feel that load factor information since you are serving four or five different charter operators is confidential.

MR. G. HAIG BODDEN:

Mr. President, the question is in two parts, and the Member seems to be saying that the second part of the question is confidential. Although I am not convinced that it is, can I ask him now - what about the first part of the question, how many hours have been flown? Is that also confidential?

HON. W. NORMAN BODDEN:

The number of hours flown Mr. President, is related to the day to day operation of that aircraft, and I think it is a matter for the management of the airline to decide how best the aircraft is utilized, it is a matter for them.

MR. JAMES M. BODDEN:

Supplementary.
Mr. President, this is something for the entire Legislature and the entire country with regard to this question, because Cayman Airways has always been a whipping dog until now, and everything with regard to its operation has been made public. Now, in asking, I mean, I have quite a few supplementaries I would like to ask on this question, and I think the question should be answered to an extent. If the Member wants to cloud the issue with regard to the load factor, I could agree that that is quite broad. We should have some questions on this matter. We are paying over \$300,000 a month for an aircraft of that size, in comparison with what we are paying for the 727, about \$120,000 per month.

MR. PRESIDENT:

That seems to me to be a statement not actually a supplementary, but I do not think there was anything there for the Member to answer.

HON. W. NORMAN BODDEN:

Mr. President, maybe I should remind the House that from the time Government became a shareholder of Cayman Airways in 1968, the Member at that time, when asked questions on the day-to-day management of the airline, replied that it was a private company and operated as such. Therefore they were very selective as to what replies were given. The Member after him, when asked similar questions, many times the House was informed that that information would be supplied in due course. My position Sir, is that Cayman Airways is a subject under the Portfolio of Tourism, Aviation and Trade and as such, I see myself responsible for policy matters. Government as the sole shareholder of Cayman Airways appoints a Chairman and Board of Directors, and a Managing Director who is paid a handsome salary to take care of the day-to-day operations of the airline. I do not see that as my responsibility as the Member for Tourism, Aviation and Trade, Sir.

MR. JAMES M. BODDEN:

If the Member does not see that as a responsibility, I wonder why he partook so much in the discussions in the past. Anyway this question I think could be answered, and I think it is quite relevant to the question that is on the Order Paper. Has it flown on all trips that it has been called upon to do.

MR. PRESIDENT:

Supplementaries have to arise out of the answer to the original question, and since the original question in effect, was not answered, I am afraid that supplementary cannot stand.

MR. JAMES M. BODDEN:

Well, if you will not allow it now, believe me when the debate comes up somebody is going to answer some questions.

MR. PRESIDENT:

Question Number 13, the Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND

ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE.

NO. 13: WOULD THE HONOURABLE MEMBER STATE WHAT IS THE PURCHASE PRICE AND TERMS OF PURCHASE OF THE NEW 330 AIRCRAFT BOUGHT BY CAYMAN AIRWAYS LTD. (COST OF SPARES PACKAGE TO BE INCLUDED)?

ANSWER: THE PURCHASE PRICE OF THE SHORTS 330 AIRCRAFT WAS US\$1,125,000.00. THE SPARES PACKAGE IS ESTIMATED TO COST US\$400,000.00.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Can the Member say what items make up the spares package, as the amount of \$400,000 seems unreasonably large?

HON. W. NORMAN BODDEN: Mr. President, the major items in the spares package is a spare engine, a spare propeller, special tooling for this particular type of aircraft and other replaceable items make up the spare package.

MR. G. HAIG BODDEN: Can the Member give us the cost of the spare engine?

HON. W. NORMAN BODDEN: No Mr. President, I do not have that item broken down, but I can supply it to the Member in writing if he so desires.

MR. JAMES M. BODDEN: Have all the spares purchased, been received already?

HON. W. NORMAN BODDEN: No, Mr. President. All the spares have not been received, they are not on location in Grand Cayman as yet.

MR. JAMES M. BODDEN: The purchase price that you gave, does that include the four Venezuelan pilots who cannot speak English?

HON. W. NORMAN BODDEN: The pilots that were included in the price Sir, were not purchased, they were on loan from Pennsylvania Air, and they spoke very good English.

MR. JAMES M. BODDEN: Well, is it not a fact then that we do have two pilots here who are Venezuelans, one is a captain and the other a co-pilot and the two of them cannot speak or converse in English, but are they part of the package with the plane, or are you referring to other pilots, or are these spares, what are they?

MR. PRESIDENT: I think we are straying really, rather far from the original question.

MR. JAMES M. BODDEN: This is another supplementary then. Could the Member state how much time is available on the engines of this plane, and whether it can fly within the safety factor with regard to the engines, and whether the plane has been certified for the Cayman Brac/Little Cayman run?

MR. PRESIDENT: Again, I do not really think that that is a supplementary that arises out of the purchase, and terms of purchase. If the Member wanted that information he should put down a specific question about it.

MR. JAMES M. BODDEN: There is not much use in putting down a question here, because you cannot get anything answered.

Does the spares package include a starter engine worth about \$15,000 for this particular plane?

HON. W. NORMAN BODDEN: Mr. President, I am not sure what the First Elected Member for Bodden Town means by a 'starter engine'. Is it the ground equipment used for starting the aircraft, or what?

MR. JAMES M. BODDEN: (INAUDIBLE)

HON. W. NORMAN BODDEN: But you are asking the question. I have never heard that expression 'Starter engine' before.

HON. BENSON D. EBANKS: Except on a Bulldozer!

MR. JAMES M. BODDEN: It is no wonder we get into the shape we are in.

Well, does it include a new engine? Is the engine that we are buying, to hand now or do we have to wait for the Harrier Jets or somebody else to bring it in? Is it available to us?

HON. W. NORMAN BODDEN: Mr. President, I said in giving the list of items that were included in the spares package, that a spare engine was included in the spares package. The spare engine is not on hand at the present time, it is on route to Grand Cayman.

MR. JAMES M. BODDEN: In other words then, we have bought it, and we need the engine but we do not have it, is that what you are saying to us?

HON. W. NORMAN BODDEN: If we needed it at this present time, we would not have it on hand. This is not unusual in Cayman Airways, it happened with the Trilander, the 748 and the other aircraft which the company has leased from time to time.

MR. JAMES M. BODDEN: How many available hours then are on the engines that we have on the plane right now?

HON. W. NORMAN BODDEN: Mr. President, I could not give an exact number on that, but when the aircraft was purchased, the engines were overhauled down to 0 time. The aircraft had to be ferried down here and it has been used since. I cannot give the exact number of hours left remaining on the engines, but I would say that it is certainly considerable. There is no chance of having an engine change within a very short while, unless something unforeseen comes up.

MR. JAMES M. BODDEN: Was there any pilot input into the purchase of this plane?

HON. W. NORMAN BODDEN: That is the subject of another question Mr. President.

MR. PRESIDENT: I think that is the subject of another question later.

MR. JAMES M. BODDEN: The Member said when the plane was bought. So as a part of his reply I am asking a question then. Who bought the plane, who was responsible for the purchase of the plane?

MR. PRESIDENT: No, that does not arise out of the answer to the original question, which was about the price and the terms of purchase, not about who advised on the purchase, and there is another question set down on the Business Paper.

Since the Second Elected Member.....No, I am so sorry I think we go on through. Question Number 14, the Elected Member for East End, and we come back to the earlier questions later.

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

NO. 14: CAN THE HONOURABLE MEMBER SAY WHETHER THERE WAS ANY INPUT BY CAYMANIAN PILOTS WITH REGARD TO THE DECISION TO PURCHASE THE 330 AIRCRAFT?

ANSWER: WHILE NO ATTEMPT IS BEING MADE TO CONCEAL NECESSARY INFORMATION ABOUT THE NATIONAL AIRLINE, THERE ARE, HOWEVER, MATTERS WHICH ARE CONSIDERED SENSITIVE IN NATURE AND PRIVATE TO THE COMPANY'S OPERATIONS, AND WHICH, IF DISCUSSED PUBLICLY, COULD EASILY BE MISUNDERSTOOD AND PREJUDICE THE AIRLINE IN ONE WAY OR ANOTHER.

THEREFORE, IT HAS BEEN THE PRACTICE IN THIS HOUSE NOT TO ANSWER QUESTIONS WHICH RELATE TO THE DAY-TO-DAY MANAGEMENT OF CAYMAN AIRWAYS. THIS QUESTION FALLS WITHIN THAT CATEGORY.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Mr. President, with all due respect to everybody, this question here cannot be considered to be anything about day-to-day management, that would be detrimental to the company in any respect. A simple question is being asked. Can the Honourable Member say whether there was any input by Caymanian pilots with regard to the decision to purchase the 330 aircraft? The Member could easily say yes, or no, and probably be correct which ever way it was, because if someone just discussed it the way the question is worded. So how can we fall back on such foolishness when we represent the country, and you are representing a big investment of the people, and we cannot get a question answered that is as simple as this. This is getting ridiculous now.

MR. JOHN B. McLEAN: Mr. President, I guess before long we will all be reciting that answer, because it seems to be flowing fast this morning.

I wonder if the Member could say whether he was aware of the purchase of the Shorts 330 aircraft?

HON. W. NORMAN BODDEN: Yes Mr. President, I was aware, and I supported the purchase of the aircraft.

MR. JAMES M. BODDEN: As a part of the purchasing group, can you disclose to this House how old this aircraft is then, and how many hours it has flown in the past, before we obtained it? I know what you are going to fall back on, these are questions which have been asked in this House before, and answered.

MR. PRESIDENT: I am afraid that that is not a supplementary that arises out of the question.

MR. JAMES M. BODDEN: I agree with you Sir, but there is no use asking any questions in this House, because you cannot get any answers. We might as well forget Question Time completely, and take it out of the Order Book.

HON. W. NORMAN BODDEN: Mr. President, to the best of my recollection, the aircraft is approximately eight years old.

MR. PRESIDENT: Question number 15.

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

NO. 15: WOULD THE HONOURABLE MEMBER STATE WHETHER THE SHORTS 330 IS A CHARTER, LEASE PURCHASE OR PURCHASE AIRCRAFT, AND WHAT COMPANY HANDLES THE ARRANGEMENTS?

ANSWER: THE SHORTS 330 HAS BEEN PURCHASED BY CAYMAN AIRWAYS. ARRANGEMENTS WERE HANDLED BY THE COMPANY ITSELF.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Have we paid cash for it, or is it financed?

HON. W. NORMAN BODDEN: Mr. President, it has been financed, and the company made the finance arrangements themselves.

MR. JOHN B. McLEAN: Supplementary Mr. President. Could the Member say whether this financing was done locally?

HON. W. NORMAN BODDEN: That is correct Mr. President. The financing was arranged locally.

MR. JOHN B. McLEAN: A further supplementary Mr. President. Could the Member say whether the financing was done by a local bank, or local individuals.

HON. W. NORMAN BODDEN: Mr. President, I am answering these supplementaries, but you know the original question did not ask about finance arrangements. They asked what company handled the arrangements, and I really did not take it that it was referring to financial arrangements. The financing was arranged through Morgan Grenfell (Cayman) Limited.

MR. PRESIDENT: I allowed the supplementaries because the original question was about the mode of purchase, or lease purchase, and about how it was arranged, and I think the financial arrangements, it is perfectly fair to ask that in a supplementary.

MR. G. HAIG BODDEN: Mr. President, the Member answered that the aircraft has been purchased by Cayman Airways. Can he say if the legal work for the purchase was done by the Legal Department of Government, or by a private law firm?

HON. W. NORMAN BODDEN: Mr. President, the legal work was done by the Chairman of Cayman Airways, who is a very successful lawyer. This was done by him as the Chairman of Cayman Airways, free of cost, and consequently saved the airline thousands of dollars which it could have incurred in legal fees.

MR. JAMES M. BODDEN: Could the Member advise the House what the interests terms are on the loan, and the length of the loan?

HON. W. NORMAN BODDEN: The loan is for five years, and to the best of my memory, it is one and a half percent above libor.

MR. PRESIDENT: If there is no further supplementary, Question No. 16.

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

NO. 16: WOULD THE HONOURABLE MEMBER STATE THE HOURS OF UTILIZATION VERSUS IDLE-TIME ON THE 737 SINCE IT WAS LEASED?

ANSWER: Mr. President, a while ago the Member made the comment that they would probably be able to recite the reply before the day is out, well I am afraid this one falls into the same category, and it is the same reply, and the answer is:

WHILE NO ATTEMPT IS BEING MADE TO CONCEAL NECESSARY INFORMATION ABOUT THE NATIONAL AIRLINE, THERE ARE, HOWEVER, MATTERS WHICH ARE CONSIDERED SENSITIVE IN NATURE AND PRIVATE TO THE COMPANY'S OPERATIONS, AND WHICH, IF DISCUSSED PUBLICLY, COULD EASILY BE MISUNDERSTOOD AND PREJUDICE THE AIRLINE IN ONE WAY OR ANOTHER.

THEREFORE, IT HAS BEEN THE PRACTICE IN THIS HOUSE NOT TO ANSWER QUESTIONS WHICH RELATE TO THE DAY-TO-DAY MANAGEMENT OF CAYMAN AIRWAYS. THIS QUESTION FALLS WITHIN THAT CATEGORY.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Mr. President, I am ashamed that you would allow a question to be answered that is of such importance maybe to the people of this country, and not have them answered.....

HON. BENSON D. EBANKS: On a Point of Order, Mr. President, is that a question or a statement?

MR. PRESIDENT: I am hoping that the Member is getting round to his question, he probably is.....

MR. JAMES M. BODDEN:I hope you understood well what it was, it was strictly a statement, but I am going to bring it into a question.

Mr. President, anyone can go to the airport and see when the plane is there and when it is not there. Certainly, to answer it is not detrimental to the people of the Cayman Islands or the operation of Cayman Airways. Now either we are going

to get questions answered in this House Mr. President, or let us do away with Question Time completely. If that is what you want, we will make a motion and I will bring it to the floor now, that we do away with Question Time in this House, and I will put that to you as a question.

MR. PRESIDENT: I think the Member should know, I am not empowered to order Members of the Government to answer questions.....

MR. JAMES M. BODDEN: I sat in Executive Council with you, you either agree or disagree.....(INAUDIBLE)

MR. G. HAIG BODDEN: Mr. President, can the Member tell us how this particular question falls into the mysterious area of confidentiality?

MR. JAMES M. BODDEN: Well I have got one question....

MR. PRESIDENT: I think the Member has been asked a supplementary which I have allowed.

HON. W. NORMAN BODDEN: The Member asked how it falls within the confidentiality of the company. If I were to reply that Cayman Airways is set up and operated as a private company, none of this information, none of the supplementaries and none to which I am replying to would be given out, because there are many things and much that has been discussed in this House, even during this current meeting of the Assembly, that could prejudice the airline in one way or another. And if the picture is painted to the public that Cayman Airways is running into problems, and that an operation might be unsafe, or that the Airline is headed for further financial difficulty, credibility and the reputation of the airline can be affected. So there are many things that cannot be traced directly to a specific item, but can contribute to an overall situation. I think that Members of this House should be very careful in the manner in which they are seeking information about Cayman Airways, and should think whether it would be supportive of, or detrimental to the airline. The airline is not mine.

MR. JAMES M. BODDEN: Mr. President, I can quite well remember sitting in this House for about seven years and taking all the criticism that could ever be given about Cayman Airways. Now, there is no criticism of Cayman Airways, what has changed, nothing has changed. I have a question for the Member right now, and this is a blunt question.

Does the Member know whether we own an airline or we do not?

HON. W. NORMAN BODDEN: Really, that should have been answered by him.

MR. JAMES M. BODDEN: (INAUDIBLE).

MR. PRESIDENT: Order! Order!
I think we had better go back to.....

MR. G. HAIG BODDEN:Mr. President, if you will allow, I just had one more....

MR. PRESIDENT: One more then.

MR. G. HAIG BODDEN:supplementary question, and I would just like to say that the operation of the port is very similar to that of the airline, and I would like to ask the Member if he has seen the statistics published by the Port Authority. Every month they put out reports stating how many hours the dock has been used, and if that is not confidential, how can this matter be, and I would just like to ask the Member if he has seen the monthly figures published by the Port.

HON. W. NORMAN BODDEN: Mr. President, I have seen those figures, the same as has the Member asking the question, but I do not think that it is a fair comparison. The Port cannot be

compared with Cayman Airways. The employees of Cayman Airways are not Civil Servants, and there are other items which cannot be fairly compared. Cayman Airways published its Annual Report and Financial Statements which were laid on the Table of this Honourable House last November, and a lot of the information that might answer any genuine queries as to the condition of the airline can be found there.

MR. PRESIDENT: We go back to Question No. 8, the Second Elected Member for George Town.

MR. LINFORD A. PIERSON: I had a supplementary on this question, Mr. President, and if you would let me.....

MR. PRESIDENT: Very well.

MR. LINFORD A. PIERSON: This is a good supplementary Mr. President....(LAUGHTER).....Since Government.....

MR. PRESIDENT: I will have to judge that when you have asked it.

MR. LINFORD A. PIERSON: Since the Government is a one hundred percent shareholder of Cayman Airways, and the Government also subsidizes the airline to the tune of about two million dollars per annum, is it not somewhat unfair to the people of this country, to be told the question which seeks to ascertain the utilization of the 737, as contained in this question cannot be provided, or would the Member otherwise agree to supply the answer in writing?

MR. PRESIDENT: I think the Member has made his point. I do not think it is really a permissible supplementary.

HON. W. NORMAN BODDEN: Mr. President, the subsidy as I recall is not two million. I guess sometimes I wish it was, it is a million, and if the Member asking the supplementary is interested in the information, I could probably request management to supply it to me, and I would then supply it to him in writing.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could give me the same assurance for the questions which he did not answer.

HON. W. NORMAN BODDEN: I would have to consider them on an individual basis Mr. President.

MR. JOHN B. McLEAN: Mr. President, the supplementary asked a while ago was as a result of one of my questions, so that is the reason why I am asking if he could consider my question too.

HON. W. NORMAN BODDEN: Well this particular question I can answer in that manner. I would not want that to apply to all the others.

MR. JAMES M. BODDEN: Well Mr. President, who is going to answer to the Legislature and to the people of this country? I think when I was there for seven years, our group did. We answered every criticism as best we could, we took all the criticism. Nobody is criticizing except the few times that we do it here. Now, how is the public going to know what is going on with Cayman Airways when the Member is taking this cloak of secrecy and wrapping himself into it and wrapping the operation in it, and we cannot get any information? We know that there is a lot of money being lost, as it has been lost in the past, we can see that. Why are we not made aware of some of the problems when we ask about what is going on?

HON. W. NORMAN BODDEN: Mr. President, I have answered questions which I consider fall in the category of policy matters, and the statement just made by the First Elected Member for Bodden Town, really, his position when he was on this side of the House and the Member responsible for Tourism, Aviation and Trade, is a bit different from mine, in connection with the airline, in as much as he was the Member and also the Chairman of the Board.

MR. PRESIDENT: I think Members of the House will know, and certainly will be able to determine from reference to

past Hansards, that it has long been the practice that a range of information about Cayman Airways has not been provided, and a range of questions about Cayman Airways have not been answered. Members probably know too that it is the practice in the United Kingdom in the House of Commons, that detailed questions about nationalized industries in the United Kingdom are not answered by Ministers. Indeed, I think in the United Kingdom, the Speaker does not accept detailed questions about nationalized industries, and I shall have to consider whether it may be preferable in the future to refuse to accept the questions at all. The practice here has been rightly or wrongly, that all the questions provided that are basically in order, have been accepted and the Member, it used to be the First Elected Member for Bodden Town, it is now the Honourable Second Elected Member, has decided whether he will provide the information or not.

MR. JAMES M. BODDEN: Mr. President, with all due respect, I think we have got two different types of Government, the one in the United Kingdom and the one that is here. We have different opinions on many things, and we are not a socialist-leaning Government, and I hope to God that things are not going to get any more dictatorial with regard to what you have just said, and what has been the case in this House in the past. I hope the future is not going to be as dictatorial.

MR. PRESIDENT: Well, I have always regarded it as having been the practice and the tradition of this House that it has not been for the Speaker or the President to determine whether a particular question about Cayman Airways or about some other statutory authority, falls within the category that would be regarded as inadmissible in Westminster, that is left for the Member who might answer, to determine, and I have not sought to change that practice, nor should I propose to for the moment. But if that practice is to continue, Members of the House on both sides will have to remember that there will, on a number of occasions, be decisions by the Members who answer questions, that they are not prepared to provide information, and that is a long-standing tradition here.

Now, let us turn, because we have not got too much time left, to Question No. 8., the Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, before asking this question, I would just request that the Standing Business Committee supply any amendments that they may make to the Order of Business that is sent to Members, because I had a Paper stating the Order of Business from Tuesday, 10th February though Friday, 13th February and on it none of my questions were stated there, so if these Business Papers are going to be changed, it would be helpful if we are given them in advance.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 8: WOULD THE HONOURABLE MEMBER STATE WHETHER GOVERNMENT HAS, IN THE PAST, GUARANTEED ANY LOANS FOR CARIBBEAN UTILITIES CO. LTD.?

Mr. President, the first answer I should give is as Chairman of the Business Committee. When we dealt with the Questions which were on Business Paper No. 1. the Second Elected Member for George Town had no questions on it, so we dealt with the questions as we had them at the time. We had a second meeting yesterday, where we took questions from Business Papers Nos. 2 and 3, and because there were only a few questions to be asked, if we stuck to the original decision of considering only the questions on Business Paper No. 1., Question Time today, would have gone by in ten minutes. So that is really the rational behind the way in which the Business Committee made its decision.

The answer to the Second Elected Member for George Town's question is:

ANSWER: ON 11TH OCTOBER, 1982 A RESOLUTION WAS PASSED BY FINANCE COMMITTEE AUTHORIZING THE GOVERNOR TO GIVE A GUARANTEE OR GUARANTEES IN SUCH FORM AS MAY BE NECESSARY FOR AND IN THE

NAME OF THE GOVERNMENT OF THE CAYMAN ISLANDS OF THE AGGREGATE PAYMENT OF A SUM NOT EXCEEDING TWO MILLION FIVE HUNDRED THOUSAND UNITED STATES' DOLLARS OR ITS EQUIVALENT IN ANY OTHER CURRENCY OR CURRENCIES FOR THE PURPOSE OF AND INCIDENTAL TO THE PURCHASING BY CARIBBEAN UTILITIES CO. LTD. OF TWO 4.25 MW MIRRLEES BLACKSTONE GENERATORS AND OTHER EQUIPMENT.

ACTING UNDER THIS AUTHORITY, THE GOVERNOR ISSUED TWO GUARANTEES ON 10TH DECEMBER, 1982 TO:

- (a) MIRRLEES BLACKSTONE (STOCKPORT) LTD. FOR £ 549,000 REPAYABLE BY SIXTEEN EQUAL HALF-EARLY INSTALLMENTS TOGETHER WITH INTEREST THEREON, AND:
- (b) GRAY DAWES BANK PLC FOR US\$466,650 FOR A PERIOD OF 8 YEARS FROM THE DATE OF SUCH ADVANCE, TOGETHER WITH THE PAYMENT OF UP TO SIX MONTHS ARREARS OF INTEREST.

MR. LINFORD A. PIERSON: Mr. President, as the time is now eleven o'clock, which is normally the time for the end of Questions, and I have two questions left to ask, I wonder if you would agree to suspend the Standing Order, I think it is 23(8) in order that my other questions can be asked.

MR. PRESIDENT: It is not for me to agree, it is for the House to determine. If you, or any Member chooses to move a motion to suspend Standing Orders in order to enable Question Time to continue for the necessary period the motion can be considered.

MR. LINFORD A. PIERSON: I move that Standing Order 23(7) and (8) be suspended in order that the two outstanding questions can be answered this morning.

MR. PRESIDENT: I think there are three outstanding questions in fact, you may not have been aware of that, but there is a question by the Second Elected Member for West Bay as well. So I think with your agreement, I will interpret your motion as meaning that all the outstanding questions should be....

So the motion is that in accordance with the provisions of Standing Order 83, Standing Orders 23(7) and (8) should be suspended in order to enable the remaining questions on today's Order Paper to be asked and answered.

Does any Member wish to speak.
If not, I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE THE REMAINING QUESTIONS ON THE ORDER PAPER TO BE TAKEN.

MR. PRESIDENT: We were in the middle I think of Question No. 8., because I had not given you an opportunity to ask supplementaries, or other Members to do so.

SUPPLEMENTARY:

MR. LINFORD A. PIERSON: Supplementary Mr. President. I want to thank the Member for this very comprehensive answer, but just if he could let me know if any loans were guaranteed since 1982 for CUC.

HON. THOMAS C. JEFFERSON: The answer to the best of my knowledge Mr. President, is, that no loans have been guaranteed since that date.

MR. PRESIDENT: If there is no further supplementary, the Member may ask Question No. 9.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO. 9: WOULD THE HONOURABLE MEMBER PROVIDE A LIST OF CAYMANIAN STATUS' GRANTED DURING 1986 AND INDICATE THE NATIONALITIES OF EACH PERSON WHO WAS GRANTED STATUS UNDER SECTION 18(1) AND

(4) OF THE CAYMANIAN PROTECTION LAW, 1984?

If I may say Mr. President, Section 18(1) deals generally with the seven-year qualification, and Section 18(4) deals with persons who become British Dependent Territory Citizens by reason of grant, by the Governor, of a Certificate of Naturalization or Registration.

ANSWER: THE TOTAL NUMBER OF PERSONS GRANTED CAYMANIAN STATUS IN 1986 UNDER SECTION 18(1) WAS 10.

THE BREAKDOWN BY NATIONALITY IS AS FOLLOWS:-

UNITED KINGDOM CITIZENS	4
JAMAICAN CITIZENS	3
UNITED STATES CITIZENS	3

NO APPLICATIONS UNDER SECTION 18(4) WERE RECEIVED. A LIST OF ALL CERTIFICATES ISSUED DURING 1986 IS ATTACHED.

MR. PRESIDENT: If there is no supplementary, the Second Elected Member for George Town may ask Question No. 10.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO. 10: WOULD THE HONOURABLE MEMBER STATE THE NUMBER OF NEW GUN LICENCES ISSUED SINCE 1ST. APRIL, 1986?

ANSWER: FIFTY-FOUR (54) FIREARMS' LICENCES HAVE BEEN ISSUED SINCE 1ST. APRIL, 1986 - FIFTY-TWO (52) IN GRAND CAYMAN AND TWO (2) IN CAYMAN BRAC.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member how many of these licences were granted to Members of the Gun Club?

HON. J. LEMUEL HURLSTON: I do not have the information in that form Mr. President. What I do know, is that Members of the Gun Club do possess a number of licences, but I do not know how many of the 54 were issued specifically to Gun Club members.

MR. PRESIDENT: I wonder whether the Member would care to undertake to obtain the information and provide it to the Second Elected Member for Bodden Town. He nods, I think you will get it.

MR. LINFORD A. PIERSON: Supplementary Mr. President, and if this information is not now available, I would ask the Member to undertake to provide it, if it is accepted by you, Sir.

Would the Member state the names of the individuals to whom these licences were issued?

HON. J. LEMUEL HURLSTON: No Sir, I do not have that information.

MR. PRESIDENT: But I think you were also asked whether you would obtain it, and make it available if you do not have it now.

HON. J. LEMUEL HURLSTON: No Sir, I am afraid I could not give that undertaking without consultation.

MR. LINFORD A. PIERSON: Mr. President, on a point of clarification, is the Member suggesting consultation with yourself as Governor, Sir?

MR. PRESIDENT: I am afraid I cannot answer, I am not sure whether you are asking me or asking the Member.

MR. LINFORD A. PIERSON: I did address the question to you, Sir. The Member said that without consultation, I think you are his immediate boss, so I was trying to enquire whether the

consultation was going to be with you, or who it was going to be with.

MR. PRESIDENT: I have understood that. I was not sure whether you were intending to ask me to answer or the Member to answer, but I think it must be for him to answer.

HON. J. LEMUEL HURLSTON: What I meant Sir, was that I cannot give that undertaking without being given the opportunity to consult with whomever I think consultation is relevant.

MR. LINFORD A. PIERSON: Mr. President, a supplementary, but we do seem to be getting bogged down here with a lot of unnecessary procedures.

Mr. President, would the Member give the undertaking that if his consultation proves successful, that he will provide the answer to this supplementary.

HON. J. LEMUEL HURLSTON: Most certainly, Sir.

MR. LINFORD A. PIERSON: Mr. President, on a further supplementary, would the Member provide a list of gun licences renewed since the first January, 1987, and a list of renewed applications, refused, and if this information is not now readily available, to give his undertaking that he will give me this information in writing?

MR. PRESIDENT: I do not really think that is a supplementary that arises out of the original question or the answer to it. The supplementaries you have asked so far have all related to the new gun licences, which was what your first question was about. You are now introducing other matter.

MR. LINFORD A. PIERSON: Mr. President, with respect Sir, my question deals with the number of new gun licences issued since the 1st April, 1986. And certainly Sir, the 1st January would be subsequent to that date, 1st January, 1987.

MR. PRESIDENT: But as I understand it, your supplementary seeks information about renewals and refusals of renewals, and that is the distinction I am making, not a change of date. Your first question was about new gun licences, you are now asking about renewals and refusals to renew, and indeed about the names of all the people who have had renewals and refusals, and that I think is a separate matter.

I have no doubt that the Member concerned will take note of your hope to get that information, and it may be that if he has it and if he thinks the information can properly be supplied, he will let you have it, but I cannot allow the supplementary.

MR. LINFORD A. PIERSON: Mr. President, I suppose I will have the same situation with this next supplementary question. The purpose of these questions should not be taken lightly. I have had a lot of questions asked me by members of the public, and I am just trying to serve them to the best of my ability.

The supplementary question is, would the Member state the number of gun licences renewed since the 1st January, 1987 in respect of the Gun Club?

MR. PRESIDENT: Again, I think it does not really arise out of the original question. If you had wanted a whole series of different sorts of statistics about firearms licences, I think you should have put down a more comprehensive question. But I dare say that if you approached the Member, he would be able to provide it privately.

MR. LINFORD A. PIERSON: Mr. President, you are aware Sir, that I did submit these questions in their original form, and you refused them.

MR. PRESIDENT: I will have to check, I do not recall refusing a question that would have asked for information about the number of renewals, or the number of refusals to renew, but I will have a word with you afterwards.

Unless you have any further supplementary, I invite the Second Elected Member for West Bay to ask

Question No. 11.

MR. W. MCKEEVA BUSH: It is a funny world Mr. President. I was number seven, now I am number twelve. I hope it is not a bad omen.

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. 11: WOULD THE HONOURABLE MEMBER SAY WHAT IS THE PROCEDURE FOR THE GRANTING OF SCHOLARSHIPS AND FOR WHAT AREAS ARE THEY BEING OFFERED.

Mr. President, before answering the questions Sir, could I apologize to you, the staff of the Legislative Assembly and Honourable Members for my late arrival, which necessitated this question being placed at this point on the Business Paper, but I assure you I was not idle when I was out of the House, Sir.

The answer:

ANSWER: AWARD OF SCHOLARSHIPS ARE MADE BY THE EDUCATION COUNCIL IN ACCORDANCE WITH THE CRITERIA STIPULATED IN PART IX IN THE EDUCATION LAW, 1983.

THE AREAS OF STUDY COVER ALL PROFESSIONS, EXCEPT LAW, ONCE IT IS DETERMINED THAT THE COURSE OF STUDY WILL BE OF BENEFIT TO THE APPLICANT AND/OR THE CAYMAN ISLANDS.

SUPPLEMENTARY:

MR. W. MCKEEVA BUSH: Supplementary Mr. President. Can the Member say whether there was any application turned down, or an application for an accountant turned down?

MR. PRESIDENT: I did not hear the question, I am sorry. Could you repeat it...whether there was any application for....

MR. W. MCKEEVA BUSH: For an accountant.

MR. PRESIDENT: For a.....

HON. BENSON D. EBANKS: An accountant.

MR. PRESIDENT: I still did not hear, I am terribly sorry. An application for a.....I just did not hear the word, I am so sorry, could you....an application for...

MR. W. MCKEEVA BUSH: Mr. President, what I am asking is whether there was any application for study abroad in the field of accountancy.

HON. BENSON D. EBANKS: Mr. President, I am sure Sir, that if the application was turned down, it was turned down because they did not meet the criteria as laid down within the Law.

MR. PRESIDENT: If there is no further supplementary, that is the end of Question Time. But I think before inviting the Second Elected Member for West Bay to continue speaking during the Throne Speech Debate, it may be convenient if at this point we take our customary morning break, and I will therefore suspend proceedings for approximately fifteen minutes.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:43 A.M.

MR. PRESIDENT: Please be seated.
Continuation of debate on the Throne Speech. The Second Elected Member for West Bay.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MR. W. McKEEVA BUSH:

Mr. President, yesterday when we took the adjournment I was just about finished dealing with the section in the Throne Speech dealing with the increase in crime, and the factors contributing to that increase. On going through the Annual Report of the Cayman Islands Police, it is alarming Sir, to see the increase in drugs in three years. It bespeaks of a nation in dire trouble, serious trouble.

In 1984 fines for drugs totalled \$164,825. In 1985 \$235,580 and in 1986 \$240,134 for drugs. That is serious. But, what really bears out the seriousness Sir, is not so much the money collected that speaks for itself that there is an increase. However, when we look at the number of cases reported and dealt with, it makes me want to cry. The figures rose from 1978 in 1975 to 568 in 1986, an increase of 390 cases or 319 percent. That is serious Mr. President. It shows Mr. President an increase. I was speaking yesterday, giving the historical fact as I know it, and have seen it over the past fifteen to twenty years. When we see Mr. President, that we have risen from four cases in 1984 to 24 in 1985, and such a drastic increase from 1985 to 1986 of 165.

Mr. President when we look at the crimes which we can say are directly contributed because of drugs, you would see that theft had 416 crimes, and burglary 392. Detection for 1986, I cannot say was that good, and the clear up rate was worse, because for theft, 416 for 1986 we only had 139 detected, and the percentage cleared up for 1986, was 33 percent which is up on 1985, but still, it is not very good. I do not care who says it is good. They come here saying that because the detection rate is up, things are not so bad. It does not give that impression Mr. President, they do not even put it in this Report. It is a scandal on the country. But, it bears out what I have been saying and what I spent some time on yesterday afternoon, that building a jail and increasing the force is not even a good stopgap measure.

Mr. President, I am not going to belabour these points. I went through them in detail yesterday, but I will close on this section and say that in 1848 a Mr. Simon the Medical Officer for Health, from Manchester, who brought preventative medicine to that community, and abolished such things as smallpox, was asked to report to the cities fathers on the riots of young people in Manchester in 1848. He said that "society should not be too surprised if those whom it treats as outcasts eventually refuse to live by societies rules". This is exactly what is happening in this country today, after twenty years of yearly escalation in drug use. It is a scandal on past Governments, and Mr. President, so far it is a scandal on this Government. I ring no backing bells in putting blame where blame is. Yes, programmes are being laid in place, but I must emphasize as I said yesterday, let us get going with what we have planned, but let us put a little more into our plan. We put these programmes on the backburners and give them less money in the Budget.

We worry about the road from George Town to the Eastern Districts, and the Road from West Bay to George Town, when in fact and in truth, the danger faced on those roads and the death caused on those roads according to statistics is from drugs or the abuse of drugs. But we cannot put a crash programme on these planned social programmes which we are trying to get in place.

This country is in serious trouble, no matter how good the financial picture is. Again Mr. President, I see where further buildings will be constructed at Northward, and I hope that this is for teaching and not as an expansion of jail cells, in anticipation of more prisoners. Last year Mr. President, I brought a motion to this House, asking that the foreign prisoners be sent back to their respective countries. I was told that we had to wait on the United Kingdom Government, and as far as I can remember, a progress report was supposed to be made to this House, at each meeting, if my memory services me correctly, and this has not been done. But that again bears out what I was saying yesterday about us as ordinary Members of the House. However, in seeking the information, I understand that the United Kingdom has passed what the motion was asking for, and is now awaiting to extend it to the Territories. I trust that they will not take too long in extending this Treaty to us, because the cost is increasing to the country to keep the foreign prisoners in Northward Prison.

Mr. President, moving on, as the Throne Speech said, onto a brighter note. There is no man in this country today more happy than I, to see three of our young Caymanian lawyers working with the Government, and to know that soon we will have the first graduates from our Law School. What a great thing it is Sir, who would have thought we would see this day? There were many sceptics. I believe that those young people will do this country proud, and that they all will make their work for good in their country. I am trusting that the expatriate lawyers who have somehow taken some of them under their wings now, will do all they can to assist them, once they graduate. They must take them to their bosom and say to them that this land is your land, come, let us enjoy the fruits thereof together, so that one day graduates today, will be in the positions in these Islands to put their arms around another set of new graduates, and say come, let us work together, this land is our land.

I also hope to see from these young lawyers one day, our own Attorney General sitting on my side of the House. Mr. President, we have a young Attorney General in the House, I welcome him, and in him moving up, it has given other Caymanians a chance to move up, that is good thinking.

The promised Sir, to review the Caymanian Protection Law, and to bring an amendment to rectify certain serious anomalies in it, is welcomed with much relief. One situation now being experienced is where longtime residents are either married to Caymanians or staying abroad, are told that they have a short period to stay on the Island. I know Sir, that something is being done to remedy this anomaly in the current Law, and it will not be too long before it is rectified. However, when the amendment comes to the House, I would like, included in it, and if it is not done by amendment, I will still have my say, because I will put a Private Member's Motion here. I would like to see included in the amending Bill the section removed where the Governor can grant Caymanian Status, and for the Law to be able to withdraw Caymanian Status. I hope the Members of this House will be consulted before the amendments are made. We have a Board who is appointed by Government to say who gets Status, and who cannot get Status. We do not need anybody else doing it.

While I am dealing with this Sir, I must say that I am appalled at the number of people who come here on a permit for one thing, and end up doing another. I cannot see how, if anyone can come here as a dive master, and ends up a bartender. What is so bad about this type of situation is for the sake of an example, and the example I am giving you now Sir, happened at least in one establishment, but I imagine it happens a lot in other areas. At least at one establishment a Caymanian lady worked for six years as a bartender, she also acted as bar manager several times. The bar manager's post became vacant at one point and, someone as I have said, in the same situation, doing something else applied for the job and he got it, paying \$2,000 per month plus his rent, and probably putting him up somewhere on the beach. But they could only see fit to pay the Caymanian girl \$800.00 per month. The Caymanian girl applied for the post, but she was not even interviewed, yet they gave her a good report, they said she was so capable, so conscientious and doing a good job, but yet, when the push came for a decent salary, they would not even interview her. The Law needs to be looked at.

I cannot see how a qualified auto mechanic, because he is sick of the job, can leave and become something else and take away a job that definitely a local person could do. But these Sir, are the kinds of situation which exist that must be rectified, or else there is going to be a black spot on our stability.

Mr. President, I am not one for coming here and expounding on any situation, because of a situation that I find is affecting me, personally. But I do have a small business and it is not the only business of that kind on the Island, which is why I will say what I am about to say. When you find situations where the business that you are in, and that is in the maintenance service, when you find people having to be brought in on private establishments to do yard work, Mr. President, I cannot see how it is right. Any amount of grass that needs to be cut; any number of trees that need to be trimmed; any number of places that need to be cleaned you have got the service companies that can do it. There is no need for somebody working at one establishment to go to another establishment, and work for half of what I would be charging. I will leave it at that Sir, because I know you will hear that I am looking

out for myself. But if I do not look out for myself, and everybody is looking out for theirs, I am going to be in a pretty mess.

Mr. President, finally we will have a National Museum, which I have given full support to. Mr. President, wither our cultural heritage. Some months ago Sir, we say a young person of this country put up an exhibition of things culturally Caymanian, and we saw some very good exhibits. We saw things which can be used in today's world such as straw brooms, straw fans and all the things that have been made, and can be made locally. Usually Sir, when we think of our cultural heritage, our Caymanian heritage, you here about an old mortar pistol, or the old cane crusher, or a wide rimmed hat, or a long dress, and yes, that is part of our heritage, a part that I am proud of, but is that all to it? There is a tendency in this country to confine matters of heritage and culture to things past, and they are trivialised, made a joke of. I personally feel, that this is a most dangerous practice. Yes, while the past forms are a very important part of any country, there is a sense in which current trends in development give cause for alarm. What we do today has a significant bearing on the kind of past which we observe tomorrow.

If, as a people, we neglect or trivialise the great struggles by our forefathers in the building of our country, then tomorrow our children will have even less reason to mark such occasions. I feel that we have developed a culture of consumerism, a culture of greed and selfishness, and a culture of foreign artifacts, a culture of foreignism. Listening to some people speak, sometimes you would believe they were born and bred in the United States. The biggest American that every jumped out of the water; afraid to speak their own Caymanian language, cannot understand it they say. I have heard it said that our people would not even eat the beans which grow in this country, but you put them in a red bean sack and they believe that it is God's gift to this earth.

It is the same Sir, and it is distressing to me, it is the same with our young people, or some of them who skim up their faces at a good fish stew. This is very disheartening Sir. I have two children, and you can believe they have enjoyed fish stew from the time they were very young. I told them that it was good for them. Yes Sir, this is very disheartening when that line of the popular calypso say, 'you put a West Indian in New York City and overnight him turn Yankee', it is in fact true. In fact, more true today than ever before. What it means Sir, is that more and more of our people are getting away from the way in which we were brought up, and believing that our salvation lies in everything that comes from outside.

Some of our very own people, look at them dancing on the dance floor, and you would swear that they had two left feet and a right one. You get out on the floor and try and dance a calypso, and they embarrass you. It is natural now to dance to the screaming American and English music. You might ask, what are you talking about cultural heritage? Many people are there who would not link such behavior with the strength, or the lack of it in our cultural heritage. But to me, there is a connection. In the end, if such a path is followed, our cultural style will become little more than an adopted subculture, an element of something from the outside. So, although that young girl's venture did not succeed, I congratulate her and her thinking, and hope that many other young people can and will think the same way she did in her endeavours.

I am proud to be a Caymanian Sir, very proud. I can not speak the beautiful Yankee English. I speak Caymanian English, and that is what I learnt in school. My English teacher Mr. President, at the Community College, when I attended evening classes, always told me saying "Bushy, you cannot speak good English, but you can sure write it".

Mr. President, Caymanians are becoming an endangered species. The well-talked about Economic Plan is bearing this out. Steps have to be taken to remedy that kind of situation. I am not overly nationalistic. Of course, any man with blood in his veins who does not have some feeling for his country, where his navel string was buried, more than that which he has for another country, is not a man, he is not even a good monkey. My ancestors, Mr. President, came from two directions on the globe. One was from the slave sector and one was from the white sector, one from Africa and one from Europe. Well, both of them had the strength to survive, that is why you see me here today. I am proud of that, I am a survivor too. So, whether we become an endangered species or not, this is going to be one Caymanian who is not going to be an endangered

species, like me or hate me.

This here is my country, the country where I was born, the country of which I am proud regardless of the misgivings in this House. We have something to be proud of, or else they would not be flocking here and wanting to take it away, and telling you that you do not know what you are talking about, telling you that you must sit down, telling the Honourable First Elected Member that he is talking like me, they could not have been listening to him. They did not tell him that, they told somebody else that. I am ashamed of them, I do not believe that they are my friends at all, Sir.

Mr. President, the Speech mentions nothing about housing, but I see a large news report in the Compass of Monday last, telling us that the Housing Development Corporation has money, and that between 1985 and now, there have been thirty loans granted. Mr. President, I am not going to comment on it because I know nothing about who gets loans, but as far as I can understand, the Housing Development Corporation is for helping those people in the lower income bracket who cannot get loans from the commercial banks. My question is today, is it really playing that role? I really do not think so. Personal experience has given me some surface knowledge of the operation, and I do not think that given our historical experiences on home ownership and circumstances existing today, that the Housing Development Corporation is serving its purpose.

Mr. President, if a poor man starts to build a house, and it is estimated that the house upon completion will be valued at \$50,000, although he is not going to put that into it, he is only going to put in maybe \$10,000 to \$15,000 with the help of his friends. But he needs as I have said, \$15,000 to finish it. Why can he not borrow it from the Housing Development Corporation? Why must the Housing Development Corporation, an arm of Government set up to help these kinds of people, tell him "look your house is going to be valued at too much, we cannot lend you that kind of money", after struggling that upon completion it would be worth something? Why not? Rubbish, they are not helping anybody. Mr. President, there has been many a decent house built over the years by what you would call a poor man, that was counted as being too ambitious, and took several years to finish because he could not qualify for a loan from the commercial banks. Why, as I have said, given this, and this is something that we have been doing over the years from the time our grandparents went to sea and sent back their little shilling to buy a piece of lumber to build their house. Why, given this historical aspect of how Caymanians build their homes, why should he not be able to qualify through the Housing Development Corporation?

I have several cases, of people who are working and need a house, they are kicked from door to door but they cannot get one, why should this be in such a prosperous country as we proport to be, why? The Housing Development Corporation must be revamped and put in a situation where it can help our people. If we are serious about bringing those 'have-nots' to a level where they can hold up their heads. When a man has got to sleep in a four-by-four cottage with a wife and two children, or three children, what do you think is happening? Where do you think society is going? But nobody is paying me any mind, they are not even listening. The people who make \$150 to \$225 per week and need a shelter for their families, these are the people to whom we need to reach out to and must help.

I think we need to look seriously at the Housing Development Corporation. I see where in the Budget in November, we put in some \$100,000 for housing. Exactly how much of this is going to be put on housing, real housing now, I do not know. I know one thing, I turned in a list a long time ago and they cannot say they do not have a list. We have got to get going, we have to move faster Mr. President.

As I said at the beginning of this debate, some things are moving in the right direction, and tourism is taking the lead. And in dealing with this subject now Mr. President, I intend to attach my remarks on the labour situation to it, because the two go together. Tourism is a very large employer, and besides that, the Member responsible for the two, will have a better time taking notes.

As I look back over the years at tourist arrivals for as far back as 1974, we have seen an increase each year. Contrary Mr. President, to what some people believe, this

increase did not happen overnight, or did not happen by chance, it took many months in each year of burning the midnight oil to get where we are today. It does not start with any one Government, it started way back when. There are certain basic things that we have to do to continue getting our share of the tourism cake in this region. Services must be upgraded, costs have to be kept from a drastic escalation to be more in line with the quality of properties. And, when I say that prices and services must be kept in line with the quality of properties, I mean exactly that.

Mr. President, as you move around the country, you look at certain properties, and you find them in a very dilapidated state. I do not know how the tourists stayed in them when they go, and I know God has his hand on us, but he must have got all two, because we keep increasing. Something has to be done about certain properties in this country, it is ridiculous. It would seem Sir, that better management is needed of those properties, and I am trusting that when the Member brings his Bill to the House, it will tighten up those areas, and keep those people in line.

The entertainment side of tourism, Mr. President, must be upgraded. We are dealing with tourists, people who are looking for leisure. As far as the United States' market is concerned Sir, which gives us the greatest percentage of our visitors, I believe in reading and looking at other things in the Caribbean. I believe that much more growth is possible, and that we in the Cayman Islands have only begun to scratch the surface. This tourism industry is a very important one to me, not only because it is a very large national product, but because so many of my constituents depend upon it for their livelihood, and that is why I feel so strongly about certain activities in the industries.

West Bayers Mr. President, a large percentage of them work in that industry. They have sacrificed their families by working two shifts, and may be that is why West Bay got branded as 'the unruly republic'. I believe that my West Bay people have been sacrificed to tourism.

Mr. President, I spoke about entertainment just a while ago. Let us be realistic Sir, and accept the fact that the tourists will not spend the amount of money now required to travel from their homes to here, or any other destination, only to find nothing different from that which they left behind in New York, or Colorado or Texas, or wherever. I would like to see, and maybe it would help the atmosphere, Mr. President, around the dock, if we had a little combo playing some Island music at the dock when the cruise ships come in. I know other people have mooted this before, or at the airport for that matter, when we know we have charter groups.

You know, I can remember when this was done years ago, and it had a good effect. The tourists were dancing when they came, and crying when they were leaving. They came to hear some good West Indian music and to have a good time. Of course, those days are not like today, we are facing a different Cayman, but the music has not changed, and we in this country must maintain, as I said before, and develop our own culture and identify with it. I have always believed that we do not need Mr. President, to import some of the high cost bands which we import into this country to entertain our tourists. They can listen to these at home without the expense of travelling to Cayman. I am sure Sir, that our local entertainers are trying to do a good job, but they should not be encouraged to believe that they have to imitate the loud screaming American and English music, the tourists are not looking for that. The tourist is looking to hear good soca, jump up Island music.

While I am on this Mr. President, I support the theatre, the Harquail Theatre, I must say Sir, that this too can provide a form of entertainment for our tourists, but that too, should have more of an island fling. I like The Sound of Music too, I saw it when I was a child, but let us have something else in it. Yet they have been bringing in some good plays, I have enjoyed them. I hope to see some of Dr. Frank McField's plays, regardless of who likes them, he is a Caymanian playwright, and he has produced some good work, and we must encourage him. They tell us a little bit you know about our situation.

Sometime ago Mr. President, the entertainers in this country, or some, a young group, started up what was known as a Caribbean Cabaret, and it is a pity that it stopped, because this is the kind of entertainment that tourists expect to find when they come to a Caribbean country, and when they were in operation, that place used to be packed with tourists. This is the kind of indigenous talent that we need to encourage, and I hope I can

get in contact with those people who stated Caribbean Cabaret because I certainly would do all in my power to help them start back up again, and stay together. Caymanians you see, Mr. President, are naturally good dancers, even though as I have said, some of them have got into the American swing. We are naturally good dancers, possessed of a good sense of rhythm that is probably unmatched in any of the developed countries from which our tourists come. Oh yes, some of them dance as if somebody is licking them in the backs of their legs with piece of yellow pine, but other than that, with a little effort and imagination we can develop enough local talent to satisfy our present tourism industry.

Mr. President, another observation on tourism, I try to keep a close watch on the average length of stay, because I believe that the average length of stay of tourists is an important statistic, and a good telling factor of the quality of people we are receiving. Now, I am no expert, I just try to keep up to date with things in the Caribbean area. Coupled with figures on total tourist arrivals, this statistic provides a better indication of the volume of tourism, than figures of tourist arrivals on their own. I believe that since 1984, during 1984 that is though, the average length of stay has had a decline, which means that our tourist are spending less time here, which also means that less money is going into the economy. We have to watch this and see that our marketing strategy is pulling in the people with money to spend. I am speaking Sir, from figures I have received to date, and I believe that the average length of stay has declined from what it was last year.

Now for the labour side of tourism. The last figure I have on the employment side is 1,264 persons in the industry, 86 percent of whom were Caymanian. That is not too bad a ratio, however, it is obvious, maybe I should rephrase my words and say, it is a good ratio given the circumstances in other areas. However, it is obvious with the coming on stream, of the two major hotels recently, that this figure will increase on the expatriate side, and it will be more evident when the Treasure Isle Resort's Food and Beverage Department gets going. I would venture to say from what I can understand on the situation, that the ratio will be in the region of 30 percent expatriate to 70 percent Caymanian, which is a decrease by 16 percent in the Caymanian ratio. I believe Sir, that if the two hotels had done a great amount of training in the period before they opened, as was mooted, the situation would be better.

The glaring thing about this situation is that they are saying that they are paying the foreign worker the same as the local. Let us say a cocktail waitress is in the \$4.25 per hour bracket, local and foreign that is, and they will still say that the foreign employee is a specialist in that area, they would tell you that, but let us face the stark truth. If some of these people are so professional, why are they working here for \$4.25 per hour? Any professional or semi-professional would be making \$8.00 to \$10.00 per hour. And I would venture to say that somebody is not telling the truth. The local employee is told to bear in mind the benefits of the job, which are probably medical insurance and vacation after a period of time with pay, and they still try and make him believe he is on a par with the foreign employee. But on a further examination of the situation Sir, we find that the foreign employee is getting enough to be able to live on the beach, that is a plus over the locals and has another plus in that, he is offered a free ticket back home for his vacation, and probably, he is schooling his child at this country's expense, or may be children. I know that I will be told that they have to pay, but there are other areas that I am talking about.

So, when the position of the foreign employee and the local employee is equated, even though they on the surface are getting the same hourly wage, you find that the foreign employee has a lot more going for him than that which the local has, and both are living in the same economy, paying the same for groceries and other commodities. Where is the social justice and equality? How can any person young or middle aged be inspired to do a job in such a situation? Mr. President, these are the kinds of examples that are potential destroyers of the industry. Great dissatisfaction can and will destroy. Mr. President, I believe in training, and I would hope that within a fair period of time, this Caymanian employment ratio will be up again, because in fairness to the country what should be happening now is that a genuine intensive in-house training programme should be going on. And along with this genuine in-house training programme, and I am dealing with the hotels

now, Government must put greater emphasis, a crash programme if necessary, in the Hotel Training School so that we can close this gap between the foreign and local employment ratio.

One might notice Sir that I have been stressing the word 'genuine' as far as training goes; it is because some employers in certain places have the happy knack of saying 'look we cannot teach him anything, we cannot teach her anything' and the result is that the poor person being trained is discouraged, insulted and leaves the job, thereby enabling a further chance for the foreign employee to remain in a job, and the foreign employee and employer knows this and so we find much collaboration between the two - do not think that it is not happening, it is happening and nobody can make me believe differently. Steps must be taken to remedy this situation. I remember His Excellency at last year's graduation ceremony, expounding to the graduating class, the merits of joining the tourist industry, a good speech it was too, I enjoyed it. But how can you motivate anyone, young or middle aged to go into these places, or any other job under such circumstances. What is happening is that our young people are disillusioned and no wonder they turn to drugs, no wonder you find the kind of Annual Report as has been given us showing an increase in drugs - it did not happen over night you know. What is happening now, is that you have people on the floor of this House who will say so, you had people before who did not care. So what is happening now is nothing really new. The only thing now is that it has compounded itself, and because you hear a great hue and cry, they get up and say 'you see what is happening', it is nothing new. Ten or fifteen years maybe, it has been going on, on a small scale at first, then a little larger, and then a little larger, and then what we have today.

We badly need the energies of our young people, and we must try to provide the country with the tools and the kind of environment for developing a prosperous and balanced society. No matter what is done to invite or induce industry to come to this country, if the proper climate is not set, chaos will develop, and that is what is happening now. Some people might not like facing the truth, but that is what it is, the truth.

MR. PRESIDENT:

(INAUDIBLE)

MR. W. McKEEVA BUSH:

I could go on Sir, I do not like to be stopped in my stride, I am telling you the truth.

MR. PRESIDENT:

I realize you have not finished your speech, you have got another two and a bit hours to go by my reckoning, but I took it that you had reached a convenient break, and since it is about lunchtime, I will suspend proceedings until approximately two fifteen.

AT 12:41 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT:

Continuation of the debate on the Throne Speech. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, when we took the lunch break I was dealing with the labour sector, and it is my belief, and I would advocate that we devise an apprenticeship system, properly controlled by the Board. Surely, I recognize the need for outside help, there is some great difficulty in some areas of a shortage of skills, and because of this, work permits must be given to people with certain expertise and know-how. But this has got to a situation where it is being abused, and is one area that must be tightened up. The advertisement of jobs is another area where there is abuse.

One example Mr. President, and a case in point that I have is a complaint from someone in my constituency, who saw this advertisement in a paper which said "A Mate - Deck hand" and here is what they needed him to do, boat cleaning, maintenance and repairs of a 65 foot catamaran, must have ten years of sailing experience, be able to lead snorkeling groups, entertain and communicate well with guests, long but flexible hours. A man Mr. President, whom I personally know to have at least 15 years expertise and know-how, applied for that position, but was turned down. They had only advertised it because it is a must by law. The truth of the

matter is that they already had someone lined up to take the job, and no matter how much experience that local chap had, he would not have gotten the job.

This is happening in too many instances. I believe that it must be set down in principle and backed by law, that where employers give an undertaking that they need to fill a post, they must now begin to give a commitment that training will take place so that the job which the individual holds, can be taken by a local in a year or two. That period would be allowed for the person to stay, but training carried on in the same period. And they should be able to satisfy the Caymanian Protection Board that their training programme is taking place, and will be completed within the time stated. The Board I feel, should also satisfy itself that a reasonable salary is paid to the trainee, so he would not get disillusioned because of pressures and need of money throughout his training period. As I have said, I think it is time now in this country that we set up this apprenticeship system.

Mr. President, I am not saying, and I do not want anybody to get the wrong impression, I am not saying that the young people in this country are angels, far be it from that. Where they are wrong, they are wrong, but when it comes to these situations, we have to try and protect them. One disillusionment leads to another. The use of drugs as I have said, might not be because of peer pressure, it could be for many other reasons such as broken homes, disillusionment on the job, frustration, working under somebody else, and having to train them. These are the things that I see happening. I am pointing no finger at anybody, far be it from that Sir, I am only stating the position I see.

Mr. President, I know that I am counted as a radical, because I stand up for the labouring man and woman in this country, but I am not now advocating anything that would retard the progress of any business institution in this country. If they have to get a permit for certain expertise, they should get it. I support that. But, I am saying that in an effort to encourage the Caymanianization in employment, those permits must be granted on certain conditions, that Caymanians would be assigned to understudy the foreign employee, if the Caymanian wants to, with a view to succeeding them at the end of the stipulated period. This is something that must be done. It must be done and it can be done.

Mr. President, there seems to be still quite a bit of opposition to the Labour Law, from some employers in this country. I recently received a letter personally, in the mail from one Mr. Tibbetts in the Brac, the same letter that was sent to the Labour Committee. I guess I it was sent to me because I was the mover of the motion which brought about that Committee. We are still hearing quite a few cries of 'communism and socialism' from the parasites, and this particular hypocrite seems to think that employees should not be called employees, but servants. Well, this particular person would seem to be in favour with our current piece of legislation, which governs labour in a very limited way - The Masters and Servants Law, which is 145 years old, and has no bearing whatsoever, on the situation which exists in the country. The very name is obnoxious, and smacks of the post-slavery period, and is inconsistent as far as I am concerned, with the idea of a society based on equality. But all like him do not know that.

Some people could not be equal if you shared them in two. But perhaps, that person who wrote that letter to me, and then sent a copy to the Committee, believes that because he is in a favoured position and is perhaps counted as part of the glorified establishment in this country, that no employee should have any rights, that they must be fired without reason, and that the employer is never wrong. Well, that may have been the case in the days of slavery, and perhaps he is a good slave master. But this is a different time, a different generation, and different representatives of the people. He, the likes of him and his cohorts will not have their way.

In dealing with the labour situation, I want to carry on with a few observations about attitudes, which I believe might be described as the human equation in the development of a country. They would not understand that either. They know only two things, 'come work for me and I will give you a little salary' that is all they know. And if I say you must come to work naked, you must come, and if I tell you to jump off the housetop you must jump off. You must not ask any questions - who do they think they are, a bunch of hypocrites. That is the best name that I could find for them, Sir. I am going to pinch some toes now too, but I am

not related to Donald Chisholm though, you know.

I believe we will all readily agree and appreciate, and it is no fun and games that no plan for development is going to succeed unless that plan comes within the capacity to harness the will and cooperation of the workers in this country as a whole. There are many levels at which the attitude of a worker is part and parcel of the outcome of the development process of a country. We must see it, and it must be taken into primary consideration. And, I will say it today, what I said before, and it is this, it is the whole question of what is our basic concept about the role of the employee, or worker in Cayman, and whether his position is acceptable and desirable at this time. Let us say we have full employment, that is a fact, let us put that aside, I do not think anybody is going to dispute that; anybody who wants to work can find some work.

The Member yesterday was talking about square pegs in round holes, well there is a lot of that. Let us say we have full employment, I am not going to deal with it. I am going to deal with productivity. And you know Mr. President, people and being a small employer myself, have a tendency to preach productivity to the worker. You here all sorts of people preaching to the worker to work harder, and to do this and to do the other, and we hear it in this House and in Committee on the Labour Bill. But no one, they are not prepared Sir, to create in our system of law in this country, a situation where the worker can feel that he has a fully respected and protected position in our society. This society never at any stage, except for the little Masters and servants Law 140 years ago, declared through its system of law that there is a basic minimum place that the worker should occupy in this country. And so, what happens? The worker in this country feel left out. You do not know, Members in this House do not know, few of us know because we go out on the job sites. It is not at cocktail parties that we hear this sort of thing at, Sir, job sites, on the street, by the bar.

HON. BENSON D. EBANKS:

Seaview.

MR. W. MCKEEVA BUSH:

No, you do not hear it up there because there is a different breed up there.

I am talking about a man who cannot take care of himself, that is the man I am talking about right now.

The worker feels left out, and you can preach all you want to about productivity and the good of the country, and this, that and the other thing. It is good, and I agree with it. Any chance I get I talk to those types of people, and try and tell them "look, you know this is ours", but the worker does not care, he really does not care, because he says to himself, "where is the protection for my family, if I fall off this house top today and cannot walk for two years?" And I have another case in point, a worker fell off the roof of a building, today he cannot walk, he cannot work and he ends up on crutches - what is his plight? He has \$400.00 a month, rent, food bill to pay, light bill to pay and children going to school. His wife is only making \$150.00 per week, but above all of this, he does not have his health. He does not even own his own house, how will he ever own it in his condition? He is not going to get it from the Housing Development Corporation, yet they cannot support this Labour Law, they are scared. What are they scared of? They are scared of themselves that is who they are scared of.

What do you think that man's position in life is? What do you think other workers feel when they see and hear his story? You know what they tell you, they say, look I go out there in front of a cement mixer for \$5.00 an hour, and then if anything happened to me nobody would take care of me, no man, I am going to sit down at home first, that is the attitude.

I do not know what is wrong with this country Mr. President, I talked about greed just now, that is part of it, and yet Sir, there is this sturdy conservatism that besets some who govern, and those who count themselves part of the glorified establishment, and feel they are threatened, and say no to a Labour Law, which is only asking for the minimum basic requirements when it comes to protection for the worker in this colony. Yet, the hypocrites have the nerve to preach productivity. I think it is a scandal, shame on them, they should hang their heads in shame, they should be flogged and tared. That is how I feel about them. I want to live, you want to live too, and that is the only way we Caymanians can survive. You want to live well, I need to live well. Your child

wants a new dress, I need to be able to give my child the same thing. When that is not happening, is when we have got trouble, they do not know that. They talk about other Caribbean countries, well Mr. President, those are the situations that cause it, that cause them to go bad, but they are not taking an example from that, greed.

Mr. President, I have said these things before, and I hope they are not lost in time, but truth has a durability of its own, and I think there is a profound truth involved in this whole question. Because another thing I would like to stress is that this country needs the energy of its people as one of the most desperate priorities, because I believe that any development will make or break itself on the question of worker attitudes in this country. You can create attitudes by preaching to people. We must preach from a platform that manifests justice and when that is done, people will begin to listen. Let us show the worker that we have his interests at heart, by giving him the basic minimum protection. If we protect him we are giving his family some insurance, that is what we are doing.

Let us look Mr. President, for a minute at the Workmen's Compensation Law of this country, and see exactly how the sentiments expressed in this Law are conducive to a just society, personally, I think it is a scandal again.

The Workmen's Compensation Law, 1964, looking at the Law which is 23 years old now, I was nine when they brought this Bill into force, 2nd day of January, 1965, I would have been ten years old. When you look at this Law Mr. President, and I feel strongly about these kinds of things, the first observance is that it is limited to workmen earning £750 per year. There is even no such man in Cayman today, so it has no relevance whatsoever to the working man. It is of no use to him, no protection for him. Section 5 of the amendment to the Law, Section 5(1)(a) says that where death results from an injury, the maximum compensation is £750 pounds. Can you imagine that? We have got some very big insurance people in this House, they know what I am talking about. Those who do not own the companies, sell the insurance. And in Section 5(1)(b) the compensation for someone who gets damaged on a job and is crippled for life, total disability, he could only get £1,000 pounds under the Law in any Court, he could not even sue for more. Where would this leave him Mr. President? There is a limitation under Section 12 where claims of compensation must be made within six months of the date of the accident. This period is definitely too short.

Let us say for example, a man is injured, and that injury requires (a) treatment by specialists abroad and (b), treatment over an extended period. He would be completely out of luck, sad to say, because the limitation says six months to make a claim. As everyone in this House can see, and the whole country can see, this Law is worthless, and has no bearing, or pertinence on matters existing in this country, there are many deficiencies in it and it needs to be replaced, and I would ask those responsible to take note.

I will continue Mr. President, to give you a brief overview of some of the other Laws that exist in governing labour, showing their inadequacy, hoping that it will help to convince those hypocrites out in this country who are against a new Labour Law. The Law which is used for governance of disputes between employer and employee is the Masters and Servants Law. As I have said before, its very name is out of place, and its contents has no pertinence in today's situation. I will give you one example of a situation with which I had to deal last week - a dispute between employer and two employees. Here we had two long-serving maids, one with eight years service under four managers, and the other with five years service under one manager, with the best of recommendations from all the managers, no faults whatsoever, always on time, no backchatting, helps direct the other maids, honest, hardworking, clean, these are letter which I received from the previous manager. Then one new manager comes along and in one and a half months all that has changed - one and a half months. The manager turned all that round to say that they are lazy, backchatting. The only thing they did not say about them was that they were thieves, he did not say they were ladies.

The new manager is really rough and out of place, and one might be tempted to ask how McKeeva knows this. Well, I have had to listen to the complaints from practically the first month he arrived there, and unknown to the new manager and the two ladies, I went to the property and I witnessed that man telling those two decent women about their private parts. That is a

man now, dealing with two women. He eventually fired them and gave them two weeks salary. I called him up before I spoke to the Labour Board and asked him why. Did they steal? No. Did they stop doing their work? No. Were they punctual? Yes. "Then what gave you cause to fire them?" "They backchatted me", that was his answer. Yes, I heard the conversation, they questioned him, they did not backchat him, and I am glad that I went. May be they would have got me for trespassing if they had known. But I am glad I went to that compound that afternoon. They questioned him after his out of place reference to their private parts, but there was no great backchatting. They should not have questioned him, they should have hauled back with all their might and struck him right in his mouth.

You do not know how dirty some of these people are, Mr. President. I know them, you can tell them the minute they step off. Well, we had a meeting with the Labour Board and the Assistant Principal Secretary who I must say, did their best to get their jobs back, and they told the man after all the evidence was taken, they did not want me in the meeting either, I insisted that I should be there. I am a representative of the people, and there was no reason why I should not have been there. And, anytime I get complaints like that, I am going to insist that I stick with my people. And they told the man, the Labour Board Director and the Assistant Principal Secretary that they felt that the evidence warranted the two ladies getting back their jobs. But the manager was laughing, he would have none of it, and he knew that we had no law to back us, he knew it. He said that they would not get their jobs back from him. He sat and he lied, while those two women were nearly in tears because they needed their jobs. Those are the kind of things that are hurting me in this country, when I have to go to meetings and see some 'fat slob' take advantage of two decent women, who have worked hard in this country, and he can just come here and do that kind of thing. No, Mr. President, it is time now that we do something about this, and stop lip-servicing it.

The women wanted their jobs because they were comfortable in it for eight years, they knew all the management, all the people who came year after year, the surroundings were good for them nonsense. But I was glad I was at that meeting, and any time my constituents Mr. President, are in genuine trouble and are right, I am going to back them.

Mr. President, I will say publicly what I told the Member responsible for this Labour Bill, that I have received so much aggravation about it, and I felt so hurt that I was prepared to forget about it - let come what may. But no you do not, you do not kill me that easily....

MR. D. EZZARD MILLER:

You are going to fight them all the way.

MR. W. MCKEEVA BUSH:

I am more convinced today than every before, that we need labour legislation, regardless of who likes it in this House, or outside. This Government must stop being run by big business. The people elected us, we promised them this, we never heard all these 'nancy' stories when we were out there campaigning, telling the people we were going to do this, and the next thing, and we are going to take four years to bring it. We do not need five years to bring labour legislation, we have a draft, take out the bad parts, leave in the good parts and put it into force, and let them battle it out come 1988. They are no bigger than the people. I am more convinced that we need labour legislation, and that law must provide guarantees against victimization.

A fair law should provide for reasonable security, the reinstallments of wrongfully dismissed persons, and adequate notice periods in cases of termination. It should provide also for adequate vacation and sick leave, and also provide for adequate severance pay. That severance pay money is new and that is reflected in the times and economy of the Cayman Islands today, and this is all that we have in this labour legislation draft Bill which we have. What is so communistic about it, why should we not have a law that provides for these things? What would be communistic about those things, and what would be anti-discriminative about them - who are we discriminating against? The people who have had it good in this country, people that when they had stores and went out to sea and came back and never had anything, that is what they want to have continued in this country? You tell Mr. Bernard Tibbetts, and you tell my friends in the Young Business Men's Association, you tell Suzie Bergstrom and the Chamber of Commerce that

we are going to get a Labour Law, a law that is fair to everyone in this country. And the only reason those hypocrites do not want a law is because they want to carry on as some of them have been doing, treating good, honest ladies like dogs, - not while I am a Member of this House, not while I am a Member of this House.

If we do not get the law, organization work both ways, everyone of those who opposes labour legislation has some kind of protection, everyone of them, they have some kind of lobbying group or organization. Either we get a law with the basic minimum requirements for our developing society, or we are going to organize, let that be a warning bell in this House this afternoon. And if they think that I do not have the support, let them fool with me. The working man in this country backs McKeeva Bush because I back them, that is no idle threat. I know what support I have. One thing for certain, I promised this country, and I give notice of it now, because there is a certain element of unnecessary, unreasonable and unfair discrimination and victimization over jobs, I will move a Private Member's Motion which has been tabled for the next sitting. I will read it, and I hope in my minds eye this will help to address the situation, but I will read it because I am giving notice of it, I have already a seconder!

"WHEREAS the Cayman Islands Constitution Order, 1972 contains no provision for the protection of fundamental rights and freedoms of the individual, based on the universal declaration of human rights, as adopted by the United Nations!

AND WHEREAS to remind Government and govern alike of the rights and freedoms which must be observed in a democratic country, such a declaration should be made;

BE IT RESOLVED that a protection of fundamental rights and freedoms of the individual chapter be imbedded in, and made part of the Cayman Islands Constitution Order, 1972."

Now you can say, I wonder what he is talking about. The people know what I am talking about. I know what I am talking about too. I am moving that motion regardless, it can be defeated, but it is needed and I repeat why it is needed. It is needed today because there is a strong element of unnecessary, unreasonable and unfair victimization and discrimination in jobs in this country. That is why it is needed. I might shout because I am a little hot under the collar here now, but it is the truth.

This country cannot carry on like this - you want, I want too. Your baby is getting milk, my baby wants milk too. I have got a seconder. The Member for North Side always seconds my motions.

Mr. President.....I do not want to deal with that now, you are not going to make me loose my trend here this afternoon, I still have got at least another hour left.

Mr. President, because I am dealing with what I consider is a social aspect of this country, at this point I would say....Oh, the Member has gone, I was coming to him you know! At this point I would say, he knows it too....

MR. D. EZZARD MILLER:

He smelt the rat.

MR. W. MCKEEVA BUSH:

I would like to see the Social Security Scheme in place by Government by September of this year. This too, is another piece of social legislation that the parasites do not want. Some of the main people who oppose, are again, employers and members of the glorified establishment who have yet to establish some kind of security at retirement age for some of their workers, although they have been coining in the money over the years. It all goes back to what I am talking about. If you live, I want to live too, but they do not see it that way. You know Mr. President, I well remember the debate on my motion that will bring birth to the Social Security Scheme, I hope. I well remember that debate, I do not think some people have forgiven me for it yet, but I gave them a challenge and I stand this afternoon and say what I said then. If they moved the parliamentary amendment to the Parliamentary Pension Scheme, I was moving a motion for a Social Security Scheme, and that is what I did. I remember, I was told by one of the Members that I should stop being a Robin Hood, robbing the rich to give to the poor. Well Mr. President, I never ever did proport to be a Robin Hood, but some

people can stand a Robin Hood, this is how some people look at it. But the Holy Bible tells us 'not to muzzle the ox that treadeth the corn'. And Mr. President, the ox in olden days was a major source of power, and for the ox to perform properly and do his job well, he needed to be fed and his food came from the corn he was treading.

The same is true about our Social Security Scheme and about a Labour Law. The worker who produces the income for industry, is entitled to a fair share for his efforts because without him there would be no industry, without him there would be no profits. Of course, without industry he might not be existing either, which is why I am saying that the two must go together and share this little Cayman for all of us, not just for some. He is entitled to be able to feed his family and to be able to live in dignity at retirement age, no matter how humble his position. The critics Mr. President, who oppose Social Security say that the Government should not do it, and that most countries are trying to phase out social Security. I was given an example that the United States was one country and England was another that was trying to phase out social security....

MR. D. EZZARD MILLER:

That is hogwash.

MR. W. MCKEEVA BUSH:

And, Mr. President that was an argument from one of the lobbyists trying to tell me that we do not need social security. I have a lot of respect for the man you know, but you know what he is telling us, Government should not do it, we are going to do it, we are going to do it. That will be the day. I reckon the poor people will live then, that will be the day. But, to prove my point about social security and welfare services in the world today, I want to quote some of what is contained in this Britannia World Data 1986 Annual Book. I just received it in the mail last week. It says that, 'in the United Kingdom where Government proposals appear to be inspired primarily by the ideological considerations, measures aimed at reforming the social security system met stiff opposition', and it says that 'some countries manage to improve their systems'. It goes on to say that, 'in the United Kingdom a Government Review of Social Security declared that the system had lost its way, and proposed the phasing out of certain state earning-related pension schemes'. They said that 'the proposal elicited an overwhelming hostile reaction, not only from the trade unions and pressure groups, but also from the Confederation of British Industry whose members believed that it would increase total employment costs and create instability in the system. As a result the Government backed down on its abolition proposal, while leaving the way open for some cost cutting modifications'. But more to the point, it says further on in the article that, "the old programme for the United States Spotlight in 1985 was the social security, which celebrated its 50th anniversary in a solid, financial and political shape. Total income for the year for the social system was expected to be US\$199.5 billion with disbursements" that is, benefit payments and administrative costs, "of US\$193.2 billion, and after years of concern over the future, the system was said to be fiscally sound for at least the next half century, and according to census bureau estimates, beneficiaries would more than double by the year 2035 from 36,683.00 in 1984 to 79,843.00 and disbursements were expected to increase 25 fold to more than US\$5.0 trillion, however assets were also expected to soar during those 50 years from US\$35.6 billion to US\$11.0 trillion".

The figures are so large I do not know if I am correct in this, but they say it in the book, and they say that 'although critics claim that this projection was far too optimistic', well that is the same thing that critics here are saying - we do not know what we are saying, they know what they are saying, 'social security beneficiaries receive a 3.1 percent cost of living increase as of January 3rd, 1986, raising the monthly benefit from US\$464.00 to US\$478.00 for the average retired worker, and from US\$788.00 to US\$812.00 for the average couple'.

The United States Social Security System is in good shape because President Reagan took care of it, and that is what we are here to do with ours. These people here who are telling you that we do not know what we are talking about, all they are looking at is money for themselves, greed again, that is all. I must trust my money to them, and cannot trust my money to Government - no man. No matter how bad that Government is, we are always going to have a Government, but some of those companies we do not know about them. We do not know anything about their management skills. I trust that whichever Government, although I would fight some of them, it is

they who should run it. And we need to provide this for our people - do not talk rubbish. These are good statistics, having not come from some former time book, very current, very up to date, and people believe it, it is not part of some of the stuff they bring here. So the critics must go up and search for more ammunition now, because what I have just given them are factual reports.

Our society is by far second to none in the Caribbean when it comes to wealth. It did not get this way over night, I know that and people had to work hard, those that had the money, they had to work hard to get it, I believe that, but the man working for them now has to work hard, he has got to work hard too. So, what we must do is to help him when it comes to the time when he cannot work any more. It is time that the people, the ox, gets something out of it, and the ox I am thinking of are all those Caymanian workers, working, working, working over the years and at the end of the day have nothing to fall back on. When they leave the job at the end of the month, see them here, holding their hand behind their backs, out through the door you go, you got your pay. Do not tell me about it, I see them, I am not blind I know what is going on in this country. You might not like me but, I know what is going on. Oh they are going to hear me for another eighteen months.

Must we deny our people the basic security? No Mr. President, we should not, no. I know that there is some fear amongst the privileged members of society who feel threatened by change. They feel their economic and social status is being challenged, but nobody wants their social status. All our people want is to have a share in this society, they seek social justice and it is a goal for all of us as Members of this Honourable House to seek if social stability is to be preserved. If you leave it out, we are goners. I will end my remarks on that Mr. President, but as I tell them, there is no backing down now. A Social Security Scheme must come, and Labour Legislation must come, and it must come this 1987, in the third year of our reign as the Government.

MR. PRESIDENT:

Perhaps if the Member has finished with that subject, we can take a break now, and he can resume after about fifteen minutes. I will suspend proceedings for approximately that long.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:48 P.M.

MR. PRESIDENT:

Please be seated.
Continuation of the debate on the Throne Speech. The Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH:

Mr. President, when we took the afternoon break, I was just about ready to finish, but I am coming back. I have found another one of my notes here, and this is just an observation concerning the unsightly barriers around the light poles in the Prospect area. I understand that they are going to put up the same unsightly barriers on the West Bay Road, that is CUC. Mr. President, I do not know who gave these people permission to put those barriers up. I do know that in the states as far as I can understand, there is a special barrier which can be put around a pole, I do not know why they elected to do this particular thing, and I maintain that if they are going to put up barriers on the West Bay Road, let them put up proper roadside barriers. If they want to protect their poles they have to put up barriers all along the side of the road. I do not think that what they are doing in Prospect is a good thing. They are putting some tyres around them, to put them on the West Bay Road in a highly developed tourist area, would be very unsightly.

Mr. President, I have a few observations on my district of West Bay. Mr. President, last year Finance Committee took practically all the road money and gave the Eastern District a road programme. I should say that their excuse, although I did not support it, was a fair one, the road is in bad condition and needs to be straightened properly, not that I feel though, that that is going to stop the accidents up there. Speed and drug usage and abuse is what was causing those accidents, the majority of them, and we have to tackle that first. But as I have said, I saw what they were talking about, although I did not support it. But Mr. President, I along with my two colleagues, put in a list for road work

in West Bay, amounting to over US\$200,000. I am hoping Sir, that the Member will find it in his heart to put back some of that road money out of the surplus that they are bragging about.

Mr. President, the site in West Bay has been cleared at long last now, for the public Fire Station. This is something that was promised for a long, long time ago, I am glad it is finally coming to fruition.

The ramp, although there is some criticism of it, it is finished, it can be used. I do not agree with everything about it, but everybody knows that I do not have a say in matters any how! But in any event it is usable and I think in the end it is going to be a good addition for the people of West Bay.

Mr. President, we have a draft Economic Development Plan telling us about our projected expenditure. I am trusting that the Members responsible will bear in mind the needs of West Bay, being such a very large district. The social amenities are needed there, we need a Civic Centre, and it is really needed. It has been borne out on many occasions, but especially each year at school closing ceremonies of the public school, they have nowhere to go, they have to use the Town Hall, and it is not properly fitted out for the school children. So I am hoping that the Member is taking notes, and will tell us that he hopes that by August of next year this Civic Centre might be finished.

The Finance Committee gave me, and I am saying 'me' because I put the motion through, \$20,000 for a park.....you did not vote for it, so keep your mouth shut now.

We have raised some money ourselves, that is the West Bay Progressive Youth Club which is working in conjunction with myself, and we hope to get other clubs down there involved. We are going through an exercise now with the 40 acres of land that we have, getting proper plans so that we will not be rushing here, there and everywhere, but we will be guided by a proper plan, I support that. But, Government must not get forget its priorities. These are the things that matter, that people look at, that people need. If you do not satisfy them with those things, you are not coming back here, that is for certain.

Mr. President, there is not much more that I can ask for for West Bay for this year. Or perhaps there is a lot more, but if I can get some of those things done I will be satisfied to an extent.

Mr. President, in closing, I should say that this has been a gruelling debate for me. But, I urge Members of this House, let us unite together to build a society in which all our people shall have equal rights and equal opportunities. Let us unite to build a society in which all of us can live together in harmony with one another, without any large degree of suffering; without injustice; free from exploitation and which all of us, rich man, poor man, middle man, brown man, yellow man, black man, the religious man or whatever persuasion you like, all of us can enjoy a gradually increasing basic level of material welfare before anyone lives in complete luxury. This is all I am asking for our people. As for me Mr. President, it will always be land of my birth, I pledge to Thee, loyal and faithful, true to be.

Thank you Sir.

MR. PRESIDENT:
Member of Executive Council.

The Honourable Third Elected

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to congratulate and thank you for an inspiring, concise and informative Throne Speech. It demonstrates quite clearly that our country is stable, progressive and prosperous with realistic goals and plans for the coming year. Inspiring, because it predicts a bright future and a period of prosperity for our Islands. Concise, because you have cleverly used the art of putting much detail in so few words, and informative, because you have clearly explained everything. I believe Mr. President, that this will make your fifth Throne Speech since you arrived here in 1982.

In the debate that followed your first Throne Speech, I wished you a successful and rewarding term of office here. I am pleased that it has been successful, and I hope that you have found it rewarding. You have worked long and hard, and have helped our Islands to grow from strength to strength.

In my opinion, the most memorable occasion during your term of office was the visit of Her Majesty the Queen and Prince Philip. Perhaps, the most momentous and

historic occasion our country has ever experienced, and the success of their visit was due in no small part, to your efforts and attention to detail. You, and your good wife did our Islands proud.

Cayman is indeed the gem of the Caribbean, and we have much to thank God for. We are enjoying successes in almost every area, and our policies are bearing fruit. The revenue of our Island is up, and we passed the biggest Budget ever last year. We have put \$2.0 million back into reserves out of the 1986 surplus of approximately \$3.0 million. Tourism is up, employment is up, land sales have increased, imports passing through the port in 1986 have increased by 11.4 percent over the 1985 imports. Banks continue to increase in size and number, the latest count brings the total to 503 banks. The insurance industry is steadily growing and has brought the Islands to a high place in the world of offshore insurance.

It is important that we keep our islands financially independent so that we can determine and control our economic development without having to abide by the dictates of others. Furthermore, it ensures our free democratic way of life which many small countries have lost. Few if any of the other countries in the world, are in so enviable a financial position, and it is our duty to maintain the stability of our Islands and not squander our children's heritage by spending more than our country can afford. We know of other countries around us which were once prosperous, and now cannot pay their debts and have to plead with the bigger and more affluent countries to help them keep afloat. While they are suffering great hardships, we continue to sustain our economic growth year after year. However, we must never take it for granted that Cayman will always be prosperous as it is today. Our prosperity did not come by accident. Our forefathers, through perseverance and determination, made great sacrifices, suffered untold hardship and deprivation to help build this country up to where it is today.

We must never become complacent and take our heritage for granted. We have to do our part to make Cayman a better place for our children and the generations to follow. This can only be done through hard, honest work, and sacrifices on our part. It is our duty to set a good example for our children by showing them that they must live upright, honest lives, and avoid the temptation of making easy money which always leads to disaster. If we follow our Christian teachings we cannot go wrong. We may experience hard and trying times, but with God on our side, we have nothing to fear, he will see us through.

All these positive things however do not negate the worrying problem of drug abuse which, if not checked, will undo everything that we have worked for so hard. The Government will take every step necessary to reduce this drug epidemic in our society. However, Government cannot do it alone, and I appeal to the people in our beloved Islands, to join hands with us and help us rid our Islands of this destructive plague while we still have time.

Our Police Department is continually being upgraded to cope with the crime in our society, which continues to increase as a result of drugs. We must play our part by supporting and encouraging our Police Force at all times.

One Member has called on the Government to move faster, and faster, and faster to solve the countries many problems. Mr. President, mere words cannot cure our problems, nor can Government do it alone. The fate of this country lies in the hands of its people. The people of a country can either make or break it, and until such times as they are prepared to play their part to rid this country of the many ills that beset it, nothing worthwhile can ever be achieved.

The abuse of drugs is a root cause of most of our problems. The people know who the drug dealers and pushers are, and it is their responsibility to help save our country from destruction by cooperating with the authorities and take a keen interest in drug prevention. Parents need to educate themselves about drugs, what to look for, how to get help, how to talk to their children about the dangers of drugs, etcetera. *I am sure there are very few families that have not in some way been touched by the problem, and we need to show more compassion for those who profit by it, and for the addicts and their families who suffer.* (See Member's statement in the Hansard of 17th February correcting this statement.)

Mr. President, we have a problem where we are at the moment picking the leaves off the tree.

The only way Mr. President, to root out this evil is to pull up the tree by its roots. To those who say that Government must do something, The Church must do something, the service clubs must do something. I pose the question to them, what are you doing?

The signing of the Narcotic Agreement in 1984 and the signing of the Mutual Legal Assistance Treaty in 1986 have been giant steps forward in combatting drug trafficking. We have witnessed the departure of several dubious companies and people from our shores, who at one time, were considered respectable and upright. Mr. President, we need to take more steps now to clean up our Islands, or we will in a short time loose what ground we have gained. It has been said that our people like to gossip and spread rumours, stories that cannot be substantiated. I accept that this is partially true. However, Mr. President, where there is smoke there is fire, and let us not turn our backs on the smoke, and later have the fire consume us. I have reason to believe that there is a lot of truth to some of the rumours.

We are a small country with a small population, and no one can conceal anything for very long. We see some of our fellow men and women who hitherto had to struggle to make ends meet, now living a life that we know is not in keeping with the income they earn from their jobs. There is no need to identify these people, they have shown, and are showing evidence of their ill gotten gains day after day, and I would like to warn them that crime does not pay, and sooner or later their deeds will catch up with them. They may be popular now, but when things take a turn for the worst, they may not only loose their friends and expensive life-style, they may also loose their lives, I have seen it happen. The laundering of cash is fast disappearing, but questionable money is still being brought in in the form of merchandise and machinery imported and disposed of in our Islands. This is another new problem which Government has to tackle.

Government Information Service
- I would like to commend the Government Information Service for the excellent job they are doing in keeping our people informed. They can be relied on for straightforward dependably news releases which is what the public needs to hear.

On the 14th March, 1985 the Legislative Assembly resolved that Government prepare a Five-Year Economic Development Plan. This Plan should have been laid on the Table during 1986, but it was an enormous task which took more time than was anticipated. It involved a considerable amount of research, analysis, discussion and development in all branches and at all levels of Government. The Plan is neither socialistic nor communistic, it is straightforward, realistic and challenging as it identifies the many and varied areas that need to be given priority to meet the needs of our country. I believe that the Draft Plan which is to establish the social, educational, medical, economic and all other needs of the country has achieved its goal, and when all Members of this Honourable House have had the opportunity to study it, I believe they will also be satisfied. The Economic Plan is the most detailed and comprehensive look that any Government has ever given to the future of our Islands.

The Roads Law - Mr. President,
I would like to mention that a Bill to amend the Roads Law, should be introduced at the April, 1987 meeting of this Honourable House. A Bill to amend and replace The Traffic Law should also be ready before the second half of 1987.

Mr. President, I will now confine the rest of my contribution to the debate, to subjects relating to my Portfolio, and try to be as brief as possible.

Cayman Brac and Little Cayman -
the year 1986 was another lean year for the two Sister Islands, as there was little or no economic activity by the private sector until the fourth quarter when the small expansion of the Tiara Beech Hotel provided jobs for several residents who were unemployed. I have reason to believe that we will see more private projects started in 1987, and Government will do everything possible to encourage and assist them. The Elected Members of Executive Council and the First Elected Member for Cayman Brac have agreed that some incentive to investors and retirees must be made to attract and encourage more investments in our Sister Islands. We will explore all options including the incentives offered to pensioners and retirees, by the Costa Rican Government, to determine what will be the simplest and best scheme for investors, retirees and Government. Any suggestions that any Members of this Honourable House, or the private sector may

have, will be welcomed. It is my intention to recommend to Government the establishment of a Committee to deal with this matter.

There has been an increase in tourism, and the hotels are experiencing good occupancy rates at the moment. This growth is undoubtedly due in no small measure to Cayman Airways, which increased the number of jet flights to Cayman Brac, and has recently introduced a Shorts 330 aircraft that will compliment the jet service and improve and upgrade the domestic flights.

Government capital projects for 1987 in Cayman Brac and Little Cayman - the road resurfacing programme between Salt Rocks and Blossom Village in Little Cayman will be completed by the end of March. Another section of the South Coast Road in Cayman Brac will be resurfaced later on in the year. Access roads from the East West Road on the Bluff will be constructed in an effort to encourage the construction of houses on the bluff. Final preparation of the site for the new terminal building in Cayman Brac, started in November 1986, and should be completed in May 1987. We hope that the loan funds from the Caribbean Development Bank and the European Development Bank will be released in order that this project will not be delayed any further.

I am happy to inform this Honourable House that a telex has been received today from Mr. Thomas Russell of the Cayman Islands Government Office in London, that the EEC Commission has signed the Cayman Brac Airfield Loan Agreement, and have passed it on to the United Kingdom's representative in Brussels for countersigning.

A small new dental clinic will be built near the Faith Hospital. The architects at the Public Works Department have this project on the drawing board, and we hope to commence construction by the 1st May, this year. It is hoped that we will be able to purchase and construct a small boat ramp at Spot Bay to help the fishermen of that district, who have suffered over the years because of the lack of a proper facility. This has been a priority of mine for many a year, but Government was unable to do anything positive about it because the owner of the land from whom the residents of Spot Bay wanted us to purchase, was not prepared to sell. We have found a small plot of land which is for sale and is suitable, in this area. It is Government's intention to purchase this plot of land and construct a boat ramp on it. I am sure the fishermen of Spot Bay will be pleased with it when completed.

Provision was made in the 1987 Estimates for Government to purchase the site on which the dock at Salt Rocks was constructed. The proprietors of the site have agreed to sell, and Government is now negotiating the sale price with them.

The first cruise vessel ever to stop at Little Cayman, made a call there on the 3rd February. I have been informed that the visit was successful and that all the tourists enjoyed the day. We hope that the success of this visit will encourage other cruise ship operators to include the Sister Islands in their itineraries for 1988. Since 1977, Government has spent considerable, but necessary sums of money upgrading the infrastructure of Cayman Brac. When the new terminal building is completed there will be no more capital projects left to do there. It is therefore very important that every effort be made to develop the tourist potential of Cayman Brac and Little Cayman. We must encourage and assist developers in this direction as it is abundantly clear that the future of our Islands is dependent on tourism.

I agree with the Member for North Side that the private sector should now step in and do something to revive the economy, and provide work for the people.

Public Works Department - most people believe that the only function of the Public Works Department is the construction and maintenance of roads. However, that is only a small part of its functions. The department has a task of working with every Portfolio to ensure the success of many of their projects. The performance of the Public Works Department determines to a great extent, the achievements of Government.

The Building Department has an extensive building programme this year, and, in keeping with the recommendation for the Allgrove Report, 1985, it is putting more work out to the private sector. One project under construction by a private contractor is the Old George Town Market, which is due to be completed next month. It will offer the cruise ship visitors a Tourist Information Office, four craft stalls, a small food concession with a covered seating area and rest room facilities within walking distance from the dock. The Public Works Department has also placed

The unaudited financial statements show a net income of \$316,652 for both ports, Grand Cayman and Cayman Brac. It was hoped that the repairs carried out last year on the finger pier would have enabled the port to continue using it for a few more years before having to spend more money on extensive repairs. The pier was carefully examined by Public Works engineers, and two consulting engineers after the last heavy northwester. The examination revealed that further damage had taken place which affected the structural strength of the pier. The consulting engineers report states that in order to bring the structure up to its original strength, a reinforced concrete deck would have to be constructed over the entire finger pier. The estimated cost of this new dock should not exceed \$500,000 if we act now. The Board of Directors have decided that repairs must be carried out as soon as possible, and instructions to proceed with the project have been given. Our consulting engineers have indicated that the project should be completed by mid August 1987. The present offices of the Port and the old Customs offices will be renovated, to provide additional space and better facilities for the staff.

A letter of intent has been signed to purchase four cruise ship mooring buoys which will be installed in George Town harbour. It is hoped to have a signed contract that will cover the fabrication and installation of these buoys. If we have no further delay, the mooring buoys should be operational by June 1987. The marking and lighting programme of all major channels throughout the Islands is continuing, and will be completed this year.

Mr. President, I have in my possession an outline proposal for the development of a new port facility in North Sound. The need for such a facility increases daily.....

MR. PRESIDENT:

I think we are just past half past four already, and perhaps if there is a new port facility and may be other topics that you have got, I will have to interrupt and ask you to continue tomorrow.

HON. THOMAS C. JEFFERSON:

I wonder Mr. President, if he needs about five or ten minutes to finish up his speech?

HON. CAPT. CHARLES L. KIRKCONNELL:

Yes Mr. President, about five minutes.

MR. PRESIDENT:

Tomorrow is Private Members' Motions. I am in Member's hands. I do not think I could authorize another five to ten minutes without suspending Standing Orders. If the House wished to suspend Standing Orders, in order to enable the Member to finish, that would of course, be another matter.

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON:

I move the suspension in accordance with Standing Order 83, and move the suspension of Standing Order 10(2) in order for the Honourable Third Elected Member of Executive Council to complete his speech this afternoon.

MR. PRESIDENT:

The motion before the House is that in accordance with the provisions of Standing Order 83, Standing Order 10(2) be suspended to enable the Honourable Third Elected Member to complete his speech.

Does any Member wish to speak?

I will put the question.

QUESTION PUT: AGREED.

STANDING ORDER 10(2) SUSPENDED TO ALLOW THE HONOURABLE THIRD ELECTED MEMBER TO CONCLUDE HIS DEBATE.

MR. PRESIDENT:

I think the Ayes have it, and you may continue.

HON. CAPT. CHARLES L. KIRKCONNELL:

Thank you Mr. President. Mr. President, I have in my possession an outline proposal for the development of a new port facility in North Sound. The need for such a facility increases daily. We need an all-weather port with deep water that will help us cope with the growth of our Islands. An all-weather deep-water port would generate a third leg to the economy, adding to the existing

mainstays of tourism and banking. An all-weather port would also create a boom to Grand Cayman in the cruise ship business, as the port would give the ships protection, and guarantee their safety at all times. We would undoubtedly become a terminal for many of the cruise lines, allowing their Caribbean and South American cruises to begin and end here. A spin-off would be more air arrivals and departures which would give us more exposure, and also more business for our National Airline. In addition, I am sure we would attract a substantial portion of container trans-shipments which would provide more work for our people, and earn more revenue for Government. I sincerely hope that this project will materialize, as I believe it holds the key to the future of the Cayman Islands.

Postal Department - the Postal Department continues to be a major earner for Government and provides a reliable service to these Islands. The present level of service is severely constrained by the limited space available within the present building. The need for a General Post Office building increases daily. It is Government's intention to construct a new General Post Office next year, which will provide sufficient working space for staff, so that they will be able to perform their functions properly, and service the public more efficiently. A new General Post Office will also meet the demands for more post boxes, and enable the department to introduce additional services to the public when more space is provided.

Mr. President, your five-year term as Governor of the Cayman Islands has been, and will go down in the records of our Islands, as five historic years. Our Most Gracious Majesty the Queen visited us in March 1982, the only time that a reigning monarch has ever visited our Islands. It was a great honour and pleasure to be present when she delivered her Throne Speech from this Chamber. We were also honoured to have Mr. T.J. Eggar, MP., Minister of State, Foreign and Commonwealth Office, visit us in July last year, which is the first time that a Minister has ever visited us. On this occasion he signed the Treaty, the first Treaty ever signed in these Islands.

Mr. President, since this is your last Throne Speech, I would like to extend to you my sincere gratitude and the gratitude of the people of Cayman Brac and Little Cayman, for the keen interest that you have taken in the affairs of those Islands over the past five year. I assure you that your concern and help has been greatly appreciated by all of us. May your retirement be long, healthy and happy. May God bless you and your family, and give you a long, healthy and happy retirement.

Thank you.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, I now move the adjournment of this House until ten o'clock tomorrow morning.

MR. PRESIDENT:

The question before the House is that this House do now adjourn until ten o'clock tomorrow morning.

QUESTION PUT: AGREED.

AT 4:37 P.M., THE HOUSE STOOD ADJOURNED
UNTIL 10:00 A.M., THURSDAY, 12TH
FEBRUARY, 1987.

STATE OPENING OF THE 1987 SESSION

OF THE
LEGISLATIVE ASSEMBLY

THURSDAY

12TH FEBRUARY, 1987

(FOURTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

* Absent in the morning.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

STATE OPENING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

THURSDAY
12TH FEBRUARY, 1987

(FOURTH DAY)

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR WEST BAY.

2. QUESTIONS TO HONOURABLE MEMBERS

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

NO. 17: CAN THE HONOURABLE MEMBER STATE WHEN THE POST OF JANITOR/GROUNDS KEEPER FOR THE NORTH SIDE CIVIC AREA, I.E. SCHOOL, TOWN HALL, CLINIC AND GROUNDS, AS CREATED IN FINANCE COMMITTEE IN NOVEMBER 1986, WILL BE ADVERTISED?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 18: CAN THE HONOURABLE MEMBER STATE WHO DECIDES AND WHAT CRITERIA IS USED TO DETERMINE WHO GOES OVERSEAS FOR MEDICAL AID AT GOVERNMENT EXPENSE?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 19: CAN THE HONOURABLE MEMBER STATE THE REVENUE COLLECTED FOR THE SALE OF WATER AT BOTH THE LOWER VALLEY AND EAST END WELL FIELDS AND WHAT WAS THE COST TO PRODUCE THIS WATER?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 20: WOULD THE HONOURABLE MEMBER STATE -

- (a) THE POLICY REGARDING THE PAYMENT OF HOUSING ALLOWANCE TO MARRIED POLICE OFFICERS; AND
- (b) THE POLICY REGARDING THE PAYMENT OF HOUSING ALLOWANCE WHERE BOTH SPOUSES ARE MEMBERS OF THE POLICE FORCE?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH
EDUCATION AND SOCIAL SERVICES

NO. 21: WOULD THE HONOURABLE MEMBER STATE WHAT GOVERNMENT BUILDING CAN BE MADE AVAILABLE TO ACCOMMODATE THE GEORGE TOWN BOXING CLUB TEMPORARILY AND WHETHER PERMANENT ACCOMMODATION FOR IT WILL BE PROVIDED IN THE SPORTS' COMPLEX?

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. 22: WOULD THE HONOURABLE MEMBER STATE WHETHER CARIBBEAN UTILITIES CO LTD HAS SPECIFIC AUTHORITY UNDER ITS FRANCHISE TO ERECT BARRICADES AROUND CERTAIN ELECTRICAL LIGHT POLES?

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

NO. 23: CAN THE HONOURABLE MEMBER SAY WHETHER IT IS CORRECT THAT ON SEVERAL OCCASIONS, BECAUSE OF BAD WEATHER AND ITS LIMITED RANGE, THE 737 HAS BEEN UNABLE TO DO DIRECT CHARTER FLIGHTS WHICH COULD HAVE EASILY BEEN DONE BY THE 727'S?

NO. 24: CAN THE HONOURABLE MEMBER SAY WHETHER THERE IS A CAYMANIAN UNDERSTUDYING THE MANAGING DIRECTOR OF CAYMAN AIRWAYS LTD?

NO. 25: CAN THE HONOURABLE MEMBER SAY WHETHER THE NECESSARY PROTECTIONS ARE IN PLACE TO ASSURE A BORN-CAYMANIAN PILOT OF BEING ABLE TO REPLACE EXPATRIATE PILOTS OR THOSE WHO MAY OBTAIN CAYMANIAN STATUS?

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

- (1) PRIVATE MEMBER'S MOTION NO. 1/87
APPOINTMENT OF SPEAKER TO THE LEGISLATIVE ASSEMBLY
- (2) PRIVATE MEMBER'S MOTION NO. 2/87
ORDER OF NATIONAL HEROES
- (3) PRIVATE MEMBER'S MOTION NO. 3/87
HOUSE NUMBERING
- (4) PRIVATE MEMBER'S MOTION NO. 4/87
AMENDMENT TO THE FIREARMS LAW (R)
- (5) PRIVATE MEMBER'S MOTION NO. 5/87
A MOTION REQUESTING THIS HONOURABLE LEGISLATIVE ASSEMBLY TO PETITION HER MOST GRACIOUS MAJESTY TO CHANGE THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972 WITH RESPECT TO QUALIFICATIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY AND ELECTORS.

4. GOVERNMENT BUSINESS

BILLS:-

1.

FIRST READINGS

(1) THE INTERPRETATION (AMENDMENT) BILL, 1987

(2) THE ELECTIONS (AMENDMENT) BILL, 1987

(3) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987

(4) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987

(5) THE TRAVEL TAX (AMENDMENT) BILL, 1987

2.

CONTINUATION OF DEBATE ON THE

THRONE SPEECH

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THURSDAY

12TH FEBRUARY, 1987

10:02 A.M.

MR. PRESIDENT:

West Bay.

Prayers.

The Second Elected Member for

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 Executive Council and Members of this 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, who 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:

for North Side.

Please be seated.

Questions. The Elected Member

QUESTIONS TO HONOURABLE MEMBERS

WITHDRAWAL OF QUESTION NO.17.

MR. D. EZZARD MILLER:

Mr. President, I beg to withdraw Question No. 17 which was to have been asked of the Honourable Third Elected Member of Executive Council responsible for Communications, Works and District Administration.

"Can the Honourable Member state when the post of Janitor/Grounds-Keeper for the North Side civic area, i.e. school, Town Hall, clinic and grounds, created in Finance Committee in November, 1986, will be advertised?"

The reason for the request for withdrawal Sir is because within a week of having submitted the question, the post was filled and the man is doing a good job.

MR. PRESIDENT:

To be truthful, I am not sure which Standing Order provides for questions to be withdrawn, but I am sure there must be one that does, and I do not think that the House will object to my granting you permission.

Question No.18.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ELECTED

MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 18: Can the Honourable Member state who decides and what criteria is used to determine who goes overseas for medical aid at Government expense?

ANSWER: The answer Mr. President and the first part of the answer is taken from the medical policy as published.

No patient shall be referred overseas at Government's expense without the prior approval of the Chief Medical Officer and the Portfolio for Health. Such approval may be dispensed with by a Medical Officer in the event of an emergency when such consents would not be readily available and it is urgent that the patient receives treatment.

The Chief Medical Officer, after seeking the advice of the Medical Officer in charge of any patient, decides whether it is necessary for the patient to be transferred overseas for medical aid.

The criteria used in formulating the decision is simply whether or not the facilities exist in the Cayman Islands Medical Service for providing the necessary medical care. In all cases in which effective care can be provided locally, patients are not recommended for overseas treatment.

The Chief Medical Officer may from time-to-time seek the advice of other specialist officers in the medical service before the final decision is made.

Expenditure to Government is only incurred if the patient is indigent, as determined by the Medical Social Worker or Social Services Department, or if the patient is a Civil Servant.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member clarify, because in the criteria he has given, it does not include where the patient is to be sent, nor the cost of care available in different locations.

HON. BENSON O. EBANKS: Mr. President, I do not think that was a part of the question.

MR. PRESIDENT: I think it is reasonable to ask what criteria determine where patients go. There are various countries to which they could be sent. I think it is a fair supplementary.

HON. BENSON O. EBANKS: The Chief Medical Officer makes the decision dependent on the type of medical aid which the patient requires. For example, if adequate facilities exist at the University Hospital, or in Jamaica, naturally it is cheaper for the person to be sent to Jamaica, and once the service is equally as good as could be obtained in Miami, they are sent to Jamaica preferably rather than to Miami. Similarly, with any other State in the United States, or even the United Kingdom, we have sent people as far as the United Kingdom.

MR. D. EZZARD MILLER: A further supplementary Mr. President. Is there any greater weight placed on the cost decision, when the person is entitled to free medical care, or is any choice given when the individual is prepared to repay Government?

HON. BENSON O. EBANKS: Mr. President, as I have said, the cost is the overriding factor in the decision, once the care is comparable, equal, or better in the area where it can be received the cheapest. If Government is going to pay the bill, Government will call the tune.

MR. D. EZZARD MILLER: Supplementary Mr. President. I agree that government should call the tune if they are going to pay the Bill. Part of the question also asked if the patient was given any choice of where to go when Government was not paying the Bill, Government was only putting the money up front, and the patient was going to repay Government on an agreed contract, on an agreed sum of money per month.

HON. BENSON O. EBANKS: Mr. President, once Government undertakes to pay the money, Government is liable for the money, even though there might be an undertaking from the client to repay money, there are many hundreds and thousands of dollars on the books that have never been repaid, which were promised to be repaid.

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member say whether any action is being taken to recover those funds from those people who promised, and maybe signed over land, and signed contracts to pay, because certainly, if you have a contract you have a judicial agreement.

MR. PRESIDENT: I think we are getting a bit far from the original question now. What you are seeking to elucidate further, is an answer to a supplementary, which in itself had strayed a bit from the original question. So I think I must stop it at that point. If the Member wants the particular information he was then seeking, he will have to put down a substantive question in due course.

MR. D. EZZARD MILLER: It will be back in April Sir.

HON. BENSON O. EBANKS: Mr. President, I believe the Member has a specific case that he would like an answer to, and if he would be man enough to come out and ask it, I will give him the answer.

MR. PRESIDENT: Well I do not think I will let him ask it as a supplementary to this question. If he wants to put down a specific question about it, that is for him to decide.

Perhaps he will now ask

Question No. 19.

MR. D. EZZARD MILLER: I am prepared to ask his specific question, why tonsillectomies were done in Miami?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES.

NO. 19: Can the Honourable Member state the revenue collected for the sale of water at both the Lower Valley and East End well fields and what was the cost to produce this water?

ANSWER: Revenue collected from water sales at the Lower Valley and East End well fields in 1986 was CI\$70,268.60 and the cost to produce the water CI\$56,546.00.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary Mr. President. Could the Member give a breakdown of the cost of the \$56,546.00, labour, materials, electricity etcetera, etcetera?

HON. VASSEL G. JOHNSON: Yes Mr. President.

Administration	\$ 5,250.00
Labour	\$ 19,750.00
Electricity	\$ 15,647.00
Vehicle	\$ 9,800.00
Chemicals	\$ 619.00
Rent of Site	\$ 5,000.00
Spares	\$ 480.00
Total Operating Cost	\$ 56,546.00

MR. PRESIDENT: If there is no further supplementary...very well.

MR. D. EZZARD MILLER: Do not jump the gun Sir, do not jump the gun.

In administration, does it include the time spent by the Director of the Water Authority in supervising the site, or is it just clerical and paper work, and things like that included in the administration?

HON. VASSEL G. JOHNSON: Mr. President, this is the time that members of the Administration's staff spent in supervising those water systems.

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member state if I am correct in assuming that the Director of the Water Authority and his supervisory staff only spent one seventh of their time supervising these two locations?

HON. VASSEL G. JOHNSON: Mr. President, most of their time is now spent on the Seven Mile Beach Sewerage System, and the George Town Water Scheme.

MR. D. EZZARD MILLER: Mr. President, another supplementary Sir. Was the sewerage scheme not started in 1987? We are talking about 1986.

HON. VASSEL G. JOHNSON: The sewerage scheme Mr. President, stated in 1985, to my knowledge.

MR. PRESIDENT: If there is now no further supplementary, I invite the Second Elected member for George Town to ask Question No. 20.

MR. LINFORD A. PIERSON: Thank you Mr. President.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 20: Would the Honourable Member state -

- (a) The policy regarding the payment of housing allowance to married Police Officers; and
- (b) The policy regarding the payment of housing allowance where both spouses are members of the Police Force?

ANSWER:

- (a) Two levels of housing allowance are paid. All local officers are paid CI\$200 monthly, the only exceptions are officers who live in free barrack accommodation, or married female officers whose husbands are in the force and who receive the above allowance.

The other level applies to contracted expatriate Officers who, like other contracted overseas Officers in Government Service, receive half the monthly rent paid, up to a maximum of CI\$650 monthly.

- (b) The policy regarding payment of housing allowances where both spouses are members of the Force, is that only the male Officer receives the allowance.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON:

Supplementary Mr. President.
Could the Member state what

specific policy, or Police Regulation authorises the exclusion of the housing allowance to be paid to either spouse, where both spouses are members of the Police Force?

HON. J. LEMUEL HURLSTON:

Mr. President, there is no statutory provision for these allowances. These allowances form a part of the package of terms and conditions of service, and these policies are subject to adjustment administratively. However, the fact is, that the allowance is payable to 'a' married officer, and if spouses would wish to have their allowances divided, fifty percent on each of their pay cheques, that can certainly be arranged. But the total payable is the amount that I have stated, so that if both spouses are members of the Force, they can have the allowance divided, fifty percent equally between their two pay cheques.

MR. LINFORD A. PIERSON:

Mr. President, on a further supplementary. I have to differ with the Member. There are indeed Statutory Regulations that regulate the payment of special allowances, of which the housing allowance is one of them, and that is found in the Police Amendments Regulation 1980, which states that "married officers and other officers nominated by the Commissioner may be paid certain amounts". So, there is nothing in here Mr. President, that says that it only should be paid to one married officer, where both spouses are members of the Police Force, and this is why I would like to resubmit the question, as to where the specific authority comes from; whether it is an internal regulation, or whether they are following the Police Amendments Regulation 1980 in this case.

HON. J. LEMUEL HURLSTON:

Mr. President, I think we are agreeing that there is provision for the payment of certain amounts of housing allowance. The question is how much will be paid in the case where both spouses are members of the force. The amount payable is fixed, and how the officers wish to receive it is a matter for them to decide. The policy is that the amount is paid the male officer. If they would choose to have it split between them, that can be arranged.

MR. LINFORD A. PIERSON:

Mr. President, the Regulation does not say male officers or female, it says 'married officers', and if two individuals are employed by the Police Force, whether or not they are spouses within the Police Force. It does not say in the Regulations that only the male should receive the housing allowance. If this is the intention, either a policy or an amendment to the Regulation would be required to spell that out, but as it is now, this is not the case Sir.

Mr. President....

MR. PRESIDENT:
not a question.

I think that was a statement

MR. LINFORD A. PIERSON: If I may ask if the Member would undertake to look into this matter and further communicate with me on it?

HON. J. LEMUEL HURLSTON: Yes Sir, I will.

MR. PRESIDENT: Unless there is any further supplementary. The Second Elected Member for George Town may ask the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 21: Would the Honourable Member state what Government building can be made available to accommodate the George Town Boxing Club temporarily and whether permanent accommodation for it will be provided in the Sports Complex?

ANSWER: Investigation by the Sports Director and the Portfolio of Health, Education and Social Services have failed to turn up any Government building which could be put at the sole use of the George Town Boxing Club even on a temporary basis.

Architectural plans are currently being prepared for the Sports' Complex with due consideration being given to all areas of Sports Development. Some emphasis is being placed on facilities and equipment for weight-lifting and body-building; no doubt this will facilitate training for boxing as well.

Where actual fights are to be held, these can, at such times, be comfortably and safely accommodated outdoors.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Would the Member give an undertaking that he will endeavour to have adequate accommodation provided in the Sports' Complex in view of the very expensive equipment now owned by the Boxing Association. It would be somewhat foolhardy to leave these lying idly in open areas, if he could give this undertaking Mr. President?

HON. BENSON, O. EBANKS: Mr. President, I am not sure what the Member is saying; whether he is making an offer to donate the equipment to the complex when it is built, for the use of weight lifting and body building, or what? But certainly Mr. President, the complex will have a vast amount of storage space for equipment, and there is no reason why the Boxing Club or any other Association could not have access to that area.

MR. LINFORD A. PIERSON: Mr. President, to enlighten the Member, weight lifting and other similar sports are really yards apart from boxing. What I was really trying to ask the Member, because of the very expensive equipment we have, which I am sure he knows of, he opened the Boxing Club I believe, if he could give the undertaking that we would have adequate accommodation. I believe he has attempted to say yes, he will do that, and I appreciate it.

HON. BENSON O. EBANKS: Mr. President, the Member knows that I know quite a bit about boxing. I used to do a little bit of it myself when I was younger....

MR. W. MCKEEVA BUSH: Probably got beaten up though
....(LAUGHTER).

MR. PRESIDENT: We shall all look forward to the fight between the two Members.

HON. BENSON O. EBANKS: No, no. Mr. President I am not finished Sir.....

MR. D. EZZARD MILLER: (INAUDIBLE)

HON. BENSON D. EBANKS: The Member also knows Mr. President that since the preparation of this answer, there have been developments which might make a building available to his Boxing Club.

MR. PRESIDENT: Unless there is a further supplementary, the Second Elected Member for George Town may ask Question No. 22.

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. 22: Would the Honourable Member state whether Caribbean Utilities Co. Ltd. has specific authority under its franchise to erect barricades around certain electrical light poles?

ANSWER: Caribbean Utilities Co. Ltd. does not have specific authority under its franchise to erect such barricades.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Would the Member state what action has been taken by Government to have these unsightly barricades removed?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, we have taken action to stop further erection of these barricades, and CUC have been instructed to submit new proposals so that we can inspect them and have our Chief Engineer of Public Works and Roads, and the Director of Planning as well to have a look at them before they are installed.

MR. JOHN B. McLEAN: Supplementary Mr. President. Could the Member say whether the Traffic Department was notified of the erection of these barricades?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, no Government Department was involved or was asked any permission, Sir.

MR. JOHN B. McLEAN: Mr. President, could the Member say whether CUC has been ordered to remove such barricades?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, they have not been ordered to remove them as yet. We had a meeting with the Managing Director and the Manager, and it is understood that these barricades will be removed and others placed, when we have decided on the type of barricade that will be suitable, and acceptable to the public and to Caribbean Utilities.

MR. G. HAIG BODDEN: Mr. President, can the Member say if he has received any representation from the conservationists and the beautification committees on these unsightly barriers?

HON. CAPT. CHARLES L. KIRKCONNELL: No Mr. President.

MR. G. HAIG BODDEN: And has there been any representation from the Police on the safety aspects of these barriers?

HON. CAPT. CHARLES L. KIRKCONNELL: No. Mr. President.

MR. G. HAIG BODDEN: And further more, has there been any representation from the people in the electrical field, like the leading electricians on the dangerous barriers?

HON. CAPT. CHARLES L. KIRKCONNELL: No. Mr. President.

MR. G. HAIG BODDEN: And further more, has there been any representation from the ordinary person on the street against these?

HON. CAPT. CHARLES L. KIRKCONNELL: Yes Mr. President. This is what has caused us to take steps to stop the erection of these barricades.

MR. G. HAIG BODDEN: Would the Member agree that since there is no concern from the special interest group, that it must be absolutely necessary that steps be taken to remove them.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, my last supplementary. Some years ago, Government saw fit...I will turn this into a supplementary...to urge land owners to try and keep the verges of their property clean because huge trees were causing motorists problems to see around curves, and also it was what you could consider, a danger to motorists. My question is, if Government could see fit at that time to see the danger of trees along the road, why should an order not have been made that CUC have those dangerous pieces of iron removed at once, seeing that they did not have permission to put them there in the first place?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think that CUC in all good faith installed these barricades primarily for protecting the poles, but also to protect the public from getting into collision, and breaking down one of the poles with the high voltage wires falling across the car, causing certain and sudden death, if it did happen, so they did have the public in mind, and I would say they are very sensitive to public reaction.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member is aware that certain remarks have been made that the reason those pieces of iron were placed there was so that CUC could find who crack the poles?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President I am not aware of anything like that Sir.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Supplementary Sir. Could the Member say if CUC is going to be prosecuted under the Planning Law for erecting things without planning permission, as other people in the country have been.

MR. PRESIDENT: I do not think that falls within the Member's responsibility, prosecutions.

MR. D. EZZARD MILLER: Mr. President Sir, while I agree that the prosecution, the actual prosecuting of the individual may not fall under the Member's responsibility, I feel it is the Member's responsibility if somebody has broken the law in something for which he is responsible, to notify the Attorney General to take action, and then we would not have had the situation with the blow hole, because the Portfolio knew about that for a long time.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, they have no permission under the franchise, and as far as I am aware Sir, they have not broken the law, and as you rightly told the Member a while ago, I am not responsible for Planning, and if Planning has a case against them, Planning will have to prosecute them Sir.

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member state if he is aware whether CUC did apply, has been given specific planning permission to erect those barriers?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I answered that originally Sir, I said they had no permission from any Government Department.

MR. W. MCKEEVA BUSH: Supplementary...and communications is your responsibility?

HON. CAPT. CHARLES L. KIRKCONNELL: I think this is an answer the Member knows Sir.

HON. BENSON D. EBANKS: Mr. President I wonder if for

the elucidation or for the information of the House, the Member asking the supplementary could indicate whether those barricades are in excess of four feet in height, because if they are not, they are not subject to Planning Regulations.

MR. D. EZZARD MILLER: Yes Mr. President, I can answer the question. They are in excess of four feet in height from the ground level at which they are planted, and I would like now Sir, since nobody else seems to want to do it, I would like to make an official complaint to the Honourable Second Official Member, that due to answers given in this House today, it appears that CUC has broken the law, and I would like action taken to have them prosecuted for doing so.

MR. W. McKEEVA BUSH: If it had been a little man building his house, he would have had to take it down, that is the whole gist of these supplementaries Mr. President.

MR. PRESIDENT: Order! Order!
The Member must not make statements as he very well knows.

MR. D. EZZARD MILLER: Can I have that undertaking from the Honourable Second Official Member Sir?

HON. RICHARD W. GROUND: With the permission of the House it might help if I was to explain what the law is in relation to breaches of planning control. It is not in fact an offence to erect any structure without planning permission. If something is erected without planning permission, the procedure is for the Planning Department to serve what is called an Enforcement Notice, and the person receiving such a notice either has to comply with it, in other words by removing the offending structure, or has the possibility of then applying to the Planning Department to get planning permission. Only if the Enforcement Notice is not complied with in the period specified in the notice, which is usually something like four weeks, for compliance, is an offence committed, and only then can somebody be prosecuted. So, if it is the case that these barriers are a breach of the planning control, the first step would be for the Planning Department, and this is something only the Planning Authority can do, for the Planning Authority to serve an Enforcement Notice.

MR. W. McKEEVA BUSH: Supplementary Mr. President. I appreciate his explanation, but being in Government for three years now I have learn that much, but I do thank him for his explanation. However, what about the safety aspect of this particular matter?

MR. PRESIDENT: I really think that has been dealt with already, because the Member for Communications and Works has said that arrangements have been made for the removal for the things, presumably because they are unsightly, and considered unsafe, so I think that is answered. The Second Elected Member for George Town was the next one to catch my eye.

MR. LINFORD A. PIERSON: Supplementary, and this is in connection with the answer given by the Honourable Second Official Member. If a structure is unauthorised and is in breach of the Planning Regulations, perhaps the Honourable Second Official Member can explain to me how that would not be an offence under the Planning Law, if it is in breach of the law?

MR. PRESIDENT: I think with respect, that is what he has just explained, to me it was quite clear?

MR. LINFORD A. PIERSON: Perhaps to you Sir....

MR. PRESIDENT: ...If you put up something that is unauthorised, you are...well I will let him explain it again.

HON. RICHARD W. GROUND: In respect of any law, it is not of itself an offence to contravene the law unless the law says that it is an offence. In the case of the Development and Planning Law, erecting a structure without permission is not of itself made an

offence, it may contravene the law, but it is not an offence. The Development and Planning Law sets up a procedure through Enforcement Notices, whereby a contravention may ultimately become an offence if the person erecting the structure does not either demolish it, or subsequently successfully get planning permission for it.

MR. PRESIDENT: I think the Second Elected Member for George Town, because it was his point...I will come to the Member for North Side later.

MR. LINFORD A. PIERSON: Mr. President, the only reason I was trying to get that clarified, it would seem that doing something wrong under the law, providing you are not caught is not an offence, and I do not believe that this is the meaning of the law.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Thank you Mr. President. In the light of the explanation given by the Honourable Second Official Member, can we have an undertaking from the Honourable Third Elected Member of Executive Council under whose Portfolio Planning falls that....

MR. PRESIDENT: The Fourth Elected Member I think.

MR. D. EZZARD MILLER: Fourth, sorry; that such an order will be issued because I have been trying to get these barriers taken down now for six months, I did not want the poles up that near to the road, much less the barriers.

HON. VASSEL G. JOHNSON: Mr. President, the matter will be referred to the Acting Director of Planning.

MR. PRESIDENT: If that completes supplementaries, I will invite the Member for East End to ask Question No. 23.

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

NO. 23: Can the Honourable Member say whether it is correct that on several occasions, because of bad weather and its limited range, the 737 has been unable to do direct charter flights which could have easily been done by the 727's?

ANSWER: It has long been the practice in this House not to answer questions which relate to the day-to-day management of Cayman Airways. This question falls within that category.

However, it is the intention of the Portfolio to request a Performance Report from the Management of Cayman Airways on the 737 at the end of the lease period in April, 1987. This Report will be distributed to Members for their information.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Supplementary Mr. President. I guess I will get a similar answer. Could the Member say whether he is aware that this occurrence did take place?

MR. PRESIDENT: I really think in effect, the Member has his answer already. If he is just rephrasing the same question....

HON. W. NORMAN BODDEN: That is correct Sir, I think it had been replied to in the first instance.

MR. G. HAIG BODDEN: Certainly Mr. President, there is nothing confidential about whether a flight is cancelled, and the Member cannot really hide.....

MR. PRESIDENT: I do not think that the Member has said anything...

MR. G. HAIG BODDEN: I am going to turn this into a question Sir.

MR. PRESIDENT: Well, all I was going to say was that I do not think the Member mentioned confidentiality in his answer.

MR. G. HAIG BODDEN: Well then Mr. President, will he tell the House why he is giving this silly answer.

HON. W. NORMAN BODDEN: Really Mr. President, if you ask a silly question you will get a silly answer...(LAUGHTER).

MR. G. HAIG BODDEN: Mr. President, the question tabled in the House was not a silly one, or else the Member is saying that the President who allowed it is a silly man, is he saying that now?

HON. W. NORMAN BODDEN: He has his opinion, and I have mine Sir.

MR. G. HAIG BODDEN: In other words, you are saying that the President is a silly man.

MR. PRESIDENT: No, I do not think he said that, and I think that the Member asking the supplementary knows that it has been the practice here not only on grounds of confidentiality, but also in accordance with the practice of the House of Commons, which is set out in some detail in Erskine May, in regard to nationalized industries in the United Kingdom, to withhold information about the day-to-day management.....

MR. G. HAIG BODDEN: This question has nothing to do with management.

MR. PRESIDENT: But on the grounds that United Kingdom Ministers and Ministers of Executive Council here do not have responsibility for the day to day management on the one hand, of nationalized industries, and in the other of Cayman Airways.

MR. JOHN B. McLEAN: Mr. President, I trust that the remarks of the Honourable Second Elected Member of Executive Council was not levied at my question. I hope it was the supplementary of the Bodden Town Member, because I feel that Question 23. is not only important to John McLean, but it is most important to the safety of our Airline, and I have a right to question it.

HON. W. NORMAN BODDEN: Mr. President, with due respect to the Member from East End, I am sure that the question was asked in all sincerity, and the information will be made available to him when the performance report is requested. My response really was an appropriate answer to the supplementary.

MR. PRESIDENT: Question No. 24.

MR. JOHN B. McLEAN: Well Mr. President, I guess I will get the same answer, seeing that this is to do with management. Anyway Question 24. to the same Member.

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

NO. 24: Can the Honourable Member say whether there is a Caymanian understudying the Managing Director of Cayman Airways Ltd?

ANSWER: Yes.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Can the Member further say whether this is a Caymanian?

MR. PRESIDENT: But I think that that is the question. 'Was there a Caymanian', and the answer was 'yes'.

MR. JOHN B. McLEAN: I beg your pardon, I am sorry. Could the Honourable Member say to this House how soon it is hoped that the present Managing Director will be replaced.

MR. PRESIDENT: Do you mean by a Caymanian, because I think...

HON. W. NORMAN BODDEN: Mr. President, I could not give an exact date as to when he would be replaced. I suppose, it depends on a lot of situations. I mean something could come up whereby he might have to be replaced before the Caymanian who is understudying him is ready. I think the supplementary relates to when a Caymanian might be able to replace him. I can only say that the progress of his understudy is being monitored closely, and I can assure him and the House that whenever it is considered that the Caymanian now understudying the Managing Director, is capable and willing and able to replace him, or any other Managing Director who might not be Caymanian at the time, that this change will be effected.

MR. W. McKEEVA BUSH: Supplementary.

MR. PRESIDENT: The Second Elected Member for West Bay first caught my eye.

MR. W. McKEEVA BUSH: Is it possible to say Sir, how long his contract is for?

MR. PRESIDENT: You mean, how long the contract of the present Managing Director is for?

MR. W. McKEEVA BUSH: Yes Sir, that is the man we are dealing with.

HON. W. NORMAN BODDEN: Mr. President I am not exactly certain of that. To reply to the best of my recollection, I think the contract has another year to run, I am not one hundred percent sure of that. I think it is about another year.

MR. PRESIDENT: I wonder whether you would undertake to make the information available to the Member.

HON. W. NORMAN BODDEN: I surely can Sir.

MR. W. McKEEVA BUSH: Can he say how long it was for?

HON. W. NORMAN BODDEN: I believe originally it was a five-year contract with an option to renew, as far as I can remember.

MR. PRESIDENT: Well, the Second Elected Member for George Town did catch my eye at one stage.

MR. LINFORD A. PIERSON: Thank you Mr. President. A supplementary question, could the Member state whether the progress of the Caymanian understudy will be monitored by his Portfolio, or by the present Managing Director?

HON. W. NORMAN BODDEN: Mr. President, that would be like appealing to Caesar Sir. I know it is being closely monitored by the Board and by myself.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Supplementary Mr. President. I wonder if the Member could tell us how long the present person who is understudying the Managing Director has been with the Airline?

HON. W. NORMAN BODDEN: Mr. President, I believe the person referred to has been with the Airline probably 12 years, 10 or 12 years.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER:

Can the Member state what the academic qualifications are for a Managing Director of Cayman Airways.?

MR. PRESIDENT:

I think we are really getting a little bit further away now from the original question. If the Member wants to ask that, it had better be put down. I am not even certain that there is not a question like that put down already for answer later.

If there is no further supplementary, the Elected Member for East End may ask question No. 25.

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

NO. 25:

Can the Honourable Member say whether the necessary protections are in place to assure a born-Caymanian pilot of being able to replace expatriate pilots or those who may obtain Caymanian status?

ANSWER:

A policy is in place so that any expatriate pilots who may be employed after 1st July, 1986 are not eligible to be on the Company's permanent seniority list.

Favourable consideration will naturally be given to replace them with Caymanians whenever qualified Caymanians who meet the company's standards become available, based on the company's needs at the time.

Anyone who obtains Caymanian status is treated as Caymanian and therefore eligible to be placed on the Company's permanent seniority list.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON:

Supplementary Mr. President. Can the Member say whether he is aware that in the past, expatriate pilots have been recommended for status through his department, in order to allow them to be placed on the seniority list?

HON. W. NORMAN BODDEN:

Mr. President, that was before my day Sir. I was not in the Portfolio when that was supposed to have happened.

MR. D. EZZARD MILLER:

Supplementary Mr. President. Can the Member state if in his answer those expatriate pilots who were employed before July 1st, 1986 are going to be eligible, or remain on the seniority list?

HON. W. NORMAN BODDEN:

Mr. President, the company has two expatriate pilots employed prior to the July 1st, 1986 date that I mentioned, and the answer is that they will remain on the Company's permanent seniority list.

MR. D. EZZARD MILLER:

Supplementary Mr. President. Can the Member say whether it is going to be necessary for these two pilots to obtain Cayman status, to remain indefinitely employed with the Airline, if so, why the exceptions?

HON. W. NORMAN BODDEN:

Mr. President, it has no bearing on whether these two individuals obtain Caymanian status or not. It is my understanding from them that many years ago they were promised Caymanian status, whether this is so I do not know, nor am I here to confirm this. But I would explain to the Member asking the supplementary, and to the House, the reasoning which the company and in consultation with me, have agreed on. The reason is because these two expatriate pilots came to Cayman Airways, I think one eight years ago, and one six or seven years ago. These two individuals are at the top, they are senior pilots with Cayman Airways. They fill at the present time, and have in the past as well, they have made a very valuable contribution to the Airline. They assisted with the training of young Caymanians, and for those reasons it was felt that it would only be fair to make an exception in the case of these two

individuals, and allow them to remain on the permanent seniority list.

MR. D. EZZARD MILLER:

Supplementary Mr. President.

Can the Member say whether

these pilots were adequately paid for all the services they rendered to the Airline, and whether or not one of those now resides in Florida, and only comes to Cayman to do a flight and pick up his pay cheque?

MR. PRESIDENT:

I think the adequacy of

somebody's pay is really a matter of opinion, and questions cannot be asked which seek answers that are matters of opinion. As to the question...you will find that in Standing Orders. As to the question about residence in Florida, that can be asked.

MR. D. EZZARD MILLER:

I will change it up Sir.

Can the Member state whether

those two pilots were paid any less than other pilots filling the same position in Cayman Airways.

HON. W. NORMAN BODDEN:

Mr. President, my reply to that

supplementary would be that I am sure that they were paid the same scale of pay as any other Caymanian filling a similar position. As regards to one of them living in Florida, to the best of my knowledge both of them maintain a family and home in the Florida area, and because of their type of work, they commute back and forth between here and Miami.

MR. PRESIDENT:

It is in fact now after eleven

o'clock, so I am going to have to close Question Time I am afraid. We have asked all the questions. I can understand that there may have been more supplementaries.

Private Members' Motions, I

wonder whether the Second Elected Member for West Bay is coming. I can see him. Private Member's Motion No.1/87.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO.1/87

APPOINTMENT OF SPEAKER TO THE LEGISLATIVE ASSEMBLY

MR. D. EZZARD MILLER:

Mr. President, I beg to move

Private Member's Motion No.1/87 - Appointment of Speaker to the Legislative Assembly:

"WHEREAS the Cayman Islands Constitution 1972 allows that the Governor may appoint a Speaker of this Assembly

AND WHEREAS there is to be a change in the persons who occupy the Office of the Governor in the near future,

BE IT RESOLVED that there shall be an Office of Speaker."

MR. W. McKEEVA BUSH:
Motion.

Mr. President, I Second the

MR. PRESIDENT:

Private Member's Motion No.1/87

is duly moved and seconded.

Before inviting the mover to speak to it, there are four points that I would like to make to the House, three by way of explanation, and one by way of comment.

The first is, that I have agreed that Members of Executive Council shall not, in respect of this motion, be bound by collective responsibility. That is to say, that each Member shall be free to vote in whatever way he judges right.

Secondly, I have also agreed that the Official Members, the appointed Members of Executive Council will not participate in the debate, and will abstain if there is a vote at the end of it, because it is their view which I share, that a matter of this kind should most appropriately be decided by the Elected Members of this House.

Thirdly, it may be helpful if at this stage I just explain to Members what the position would be if there were to be a tie, and I were to have to exercise a casting vote. Not that I necessarily expect to have to do so, but I would prefer that Members should know from an early stage what the practice is. Our Standing Orders lay down that we should follow the practice of the House of Commons, unless Standing Orders specifically state something different in respect of a particular matter. In respect of this matter, they do not state anything specific and different, we therefore follow the practice of the House of Commons, and Erskine May makes quite clear that it is the long-standing practice that if the Speaker has to vote, he will cast his vote to leave things as they are. In other words therefore, I would have to cast my vote against the motion, in order that there should not be a change. That would not in any sense reflect my personal views or wishes, that would simply be in accordance with the practice that Standing Orders lay down, I should follow. I wanted the House to know it at this stage.

Finally, the fourth point, which is by way of comment rather than explanation, I have from time to time taken the opportunity to remind the House that the Constitution does contain a provision to enable the creation of an Office of Speaker, and have suggested to Members that they should bear this in mind. I therefore welcome the opportunity that this motion will give for Members to debate the matter. I am not seeking to express a view as to whether they should vote in favour of the motion or against it. I have private views about that, but I do not think it right that they should be made public. But I do think it proper that I should express the opinion that I am glad that the matter will be debated, and the House will come to a conclusion after debating it.

Now those are the four points I wished to make. If the Member wanted to start his speech now, there would be 10 minutes or 15 minutes before we took our morning break. If he would prefer to defer starting until after we had taken the break, I would quite happily suspend proceedings for a quarter of an hour now.

MR. D. EZZARD MILLER: I would prefer it if I was talking to people who were not looking at me with hungry faces Sir, so take the break now.

MR. PRESIDENT: Take the break now.
Very well, I will suspend proceedings for approximately fifteen minutes.

AT 11:07 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:31 A.M.

MR. PRESIDENT: Please be seated.
Private Member's Motion
No.1/87. The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, in Private Member's Motion No.1/87 I am seeking to evoke the provisions as made under the 1972 Constitution.

In bringing this Motion Sir, it is no reflection on my part, upon yourself as Speaker of the House, but I believe that we all have to grow up, and while there are some sectors in the community who are advocating constitutional advancement, and other constitutional changes, I for one, do not see the point when seeking constitutional changes, if we are not going to use the provisions which are already there.

Mr. President, Sir, I believe that the population, and saying this I have to correct a quotation that the Compass said about me a few weeks ago, when they suggested that I had said that the President of the Assembly has his role as Governor and President confused. That was not what I said. What I said was, that I believe that there are members of the public who have the role confused, and are unable to separate the two roles of Governor and President of the Legislative Assembly. Mr. President, I see the role of Speaker, if the motion is successful, to be a very clear-cut one. His job, and I am using 'his' as a common gender, (I am not opposed if a woman is appointed Speaker of the House), would be to conduct the affairs of the Assembly under the rules and regulations as provided for under Standing Orders. Quite simply, he is not going

to be a spokesman for Government or anything. He will simply see that the Standing Orders and when Erskine May has to be referred to, or the practice of the House of Commons is carried out. And, his decisions will, as yours as President in the past have been, based upon practice in the House of Commons, and the rules as laid down in our Standing Orders, etcetera.

Now Mr. President, some people have told me that they cannot support the motion because of the cost involved, and some people have said that I am out of place and the motion should not be allowed because I will be creating an expense for Government. But I do not think that is correct Sir, and as far as the cost to pay a Speaker of the Assembly, is I believe a small price to pay to have continuity in this House of Parliament. Under the present system we have to train Governors, or they have to train themselves, in some cases after they have taken up office here, into the rules and practices of our Parliament. And I believe that the funds spent to pay a Caymanian as Speaker of this Honourable House, would be no more than the funds that are consumed in training repeated Governors to be President of the Assembly. As I have always advocated Sir, I believe if we are going to train someone, we should train one of our own. Others are reluctant to support the motion, because they are not sure, or they have no one in mind, or they can find no one whom they believe is capable of doing the job. I do not subscribe to that Sir, I believe there are several Caymanians who could fulfill the role of Speaker of this House quite adequately. I think they can demand the respect that the high office deserves, I think they are capable of implementing Standing Orders, and interpreting them fairly and squarely across the board. So, I do not think that that is a reason, and in the final analysis Sir, I am not going to make a recommendation, simply because it is your job. It is a job of the Governor to find someone who is capable, who is willing and as I have said, I think it can be done.

The other reason why I have brought this motion at this time is, because as everyone in the country knows, shortly there is going to be a change in the person who occupies the high office of Governor. I therefore believe, for that reason, or at least that is one of the reasons why the motion is timely. But the most important reason why I have brought this motion at this time Sir, is because of my concern for the confusion that I believe is being nurtured; I believe exists in our community. I believe it is being deliberately cultured to erode the halo of respect that does, and should surround the person who serves as Governor in these Islands as Her Majesty's representative.

It has perturbed me Mr. President on several occasions, when Members have disagreed with the ruling from the Chair, and their remarks in disagreeing with that ruling have not been directed at the President of the Assembly, but at the Governor. I am concerned Sir, if the position of Governor was ever politicized into that of a political football, because I believe that the elements outside who would want to erode that respect and, if they are successful in doing it, they may in fact be able to sell to some of the lesser informed members of the voting public; ideas for advancement in our constitutional position; ideas to have the Governor removed and replaced with a Chief Minister; and I might sound cynical or over pessimistic Sir, but in talking with several members of the public, and in trying to explain to some people that the President of our Assembly presently wears three different hats, and the functions of each office has to be clearly distinguished when criticism or praise is being leveled. If we are criticizing that individual as President of the Assembly, or if we are criticizing him while the individual is wearing the hat of President of the Assembly, the criticism should be directed at the President of the Assembly, and not at the Governor. If we are criticizing him when he is Governor, it must be likewise. If we are criticizing when he is wearing his hat as the Chairman of Executive Council, the criticism must be likewise.

Mr. President, I read a book as part of the requirement for my postgraduate qualifications at the University of Minnesota, called 'The Dance of Legislation', which outlined all the lobbying that goes on by special interest groups behind the scenes in the United States, Senate or Congress to get a Bill passed, and how things when they come out in final form are usually meaningless, because they have been amended to accommodate so many special interests and varying opinions and varying demands, that the legislation is meaningless. Now I have spent some time lobbying for votes for this post, but unfortunately Sir, there is not any room here to accommodate negotiating and wheeling and dealing. The

position is clear-cut, hard and dry. Either we want a Speaker, either we want a Caymanian to preside in our Assembly, or we do not. This is not a position where we can say, well we can create the office today and we can wait another five or six years to put somebody in it when we find someone who is "acceptable" to everyone. Because I do not think that should come into the debate nor the discussion, nor the rationalization in ones mind as to whether we should or should not at this time have a Speaker of our Assembly. Because Mr. President, if we try to find someone who suits the whims and fancies of each of us in this Honourable House, that person has not been made, and if we try to mold someone and transplant parts of their brain or parts of their body to suit everyone in this Assembly, we are going to wind up with a monster similar to the man who took the parts home from his car in his lunch bag each day, and the person will be unable to function.

Mr. President, I believe the time has come to appoint a Caymanian as Speaker of this Honourable House. I fully appreciate the explanations you gave before the break, and I fully understand the position you will have to take if there is a tie, but I do not believe we are going to have to worry about that unfortunately. I hope Sir, that the vote for the Speaker is going to be a unanimous one, and I am going to urge all Members to vote in favour of this motion to appoint a Speaker of this Assembly.

I thank you Sir.

MR. PRESIDENT:
West Bay.

The Second Elected Member for

MR. W. MCKEEVA BUSH:

Mr. President, I often wonder why I get up to speak just after the Member for North Side. Usually it is on something that we both feel strongly about. But what happens is that we usually get the hell knocked out of us, and we have no chance to reply. However Mr. President, I will give you an instance, the debate on the Bill for the Parliamentary Pensions, what a licking we took on that one, we won, oh we won. But this time the Member for North Side has the prerogative to reply, and I would dare say that no Members on the Government side are going to misbehave today. They are all going to be gentlemen.

Mr. President, there is absolutely no doubt that in the eyes of the world, including other Island Territories in the Caribbean; struggling independent and non-independent nations big and small world wide, and more importantly, the hundreds and hundreds of thousands of tourists and investors who continue to come to these shores, there is no doubt in their minds that the people of the Cayman Islands are quite capable of managing their own internal affairs, that goes without questioning. Like trustworthy Sea Captains, we have taken the good ship Cayman safely through many adverse conditions, despite stormy recessions in the United States, our most powerful supplier of technology, manufactured goods and foods and a continuing flow of tourist and investors to boost our opulent life-style, which no doubt is the envy of many, and inspite of civil disobediences, political upheavals, labour strikes elsewhere in the Caribbean and in other independent territories, we have, and will continue to prevail.

It is so because of our ability to take charge, and with encouragement and support of you Sir and other representatives of Her Majesty's Government, we have earned the confidence and respect of many who doubted that this new administration of Government, could present the present healthy state of our economy, which I am confident will continue, provided that we ourselves continue to demonstrate our ability to take charge. Through the years Caymanian have had to learn to accept and take advantages of changes and opportunities presented to us. Because we are smart enough to grasp these opportunities, we have also learn to become even better Sea Captains. I cannot count the times Sir, because there have been too many who knew our previous Governor, and many of my peers here in this Honourable House, and even other experienced parliamentarians have called on us here in the Cayman Islands, or that we have met in our overseas travels, have expressed surprise and some disappointment that the Presiding Officer of this Honourable House is not one of our own. Now Mr. President, I have been saying 'one of our own' because I know Sir that in the Constitution of 1972, it does not say Caymanian or non-Caymanian, but I believe, that if we win this motion, you will have the good sense to appoint a Caymanian.

It seems then Sir, that we must ask ourselves, are we not capable, are we so politically immature that we cannot trust and believe that one of our own is qualified? Why is

it that the hundreds of banks, insurance companies and tens of thousands of offshore companies that are registered here, can trust us with billions and billions of dollars, deposited with banks and investments here in this country? With due respect to you Mr. President, it seems that some of our own are afraid of taking charge of our own children, their children's children and our own destiny, in not supporting this motion to appoint a Speaker. They have not yet given one sensible reason why it cannot be done. They tell us, costs. Mr. President, you take for a country with billions of dollars, and this Legislative Assembly is only costing some two hundred and odd thousand dollars per year, and Legislators only getting \$12,000 per year. Where else in the world, what better could we have it? There is no doubt that we are full-time employees. I call myself a glorified social worker. Cost does not come into this thing because any Speaker who is appointed to this Legislature would not have to be full-time. Some of the other excuses are that we would be closer to His Excellency the Governor, Mr. President. You know how frank I am, that is not true. You know that you and I are good friends, or I hope we are, and if I have been disrespectful at times, it is only because I am speaking on certain areas that are precious and dear to my heart, but we are not that close to you Sir, nobody can fool me about that. You and I are good friends as I have said, but you do not tell me some of your secrets. Good friends tell secrets to one another, like the last time the Governor was appointed, I asked, but nobody could say anything, but the next day they saw it in the papers.

Anyway, I am not being disrespectful, and I want to point that out. I hope you are not taking it that way, but I am just speaking of some of the excuses I am hearing as to why Government with at least two supporters on this side, is not going to support this Private Member's Motion....(You keep quiet, just behave yourself).

To refuse to support this motion is like not taking on, or taking up the offer of a valuable scholarship, so that we can improve on our political education and strength. Many of us have not had an opportunity to even finish High School, much less College, I am one of them. I do not have anything to hang my head in shame for. We have however, earned respect amongst our Caribbean and other British Commonwealth peers as astute politicians and businessmen, and we do have hands on political experience. But, when I say Mr. President, that through a Speaker we can improve on our political education and strength, and that we can learn more about the House. For instance Mr. Speaker, Mr. President, I hope I will soon be saying that, for instance there are presiding officers and speakers' conferences held in the Commonwealth, and I doubt that you have yet had the opportunity to attend one, or that any of the previous President we have had have gone. I am hearing Mr. President that you went to one, and for my clarification, I would sit down now, and you tell me whether you went....No Sir, I said for my clarification....Mr. President, I think I am making good way here, I think I am giving some good debate, that is why I hear some jibes coming across from the Government bench. You all behave yourselves and vote for this thing today.

Anyway, what I am saying is, that if we had a Speaker he could attend not one, not two, but he would be a man here that we could trust, he would go to every one of the conferences, to learn more, come back and impart his knowledge to us. We do not have that chance Mr. President, with you, nor from any one of the Governors that we have had. Mr. President, my colleagues here in this Honourable House who may succumb to the scare remarks, and we have had some, by weak, timid and jealous individuals, could only live to regret that they did not grasp this opportunity, or they may try and explain why to a future generation, and how this present one ignored the opportunity given to us their elected representatives, to add I may say, further Caymanian dignity to this Honourable House. Without any advancement or change in the way the executive branch of Government works, our present constitution provides for this appointment, either from amongst one of us in this House, or anyone else who may suitably be qualified, and whom I should say, His Excellency the Governor would appoint. In the past, there were many who doubted that Caymanians could hold the many important posts they now do in just about every department in Government and the private sector. Years ago Mr. President there were many sceptics. I remember them, when they said they were going to appoint some Caymanians to certain posts they sang out, "What are you putting him here for? What are you going to do with him." I am going to tell you now that it was not only foreign people saying that you know, but some of our own. In

the past there were fears that other Caymanians would be kept down, and others would not have a chance to grow. Mr. President, the situation today, and my colleagues here in this Honourable House know this, that this is far from the truth.

We have progressed well, even though we might not agree with everything the Civil Service does. We have progressed well in this country by having the majority as Heads of Departments. The ones that we are not doing so well with are on the reverse side. You know Mr. President, we have the Caymanian Protection Board that administers and screens applications for work permits, to ensure that qualified Caymanians are not passed over to bring in, or appoint a non-Caymanian to important post which they are quite capable of holding. Well Sir, I am offering this challenge to Members of this House, to consider ourselves as the Protection Board for this Assembly, and to vote according to our conscience, as to whom they want or do we want to see as the next Presiding Officer for this House - a non-Caymanian or a Caymanian. If this Government can recommend and appoint members of the Protection Board to guard the interests of all Caymanians in the private sector, then I submit that we as Legislators, can act sensibly and responsibly, and make the decision to protect the rights of Caymanians to serve in this Assembly. To vote otherwise would be to think small, and that is not our habit. We think big in practically every other area; our homes, cars, TV dishes, you name it, our economy and a very stable one it is I may add. As our economy continues to expand, so rightfully should be our political responsibilities to our people. We have this opportunity to act on this measure, to appoint a Speaker.

Now you Mr. President, have said many times, that it is our right under the present constitution, and I must add again for the sake of clarity, without any advancement or change to our present form of Government, in spite of what certain letters to the press have tried to say. The dignity of the Members of this House and future Members of the Cayman Islands Legislative Assembly is now forever at stake, not the small minded cowardly pronouncements of a jealous few. I am confident Mr. President, that our new Governor to be, Mr. Scott will no doubt, be pleased to get on with the business of governing, as you have often said, instead of having to sit in these Chambers as President. Such a move Mr. President, would relieve Mr. Scott from the pressures and confrontations which you have not had the pleasure of avoiding during your last five years. You know, I have had to walk out on you, but what is that saying Mr. President? It is a sign of the time for change, that is what it is. We are no longer accepting what you may say, or the next one may say, and the other people might come along and say "well you are not obeying the rules", but I can tell you, I am going to be frank with you, which some of these ones up here do not want to be. Many times you say something, and you see some of them look at you and they get up and go out and go inside the room. That is because they do not like what you have to say. When I do not like what you have said, I tell you so, or I walk out, but they put it another way, and try to hide it. That is the truth.

With the appointment of a Speaker Mr. President, the workload of the Governor's Office would be lessened, there is no doubt about it, and we politicians could get down to the nitty gritty of constructive debate, without having to worry about whether or not the Governor is going to like what we are going to say. I asked my colleagues how is it possible that every Government department and private sector business could continue to grow and mature, and we cannot. Rubbish. I do not need to remind them Sir that the people of these Islands in July 1972, gave us a new Constitution to govern them with. In other words, provisions were made for a Caymanian, and there are capable Caymanians, if he would create the post, to take up the position of Speaker in this Honourable House. Are they prepared to continue denying our own people their right? And, that is what they are doing. What would probably happen is that we might not get a Speaker we like, but he would be a speaker, a Caymanian Speaker. I am going to be frank with you, there are people we can appoint, but because certain Members of this House do not like them, they are not going to be appointed, but had they liked them the Speaker would be appointed. That is the truth Mr. President. This decision Mr. President, is undeniably a vote that needs the depth of ones conscience, and I am glad you have urged the Members of the Government bench to forego their collective responsibility and vote their consciences, and I am also glad to hear that the three Official Members will not be voting on this particular one.

Mr. President, my colleague the

Member for North Side and I, have dared to bring this motion to the House this time, not as the new young Turks, or turtles as we have been called, but as responsible legislators who recognise that the world is changing, and so is the Cayman Islands. Besides, our obvious affluent life style, I again would like to draw reference to the advances made in the executive and judicial branches of Government. Not to mention the tremendous ongoing growth being achieved in the private sector. We here in this House of Assembly, should illustrate responsibility by recognising that we too can progress with the appointment of a Caymanian Speaker. Our elected colleagues are also a part of this generation, and whether they like it or not, the burden is on them to support or reject this motion. I hope they do not reject it. I know Mr. President, what I will be telling my constituents when I offer myself to them again, God willing, next year in November. I urge my colleagues to seriously consider the implications of how they vote, because for the electorate's benefit, I intend to ask for a Division after the vote on this motion is taken. And, I believe that if something like this was put out to a vote it would be unanimous in this country, to appoint our own Speaker, there is no doubt about it. The time has come Mr. President, for all Elected Members of this House to put aside unwarranted apprehension, petty indifferences and act in favour of our own, and when I say 'our own', our own legislative development. The motion is probably the single most important measure brought to this House since we approved a new Constitution, providing us with the authority to appoint a Speaker. To shirk our responsibilities and harbor petty fears and jealousies will be getting us nowhere. I think Mr. President, if it seems that we are not grateful for the role you have played in our development, no slight is intended, as I have said. I think Sir, that our time has come, the days of 'soon come' are just over in the Cayman Islands. All the cliches about the Island's that time forgot or as others put it, as the Islands that forgot time, they have all gone, they are not here any more. We have been politically elected by a majority of the people of these Islands. We can set precedents for the future, starting afresh with the new Governor, Mr. Scott. The Members of this Assembly and the people could then be justifiably proud of one accomplishment, seeing a Caymanian sitting in your chair Sir, as Speaker.

This motion Sir, does not need the approval of London. It needs the support and firm approval of the Members of this House. Speaking on behalf of my constituents, I am confident in stating that it will be a proud day when this entire House, not only the Speaker's Chair, is occupied entirely by Caymanians. I am not saying Mr. President, I am not talking about independence, less that be misconstrued, and I am not saying that it is going to be right now, either, I am not talking about that. I am saying that we are proud enough to want our own in this House. We have got to start somewhere to bring this about, and a golden opportunity is here right now. This measure does not need to be sent to another Committee, we are the all encompassing Committee, voting to improve ourselves just as we voted amongst ourselves to elect the present Members of Executive Council. Now it is their turn, for the Members of Executive Council to vote with us according to their consciences for unanimous approval of this motion. Every dependent territory in the British Commonwealth can boast with pride that one of their own is Speaker of their Parliament, no independent country, a colony just like us. Mr. President, we the Elected Members of this House as the lawmaking body of this country should exercise our rights under our existing constitution, and vote in favour of this motion. Her Majesty's Government in England has said that it is all right, and you as Governor, have said that you would welcome the appointment of a Speaker. Her Majesty's Government in England has approved such an appointment under the Constitution.

It should also be noted Sir, that the majority of our now serving and past legislators have also expressed the desire to see a Caymanian serving in this Honourable House as Speaker. The only one I have heard of so far say that he does not want a seat, is my good friend behind me from Cayman Brac. I do not know for what reason. I have been begging him to support me, but his heart is like a rock. My colleague from North Side and I, have taken the initiative by supporting the ushering in of this new administration. Now together we can all stand up and be counted, by giving unanimous support to this motion. I feel strongly about it, or else I would not stand up here and say the things I say, and I urge all the Elected Members of this Honourable House to make all Caymanians proud, and approve this measure for the appointment of a

Caymanian Speaker.

One last remark Mr. President, before I sit down is that I intend to move the suspension of 42(2) so the President would not have to make a decision if we came to a tie vote, it might not be, but if it does, I will seek suspension of the Standing Order.

Thank you Sir.

MR. PRESIDENT:

Before I call on another Member to speak, I would just like to make one point, because I would not wish there to be a misunderstanding. If I understood him correctly, the last speaker, the Second elected Member for West Bay said that I had welcomed the suggestion that the Governor should cease to be Speaker and should cease to preside over meetings, I think that is what he said. That was not what I said. I was very careful about what I said. I said I welcomed the debate and the opportunity that Members would have to reach a conclusion. But I did not express an opinion either way as to whether the Governor should remain Speaker.

MR. W. MCKEEVA BUSH:

Well Mr. President, just on a point of information. Maybe I read what you said wrongly, but what you said, maybe I read it to be otherwise, but I thought you were glad to get out of the Chair.

MR. PRESIDENT:

I was careful not to say whether I should be glad or not. I said that I would keep my private opinion to myself, but I did say I welcomed the debate.

MR. W. MCKEEVA BUSH:

Most other ones have said the same thing, but I often thought what would happen if....

MR. PRESIDENT:

Well, I just did not want the public to be misinformed on the point.
The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, it has been said in so many words that any person who opposes this motion is a timid person. Now Mr. President, I am going to make my position clear that I am going to oppose the motion, I am going to vote against the motion, but lest anyone should think that I am timid, he should examine the Hansards of this House. I may not huff and puff as much as some people, but when I have to make a point, I make it.

The position of Speaker, Mr. President, was likened to the Caymanian Protection Board, and I would invite Members to look at the Hansards for 1971, and they would see that I had the privilege of introducing those laws into the Assembly, and that it was done against great odds. So that does not display any timidity. It has also been said Mr. President that if this were put to a vote, it would receive a unanimous vote. I could only help Members on that question by referring them to Chapter 37. of the Report given by the Rt. Hon. Lord Oxford and Asquith, KCMG, when he reported on our present Constitution in 1971. Mr. President, this is what Lord Oxford and Asquith had to say about it:

"The question whether the Administrator should continue to preside at meetings of the Assembly or whether there should be a Speaker (drawn preferably from outside the Assembly) is one which evidently much exercised the minds of elected members. The majority and minority reports of the Select Committee were both in favour of a Speaker but opinion on this point has since been modified and several of the signatories would now prefer the Administrator to preside. The earlier opinion stemmed partly from the general feeling that the Administrator should withdraw from some of his many functions. It was also felt that his power to intervene at any stage of a debate, not only on points of order but on points of substance, gave him an unfair advantage over members who would usually have only one opportunity to speak. It was suggested too that his position as Her Majesty's representative made it inappropriate for him to take an active part in Parliamentary proceedings. Those who changed their opinion did so partly because they recognized that the part he played in the proceedings was a valuable one and partly because of the uncertainty of finding a suitable

Speaker.

The position, as I see it, is that if there is a strong front bench of officials (or alternatively, in a more advanced type of constitution, a front bench consisting of Ministers) the functions of the person presiding can be largely confined to matters of order - for what purpose a Speaker, if available, may be more appropriate than the Administrator. But when the front bench is weak either in numbers or in experience, the Administrator's guidance will often be necessary if a measure is to be successfully handled. In the Cayman Islands Assembly, where officials are very heavily outnumbered and there are no Ministers, such guidance has evidently been necessary in the past. I foresee its continued necessity for some time to come, where the issues under discussion are sensitive and controversial."

Now Mr. President, Lord Oxford and Asquith, as Members know, canvassed opinion on his findings far and wide in these Islands. He held public meetings, he went and sat in the Town Halls in the districts, and heard what the general public had to say about desires for constitutional advancement, and it was on that basis, and on the basis of consultation with the then Members of the Assembly that he wrote his Report.

I am flattered Mr. President, that the mover and seconder of this motion might in fact have been somewhat misguided by the comment of Lord Oxford and Asquith about when the Government front bench is able, strong and capable. I believe that because this is the position today, they may be led into a false sense of security, and are therefore advocating the appointment of Speaker. But, as Lord Oxford and Asquith said, we have no guarantee that this will continue to be so, and the guidance of the Governor as Speaker will be invaluable if the front bench in Government was ever made up of inexperienced and less able people.

MR. W. MCKEEVA BUSH: When you say 'experienced' the front bench, you are leaving out the two back bench Members, or what?

HON. BENSON D. EBANKS: I am speaking generally.

MR. W. MCKEEVA BUSH: Oh, so who then?

HON. BENSON D. EBANKS: Shut up!
Now Mr. President, it has also been suggested that this motion would ensure the appointment of a Caymanian to the office of Speaker. But what the Constitution has to say about it is this, and this is Section 32(2) of the Constitution. It says:

"The Governor, acting in his discretion, may appoint a Speaker of the Legislative Assembly, who shall be a person, whether or not a Member of the Assembly, who is qualified and not disqualified to be a Member of the Assembly:

Provided that this subsection shall not come into force until the Legislative Assembly has passed a resolution that there shall be an office of Speaker."

Mr. President, there is no guarantee therefore, in that section of the Constitution that if a person is appointed, it would necessarily be a Caymanian. And if there is some legal deficiency in the drafting of our 1972 Constitution Mr. President, I would suggest that it may have been in this area, because there is much about the appointment of a Speaker that should be there, if in fact we were going to appoint a Speaker. The point being Mr. President, there is no indication of the term of the Speaker's office, whether it would finish with the life of the House as is customary in other jurisdictions, or whatever. And frankly, Mr. President, I believe that to meet the wishes of both the mover and the seconder of this motion, the speaker would in reality have to be appointed by the Members of this Legislature, and in the instances where the Member refers to contacts with fellow parliamentarians from abroad, that is certainly the way it is done. So, I would not be too eager to latch on to the bandwagon of some of

these fellow parliamentarians who we meet from time to time when we go to the Commonwealth Parliamentary Conferences.

Maybe Mr. President, I could remind Members of the experience which the Honourable Second Elected Member of Executive Council and myself had with one of those parliamentarians from a territory where they call themselves Ministers, and where they had a Speaker. We both came back short of cash which we loaned to one of those Ministers, and have never been able to recover, and I believe they have even lost their Speaker subsequently. I do not know whether he was borrowed, stolen or done away with.

As I have said Mr. President, I am sure that that deficiency in the Constitution was probably due to the fact that the general feeling of the country, and of the Members at that time certainly was that the appointment of a Speaker was not an urgent or important matter, and that is probably why more attention was not given to that section of the Constitution, when it was being scrutinized.

One must remember Mr. President, when we talk about other Caribbean countries, we are talking primarily of countries that have the party system, which does not yet formally exist in the Cayman Islands, and as to what other Commonwealth Parliamentarians might feel about our position with the Governor sitting as Speaker of the Assembly, Mr. President I could not care less, the way they feel. My responsibility here is to see to the welfare of the Cayman Islands, and it has quite rightly been pointed out Mr. President, that we have an economy that is the envy of many countries in the Caribbean.

We have no natural resources as such. We have sand, sea, sun, a friendly people and I would hope Mr. President, a pragmatic people. And until someone can quantify to me the value which we derive from having the Governor sit as Speaker, or conversely, could tell me how much we would lose if he was not there, I am not prepared to move. In other words Mr. President, what I am saying is that if something works well, leave it alone. We have a strong economy; the President does not exercise an overburdening or awesome rule in this legislature. In fact Mr. President, I am sure that if there were an independent Speaker sitting there, more Members would get thrown out, and basically, that is how most of the time in this Assembly would be spent. If Members displayed to the Chair the respect and dignity which it deserves, we would have no problem....

MR. W. McKEEVA BUSH: Like when you leave and go into the Coffee Room. I hope you are including that as well.

HON. BENSON O. EBANKS: Shut up!

MR. W. McKEEVA BUSH: I hope you are including that as well.

MR. PRESIDENT: Order! Order!

HON. BENSON O. EBANKS: Mr. President, I have had my tiffs with Speakers in this Chamber, but I defy anyone to find anywhere in the Hansard, where I have been disrespectful to the chair. I have on occasions had the need to manoeuvre...(LAUGHTER).... within the Standing Orders of the House, to get my point across. But I believe that I, if not always, almost always succeeded in doing that, and that is the way it should be Mr. President, and then it brings me on to the next point that was made. That was, that the appointment of a Speaker would enhance the knowledge of Members of the Legislature, because the Speaker would attend the Conferences of Speakers and Clerks held annually, or whenever, in the Commonwealth. He would gain knowledge and would come back impart it. Mr. President, the deliberations in this House are controlled by our Standing Orders, and where they are silent, we apply the rules of the House of Commons, and there is a Bible on parliamentary procedure called Erskine May. So that no speaker going to a conference can in fact, learn anything which is not contained in our Standing Orders, or in Erskine May. Now they certainly benefit from those conferences, to the extent that they understand and exchange views as to how different interpretations may be applied, and so on. But when it comes down to the final analysis, Erskine May is the Bible on Parliamentary procedure, except where our Standing Orders specifically state what happens in a given case. Our Standing Orders Mr. President, are written and amended from time to time by the Members of this House. So, the question of increased

knowledge does not in my opinion enter into the matter. There are time Mr. President, when I accept that Her Majesty's representative as Governor in these Islands, having to sit in this Legislature as President, is somewhat compromised, or maybe has some of its dignity taken from it. But I have seriously considered Mr. President the advantages and the disadvantages of the situation, and I believe that in balance, the advantages of the Governor sitting here as President as regards the way in which he can carry out his high office as Governor, far outweighs any disadvantage which might be attached to the office of Governor, because of any problems encountered here.

To summarize Mr. President, I feel that this matter was widely canvassed when Lord Oxford and Asquith visited the Territory in 1971. The people spoke, and as I read from his recommendations, he gleaned from his talks that the people would prefer to allow matters to remain as they were, where the then Administrator who is now Governor sat as President of the Assembly. So I believe that the people of the Cayman Islands had quite a bit of input into that decision. The only merit Mr. President, I see in this motion, and it does have this merit, and that is, to remove the Governor from the unpleasantness that he sometimes experiences at the hands of Members, by him being in this Legislature as President. But we as Members can diminish and decrease those incidents of, shall I say, demeaning experiences if we pay more respect to the Chair, follow our Standing Orders and refer often to Erskine May, and when we have a point to make, let us make it within the ambit of our Standing Orders, in the framework of Erskine May. We might have to sometimes be persistent as I have said before, but we can be persistent and remain within the Standing Orders.

As far as I am concerned Mr. President, our present situation has served us well. We have a buoyant economy, and until I am satisfied that any move to remove the Governor as Speaker of this House will not affect our economy, I am going to say 'steady as she goes', it is not being done out of timidity. I have taken many unpopular stands, but when I take those unpopular stands, I am satisfied it is for the benefit of all Caymanians, and I am not satisfied that this motion would serve the benefit of all Caymanians, therefore Mr. President, when the time comes, I am going to vote against it. I will be happy to respond to my name when the division is called.

MR. PRESIDENT:

for our customary lunchtime break, and I will suspend proceedings until approximately two fifteen p.m.

I think that the time has come

and I will suspend proceedings

AT 12:43 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:23 P.M.

MR. PRESIDENT:

being a few moments late.

My apologies to Members for

Private Member's Motion

No.1/87. Continuation of debate. The
George Town.

The Second Elected Member for

MR. LINFORD A. PIERSON:

support of Private Member's Motion No.1/87, in respect of the appointment of a Speaker of the Legislative Assembly.

The Private Member's Motion

reads, Mr. President:

"WHEREAS the Cayman Islands Constitution 1972 allows that the Governor may appoint a Speaker of this Assembly.

AND WHEREAS there is to be a change in the person who occupy the Office of the Governor in the near future.

BE IT RESOLVED that there shall be an Office of Speaker."

The only section of the motion Mr. President, which would seem redundant is that the second 'Whereas' should not have been placed there, because if there is a necessity for such an appointment, or for the resolution to be placed at this time, it should be done regardless of whether or not the Governor is leaving the Islands. We could have looked into this matter before.

The section of the Constitution Mr. President, which deals with this matter is Section 32, and I would like to read this for the benefit of the listening public:

"1. At sittings of the Assembly there shall preside -
(a) the Governor; or
(b) at any time when there is a person holding the office of Speaker, the Speaker; or
(c) in the absence of the Governor, or as the case may be, of the Speaker, the Senior Official Member of the Assembly.

2. The Governor, acting in his discretion, may appoint a Speaker of the Legislative Assembly, who shall be a person, whether or not a Member of the Assembly, who is qualified and not disqualified to be a Member of the Assembly.

Provided that this subsection shall not come into force until the Legislative Assembly has passed a resolution that there shall be an office of Speaker."

Mr. President, provision is already made in the Constitution for the appointment of a Speaker of the House, and this motion seeks to have the resolution or motion passed, so that the office of Speaker would be established.

Before dealing with the text of my contribution to the motion, I wish to comment briefly on certain remarks made by the Honourable First Elected Member of Council, and while I agree with him on certain issues, as has been recently evident by my support of a motion coming to this House, I think the Hansards will show that we never always agreed. I believe that this is one case when I have to disagree, respectfully, with him. I believe that he is living in the past on this particular issue. The Member is not as up to date on what is happening in the Cayman Islands as I would have hoped. While I have a lot of respect for the Report of Lord Oxford and Asquith, I believe we are talking about a Report that is some 16 year old. It would be interesting Mr. President, to see the reaction of the Cayman Islands public today if this issue was taken to referendum. To suggest that the people of the Cayman Islands today are of the same opinion as in 1971, I think is incorrect.

We have not only improved our physical development, but we have improved constitutionally and otherwise. I do not believe that even this Legislative Assembly Building was here in 1971, neither was the Government Administration Building. The Tower Building, I could tell you of a lot of developments that have passed in those 16 years, yet the Member is suggesting that in this particular case, we must not move ahead. We must continue to abide by the Report of Lord Oxford and Asquith. Perhaps Mr. President, it would be in the best interests of this Honourable House if less references could be made to these antiquated and outmoded pieces of reports, because they have become redundant by the inflection of time. Perhaps we should now be considering inviting a Constitutional Commissioner such as Lord Oxford and Asquith to determine exactly how the people feel. Also, the Honourable First Elected Member of Executive Council made reference to other Caribbean islands. Mr. President, we in the Cayman Islands are leaders in the Caribbean, we are not followers. So I do not feel that if we took a step in this Legislative Assembly, that we would indeed be following the example of others. If you look around the Caribbean today, there is no other island in the Caribbean that is any more advanced than we are. Yet constitutionally, we are the most backward of the islands. I also believe Mr. President that if a Caymanian was placed in the seat of Speaker, that he would be given as much respect as anybody brought from overseas. There are no specific qualifications for Speaker, Mr. President. We have an example of a very brilliant lawyer who has just been made our Attorney General, a man for whom I have a lot of respect, unlike of course his predecessor. And, Mr. President, what is to stop this gentleman being appointed to the post of Governor in Anguilla or some other place tomorrow, coming back here as Governor and sitting as Speaker? Does it mean that he has more basic academic qualifications than his other legal colleagues? No Mr. President, there is no specific qualification for the Speaker, all that is necessary is a good knowledge of parliamentary procedure, your Standing Orders, your constitution, and so on and so forth.

Mr. President, unless these top

positions are filled by expatriates, it is the general feeling that no Caymanian is capable of doing it. Mr. President, nothing could be further from the truth. There are many, many Caymanians that given the chance, could fill the position of Speaker in this House. Just to name a few, you have people like and I would put her at the top of the list, Mrs. Sybil McLaughlin. You have got people like Mr. Warren Conolly, Mr. Vernon Jackson just to name a very few, and not to speak about senior Civil Servants. Right across from me a man like Mr. Lemuel Hurlston or Mr. Jefferson, or anybody could be placed there, because they have a very good knowledge of our parliamentary procedures. Mr. President, it is unfortunate that some of us keep speaking in this House of our interest for Caymanians, yet when the opportunity arises, we are the first to try and block those openings.

The Member mentioned that the Constitution is silent on the question of the period of appointment. I do not see where this would be a major problem, and in this particular case, is hardly relevant, as when the office of Speaker is established, the necessary amendments can be made to stipulate the period.

I further cannot subscribe to the view that every time there is an election in this country, that there would be a change of Speaker. I think that that is a retrograde step, and it is a backward way of looking and viewing your fellow Caymanians. I believe we have Caymanians in this country who would be given as much respect as any Governor who is placed in that seat as Speaker of our House, or as President of the Assembly.

Mr. President, I believe that if this motion had been brought to this House by a Member of the Government Bench, that it would today be given full support, and I feel that it is wrong just because a motion is brought by a Member of the back bench that there is so much struggle especially when the motion has so much merit. It would be a shame Mr. President for this motion to be rejected, mainly because it is feared that if an appointment was made of somebody like say, Mrs. McLaughlin, or Mr. Conolly, or Mr. Vernon Jackson or somebody else, that they would be political and have political leanings. Of course, many times Members of this House have disagreed with the Chair, but this will happen, this is politics, this is why the Governor's position should not be compromised by having to sit in that Chair also as a referee of a fight sometimes, because regardless of how good he is at refereeing, somebody is going to feel that he has not been treated right. I feel that for this reason if for no other, that the Governor should be left with his role as Governor of the Cayman Islands, and that a Speaker should be appointed.

The Constitution states Mr. President that the person does not have necessarily to be a Caymanian, even though this may be in the Constitution, I would hope that if an appointment is made, that it would be a Caymanian. The Constitution states that the qualification is someone who is not disqualified to be a Member of the Assembly. Right now Mr. President, the Honourable First Elected Member and myself, we are trying to put through a motion in this House that will protect the interests of Caymanians now, and for the future, and it would seem that there is a contradiction in terms, when we push for a motion like that, and at the same time reject this motion which seeks to appoint a Speaker of this House.

In considering the pros and cons of the appointment of a Speaker of the House, various factors must be born in mind, least of all, is not the development which our country, that is the Cayman Islands, have experienced over the past 14 years. I have seen representations made by certain individuals against this motion, but thus far there seems to be no real substance to support their opposition to the appointment of a Speaker of our Honourable Legislative Assembly. We live in a democracy, and thus there is freedom of speech by all and sundry. As a matter of fact, our free press encourages the exchange of ideas and varying points of view, and to my knowledge Mr. President, this has not been denied anyone in this country. Therefore, anyone who wishes to write for or against this motion should not be denied this privilege, even though Mr. President, I feel that much that is found in the columns, the letter columns that is, of the Compass should be taken with a grain of salt. It should also be understood that many of the letters if not most of them, are expressing the own personal views of those individuals. It does not mean Mr. President, that everything that is read in these columns should be taken as gospel. The people of the Cayman Islands should make up their minds on an issue like this, and the same way the right was given to them in 1971, to decide on an

issue like this, it should be done today, and this is why I feel that a motion as important as this, should probably be delayed until a proper referendum could be taken to decide how the people of this country feel about the appointment of a Speaker of the House. It should not just be thrown aside, because the Government bench may have the support to do this, this would not be doing a service to our people in our country. We are here to represent the interests of our people, and we would be denying them their rights if for any personal reasons, we decide that an issue of this national importance should be just cast aside.

Mr. President, there seem to be certain individuals who are so paranoid about any changes in Constitution, that they would keep the Cayman Islands as the islands that time forgot for ever and ever. They would impede the progress of this country, but I would like to make it abundantly clear that this motion does not call for a change in the Constitution. A number of people have asked me about this, the provision is already in the Constitution. All that is necessary now under the Constitution is that a resolution be passed by this Legislative Assembly to create the office of Speaker. Yes, Mr. President, the legislators in 1971 were indeed very wise people, and they saw the necessity for such a move from then. Mr. President, even though we have great respect for the individuals who have filled the Chair as President since then, as a nation, and as people with national pride, we feel that as soon as we have grown to the stature where we can have one of our own people fill a position, that that should not be denied them.

Mr. President, what surprises me is that there are so many of our upstanding people in the community that would let you believe that this country would fall apart if Caymanians are put in top positions. This is not so, right now we have a number of people who are highly qualified for top positions. I could name you another gentleman like Mr. Woodward Terry who is coming out of Law School. What would be there to stop a man with the qualifications, the legal knowledge, the necessary ingredients from going on a course abroad to the House of Commons or wherever, and coming back as Speaker of this House. Mr. President, I cannot subscribe to the view that we do not have people that could be impartial and unbiased enough to fill that seat. We are really crying our Caymanians down, when we say that there is nobody whom we could think of who would be capable of doing a proper job as Speaker of this House.

Mr. President, I too do not agree that sufficient time has been given to the public, before this motion was brought here. Because, unlike years back, the public now have the opportunity to listen to the radio. Also I believe, and I am speaking from my own experience, that many of the Members like Mr. McKeava Bush from West Bay and others, still keep in very close touch with their constituents. I do not have a meeting every month, because this is not necessary. I go and I visit my people, person to person, and I meet many more of them than I would if I had a public meeting. But there is not another Member, and I say this without fear of contradiction, who keeps in closer touch with their constituents than I do. So I have a good idea of how they feel on matters, and I would say here and now, that if a referendum was taken tomorrow to decide on this issue, and the people knew that there were capable Caymanians who could handle the position, that they would support it. So when we speak in this House that we are not going to support an issue like this because it is an interest of the people of the Cayman Islands, I wonder whether it is in our own personal interest, or out of some petty reason, because of a personality reason.

Mr. President, unfortunately, there is an old colonial feeling pervading in our Islands, that unless you are an expatriate, and I say this in the best way, because I have nothing against expatriates, but unless you are an expatriate, you cannot do anything right. As long as you come from another country, it could be from Little Cayman, you had better fly into Cayman, then you can do the job. But if you are Caymanian, no you cannot handle the job. This is wrong, there are no nationalities in the world that are any brighter than Caymanians, and given the opportunity, they can handle the job as well as any nationality. We see it right before us, we see it in this Legislative Assembly, we see it all around Cayman. Caymanians given the opportunity, can handle the job as well as anyone else. What is to stop any Governor coming to these Islands, from taking sides in the House, he is a human being. He might look across here and not like the Second Elected Member for West Bay, but he might like the Honourable First Elected Member, therefore he might be a

little more inclined to lean towards the First Official Member. These things are human tendencies, even though I must make the point that so far we have not a major problem with this, but we have to cope with these problems. Nobody is suggesting that if a Speaker of the House was appointed here tomorrow, a Caymanian, that you are not going to have some teething problems, of course you are going to, but we are a developing nation. I have always said that if I am going to be taken off to jail, I would rather know that one of my own Caymanian police had arrested me.

Mr. President, there are a number of born Caymanians, or persons with Caymanian Status who could ably fill the Chair of the Speaker of the House, and I want to make the point abundantly clear that it has nothing to do with whether or not the Governor is or is not capable of the job, but the Governor should remain Governor of these Islands, in his role as the Queen's representative, and the Speaker of the House should be dealing in this Legislative Assembly on matters to do with the legislative process of this country. One Member said to me that this is his best opportunity to meet the Governor. Well, God help us, if we have a Governor governing the Cayman Islands and legislators cannot meet him, that is the poorest excuse that I have ever heard, but the gentleman is free to his opinion, that is no reason at all. If I am a representative of my people, it is my duty and the duty of the Governor to meet with me when possible, whether he likes to do that or not, I represent the people.

Mr. President we would be taking a retrograde step in this country if we allowed an opportunity like this to pass. I know Sir that you have in the past, said to us that any time we want to appoint a Speaker, you would be happy to entertain the resolution. You have not tried to block it. As a matter of fact, sometimes reading between the lines, I believe you might be somewhat supportive of the idea, but, be this as it may, I feel that we are now talking of our national pride. We are talking of our national development. We are talking of placing people, Caymanians, capable Caymanians, in positions that they can fill. Mr. President, I am tired of seeing our own Caymanians who are capable of filling positions, pushed into second rate jobs; pushed aside as second class citizens. 'You cannot do it because you are Caymanian'. By virtue of the fact that the person is expatriate, makes him a better qualified person to fill the post, nothing could be further from the truth. Any Member here that would subscribe to that view would be doing an injustice to the people they represent.

Mr. President, I would not this afternoon be supporting this motion if I felt that it would in any way endanger this country. Because unlike a lot of other people, I have nowhere else to go, so I have the interest of my country and the people of my country at heart when I support this motion. I believe Sir that each Member here this afternoon should search his own heart. Give this matter very, very serious consideration; forget about the politics; forget that Mrs. Sybil McLaughlin might have run in the last election, or that Mr. Warren Conolly was a politician, or whatever. Think of your country, this is most important, and what could be done by people like that. It does not matter about the personality clashes. Not every Member of this Legislative Assembly agrees totally with the Presiding Officer now, the President of this House, but he is respected. The same would apply if we had a Caymanian here, and I am not talking of any Caymanian or any and every Caymanian, I am talking of people who are as qualified as the present Presiding Officer, to handle that job.

Mr. President, this is a democracy, and each and everyone of us will have a chance to speak on this motion. And while I might be making an impassioned plea for the support of other Members on this motion, I would not want it to seem as if I am denying them the right to oppose it, because I could not do that. But Mr. President before opposing, I would ask them not only to consider their own personal positions, but to consider the position of the generations to come. If we deny them the right this afternoon on this motion, we are only delaying the inevitable. I say here this afternoon that it will come, so it is a matter of delaying the inevitable. So whether you want it to come now, or two years down the line, this is completely up to you. But we cannot stop the tide of progress in this country. We cannot stop the development that is taking place, the physical development, and at the same rate the Constitutional development that must take place to cope with it.

I am not supporting this motion for personal or for frivolous reasons. I have given a lot of thought

to this motion since it was published, and I believe Sir, that Members of Executive Council should exercise their right to vote in accordance with their conscience. If the motion is defeated Mr. President, we would have struck a blow to our people. We would be saying to them, 'we represent you but we do not believe in you'. We would be saying to our fellow Caymanians who have proven to this country and to other countries that they can handle positions, that they are not good enough to do it. We would be saying to them that we do not believe that we can find a Caymanian who is impartial, or unbiased enough to sit in that Chair and give us justice.

Mr. President, in closing, as I have said, provisions are already in the Constitution for the appointment of Speaker. And most importantly Mr. President, we do have a number of Caymanians who can fill the positions. Therefore Mr. President for us to deny our people the opportunity to prove themselves, I would consider it a violation of their rights, of their constitutional rights, because it is imbedded in the Constitution. Mr. President, I hope that Members of the Government bench and others who were considering that they would not give support to this motion, will now change their minds and will support this motion, not only for themselves Mr. President, but indeed for generations to come.

I thank you Sir.

MR. PRESIDENT:
the Lesser Islands.

The First Elected Member for

CAPT. MABRY S. KIRKCONNELL:

Mr. President, Private Member's Motion No.1/87, the Appointment of a Speaker to the Legislative Assembly, to me is a totally unnecessary motion to be before this Honourable House at this time. I think all Caymanians are fully aware that the Legislature has performed its task well. I do not think there are any complaints as to how legislation has been passed. We have performed well. I for one, am honoured to have the Governor appointed by Her Majesty's Government, serving as our President, or Speaker. I think it adds prestige to the House, and although, as the Second Elected Member for George Town said I was wrong for saying, I will repeat, I feel that it gives an ordinary Member like myself, and I would say that this is the seventh session for which I have had the honour of serving my people of Cayman Brac and Little Cayman in this Honourable House. It gives me the opportunity of having discussions with His Excellency while being in the Legislature serving as a President, that I would not feel that I was justified in taking his time setting up an appointment at his office during his official hours. I am able to keep in closer touch with him, and in order, I think represent my people better.

I would also like to say Mr. President that when I stand to speak in this Honourable House, I have first consulted my constituents, and am speaking their views in this Honourable House, and not my views, and I am not here to criticize any mover, or anyone else, I am speaking the views of my people and what I feel is best for the Cayman Islands as a whole.

The Cayman Islands is a fortunate territory, we have much going for us, as other speakers have said, we lead the Caribbean. So, certainly we could not have been doing too much wrong here in the Legislature if we have achieved this position.

I would like to say also Mr. President, that I am not here campaigning, I am simply stating facts, and I would like to say to all Honourable Members, let us remember that although we have Caymanians who are qualified, and I am the last one to try and crow down Caymanians. I have always been one throughout my life to try and help build the Cayman Islands, and build up our people. That has never entered into my mind, but I am saying it is an honour to have the Governor serving as a President, or the Speaker if you prefer to use that title, and I think it would be a retrograde step at this time, or any time in the immediate future that we the Members here should make that decision, to change. This is no reflection, and I want to make it crystal clear to all Members in this Honourable House, or hearing my voice on the radio, that I am in no way inferring that there are not Caymanians, for I have many good friends whom I feel would be quite qualified to serve as a Speaker of this House, but I do not feel in the best interests of our country, their appointment would serve the purpose.

Therefore Mr. President, I cannot support this motion, and I ask all Honourable Members to consider this on its merits and not just as a matter of political

gesture. We must do everything within our power to continue to develop the Cayman Islands as the great little territory it is, and I for one, would like to publicly say that I am very grateful to all the Governors who have so faithfully served us as President here. I know many times it has not been very pleasant, I have tried to be as respectful as I could during the seven years that I have been here, but I know on many occasions I felt embarrassed to know that His Excellency, the Queen's Representative, was being subjected to some of the abuse I thought he was being given. But nevertheless, I would like to go on record as showing my sincere appreciation for the Governor serving as a Speaker of this House, and again I ask all Honourable Members to let us let that continue.

Thank you Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON:

Mr. President, I rise to oppose this motion. It is a very short motion with three short paragraphs, five lines, but Mr. President, in my view, it is a very important issue, and whatever the views of Members maybe when we debate an important issue, there is always the argument for and against it. So be it. Those who have brought the motion are those who are supporting it; that is one side of it; those who feel that it is not expedient to introduce a Speaker at this particular time could have good grounds for it as well.

Mr. President, over the years I have supported Caymanianization of the Government systems, and to oppose this motion is not really saying that I am against it, or that I am denying Caymanians of a position as Speaker of this House. But, Mr. President, we must accept the fact that this has always been a very delicate subject in the past, that the matter had been debated over and over again, not necessarily by a motion presented in this House, but since 1972 under the then new Constitution which provided for a Speaker of this House at any time that legislators felt that this change should be made, there has been discussion on the matter. I have been involved in some of those closed-door meetings as well, and I know the argument adduced by legislators of the past opposing the appointment of a Caymanian Speaker, or a Speaker of the House. Now Mr. President this is tradition, something that past legislators and present legislators hold dearly in their hearts. We do not just get up and with the stroke of a pen, make changes here. Mr. President, the majority in the past have always supported the view that there should not be a Speaker of the House, and Mr. President, there is no personality feeling in this, it is not an excuse, it is not so. These are views expressed by Caymanians, whether one may have different views from the other, they are all Caymanian views, and we must respect the views of other people too, do not accuse them of things which are not correct. It could be said Mr. President that we could also appoint a Caymanian Governor for these Islands, I thought that would have been mentioned as well. It may be as one speaker has just said, that it is delaying the inevitable, that may be true but sufficient unto the day.

I contend Mr. President, that personal contact in this Chamber with the Governor has been tradition, and it will continue to be tradition for some time, even if there comes a time when the majority say no, we must have a Speaker.

The Governor is a man who is conversant with all the happenings of the country, he is well versed in the affair of the country, and when legislators meet with him they can converse with him. Legislators have played great importance on this in the past, and I dare say they will continue in the future as well. It is all right for one to say that getting in contact with the Governor, or meeting the Governor is something which is everyone's privilege. That may be so, the Governor could perhaps invite legislators to Government House to a reception, and could meet people there, talk with them, but Mr. President, it is not the same as coming into this Chamber and meeting with you, and having that personal contact. This is tradition, and this is what the opposition to this motion is all about.

MR. W. McKEEVA BUSH:

You can hear more at cocktail parties, let us play on that.

HON. VASSEL G. JOHNSON:

Mr. President, we must also remember that we live in a very small society, and especially in

recent time political views have been very strongly held by individuals here, and I am not saying that you cannot find Caymanians who could be appointed to the position of Speaker, but whether you continue to accept the Governor as President of this House, or you go for a Speaker, those views are still going to be held by individuals, and therefore, we on this side Mr. President, are strongly of the view that the time for change is really not now, this would not be in the best interest of the country, and therefore I have no problem in opposing the motion, and I do so Mr. President.

Thank you.

MR. PRESIDENT:

I think perhaps before I invite any other Member to speak, it may be convenient to take our customary afternoon break now, so I will suspend proceedings for approximately fifteen minutes.

AT 3:12 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:29 P.M.

MR. PRESIDENT:

Please be seated.

Continuation of the debate on

Private Member's Motion No.1. Does any other Member wish to speak?
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I personally like the idea of having an independent Speaker. However, I cannot and will not support the motion before the House. Every Elected Member in this Chamber was elected or had been elected in 1984 on a manifesto which did not mention the appointment of a Speaker, did not mention constitutional changes, and while I know the appointment of a Speaker does not in a sense require a Constitutional change, nevertheless it is a fact that if a Speaker was appointed, we would have a dramatic change in procedure and a substantial and fundamental change in the way the business of the Legislative Assembly would be run. I think it is unfair to the public to sneak in through the back door the many changes which this present Assembly has already made, and are seeking to make in this sitting.

Just look at what we have - since 1984, the Standing Orders of this House have been amended many times, they were amended and when the Standing Order which was amended trapped some of the Members who made the amendment, they had to go back over it and change it. I am referring here to the matter of the method of having questions answered in the House. We have here an amendment which does not really change the Constitution, but which would rather implement a section that has lain dormant since 1972. Hopefully, next week Thursday, we will be dealing with a Private Member's Motion which will seek two substantial changes to the Constitution, and not a word has been said to the public, there has been no public input and we received notice yesterday from a Member that he has tabled a motion, or will table a motion in April, to seek another substantial change to the Constitution with regard to putting in a Bill of Rights. Why are we playing with the Constitution of these Islands behind the backs of the people? I feel that if these far-reaching amendments are to be carried out, the Members should have included these matters in their manifestoes, and if they had been elected on a manifesto seeking Constitutional change, then I would say "go ahead with it". But these Members have no mandate at all from the public to make the changes which they are making, simply because they have the votes.

I feel that these changes, like the one with the Membership, the qualifications for membership should be exposed to the public and perhaps made a part of their manifesto for the next election, and have the courage to go out and say "we need Constitutional changes, we feel capable of making them, it is a sensible thing to do", and let the public react and then if the public elects Members under those circumstances, the Members would then have a free rein. So, while I want a Speaker, I do not want him to be sneaked in through the back door, but I want him to walk proudly through the front door in all his ceremonial pomp.

Section 32(2) of the Constitution provides that the Governor, acting in his discretion, may appoint a Speaker of the Legislative Assembly, provided that this shall not be done until the Legislative Assembly has passed a

resolution that there shall be an office of Speaker". So, there is no need to amend the Constitution to appoint a Speaker, the machinery for the appointment is already in the Constitution. However, the Speaker would not be functional and it would be very difficult for the Governor to appoint a Speaker. It would be very difficult to draft the Speaker's term of office. It would be very difficult to write that letter of appointment, because there is nothing at all in the Constitution to tell us what he should do, how he should do it, how you could remove him from office, with one mere exception, and that is, that the person appointed could be a Member of the Assembly, and could also be another person not a Member of the Assembly, but who is qualified to be a Member, and not disqualified to be a Member. So, all the Governor would have to go on in making this appointment, is that he would find the person who is either a Member of the Assembly or a person who is not a Member, but who is qualified to be a Member and not disqualified from being a Member.

It seems strange that this motion should have been brought at this sitting, when there is another motion which seeks to change the qualification of Members. This makes the task of the Governor in making this appointment, even more difficult, because if this resolution is passed today, he will have to bear in mind not only the qualifications and disqualifications of membership, as contained in the 1972 Constitution, but also have those qualifications and disqualifications, may be altered by the amendment which is to come. So, the motion is ill timed, and ill conceived.

The section in the Constitution which provides for a Speaker had been, in my opinion, simply put there by Lord Oxford and Asquith to satisfy the ruling factions of the day. The section is totally inadequate, and therefore for that section to function, it would require at this time, a very substantial amendment to the Constitution in order to define the qualifications of the Speaker; the terms of appointment; the reasons for his dismissal; to identify what would happen in the event of his death or his retirement. So while the Constitution does provide for a Speaker, there is not enough in that section for anyone to go out and appoint a Speaker. The section of the Constitution, like so many other sections are suffering from having been overtaken by the effluxion of time. Our Members ought to have the courage to go to the public and say, "you have an ailing Constitution which needs substantial changes, and we will bring in a Constitutional Commissioner to examine our Constitution in the light of our political and economic progress over the last 15 years." This is what we need, we need major surgery, we do not need an aspirin, and our leaders need to go to the public and tell the story, because recent events have shown that this country can no longer continue with the piecemeal type of Government it has had since 1984.

Every day we hear rumours coming out that the ExCo Members are not agreeing, and that they cannot control the Governor, and that they have a fifth or a sixth Elected Member of ExCo who sits in some law office somewhere and writes the policy of government. These are very serious matters, and show clearly that the Elected Members of Executive Council are no longer in control of the Government of this country, and here we have before us a very important motion, and what did we hear from the chair this morning, that the Governor has released the Members from their collective responsibility, and each one can vote as he pleases - no Government stand. What is wrong with the Government when the Government cannot stand up and say "this is our position on this important constitutional matter, and we do not care what the consequences are?" So what do we hear from the Chair, "Members will vote their consciences". This is a sorry state of affairs, but is a reflection on what has been happening.

There is an ancient proverb which says "He that will not apply new remedies, must expect new evils." This is the stage we have reached in our development, we are afraid to apply new remedies. We have a state in our Parliament where the Member dodges like the Member for Tourism did, dodges behind technicalities, refusing information, and I am going to deal with that in greater detail when I get to my debate on the Throne Speech. Look at the whole series of event, there have been secret meetings on Constitutional matters, secret meetings. The cat was let out of the bag by the Member for North Side and the Lady Member for West Bay, when they mentioned it in their debates here at the end of 1986. In fact, one of them tried to put the blame on my good colleague here from Bodden Town. There were discussions on Constitutional matters by the Committee of 24, at the United Nations. There was a visit here

from the Constitutional Committee which is writing the new Constitution for the Turks and Caicos Islands.

There is in this sitting two motions dealing with constitutional matters, and notice being given of a third one, and the public does not know what is going on. I attempted to place a question on the agenda of this meeting, asking about Government's position, and the President in his wisdom or not, ably blocked my attempt, and the letter I received from the Clerk reads that "I" (meaning the President) "would need to know precisely what was then said, before I could rule on this point, and the Second Elected Member for Bodden Town should be invited to provide details". What he means by that is that I should give him the Minutes of the meetings held at the end of last year, Minutes which he knows full well have not yet been circulated to us, an effective block of communication, preventing the truth from coming out through a technicality, and this is why we are at a stage of development where we have to put an end to this, and it cannot be done by the flimsy motion before the House.

I like the special treatment given to this motion today, when the Government bench pretends that it does not exist. The Elected Members are going to vote their consciences, and the Official Members are going to be tongue-tied. I would think that on a motion like this, the Honourable Second Official Member, the Attorney General should have given us a lucid explanation of the consequences of making the change that is suggested, an unbiased, legal, factual report on the position. There is one big difference between 1971 and 1987, and that difference is Sir, that in 1971 when we had the Constitutional changes, the public had some input into the matter. Here in 1987 the public have no input, they are not consulted, they know not what is going on. The rug is being pulled from under their feet by very zealous people. There is also an ancient proverb that says that "zeal is fit only for wise men, but is found mostly in fools".

I will turn Sir, to the motion before the House which reads:

"WHEREAS the Cayman Islands Constitution 1972 allows that the Governor may appoint a Speaker of this Assembly,

AND WHEREAS there is to be a change in the persons who occupy the Office of the Governor in the near future,

BE IT RESOLVED that there shall be an Office of Speaker."

I agree with the Second Elected Member for George Town, when he said that the fact that there is to be a change of Governor is not sufficient ground for the appointment of a Speaker. That line makes no sense at all. If we need the Office of a Speaker, we need the Speakership, whether there is a change of Governor or not, and I would think that if there is to be a change of Governor, this would perhaps be a reason for not appointing a Speaker, but I still do not see the relation between the two.

The role of a Speaker in Parliament is an important one. The Speaker in the United States is a man of great influence. In the House of Commons the Speaker is the Presiding Officer, he is the guardian of its privileges, he is its representative on all official occasions. He is elected for a constituency like every other Member, and if we are to have a Speaker, I would like to see that Speaker elected, not appointed, and I will tell you why. The Constitution here says that, "the Governor in his discretion may appoint a Speaker", and in order to carry out that appointment, the Governor will undoubtedly have to use Section 7(v) which deals with the Appointment of Persons.

Section 7(v) says that:-
"the appointment of any person to any public office is the sole responsibility of the Governor", and here this new post of Speaker would undoubtedly have to fall under that section, because there seems to be no other implementing section to carry out the appointment. So, the Governor would find himself having a very difficult time appointing a Speaker for the Legislative Assembly, if he has to do it the way that he appoints somebody to the Civil Service. So without the proper implementation, the proper enabling provisions in the Constitution, it would be impractical for the Governor to make the appointment. There are a few Parliaments in the Commonwealth in which the Speaker is not elected, but believe me, they are in countries that

we do not need to follow. If we are going to have a Speaker in this Parliament I think he should come from the ranks of the Elected Members. Let it be shown that he has what it takes to sit in the Chamber. So, in the House of Commons the Speaker is elected in a constituency as every other Member is elected. He reaches Parliament by the same route, and naturally represents the interests of his community in like manner. He is chosen by his fellow members from among themselves, and the first business of every new Parliament is the election of a Speaker. So, it would follow that the Speaker would be elected in a similar fashion to the way our Elected Members of Executive Council are. After a General Election we would elect a Speaker, and then go on to elect the Members of Executive Council.

Now without a Speaker, the House can transact no business, which means we would need, not only a Speaker, but a Deputy Speaker who could function if the Speaker had to be absent, if the Speaker had taken ill, if the Speaker had any business which kept him away, if the Speaker was on a holiday. In the House of Commons they have three deputies to the Speaker, to ensure that the role of Speaker functions at all times. So, if we do have a Speaker we would need a Deputy Speaker, or we would need a provision for the Speaker to appoint somebody to act in his place.

Now, we need in agreeing to this motion, if we do agree, to find out what is going to happen if we have to choose a successor to the Speaker. I guess it follows, if the Governor appoints a Speaker, he probably has the right to revoke or to terminate that appointment. But our Constitution is very clear on membership to the House. It is set out how a Member can lose his seat, and provisions are made for replacements, whether by by-election or if it is an Official Member, by the Governor himself, making a new appointment.

Now in the House of Commons, the election of a Speaker is attended with ceremony, in accordance with the practice of many centuries. It is common for Speakers to ensure that the rights and privileges of all Members are preserved, especially the freedom of speech in debate, and once a person is appointed as a Speaker, I think it will be necessary for him to shed all his previous political affiliations, which would be very difficult, so that he would be not only totally impartial, but would be seen to be so.

It would follow, that if we had an elected Speaker, he would have to resign from his party, and perhaps change his whole life-style. In some countries like in Canada, I understand that his club memberships are even restricted, and here he would not be allowed to go to cocktail parties, because there the establishment would corrupt him. So once a person took on the Office of the Speakership, he can no longer allow himself the informal social activities that are permitted to the other Members. He should not pursue friendships which would appear to favour certain Members above the others. Now it is true that in the commonwealth their different regulations, different statutes governing the role of Speaker, and in the United Kingdom these have changed over the years. The important point is, that in the Caribbean Islands, where they have Speakers, the Speakers have been appointed mostly after independence, with the exception of one or two of the smaller islands where they may still be in a colonial status, but might have a Speaker. So, the majority of these Speakers have been appointed after independence.

Now, I need not go into the work of the Speaker within the Chamber because that is pretty well known. I would suggest that the Member withdraw this motion, and that before we bring it back in April, that each Member of the House make an attempt, to read this valuable book which is in the library of the Parliament, called 'The Office of Speaker in the Parliaments of the Commonwealth'. Because it does have a wealth of information, and it will give an insight into how difficult the Speaker's job is, how difficult it is to be impartial, and so that they have an idea of what they are getting into before they advertise the job.

In closing, I would just like to say that I hope that one day this Parliament will have a speaker, properly appointed, or elected whichever way we may go, whether he is elected as in some countries of the Commonwealth, or whether he is appointed, whether he has been elected as a Member of Parliament, or whether he is not. I do not believe it can be done simply by passing a resolution without any guidelines at all, for the Governor to make his appointment on. The whole matter needs considerable study. The whole matter needs to be gone into carefully, and because it is so important, I do not think the Members should push this matter through

today, as they have done so many other things, and then find out later that they have made a mistake. Because, we know that even without a Speaker, a Parliament can be an area in which the rights of the minority are protected, an area in which free debate is allowed, and certainly, if we move away here from our traditional way, I would trust that we have done the work that is necessary.

MR. PRESIDENT: Does any other Member wish to speak? No Member catches my eye....in that case I will invite the mover to exercise his right of reply if he wishes.

MR. D. EZZARD MILLER: I would not miss the opportunity for all the gold in the world Sir, because Mr. President the only thing that fits this debate so far, is that their ignorance is going to cramp my conversation in my reply.

Mr. President, my reply is going to be delivered with a heavy heart, but the tears that may roll in this Assembly might not necessarily be mine.

Mr. President, we had two Members who chose to speak in favour of this motion. I thank them for their support, and I will try my very best to reply in kind to those who opposed the motion, because Mr. President a man never discloses his own maturity and character so clearly as when he describes others.

Now Mr. President, the first speaker who opposed this motion, the Honourable First Elected Member of Executive Council said that he was not opposing it because he was timid, I will agree with that. I have never looked at him as a timid individual, but I hope that after today he will realize that I live by the motto of the Chisholm clan, 'I am fierce with those who are fierce with me'. Mr. President, he suggested that myself and the seconder of the motion, the Second Elected Member for West Bay, may have been misguided, because the front bench over there are strong. When I am finished with this reply Sir, I will know how strong they are. But I see Sir that we have in the audience one of the persons who wrote a letter to the paper some days ago, and I would also like to give him the benefit of hearing my comments from the horses mouth, because the Honourable First Elected Member of Executive Council will be here next week Thursday.... he must be a harrier jet, he has disappeared already.

MR. PRESIDENT: The Member should in any case remember that he is expected to address the Chair, not the public audience.

MR. D. EZZARD MILLER I was addressing the Chair sir. I was only saying to you Sir, that one of the people who wrote a letter was in the gallery, but as I have said he is like a harrier jet. But anyway, what he has tried to do in his letter to the editor was to try and mislead the public as has been tried on the floor of this Assembly today, about the motives and what the bringing of this motion really means. Because, he has suggested that I was promoting Constitutional change in asking for the appointment of a Speaker. All I can say about that Sir, is, that he spent eight years up in here running in the wrong direction, he could not have been looking at the same Constitution that I have before me today, because it is clearly spelt out there for the Office of the Speaker. His cohort Mr. Merren, one of those who has been chosen by the establishment to try and continue the power. They are out there stirring, but you know Mr. President, that is the key to this debate up in here today, because we are talking about change. We are talking about the shifting of power from the establishment. And it is easy to see how, even in these Chambers, the establishment can dovetail. In one breath most of them are saying that they would like to see a Caymanian there. But you know what the real fear is Sir? I am going to tell you. Their fear is that you might appoint somebody that they do not approve of, and the person might do a good job, that is the crux of the opposition to this. As to the Second Elected Member for Bodden Town's verbose dissertation on a 'sneaking in through the back door'. It is not being snuck through any back door, Sir. I gave notice that I was going to bring this in the Budget Debate in November. I said I would be bringing it. The Member has had it the required period of time, as required by Standing Orders and by Law, or else I could not Table it in this Assembly. It is not my job to go and inform his people in Bodden Town, that is what he is getting paid to do. I informed my people in my constituency, I canvassed the people that I represent about this motion, that is my job. If the rest of the Members up in

here have not done their job, I cannot take responsibility for that. Why should I hold back a motion to give him three months to go and talk to his people? He had a public meeting the other night, he should have talked to them then. Mr. President, the Honourable First Elected Member of Executive Council brought out his shrewd and tired little booklet written by Lord Asquith, as he does whenever it suits him, to make a point, and he complained about the lack and absence of various definitions for the Speaker. I was no part of the architecture of the 1972 Constitution, he was. Do not hold me responsible for that, he should have seen that those things were written into the Constitution.

MR. PRESIDENT: The time now is four thirty, and I am obliged to interrupt you, but if you thought you might finish within a few minutes, it might be that the House would prefer to have Standing Orders suspended, in order to complete the debate on this motion today.

MR. D. EZZARD MILLER: I think I am going to be here quite a while Sir, because there is a lot here that has gone down, that has to be answered, so unless the Members are prepared to suspend Standing Orders for at least an hour or longer, I would not be prepared to have them suspended.

MR. PRESIDENT: Well, unless a Member wishes under those circumstances to move the suspension, I would invite the Second Official...

MR. W. McKEEVA BUSH: Mr. President, under Standing Order 83, I beg to suspend Standing Order 10(2) so that the Member can finish his speech.

MR. PRESIDENT: Very well. The motion is that in accordance with the provisions of Standing Order 83(2), the provisions of Standing Order 10(2) should be suspended in order to enable the mover to complete his speech and the vote to be taken. Unless any Member wishes to speak, I will put the question.

I have been reminded that the motion should be seconded, I forgot that, I beg your pardon. Is there a Seconder to the Second Elected Member for West Bay's motion?

HON. BENSON O. EBANKS No Sir.

MR. PRESIDENT: There has to be a seconder otherwise the motion...

HON. BENSON O. EBANKS: I will second the motion Mr. President. Very well, the motion is moved and seconded. In that case as I had started to do, I will put the vote.

MR. JAMES M. BODDEN: Now what are we voting, are we in favour of suspending the Standing Orders to allow him to continue....

MR. PRESIDENT: If you say 'Aye' then you are in favour of suspending the Standing Orders to allow him to continue. If you say 'No' then the implication is that you want the adjournment moved now.

So, having made that clear, those in favour.....

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I think the Ayes had it but...

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

MR. PRESIDENT: Certainly we may.

DIVISION
NO. 1/87

AYES: 9
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston

NOES: 4
Capt. Mabry S. Kirkconnell
Mr. James M. Bodden

Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson

Mr. G. Haig Bodden
Mr. John B. McLean

ABSTENTIONS: 1
Mr. D. Ezzard Miller

MR. PRESIDENT: In that case I declare the motion carried, and the Member may continue with his speech.

AGREED BY MAJORITY: STANDING ORDER 10(2) SUSPENDED FOR
PRIVATE MEMBER'S MOTION NO.1/87
TO BE COMPLETED

MR. D. EZZARD MILLER: Mr. President, I was dealing with the comments of the Honourable First Elected Member of Executive Council. He also reminded my colleague and I that we should not follow the words of other parliamentarians who we meet on conferences, and that we should be astute when we go on these conferences. Well, the Member did not appear to be so very astute when he went on one of his conferences as I was. Because that same individual that sent him back to Cayman short of fifty pounds in cash, tried to short me of fifty pounds in cash, but you see I saw him coming and I told him "no". He got my colleague for fifty pounds but he did not get me. So when it comes to astuteness abroad, we will let the public be the judge.

Now, Mr. President, I spoke in this Honourable House on Tuesday for nearly three hours, and at times I believed I was not being listened to, and it was obvious from the Honourable First Elected Member of Executive Council that he and his colleagues were not listening to me, because I said then, and I maintain now, that the success of the Cayman Islands is not due to any magical constitutional status, but due to the hard work, honesty and integrity of Caymanians. It is unfortunate that they do not believe that we have Caymanians who are capable, who are honest, who have the ability, who have the integrity to fill the post of Speaker, because that is what a vote against this motion says, but I am going to let a few cats out of the bag.

The Bodden Town Member said I had let some cat out of the bag a little while ago, but I am going to let a good big cat out of the bag here today. He asked and said that he would not support the appointment of a Caymanian to the position of speaker of the House unless someone could quantify the loss or the gain to him. Well, I tried in my opening remarks in one area to quantify it for him, not in dollars and cents, because I do not think that value can be placed on the post, but as the two people who wrote in the press have tried to say, that it is a constitutional change, and in my opening remarks I said that one of my concerns and one of the reasons for bringing this motion at this time was the erosion of the respect for the post of Governor by certain individuals in this House, that does not apply to me, Sir. I think you and I have got on fairly well, but it is the people like Mr. Truman Bodden and Mr. Orren Merren who write letters to the press misleading them about this matter being a constitutional change which will take advantage of that erosion in here to get the constitutional change that they and the Unity Team have always wanted, but have never had the guts to put in their manifesto and campaign on it, because they knew they could not get elected on it.

Let us not forget who brought the Committee from the United Nations and decolonisation to this country, who went to the United Nations after the public outcry and hue, probably against their own will, to represent us there, who was walking around with a petition here a couple of months ago, asking for an overthrow of the Government, and a couple of weeks later you get a statement from the same Decolonisation Committee of the United Nations, questioning whether the people of the Cayman Islands are happy with their Constitutional status. Remember, they made it clear that they were strongly contemplating sending that petition to the United Nations. I have no knowledge of the petition being delivered to Government, so maybe they did send it to the United Nations, and maybe that is the reason why that statement came from the Colonisation Committee; that is the element that concerns me. When the Second Elected Member for Bodden Town and the First Elected Member for Bodden

Town criticize the Chair, they do not criticize the President, they criticize the Governor. They have always made that distinction clear when accusing the Chair of being biased, or any other thing. And these two people who write letters to the press are part and parcel of them you know, birds of a feather flock together!

The Honourable First Elected Member of Executive Council said that he would not support it, unless we could guarantee the continuation of respect and separation of the roles. Now, I cannot guarantee them the continuation of respect, as he has said, that is for all of us up in here to do. But the only way to guarantee the separation of roles of Governor and President of the Assembly is to appoint a Speaker, because they are going to be two separate bodies then, and two separate minds. The Member made much hay of my colleague's suggestion that if we appointed a Speaker he could attend conferences and gain knowledge, and come back, but there would be no way of imparting that knowledge to us. We were in no way suggesting that when the Speaker comes back from a Speakers Conference, he would conduct a Sunday School class and he would tell us what he had learn. But Sir, from the knowledge that he gained at those conferences and his interaction with other Speakers, he would be better equipped to fulfill his role of Speaker in this Assembly. He would better be able to interpret our Standing Orders, he would understand the personality differences in people, etcetera, etcetera. Those are the things that could be gained, and the continuity in the post. I want to know Sir, because I believe the Governor as Governor and President and Chairman; President of the Assembly, Chairman of Executive Council, is a fairly full-time job. Now, I do not know if he had any time and maybe the Honourable First Elected Member of Executive Council is going to assure us that Mr. Scott, the new Governor, who will have five months before a session, is going to read what he calls the Parliamentary Bible and know it off by heart, know our Standing Orders and everything else in that time. I will leave that for him because he will be dealing with him a long time before I get a chance to deal with him. But the first chance I get, I am going to suggest that he should read the Bible.

Now Mr. President, I also mentioned on Tuesday the dance of legislation, and almost every speaker in here today has complained about the timing of this motion, Now they all had warning of it. But Mr. President, with a clear conscience I am going to tell the truth, the whole truth and nothing but the truth. I had a meeting about this motion with Executive Council Members, and do you know what they told me, they would support the motion, but I must hold it back until they found somebody suitable to them, to put there, but I did not take that advice. I brought the motion, and Mr. President, you and the public can see that I, as the mover of the motion, the Second Elected Member for West Bay as the seconder of the motion have made no recommendations to you as to who you should appoint. We are prepared to work with whom ever you chose to appoint as Speaker of the House.

I do not need him to be my friend, or to be on my political side, because that is not his job, his job is going to be to conduct the House in an orderly fashion. The Second Elected Member for Bodden Town said the same thing, in so many words, but I will get to him as I move along. But as usual, they get up in their rambunctious manner and occupy the time of the House with all sorts of frivolous verbosity, and then they get up and they leave. Mr. President, I fail to see how having a Caymanian as Speaker of this Assembly, is going to have such a detrimental effect on our economy, because the Speaker does not make any decisions you know Sir. You laid it out quite clearly this morning, even in the case of a tie in votes, the Speaker has to go with the status quo, it has to remain as it is. I hope the Honourable Fourth Elected Member of Executive Council is not leaving as I have not gotten to him as yet.

Mr. President, I can stand here and say that I discussed this motion with my constituents. I called a public meeting, and I discussed it, that is my duty. If ten people show up, or 500 show up, I have done my duty. I also went around and talked to them, and I understand from my colleague from West Bay that in the meeting that they had in West Bay, he had the support of the people in West Bay who were at that meeting, for this motion. and I will tell you Mr. President that although.....

HON. BENSON D. EBANKS:

Mr. President, I am rising on a Point of Order Sir, 35(7), where the Member referred to a meeting which he had with Members of Executive Council.

MR. PRESIDENT:
what your Point of Order is?

I am sorry, I am not quite sure

MR. D. EZZARD MILLER:
explain.

I will give way Sir, let him

HON. BENSON D. EBANKS:

35(7) Sir.

MR. D. EZZARD MILLER:
Order, I will give way for his explanation Sir.

Do not worry about the Point of

HON. BENSON D. EBANKS:

The point is Sir, the Member did meet with Members of Executive Council, but he turned around the undertaking which he gave to make it a requirement of the Members. The understanding between that Member and Executive Council was that if he could convince Executive Council that he had found a suitable Member or members of the public to fill the vacancy, or the post of Chairman, we would discuss the motion again. He has never returned to Executive Council Members until the motion was brought to the House Sir, that is the way that went.

MR. PRESIDENT:

I do not really think that was a Point of Order you know, but since the Member gave way, I will not pursue the matter.

I do not really think that was

HON. BENSON D. EBANKS:

Check 7 Sir. Check subsection 7 of 35, the character of Members is quoted there.

Check 7 Sir. Check subsection

MR. PRESIDENT:

Anyway the point has now been made, and the Member for North Side may now continue.

Well perhaps yes, all right.

MR. D. EZZARD MILLER:

Yes Mr. President. The public has heard both sides of the story, they can judge from the debate which side is true, because I gave them no such undertaking, but Mr. President, it is a curious fact that of all the elusions 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. In all the debate who was asking the questions about the timing of the motion? Not me. And, Mr. President, I gave sufficient notice, that which is required by Standing Orders and by Law, and everybody in this Assembly had time to discuss it with whom ever they wanted. But you know Sir, one is tempted to believe that this is a vote against national pride. Now Mr. President, a lot of the people who got up and raised cane about the motion have left, because the First Elected Member for Cayman Brac, Sir, who spoke on the motion, he not only missed the boat, he missed the ocean, because the rest of us were in the Atlantic Ocean, he must have been somewhere up in the Indian Ocean. He said it was an unnecessary motion, it was frivolous, and we are trying to destroy. You know Sir, any time the Second Elected Member for West Bay and myself bring a motion here that people do not like, they brand us as radicals who are trying to destroy. But when they need that support for something contentious in the public, like the Marine Parks, they want us on their side.

The First Elected Member for

the Lesser Islands also said that the Governor brings honour to the House. I have not denied that. My concern is that the House is bringing dishonour to the Governor, and that is one of the reasons for the motion. He said the motion has no merit, and it is politically motivated. I do not know what I am going to get out of this politically.

Now the Honourable Fourth

Elected Member of Executive Council says that he was not denying that there may be Caymanians who could fill the post, but he had debated the subject over and over, but where, behind closed doors. I do not believe in that Sir, bring it here to the floor of the Assembly, let us debate it in open house, let the public know what we are getting at. That is why I am here on the floor of the Assembly.

MR. PRESIDENT:

I am told that the tape will run out in about a minutes time, so I think perhaps I will suspended proceedings for about two minutes, in order to enable them to change it, not for longer, please do not everybody leave.

I am told that the tape will

HOUSE RESUMED AT 5:00 P.M.

MR. PRESIDENT:

Please be seated.
Please continue.

HON. VASSEL G. JOHNSON:
lacking a quorum.

Mr. President, I think we are

MR. PRESIDENT:

Well that is quite true. I was not going to notice unless a Member brought it to my attention. Let me just look up, 13. I direct that....ah yes, we have a quorum now.

The Elected Member for North

Side may continue.

MR. D. EZZARD MILLER:

they like that coffee in that room you

They will try anything Sir, know.

Before the short adjournment

Mr. President, I was dealing with the comments of the Honourable Fourth Elected Member of Executive Council, and I was saying that I preferred open discussions where the public could hear what was being said, as has happened today. Both sides of this issue have been aired, and even though the seconder and myself might lose the battle, we may not have lost the war. But again, the Member tried to throw things out of whack by suggesting that the next step might be to appoint a Caymanian Governor. Now he has been around long enough to know that that requires some serious constitutional change, unless he is talking about one of those who was given status etcetera, etcetera, I do not consider them Caymanians. He made a big thing about tradition, tradition, tradition.

It is the tradition of this House to have a Governor as its Presiding Officer, that is a good thing, and therefore it should continue. I agree that it is traditional, but like fishing off the ironshore and the marine parks, that was traditional. The fishing with scenes, the fishing with cast nets, all those things were traditional, but the time had come when we had to make some changes, and the changes were made. I feel that it is time that we changed the tradition in this House, if we are going to continue to retain our constitutional status, and not have it eroded by the elements from the outside. He also thought the motion was not timely. Now Mr. President, the Second Elected Member for Bodden Town, I do not know where he was coming from Sir, I do not know where he was going, I do not know where he began, I do not know where he got on a train and I do not know where he got off. He talked for about 40 minutes, and he started out by saying he wanted an independent Speaker, and somewhere along the line he said that it should be an elected Speaker, and he should be bipartisan.

Now I do not know how we are going to elect a Speaker in here, and he is going to be bipartisan, because it has got to be the group with the most votes which is going to elect the Speaker. But of course, he expects that after he is elected, we are going to strip him naked up in here, we are going to disrobe him in a ceremony, we are going to take away all his credit cards, we are going to take away all his memberships. We are going to let the Second Elected member scratch him on the forehead, we are going to make the Sergeant-at-Arms tap on his shoulder with the sword. We are going to make somebody else scratch him somewhere else, and then he cannot go to cocktail parties, he cannot go back out of the precincts of the Assembly. I do not think that the Speaker, if one were appointed, has to go through that kind of ceremony. I do not think he is expected to be dehumanised. We do not expect the Governor to stop socialising, that is unreasonable.

The Speaker has to abide by the rules of the road and enforce the rules, that is all. He has to have that ability when he is inside these Chambers. He can talk to me, the Second Elected Member for Bodden Town, the Honourable First Official Member of Government, the Honourable First Elected Member of Executive Council, the Honourable Fourth Elected Member of Executive Council, any Tom, Dick or Harry that he wants, as long as when he is in here, he is a fair minded individual who applies the rules as he interprets them, right down the middle. But you see Sir, all of these things are just words, smoke screens to cloud issues before the people of this country, and to mislead the public into thinking that this motion brought here by the Second Elected Member for West Bay and myself, is asking us for some dramatic change which is going to destroy the economy, which is going to disrupt everything.

That is all rubbish, the only thing that is going to change is the person and the body who occupies the Chair, he has to enforce the same rules, the same regulations, he has to make the same decisions, that is all. There are no changes except the body or the person who occupies the Chair. There is no big legal change in the appointment of a Speaker. I am sure if there were, the Honourable Second Official Member would have gladly given us the benefit of his knowledge, and people like me would have gladly accepted it, but there is no change, it is all laid out in the Constitution.

But I have a question for him Sir. As usual he is not here, so absent, gone, another Harrier jet. One of his great quotations was about zealous people who are thought to be wise but most of them are fools. There is nobody in this Chamber that is any more zealous than he is. I mean, sometimes I am wondering if the man is going to have a stroke the way he starts to express himself, and he gets all heated and puckered up when he is making a speech.

As I have said, they cannot hide this behind a cloak, that we are trying to sneak this matter in through the back door, that is simply just not the fact. You know, the only thing that I gathered from the speech of the First Elected Member for Cayman Brac was his fear of the unknown, because he started to tell us about facts, but he never got round to them. But you know Mr. President, as I was saying, what we are talking about here is a power struggle, a power struggle with the establishment. And the Unity Team would be happy to have a Speaker, if they could say who it is going to be. Their greatest fear of all those who have spoken against this Bill is that it is going to be somebody that they do not like; somebody they cannot work with; somebody whom they might not be able to control - that is what we need up there. The big issue he made about the Second Elected Member for West Bay and myself bringing the motion in April about the Bill of Rights, it is going to be brought, it is going to be defeated too, because the establishment does not want us to have any rights enshrined anywhere. We must sit down and take the manablings and accept what rights they give to us. They are scared of an impartial Speaker, I am not.

I am not indicating Sir, that you are partial, do not misunderstand me Sir, that was not the intention. But you know, I might be wrong but I would not doubt that when you make a decision, they catch and put you in the corner and try and influence you too, I watch what is going on. The biggest reason for not supporting it is that it is ill timed and it is ill conceived.

Now Sir, all of the Members say that the timing is bad, but none of them have been constructive enough to say when the timing is going to be good. I will tell you when the timing is going to be good, when they can put whom they want there. That is the timing that is essential to get this through the Assembly. But you know Sir, getting back to the Second Elected Member for Bodden Town, and about sneaking things through the back door. Now I want to ask him how much public discussion they had in 1984 when they changed the Constitution? As I recall, they discharged one court and they had not even changed the Constitution yet. They had to come quick, quick, hurry up, change it before they could appoint another one. Of course, they said it was not true, the only place you would have read that was in the Herald, and that it never had any foundation. Many things that appeared in the Herald that they said were lies, were true you know.

He tells us that my motion is frivolous, a waste of time, what the Constitution needs is major surgery. He has the same opportunity that I have or any other Member has to bring any motion onto the floor of this Assembly, calling for any change, or going out there and canvassing the public on a campaign trail, for any Constitutional change he wants. But no, they learn their lesson, the Decolonisation Committee when it came here. Now, they were going to sneak that in through the back door. They were only going to have one meeting and that was going to be in Bodden Town, and they were going to have some of those people there that the Second Elected Member for West Bay talked about, that will be going north and looking south, and they were all going to say "Yes Mr. Monaboobo, Mr. So and so, we want constitutional change, we want independence, we want this and we want that". And, if they get the chance, and if they believe that they can get away with it, they are going to take this country into full internal self-Government and independence, and that is not for my good nor the public's good, that is for their own gratification and glorification. Probably the only reason why they have not campaigned on it and did not do it when they

had the Assembly full of broomsticks was because they could not decide who was going to be Premier, who was going to be Prime Minister and who was going to get to live down on Seven Mile Beach in the Governor's House, because some people had already picked the furniture you know Sir, to put in it. He talks about due remedies, but Sir, here is a simple opportunity to put a Caymanian in an honourable position in this House, and they say 'no'.

Mr. President, any time I come into this Assembly, I bring the manifesto that I campaigned on, to remind me of what I promised the people I would do. I do not do as some people do after they get elected, they tear it up and throw it away. I am glad to see that the Honourable First Elected Member of Executive Council has his to hand, but you must not put it under the table now, you must keep it on the top of the table, no hiding in the book, put it out where you can see it.

I said I would not support any change in the constitutional status quo, and I maintain that, and in bringing this motion, I am not changing the status quo of the Constitution, and anybody who tries to make out otherwise is just stirring up mischief. Yes Sir, we have here an ancient document, the Election 1972, Sir. They talk about what they want to say and what they do not want to say, what they want to hide behind and what they want to sneak in through the back door. One little paragraph tucked away in here says "further changes should be made in our Constitution allowing for the Governor's veto to be overridden by a two-thirds vote of the elected members". Some of the things in here you know Sir, it is signed by some of the same Members who are up in here telling you that the Elected Member for North Side and the Second Elected Member for West Bay are trying to sneak things in through the back door, and that the other Constitutional change which is being proposed is being snuck in through the back door. This was signed by J.M. Bodden, First Elected Member for Bodden Town; Ira Walton, Craddock Ebanks, L.M. McLaughlin and Garston Smith, but they tell you now that those two radicals being the Elected Member for North Side and the Second Elected Member for West Bay, you have got to put a clamp on them. And the First Elected Member ran on the same platform you know Sir, he was around the corner dodging, the Second Elected Member from Bodden Town. They were all in the same group, came from a little thing now which used to be called the Help Organization. They were going to help yes, they were going to help themselves.

Mr. President, there is no secret that the Second Elected Member for West Bay and I work very closely. I see you are going to sleep Aunt Suckie, wake up, are you listening, all right. If you go to sleep I will wake you up.

And this is the United Nations General Assembly, part 191. Mr. G. H. Bodden, you all know who that is, that is the Second Elected Member for Bodden Town who said, "one thing about the Cayman Islands which seemed to have been over looked by many Caymanians, and certainly by the United Nations, was that these Islands are unique in that they had not attained Crown Colony status until other colonies had been decolonised. Previously the Islands had been a dependency of Jamaica, and even then had been left pretty much on their own. They had never known the problems which existed in many of the other colonies. So talking about foreign masters was foreign to the Cayman Islands. Their people were happy with the situation, and if they got the idea that the visit of the mission was even remotely connected with any change in the Constitution, it would not be well accepted". Now if they were not coming about changing the constitution, why tell them this.

"Unfortunately, the visit came close on the heels of the 1976 General Election, and the small minority of the electorate who were not satisfied with the election results, were trying to make a political issue of the visit. He suggested that the mission should make an effort to inform the public of the technical assistance which the United Nations could offer, and to give some idea of what they had done and could do for the Islands". But the key is half way down the paragraph when they do not want us to know about the constitutional changes.

MR. PRESIDENT:

I have allowed the Member to stray quite a long way from what really is his motion. I hope he will get back to the motion soon before I have to draw his attention to Standing Orders.

MR. D. EZZARD MILLER:

I am only replying to what was said Sir. I have told you that I was not sure where that man got on

the train, and I was not sure where he got off, Sir. I am just trying to cover some of the ground he covered. If I stray a little bit Sir....

MR. PRESIDENT:
the United Nations.

I do not remember him visiting

MR. D. EZZARD MILLER:

He went up there Sir, he went up there, because as far as I am concerned, what he said there is "come to the Cayman Islands, but do not really tell them what you are coming for". That is my interpretation of what was said there.

Mr. President, as to his reference to the book on the Office of Speaker, I have read it, I have a copy, and I believe that even though the job of Speaker of this Assembly might have its difficult moments, I believe that a Caymanian is capable of handling the post.

Now Sir, they also said that the second "whereas" in the motion, because there was going to be a change in Governor soon, should not have been put in. They even got my good colleague from George Town, who is supporting me with this motion to agree to that. But Sir, there is a reason why I feel this is the opportune time, because I do not feel we should have to train another one. If we are going to train somebody, let us train a Caymanian, and that has been my stance from the day I walked in here; from the day I was in the Civil Service, and it always will be, and I am not ashamed of that.

Now Mr. President, I appreciate your opening remarks. I am glad Sir, that you have removed the collective responsibility from Executive Council, so that they can vote their consciences. I am glad that the Official Members are not taking part in the vote, because when this is defeated, they cannot get up on the platform and say that it was the Official Members fault.

Mr. President, as I have said in my opening remarks, and in closing and summing up, I spoke for nearly three hours on the Throne Speech, nobody listened. I could go on and on about this, nobody is really paying any mind to you, Sir, they are going to defeat the motion, so let us put it to the vote and see what happens in the future.

Thank you Sir.

MR. PRESIDENT:
Private Member's Motion No.1/87.

The motion before the House is

QUESTION PUT: AYES AND NOES

MR. D. EZZARD MILLER:

Can I have a division Sir.

MR. PRESIDENT:

Yes.

DIVISION
NO 2./87

AYES: 3

Mr. W. McKeever Bush
Mr. Linford A. Pierson
Mr. D. Ezzard Miller

NOES: 5

Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett

ABSTENTIONS: 2

Hon. Richard W. Ground
Hon J. Lemuel Hurlston

MR. PRESIDENT:
the adjournment.

I declare the motion lost, now

PRIVATE MEMBER'S MOTION NO. 1/87 DEFEATED BY MAJORITY

ADJOURNMENT

HON. RICHARD W. GROUND:

I move that this House do now adjourn until 10.00 a.m. tomorrow morning.

MR. PRESIDENT:

do now adjourn until 10.00 a.m. tomorrow morning. The question is that this House

QUESTION PUT: AGREED.

AT 5:30 P.M. THE HOUSE STOOD ADJOURNED
UNTIL 10: A.M., FRIDAY, 13TH FEBRUARY, 1987.

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

FRIDAY
13TH FEBRUARY, 1987
(FIFTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE
FOR FINANCE AND DEVELOPMENT

HON RICHARD W GROUND SECOND OFFICIAL MEMBER RESPONSIBLE
FOR LEGAL ADMINISTRATION

HON J LEMUEL HURLSTON, JP THIRD OFFICIAL MEMBER RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

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 JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

* MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

* Absent in the afternoon.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

STATE OPENING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

FRIDAY

13TH FEBRUARY, 1987

(FIFTH DAY)

1. PRAYERS

TO BE READ BY THE HON FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. PRESENTATION OF PAPERS AND REPORTS

(i) AUDITED ACCOUNTS OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS TO BE LAID ON THE TABLE BY THE HON THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL.

(ii) FINANCIAL AND STORES REGULATIONS, 1986 TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL

(iii) REPORT OF THE STANDING FINANCE COMMITTEE (Meeting held 18th December, 1986) TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL.

3. QUESTIONS TO HONOURABLE MEMBERS

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

NO. 26: CAN THE HONOURABLE MEMBER SAY WHEN THE PUBLIC WORKS DEPARTMENT WILL START ON THE SPOTTS AND LOWER VALLEY ROAD PROJECTS?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 27: CAN THE HONOURABLE MEMBER STATE WHEN AUDITED ACCOUNTS OF THE WATER AUTHORITY FOR 1985 WILL BE TABLED IN THIS HONOURABLE HOUSE?

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

NO. 28: WOULD THE HONOURABLE MEMBER STATE WHEN THE DECISION WAS MADE TO PURCHASE THE SHORTS 3-30 INTER-ISLAND AIRCRAFT?

NO. 29: WOULD THE HONOURABLE MEMBER STATE WHETHER ANY CAYMANIAN PILOTS WERE SENT ON TRAINING TO FLY THE SHORTS 3-30 PRIOR TO ITS ARRIVAL HERE?

NO. 30: WOULD THE HONOURABLE MEMBER STATE WHETHER IT IS THE POLICY OF CAYMAN AIRWAYS TO PLACE SENIOR FOREIGN FLIGHT CREW ON THE NATIONAL CARRIER'S PERMANENT ESTABLISHMENT?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 31. CAN THE HONOURABLE MEMBER STATE WHEN THE POST OF TRAINEE PILOT AT MOSQUITO RESEARCH CONTROL UNIT (MRCU), AS CREATED IN FINANCE COMMITTEE IN NOVEMBER, 1986, SPECIFICALLY TO TRAIN A CAYMANIAN FOR THE POST OF PILOT AT MRCU, WILL BE ADVERTISED?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 32: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE ACTUAL CLOSING BALANCE OF GOVERNMENT'S SURPLUS ON THE BOOKS AT THE 31ST DECEMBER, 1986?

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

NO. 33: CAN THE HONOURABLE MEMBER SAY WHETHER IT IS CORRECT THAT THE PILOTS FOR THE SHORTS 3-30 WHO WERE HIRED FROM VENEZUELA BY THE MANAGING DIRECTOR OF CAYMAN AIRWAYS LTD DID NOT COME UP TO STANDARD FOR THE JOB AND THE DIRECTOR OF CIVIL AVIATION WOULD NOT ALLOW THEM TO FLY THE 3-30?

NO. 34: WOULD THE HONOURABLE MEMBER STATE WHETHER HE IS AWARE THAT A LETTER HAS BEEN ISSUED BY THE BOARD OF DIRECTORS OF CAYMAN AIRWAYS LTD STATING THAT CERTAIN EXPATRIATE PILOTS WILL CONTINUE TO BE EMPLOYED BY CAYMAN AIRWAYS LTD AND THAT THEY SHALL REMAIN ON THE SENIORITY LIST OF PILOTS?

4. GOVERNMENT BUSINESS

1. CONTINUATION OF DEBATE ON THE THRONE SPEECH

2. BILLS:-

FIRST READINGS

- (1) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (2) THE ELECTIONS (AMENDMENT) BILL, 1987
- (3) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (4) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (5) THE TRAVEL TAX (AMENDMENT) BILL, 1987

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FRIDAY

13TH FEBRUARY, 1987

10:05 A.M.

MR. PRESIDENT:

Member of Executive Council.

Prayers.

The Honourable Fourth Elected

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 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, who 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:

Reports. The Honourable Third Elected Member of Executive Council.

Please be seated.

Presentation of Papers and

Reports. The Honourable Third Elected Member of Executive Council.

PRESENTATION OF PAPERS AND REPORTS

AUDITED ACCOUNTS OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS FOR THE YEARS ENDED 31ST DECEMBER, 1984 & 1985

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, I beg to lay on the Table of this Honourable House, the audited Financial Statements for the years ended December 31st, 1984 and December 31st, 1985.

MR. PRESIDENT:

Member of Executive Council

So ordered.

The Honourable First Official

FINANCIAL AND STORES REGULATIONS, 1986

HON. THOMAS C. JEFFERSON:

Mr. President, as mentioned earlier in this Meeting, I beg to lay on the Table of this Honourable House, the Financial and Stores Regulations, 1986.

MR. PRESIDENT:

So ordered.

REPORT OF THE STANDING FINANCE COMMITTEE
(MEETING HELD 18TH DECEMBER, 1986)

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House, the Report of the Standing Finance Committee of a meeting held on 18th December, 1986.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, that Meeting approved a total supplementary expenditure of \$1,896,023, and the details of those approvals Mr. President, are as follows:

1. HEAD 4 - IMMIGRATION DEPARTMENT
SUB-HEAD 02-006 - LEAVE PASSAGES

To cover the cost of leave passages for one officer (and his family) who was unable to take this entitlement during 1985. APPROVED: CI\$ 480.00
2. HEAD 6 - PERSONNEL & OFFICE SERVICES
SUB-HEAD 01-109 - HOUSING

To cover housing rental for overseas officers through the remainder of 1986 APPROVED: CI\$ 288,530.00
3. HEAD 6 PERSONNEL 7 OFFICE SERVICES
SUB-HEAD 02-009 - OTHER PASSAGES

To cover backlog of bills from Cayman Airways Ltd. dating back to 1984. APPROVED: CI\$ 25,000.00
4. HEAD 6 - PERSONNEL & OTHER SERVICES
SUB-HEAD 08-019 - OTHER TRAINING

To cover additional fees for training of officers. APPROVED: CI\$ 25,000.00
5. HEAD 8 - PRISON DEPARTMENT
SUB-HEAD 03-011 - DIETARY/FOOD SUPPLIES

To cover the increase in food consumption arising out of an increase in the prison population. APPROVED: CI\$ 20,000.00
6. HEAD 8 - PRISON DEPARTMENT
SUB-HEAD 03-023 - HYGIENE/SANITARY SUPPLIES

To cover sanitary supplies arising out of the new female block and increase in prison population. APPROVED: CI\$ 10,000.00
7. HEAD 8 - PRISON DEPARTMENT
SUB-HEAD 08-023 - PRISONERS' REHABILITATION

To cover additional materials and other expenses associated with the prisoners' rehabilitation programmes. APPROVED: CI\$ 9,000.00
8. HEAD 8 - PRISON DEPARTMENT
SUB-HEAD 08-026 - INDIGENT PRISONERS

To cover additional token wages for prisoners upon their release from prison. APPROVED: CI\$ 6,000.00
9. HEAD 10 - FINANCE & DEVELOPMENT

To meet project costs to be incurred through the remainder of 1986 under the following sub-heads: TOTAL APPROVED: CI\$ 507,110.00

01-003 - Leave - CI\$ 8,800
01-001 - Acting - CI\$ 6,810
01-106 - Duty - CI\$ 2,400

- 02-003 - Contribution TC & OSAS Staff Cost - CI\$ 27,500
- 06-002 - Electricity - CI\$ 20,000
- 06-006 - Telephones - CI\$ 106,000
- 07-023 - Insurance/Equipment - CI\$ 5,000
- 07-045 - Misc. Visits & Entertainment - CI\$ 75,200
- 08-014 - IMF Contribution - CI\$ 5,600
- 11-002 - Gratuity - Contracted Officers - CI\$ 60,000
- 11-006 - Severance Pay - CI\$2,800
- 17-016 - Refund of Revenue - CI\$ 187,000

10. HEAD 10 - FINANCE & DEVELOPMENT
SUB-HEAD 10-001 - COMPENSATION

To cover 2/3 of total amount out-of-court settlement.

APPROVED: CI\$ 199,880.00

11. HEAD 10 - FINANCE & DEVELOPMENT
SUB-HEAD 39-001 - PUBLIC OFFICERS (PENSIONS/GRATUITIES)

To cover additional expenses for retiring officers during 1986.

APPROVED: CI\$ 165,000.00

12. HEAD 10 - FINANCE & DEVELOPMENT
SUB-HEAD 39-003 - MLA'S PENSIONS

To meet additional successful claims for parliamentary pensions to widows of ex-Vestrymen.

APPROVED BY MAJORITY: CI\$ 30,000.00

MR. D. EZZARD MILLER VOTED AGAINST.

13. HEAD 10 - FINANCE & DEVELOPMENT

To meet expenditure under the following sub-heads; which sums are a combination of charges relative to 1985 which were brought to account in 1986, and excesses arising over budgeted provisions for payments due to fluctuation in exchange rates:

TOTAL APPROVED: CI\$ 182,450.00

- 39-004 - BBIL Road Loan - Interest - CI\$450
- 39-005 - CDB Airport Terminal Loan - Interest - CI\$ 154,810
- 39-011 - European Development Fund Interest - CI\$ 420
- 39-024 - CDB Port Loan - Repayment - CI\$ 19,000
- 39-027 - Development Aid Loans - Repayment - CI\$ 4,500
- 39-029 - Exchequer Loan - Airport Rehabilitation - Repayment - CI\$ 3,100
- 39-030 - Exchequer Loan - Airport Extension - Repayment - CI\$ 170.

14. HEAD 12 - JUDICIAL DEPARTMENT
SUB-HEAD 07-005 - ALLOWANCE ATTENDANCE

To meet additional expenses for Legal Aid, overseas attorneys, jurors and witnesses.

APPROVED: CI\$ 50,000.00

15. HEAD 12 - JUDICIAL DEPARTMENT
SUB-HEAD 07-064 - COURT OF APPEAL EXPENSES

To defray excess costs projected to be incurred through the remainder of 1986.

APPROVED: CI\$ 7,000.00

16. HEAD 13 - LEGAL DEPARTMENT
SUB-HEAD 01-115 - PROSECUTOR

To clear advance account which was opened to accommodate payment to Mr. Peter Curry, QC, regarding the Bank of Nova Scotia.

APPROVED: CI\$ 22,082.00

17. HEAD 16 - PERSONAL HEALTH SERVICES
SUB-HEAD 06-007 - WATER

To meet additional costs for the purchase of water arising out of cistern and guttering system problems which the Public

Works Department are currently working.

APPROVED BY MAJORITY: CI\$ 8,500.00

MR. D. EZZARD MILLER VOTED AGAINST.

18. HEAD 17 - DEPARTMENT OF SOCIAL SERVICES
SUB-HEAD 08-009 - COMMUNITY DEVELOPMENT

To formalize finance Committee's approval at its meeting held 10th September, 1986 to extend assistance to the Cayman National Cultural Foundation.

APPROVED: CI\$ 35,000.00

19. HEAD 17 - DEPARTMENT OF SOCIAL SERVICES
SUB-HEAD 08-022 - POOR RELIEF

To meet expenditure incurred during 1985 and brought to account in 1986

APPROVED: CI\$ 57,000.00

20. HEAD 17 - DEPARTMENT OF SOCIAL SERVICES
SUB-HEAD 08-899 - MISCELLANEOUS (SCHOOL LUNCHES)

To meet additional costs for school lunches relating to children of poor families.

APPROVED: CI\$ 41,242.00

21. HEAD 19 - DEPARTMENT OF AGRICULTURE
SUB-HEAD 01-002 - OVERTIME

To defray excess costs resulting from the payment of overtime to Agricultural Inspectors.

APPROVED: CI\$ 5,000.00

22. HEAD 26 - FIRE SERVICE DEPARTMENT
SUB-HEAD 07-899 - MISCELLANEOUS

To defray the cost of recent requirement of testing firemen for drug use.

APPROVED: CI\$ 254.00

23. HEAD 29 - PUBLIC WORKS DEPARTMENT
SUB-HEAD 41-031 - HARBOUR & DOCKS DEVELOPMENT

To meet completion costs for the work on the West Bay Ramp Project which commenced earlier this year.

APPROVED: CI\$ 15,050.00

24. HEAD 7 - POLICE DEPARTMENT
SUB-HEAD 07-062 - INVESTIGATIONS/POST MORTEMS

To cover cost of police investigation into commercial activities by A.M.E. Ltd.

APPROVED: CI\$ 87,500.00

25. HEAD 16 - PERSONAL HEALTH SERVICES
SUB-HEAD 01-006 - TEMPORARY RELIEF

To cover additional cost associated with providing temporary coverage for nursing staff during absences on vacation.

APPROVED: CI\$ 72,000.00

26. HEAD 16 - PERSONAL HEALTH SERVICES
SUB-HEAD 03-014 - DRUGS

To cover additional cost arising from the procurement of essential drugs which stock levels had fallen to critical points and the need to make special purchases (on an as and when required basis) at the George Town Hospital.

APPROVED: CI\$ 16,750.00

27. HEAD 14 - HEALTH, EDUCATION & SOCIAL SERVICES
SUB-HEAD 08-020 - MEDICAL CASES

To authorise the part-cost reimbursement to pensioners who were referred overseas for medical care.

APPROVED: CI\$ 10,195.00

Finance Committee further approved of the following:

28. HEAD 12 - JUDICIAL DEPARTMENT
AUCTIONS

To meet 5% auction fee to be paid to
Mr. Kent Eldemire, the auctioneer.

Thank you Mr. President.

MR. PRESIDENT:

In accordance with the provisions of paragraph 4 of Standing Order 67, the House is deemed to have agreed to the motion.

for North Side.

Questions. The Elected Member

QUESTIONS TO HONOURABLE MEMBERS

WITHDRAWAL OF QUESTIONS NOS. 26 AND 27

MR. D. EZZARD MILLER:

Mr. President I beg to withdraw both Questions No. 26 and No. 27 standing in my name.

Very well.

MR. PRESIDENT:

The Second Elected Member for George Town, Question No. 28.

The Second Elected Member for

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

NO. 28: Would the Honourable Member state when the decision was made to purchase the Shorts 330 inter-Island aircraft?

ANSWER: The decision to purchase the Shorts SD 330 aircraft was made on 4th December, 1986.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON:

Mr. President.

A supplementary to the Member,

Would the Member state whether any senior flight crew or senior management staff other than the Managing Director, were invited to make a decision on the purchase of the Shorts 330, prior to the purchase?

MR. PRESIDENT:

I do not think that arises out of the answer. If you wanted to ask that it would need to be set down as a substantive question. It was in any case I think, dealt with yesterday.

Is there any further

supplementary?

MR. LINFORD A. PIERSON:

Mr. President, I trust that you will find it in your heart to accept this supplementary, because I think it does arise from the question.

Would the Member state whether

a feasibility study was carried out by the management of the airline, prior to the purchase of the aircraft?

MR. PRESIDENT:

No, really, that does not arise from the date on which the decision was made. If the Member wanted to ask that, it should be set down as a question., and certainly my recollection is that it has been set down, whether it was answered yesterday or whether it is still to come, I am not sure.

MR. LINFORD A. PIERSON:

With respect Mr. President, I believe if we are considering when a decision was made, then it is quite relevant to question whether a feasibility study was carried out to determine or to arrive at that decision.

MR. PRESIDENT:

Yes, we had a Question on Wednesday, whether there was input from Caymanian pilots with regard to the decision to purchase the 330 aircraft

So, if there is no further

supplementary, the Member may ask Question No. 29.

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

NO. 29: Would the Honourable Member state whether any Caymanian pilots were sent on training to fly the Shorts 330 prior to its arrival here?

ANSWER: Due to the time-frame in which the company was endeavouring to replace the Trilander for this winter season, it was not possible to train Caymanians to fly the Shorts 330 prior to its arrival here.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary Mr. President. Would the Member state whether there are any Caymanian pilots now on training, and how soon it is expected that the Venezuelan pilots will be replaced by these Caymanian pilots?

HON. W. NORMAN BODDEN: Mr. President, the company has plans to employ two young Caymanians who are qualified. When I say 'qualified' they have their United States commercial rating, and those two young Caymanians will eventually be taken on and sent on training. It is really not fully decided yet, as to the manner in which these two Caymanians, once properly trained, exactly where they will be placed, whether it will be on the Shorts or as a flight engineer on the 727. But, the time-frame by which the Venezuelan pilots can be replaced is based on the availability and the training results of the Caymanians who we are endeavouring to recruit.

I might mention that the pilots who have been brought in here, have been brought in only on a month to month basis. So there is actually, to the best of my knowledge, no long-term commitment, and whenever Caymanians are available they will be put in their proper place, and the other pilots who have been brought in will be released..

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

MR. G. HAIG BODDEN: Mr. President, the Member states that it was not possible to train Caymanians to fly the Shorts, prior to its arrival because of the short time-frame, since they needed the plane for the winter season.

Can the Member tell us why the company put itself in this short time-frame, as they evidently knew the date of the start of the winter season, many years ago? Can the Member say why there was such a short time-frame?

HON. W. NORMAN BODDEN: Mr. President, when you are looking for a secondhand aircraft, and even though the search for a replacement for the Trilander probably started, I would say, around the middle of 1986, it is not as if the company is financially able to place an order for new equipment. So when you are looking for a specific type of aircraft to suit our particular operation, and a secondhand aircraft comes on the market, the company has to attempt to take advantage of the availability of the equipment at that time. This is nothing new. It happened with all the other secondhand aircraft which Cayman Airways has in its service.

MR. PRESIDENT: If there is no further supplementary, the Second Elected Member for George Town may ask Question No. 30.

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

NO. 30: Would the Honourable Member state whether it is the policy of Cayman Airways to place senior foreign flight crew on the national carrier's Permanent Establishment?

ANSWER: It is not normally the policy of Cayman Airways to place senior foreign flight crew on the permanent seniority list. However, an exception has been made in the case of

two long serving senior crew members who are non-Caymanian.

And to add a bit to the written reply, I think yesterday in answering a similar question, I elaborated on the reasons why the company felt that it was justifiable and reasonable to make that exception.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON:

A supplementary Mr. President. Would the Member state whether there are now any Caymanian pilots qualified, or nearly qualified, who could replace these two senior foreign pilots?

HON. W. NORMAN BODDEN:

No, Mr. President. At the present time, if Cayman Airways were to lose these two senior flight crew members, we would have to go outside the Islands and recruit two others to replace them with.

MR. JOHN B. McLEAN:

Supplementary Mr. President. I wonder if the Member could state whether there are in line, young Caymanians who will soon qualify as captains?

HON. W. NORMAN BODDEN:

Mr. President, based on the information I have, it is estimated that there should be one young Caymanian First Officer who would probably be ready to be checked out and qualify as a captain, but I believe that that would not take place probably until within the next year or so. At the present time, no Caymanian who is presently employed with Cayman Airways, is ready to fill that position, and based on the company's requirements, I believe it will probably be approximately a year or so before that change is possible.

MR. PRESIDENT:

If there is no further supplementary, the Elected Member for North Side, Question No. 31.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 31:

Can the Honourable Member state when the post of trainee pilot at the Mosquito Research Control Unit (MRCU), as created in Finance Committee in November, 1986, specifically to train a Caymanian for the post of pilot at MRCU, will be advertised?

ANSWER:

Although this question seeks to obtain a definite answer as to when the post will be advertised, at this time such cannot be given until the problems associated with this type of training, as outlined by the Director of MRCU have been addressed.

According to the Director:

Training a pilot locally for mosquito spraying is basically not feasible for the following reasons:

1. MRCU aircraft are single seaters;
2. The type of flying involved is exceedingly dangerous and requires great skill.

To expect a young inexperienced pilot to practice low level flying in poor visibility on his own, would not be fair to him, his family or the community. Also it is doubtful whether any insurance cover could be obtained.

Experience is the most important factor and it has been the policy of MRCU to employ mature pilots with thousands of hours of agricultural spraying behind them, plus night flying experience. This has paid off, as the very rare emergency situations which have occurred (and which are bound to occur during 15 years of mosquito spraying) have never led to loss of life or damage to property, purely because the long experience of the pilot has enabled him

to make the right decision in a fraction of a second.

It has been repeatedly stated by MRCU since 1972 that any young Caymanian interested in a career as spray pilot with MRCU should first work abroad as an agricultural pilot and acquire at least the 1000 hours of agricultural spraying required by the MRCU pilot job description.

A suggestion for overcoming the problem would be for Government to ascertain whether any suitable candidates do exist and then allocate sufficient funds to support the candidate abroad for several years while he obtains the necessary experience, either with one or several different spray companies. It would probably be very difficult for a Caymanian pilot to get a paid post with a foreign spray company, but if such a company did not have to provide a salary and in addition was paid a 'training' fee, they may be willing to provide the necessary work experience.

It should be pointed out strongly to any potential candidate that the post of MRCU pilot is one where the demands are often greater than the rewards. The dangers in this type of flying are obvious, but the post in fact, involves a very low number of flying hours and this could be very frustrating for a young pilot anxious to accumulate an impressive number of flying hours. Also it is not a 'clean' job. Pilots have to mix insecticides and after a night's spraying, both the aircraft and pilot can be well covered with spray. Most flying is between the hours of six and eight in the evening and often continues seven days a week for months on end, so a normal social life is not possible.

To summarize, therefore, for a Caymanian to be considered for the post of MRCU pilot, he would first have to be sent overseas for a considerable length of time and at an extremely high cost. For this reason, it would be prudent for Government to give careful consideration to the total cost of this training and seek Finance Committee's approval of it before advertising the post.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary Mr. President. Can the Member state whether in moving this motion in Finance Committee, it was made clear by the mover that Government recruitment would have to send somebody overseas for the training, and how long it would take to train someone, because to the best of my knowledge, most agricultural courses in the States are twelve weeks.

HON. THOMAS C. JEFFERSON: Mr. President, I am not quite sure what I am being asked to say. First, I took it that he was the mover. The Member asking the question was also the mover in Finance Committee. I think he is relating one to the other, and the comments that he made in Finance Committee. Is that correct?

I think what the Member indicated was that yes, he sought to have a token sum of \$10.00 in the Estimates, in order to train a pilot overseas to become a pilot of the Mosquito Research and Control spray plane.

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member state how, when and where Caymanians are expected to get experience flying an agroplane, if they cannot get it flying a plane owned in their own country after they have qualified to fly the plane?

MR. PRESIDENT: I think if the Member reads the answer he has been given, a suggestion is made there, and therefore in effect the supplementary has been answered already.

MR. D. EZZARD MILLER: Yes Mr. President, a total impracticable suggestion. Those three pages could have been answered in one line.....

MR. G. HAIG BODDEN: On a Point of Order Mr. President, is this a statement or a question?

MR. PRESIDENT: Well I am just hoping that it is going to be a question, I must stop it if it is not.

MR. D. EZZARD MILLER: Could the Member state Sir, whether the three-page answer could not have been defined in one sentence, 'we want to retain the foreign pilots at MRCU'?

HON. THOMAS C. JEFFERSON: The answer to that Mr. President is not what the Member suggests. The answer is that if you are going to advertise a post of this type, I think it is fair to all concerned, including candidates who have an interest in the post, to make it clear what the duties of the post are, what dangers are involved, and all the relevant facts and duties of that office.

MR. G. HAIG BODDEN: Mr. President, can the Member tell us how many planes are currently employed, and how many persons are currently employed in this job?

HON. THOMAS C. JEFFERSON: The answer to that to the best of my knowledge is that there are two planes and two pilots, both planes are single seaters.

MR. D. EZZARD MILLER: Can the Member define how flying a Mosquito Research spray plane to which one has been trained, is any more dangerous than flying a 727 for which one has been trained, or flying a Shorts 330, or flying a 172 Cessna, for which one has been trained?

HON. THOMAS C. JEFFERSON: Mr. President, I do not claim to be a pilot, or an airline specialist, but certainly, a 727 does not fly at three levels, spraying insecticide, and there lies the danger. The 727 coming close to the ground is either landing or taking off, one or the other. But, I did condition my answer by saying that I know nothing about being a pilot, all I know is that as a layman, when the plane comes over my house it sounds as if the roof is coming off, and you cannot relate that spray plane to a 727 or the 330, because they certainly do not fly at those levels, and I do not think the Air Traffic Control will allow them to fly at those levels.

MR. PRESIDENT: If there is no further supplementary, the Second Elected Member for Bodden Town may ask Question No. 32.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 32: Would the Honourable Member state what was the actual closing balance of Government's surplus on the books at the 31st December, 1986?

ANSWER: According to the figures provided by the Treasury as at 11th January, 1987, the unaudited closing balance of Government's surplus on the books for the year ended 31st December, 1986 amounts to \$2,248,132.77. Honourable Members will immediately become aware that this figure falls short of the projected surplus of \$3,319,939.00 by \$1,071,806.00.

Factors Contributing To This Difference

Based on an analysis of trends of recent years, and especially the pattern of collections from January through December of 1986, the aggregate revenue balance was revised at \$65,887,873. However, the actual position as reported by the Treasury showed total collection as being \$65,185,768, resulting in a difference of \$702,105 below the revised limit.

To comment on this marginal shortfall between the actual and revised revenue figures, Honourable Members are aware that even with the best of Estimates, the end result will always differ from any predetermined position. In this regard, allowance has often been made for a 3% variation between the actual and revised figures. The end result in this instance, however, is approximately 1%, which, if

looked at positively, could be regarded as reasonable.

On expenditure: The revised position through 31st December, was estimated at \$61,444,387, while the actual position, as reported by the Treasury through 31st December, showed total spending as \$61,803,088, an excess of \$358,701 over the revised limit.

Honourable Members will have observed that the total derived from these differences (Rev. \$702,105 plus Expenditure \$358,701) closely approximates the overall difference between the actual and revised surplus realised.

Further, of the \$358,701 difference between the actual and revised expenditure, \$199,879, or approximately \$200,000 of this sum resulted from the Government being called upon to make a pecuniary settlement which was not provided for in the revised figures, as it was not foreseen that an agreement leading to such settlement would have been reached before the end of the year. At a meeting of Finance Committee held on 18th December, 1986, Honourable Members were appraised of the circumstances leading to this settlement; hence avoiding the need for the giving of any further details on this matter. The remaining excess expenditure of \$159,000 is largely due to the carrying out of various adjustments to the final accounts by the Treasury.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, just on a point of clarification. I would like to ask the Member if it is correct that since the projected surplus at the end of 1986 fell below the Estimates, and since they transferred \$2.0 million to reserves, is it not correct that there would not be a balance of \$1.3 plus million dollars carried into 1987, and therefore 1987 actually ends with a deficit rather than the surplus shown here?

HON. THOMAS C. JEFFERSON: Mr. President, the 1987 Estimates give a revised position of \$3.3 million. It was also approved in Finance Committee that \$2.0 million be transferred to general reserves, which we have done. The actual position as outlined earlier in the answer, indicates that there are now \$248,000 being carried forward to 1987, but these are still unaudited figures. We are not sure what the audited figures will be, but it does not lend itself to be said that the 1987 position is now in deficit, because we are only into the first couple of months of 1987. Certainly, controls can be put in place to bring about the same affect, that is, a balanced affect.

MR. G. HAIG BODDEN: Mr. President, can the Member say if it is correct that the shortfall of surplus by \$1,071,806 would convert the projected surplus in December 1986 of \$108,000 into a deficit of roughly \$1.0 million?

HON. THOMAS C. JEFFERSON: Mr. President, I believe we are saying things semantically. What I am trying to do is to agree with the Member on paper, that that is the case. But in practical life we know the things on paper do not always turn out...

MR. G. HAIG BODDEN: It will be much worse, right?

HON. THOMAS C. JEFFERSON: It can also be much better, and I like to take an optimistic view.

MR. PRESIDENT: If there is no further supplementary. The Elected Member for East End may ask Question 33.

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

NO. 33: Can the Honourable Member say whether it is correct that the pilots for the Shorts 330 who were hired from Venezuela by the Managing Director of Cayman Airways Ltd., did not come up to standard for the job and the Director

of Civil Aviation would not allow them to fly the 330?

ANSWER:

It has been the practice in this House not to answer questions which relate to the day-to-day management of Cayman Airways. This question falls within that category. However, due to the nature of this question and the possibility of the listening public forming the wrong opinion about the Airline's operations, it has been decided to categorically state, that this is not correct..

The Director of Civil Aviation and the Company are fully satisfied that the crew of the Shorts 330 are fully qualified and that there is absolutely no deficiency in their performance whatsoever.

Mr. President, that is the written reply to the question, and I might add that just so that the opinion is not formed that Cayman Airways in a haphazard or ad hoc fashion went out, and somewhere found four people to fly the Shorts. I would point out here that one of the captains of the Shorts aircraft at the present time, hold a total of 6,000 hours on this particular type of aircraft, the Shorts 330. The second captain holds 2,500 hours of flight time on the Shorts 330. One of the co-pilots holds 600 hours, and the other one holds 330 hours on the Shorts 330. So I believe that that would establish beyond any doubt, that they are clearly well qualified to operate this type of aircraft.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN:

Supplementary Mr. President.
I wonder if the Member could

say whether it is correct that the necessary hours for that time of aircraft is 700 rather than 300?

HON. W. NORMAN BODDEN:

No Mr. President. I believe what the Member from East End is referring to is that 700 hours is the total flight time that is required, based on requirements from the Civil Aviation Department, and Cayman Airways. But that is total flight time, the numbers I gave relate to aircraft type time. In other words, the captain could have 700 hours, 300 on the 330 and 400 on some other type, and would have the total that he needed to be licensed.

MR. G. HAIG BODDEN:

Mr. President....

MR. PRESIDENT:

I think before the supplementary is asked, it is eleven o'clock, so if we are going to continue with supplementaries and finish questions there will have to be a suspension of Standing Orders. If a Member wishes to move that and the House agrees, we can of course continue.

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

MR. JOHN B. McLEAN:

Yes Mr. President.

I beg that Standing Order 23(7) and (8) be suspended so that I may get my other question answered, that is in accordance with 83, Mr. President.

MR. PRESIDENT:

And would I be right in thinking the suspension should also cover supplementaries to the question that you have just mentioned, so that you could ask your additional question. If we moved the motion strictly like that, I would have to stop off supplementaries on the question we are considering, and I think the Second Elected Member for Bodden Town certainly had a supplementary.

So perhaps so that we can finish Question Time, all the questions on it, you would be content with that? Very well then..

The question before the House is that in accordance with the provisions of Standing Order 83, Standing Orders 23 (7) and (8) should be suspended in order to enable any further supplementary questions in respect of Question No. 33, and question No. 34, to be asked. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. STANDING ORDER 23(7) 7 (8)
SUSPENDED TO ENABLE QUESTION
TIME TO BE COMPLETED.

MR. PRESIDENT: We can continue with supplementaries to Question No. 33, and the Second Elected Member for Bodden Town caught my eye.

MR. G. HAIG BODDEN: Mr. President, I would like to ask the Member with regard to the first paragraph of his answer - "It has been the practice in this House not to answer questions which relate to the day-to-day management of Cayman Airways. This question falls within that category." Would the Member have any objection to my having a cassette recording made for him, as this has recurred so often.

HON. W. NORMAN BODDEN: If he wants to do a cassette of repetitious comments, I think he must remember that charity begins at home!

MR. G. HAIG BODDEN: Yes, I know that, but I am asking if he would like a recording made.

HON. W. NORMAN BODDEN: Mr. President, if they continue to ask questions about the day-to-day management of the company, it might be necessary to make the cassette, but I think I will be here around for sometime to answer.

MR. PRESIDENT: If there is no further supplementary, the Elected Member for East End may ask Question No. 34.

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

NO. 34: Would the Honourable Member state whether he is aware that a letter has been issued by the Board of Directors of Cayman Airways Ltd., stating that certain expatriate pilots will continue to be employed by Cayman Airways Ltd., and that they shall remain on the Seniority List of pilots?

ANSWER: Yes.

MR. PRESIDENT: If there is no supplementary...that ends Question Time then.
Continuation of debate on the Throne Speech. Does any other Member wish to speak? The Second Elected Member for George Town.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MR. LINFORD A. PIERSON: Mr. President, I wish to thank you most sincerely for the gracious Throne Speech delivered here a few days ago, which was delivered with clarity and conciseness, though perhaps somewhat of a repetition of last years' Throne Speech, but nonetheless, provided much food for thought.

I would also take this opportunity to extend a warm welcome to the Honourable Richard Ground and Mrs. Georgette Myrie on their recent appointments to the posts of Attorney General and Clerk of the House, respectively. I have no doubt that we will see improved work, especially in the legal area, and I look forward to working very closely with the new Attorney General and our Clerk. I would take this opportunity though, to say how much we do miss our last Clerk, and I believe that the new one will do equally well. I cannot accept that our new Clerk is a square peg in a round hole. From the reports I have heard, she is a very efficient lady, and I feel that this Legislative Assembly is lucky to have somebody of that caliber.

Mr. President, as I have

stated, your Throne Speech covered many areas, and in a nutshell it was much food for thought. Commenting on the Police Department, I am pleased to learn that 14 promotions have taken place over the past 12 months, many of whom as I understand it, were Caymanian Officers. It was, however, disturbing to me Sir, to note the level of the increase in crime in this country, despite the very high detection rates in the Police Department. I am also pleased Sir, to see that the Drugs Squad has been increased, even though it seems a retrograde step, when we continue to increase the Police Force, and expand our prisons when greater emphasis should really be placed on alleviating community problems amongst us. These problems should be addressed by not only the Churches, the Service Clubs and other areas, but should indeed be the prime objective of the Government's Social Services Department, and each individual should feel himself responsible for trying to keep these problems under control.

Mr. President, as I have said in this House many times before, it is the duty of Government and of each individual Caymanian and resident here to focus attention not only on the curative aspects, but indeed on prevention. Too much emphasis Mr. President, is being placed on curing the problem, and I am reminded of the saying "it is too late to close the gate once the horse has escaped". There is the dual problem of cause and effect. Ninety percent of our time is placed on the effect, too little on detecting the cause and treating the cause. I have contended here and have spoken many times on some of the problems I see in our community, and I believe Sir, that the worsening environmental conditions and social conditions of our people contribute significantly to the increase which we are experiencing in our crime rates.

I feel Sir, that the Social Services Department of Government should be doing much more. While I would agree that they are perhaps taxed to the limit with the staff available to them at present, I also feel that if it is necessary, that they receive more staff and that representation should be made by the Member responsible for this subject, so that the necessary funds can be made available to that department. I feel that the Social Service Department of Government must take the lead Mr. President, and recent experiences that I have had with that department, I see a trend developing where there should be less bureaucracy and more willingness to work with community leaders, parents and interested citizens. This is not to be overly critical Sir, but I trust that these individuals in charge of this department will realise that when community leaders, Justices of the Peace and others attempt to help, especially with juvenile cases, that they should be much more tolerant.

I can recall even telephoning to speak to some of the senior officers there, and have yet to receive a return call on a matter that was very important, and I did not do this in my position as a politician, but as a Justice of the Peace, who is called on frequently to sit in the Juvenile Court. Mr. President, after all, we are hopefully working towards the same common goal, and I feel that there should be much more cooperation through the Department, with not only Justices, but indeed, with community leaders.

I have heard a number of complaints Mr. President from parents of young people, of juveniles sent to Jamaica. I have heard that the conditions in Jamaica are so bad, yet when you communicate this to the department, the parents told me that they get no results or satisfaction. They are not even given an encouraging word. Mr. President, there seems a reluctance on the part of this department to deal with some of these problems, and I trust Sir, that they will indeed become much more flexible, and will realise how important it is in the job they are trying to perform, to work very closely with not only Government Departments but the parents involved with these youths.

Mr. President it concerns me that our juveniles are still being sent to Jamaica, when quite a while back we agreed that a Committee would be set up to examine the feasibility of establishing our own Approved Schools and Remand Centre. But it seems Sir, that insufficient priority has been given to this subject. Perhaps, my thinking has been overcome by events, but I would be very happy if I am wrong in this. I do not feel that enough is being done to push for the establishment of an Approved School here so that our youth would not have to be sent to Jamaica to Approved Schools. This is not to say that we are not very grateful for the assistance we have received from the Jamaica Government over the years. But as we develop as a nation Mr. President, it is high time that we get our priorities in order. From reports also that I have

received it seems that Government should be investigating some of the conditions which exist in those Approved Schools. I have been told that a lot of foodstuff, clothing etcetera, sent to the children in those schools has been stolen, and when these cases are reported, the children are beaten and told that they are liars. Many stories I have been told cannot all be lies Mr. President, so I would ask the Member responsible for this subject to give this matter his very urgent attention.

Returning to the Prison situation, when one considers the numbers and the composition and age group of the young men and women at Northward Prison, one is left to question where will our beautiful and tranquil Island end up. Where will these beautiful Islands end up if something is not done to halt this regressive trend? It is all right for most of us to go to Church every Sunday and to pretend that we are doing our part for society in our community. But I have said before, and I say again Mr. President, that more and more attention should be placed by Churches and other organizations such as Service Clubs, in visiting within their community and observing first hand the conditions that exist. The people whom they meet in Churches are already people who know what wrong is, and this is the reason they attend, either as Members or visitors. We need to be reaching out, we need to launch an outreach programme to assist a lot of these young people.

When one goes to Northward Prison, the age group of the young people you are dealing with is between the average of 18 to 25 years of age, 80 percent of them. This is a very serious situation, and I am not here saying this Mr. President, for sensationalism. I feel Sir, that if the Cayman Islands is to develop and continue to be the envy of the Caribbean, and indeed the envy of the world, that Government must recognise the situation which now exists, and what is indeed becoming a growing problem. Mr. President, something must be done at the foundation level. Something must be done to reach these people at the home level. The Social Services Department must not only sit in the Tower Building, but they must spend much more time sitting in the homes of some of these people, and working with them.

Mr. President continuing, reference was made by you Sir, in your Throne Speech regarding the possible recruitment of overseas personnel. While I can Sir, appreciate that of necessity expatriates of all walks of life will no doubt have to be recruited to keep pace with our development, I feel that much more care must be exercised to ensure that we are not deliberately pushing our own Caymanians out of jobs to provide space for expatriates. I personally, do not have anything against expatriates, because I am cognizant that in our developing country there has to be a motto of 'out of many, one people.' We have to work together. But as a Caymanian, and as one who loves my country, I would be doing an injustice to my people if I did not try to protect their rights, which are also their constitutional rights.

Mr. President, as I have said in these Chambers before, and I say again, I believe that many expatriates, be they British, Canadian, American, Jamaican or otherwise, can vouch that I have always tried to deal impartially with any problems which they have brought to my attention, and to deal with these matters as expeditiously as possible, and indeed in a very objective manner. There is no question of my intentions, or my feelings, I feel towards them in a very wholesome and sincere manner, but this is not the question, the question is also protecting the position of my fellow Caymanians. As a matter of fact Sir, to substantiate this, I stated categorically in my political manifesto which I issued for the 1984 Elections, and I quote:

"In our rapidly developing financial community it is not reasonable to suppose that we can produce in the short term the required number of lawyers, accountants, bankers and other workers locally, with the necessary expertise to ensure the proper expansion and development of the Cayman Island's economy."

And I went on to say Sir:

"I believe that the key to the successful long-term development of the financial industry in integration of the Caymanians professional, not replacement of the expatriates."

I went on to say Sir:

"The term 'Expatriate' is intended in its broadest sense to include all who are non-Caymanians, regardless of the ethnic or national origin."

My position has not changed Sir, I still believe that in our developing country, that the answer is not kicking out expatriates, but working together towards the same common goal on an equal footing. I do not feel that the Caymanians should be made to appear or feel like second class citizens. As I have said Mr. President, my position today, is the same as then, which is not to arbitrarily replace any overseas people or personnel in this country, but rather to integrate, integration is what we are talking about - 'out of many, one people', is what we are talking about. And I do not subscribe to the view which I have heard expressed that we must kick out expatriates just to put Caymanians in positions, if the Caymanians cannot fill those positions. But I do subscribe to the view that Caymanians should be given the equal opportunity to fill top positions in this country, and this is one of the reasons Mr. President, why I was so strong in my view in my debate of the motion to appoint a Speaker of this House. I indeed felt that there are Caymanians capable of filling the position. There was no reflection at all on the President of this House, because as a President of the House I feel he is qualified and I feel he is doing a fairly good job. But my point was, that there are indeed Caymanians that can do it, the Constitution provides for it, so there is no reason why we should not have a Speaker of this House. We are denying our people their Constitutional rights when we do not do these things that we can do.

It was further stated Mr.

President in your Throne Speech, and this was made a special point, that there will be an expansion of buildings at Northward Prison to accommodate more prisoners. Again Mr. President, I must say that I am disappointed with Government's policy in this respect, even though it may be unavoidable. I would like to have seen a positive statement of preventative measures being taken to try and alleviate and reduce the number of crimes in this country. We seem to be operating under Parkinson's Law which states that wherever there is a void it will be filled. We build bigger prison cells at Northward Prison, you can bet yourself that those cells will be filled, and then we will have to build bigger ones and bigger ones. It is just like the question of building gallows at Northward Prison.

This is something Mr.

President, which is also very near and dear to me. I realise Sir, how I would feel if I had loved one who was murdered in this country. Mr. President, I do not think that any man has the right to take a life of another person. I do not think Sir, that taking the attitude of an eye for an eye is in the best interests of the Cayman Islands, and before you leave this country Sir, I trust that you will be looking to make the necessary amendment to our Penal Code so that capital punishment could be replaced by life imprisonment, and perhaps with the discretion given to the Judges, that a minimum period of 30, 40 years whatever could be imposed on the offenders.

MR. PRESIDENT:

I wonder whether this would be a convenient point to the Member to break?

MR. LINFORD A. PIERSON:

Yes Mr. President.

MR. PRESIDENT:

In that case I will suspend proceedings for approximately fifteen minutes.

AT 11:29 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:52 A.M.

MR. PRESIDENT:

Please be seated.
The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, at the time of the break I was speaking on the question of capital punishment, and Sir, while I have made an impassioned plea that you use your best persuasion to have the Penal Code amended so that we would not have a

retrograde step of swinging our own Caymanians on gallows built in this country. I know Sir, and appreciate that this is not left with you, and that it would have to be a decision of this House. I say this Sir, of my own personal feelings and do not intend to make this seem to be the consensus of any group in this House.

Mr. President, I believe that the root cause of our major problems in this country is drugs. I believe Sir, that much more could be done in trying to alleviate this problem, and if it was the intention that capital punishment would not be removed from our penal code, then I say Sir, that the only way I could ever agree with it, is that the pushers and the suppliers would also be subjected to it. They are the people who are bringing havoc to our country, and I say that the people who are getting involved in crimes are the victims, and we should be dealing more with the pushers.

Mr. President, I was a bit disappointed to see an article which appeared in the Caymanian Compass in the issue on Tuesday, 10th February 1987 under the editorial. Mr. President, in reading this, my first impression was that the rationale of the writer would seem to condone the fact that we have dealers and suppliers amongst us, and that they will be with us forever. Like the poor, the poor we will have with us forever. It seems Sir, that the use of drugs was justified on the economic theory of supply and demand. The uninitiated reading this Sir, would feel that maybe it does have a place in our society, and that we have to live with it. I am saying Sir, that it has no place in the Caymanian society, and we should not satisfy ourselves that we have to live with this scourge. The article which I refer to under the heading 'Supply and Demand' stated, and I read:

"The drug dealer exists for the same reason that the service station, or the lumber store, or the supermarket does - society demands the service."

Mr. President, it is sad, that our leading paper would carry an editorial of this sort. It further said Sir:

"That is today's reality. It may be deplorable, it may be frightening, it may instill panic, but it is incontestably clear that people buy narcotics because they want them, or need them, and not because the dealer makes them available."

Regardless of the logic and the truth of a statement like this, I do not think that it is right that it should be appearing in our editorial which tends to give the impression that we understand this problem and that we are accepting that this problem is with us. Instead, the article should be suggesting ways and means of pushing this out of the country; suggesting ways and means of dealing with the pushers, and making the dealing of drugs much less attractive in this country. It further said Mr. President:

"The abysmal failure of Prohibition and the incidence of cigarette smoking, despite evidence of carcinogenesis, are but two illustrations of people displaying a behavior despite efforts at dissuasion.

By all means"....it continues today...."we should continue to come down hard on the drug dealer"....and this was one positive statement and I give them credit for this...."but we have to face the fact that the pressures of modern life"....and this is what is of concern to me, we are saying that we accept because of the pressures of modern life...."the pursuit of pleasure, the search for an escape, are causing people in every country in every hemisphere to pay large sums of money to the man who sells narcotics."

This is no reason Mr. President, regardless of what the trend may be, that we should not be making a positive statement and making positive efforts to try and wipe this scourge from our Island community. Mr. President, it said in the last paragraph:

"It is an unpalatable truth that many of us blindly refuse to face, but the drug dealer, be in New York, Bogota, or Grand Cayman, is selling a product for which many have, unfortunately, developed a desperate craving."

Mr. President, I trust that in future editorials, with regard to drugs in this country that a more positive position could be taken, and that the justification and rationale is not on a matter of the economic demand and supply theory, but that we will let the public know that we have no place or tolerance for drugs in this country, be it in accordance with supply and demand or not. We do not wish to have drugs in the Cayman Islands.

As I have said earlier Mr. President, I believe that the Prisons could be lagging under other departments of Government, perhaps which may be operating under Parkinson's Law. But, I am happy to say that I have seen a marked improvement in the efficiency of many of our Government Departments, and much of this credit goes to many of our senior Caymanian Civil Servants who are now in command of controls. But Mr. President, the point I am making is that the answer is not in the building of more and more cells at Northward Prison. As we were just discussing during the break, drug taking is a disease, and it must be treated as such. It is like addiction to cigarette smoking or addiction to alcohol. We cannot just brush the people aside and say that they are bad people. We must deal with the problem effectively. This is the only way we can hope to cure this problem, and we must also make more efforts to seek and search for the source of the supply.

I have heard a number of stories of how drugs come to the Cayman Islands. I have heard that they come through cruise ships; I have heard that people go out fishing and meet boats. I am sure that if I have heard these stories, other people have heard them. Therefore, let us do something to investigate these problems and these stories we have been hearing. Nobody is suggesting that they are totally correct, and much of it could be hearsay. But I say Mr. President, that many times where there is smoke there is fire.

What we need to provide in the Cayman Islands for our people are more wholesome activities, much more wholesome activities, not only for our youth but also for the adults. Priority should be given to establishing a Youth and Community Centre in most of the major districts. As a matter of fact, I would like to see one in each district of the Cayman Islands, and in the Sister Islands. Mr. President, unfortunately, Government has not yet seen the necessity to make this a priority. But I trust that before too long we will see more emphasis placed on these wholesome activities, and the provision for accommodating such facilities.

Recently Mr. President, I posed the question in this House to the Honourable First Elected Member of Executive Council regarding accommodation for the Boxing Club. I can appreciate Sir, that funds are limited, but I believe Mr. President, that more thought should be given to facilities for our youth. In forming the George Town Boxing Club, this was done with the feeling and the understanding and knowledge that there were many of our youth, or young boys, who, if they were not involved in wholesome activities would be out on the streets either using or pushing drugs. I am not suggesting that the population, or the people we have in our Boxing Club are those type of people. I am just saying that we have found an avenue to prevent them having any temptations as far as is possible. We will never cure it one hundred percent, but we should do all in our power to deal with it.

Mr. President, I move on to the subject which you dealt with, the Caymanian Protection Law and Regulations. I could not agree more with you Mr. President, when you said that there are gaps and anomalies in the Caymanian Protection Law. As a matter of fact, I have in this Honourable House and through the news media alluded to these gaps and anomalies. But to date, no action as far as I am aware has been taken to correct some of these problems. Specifically Mr. President, I believe that the selection process for the granting of Caymanian status leaves much to be desired. I feel that the criteria for the granting of status as contained in the directives of the Governor in Executive Council to the Protection Board, together with the relevant provisions of the Law and Regulations, could be more evenly and fairly applied. This is not to cast any aspersion on the integrity of the people who fill that Board, because the men and women on that Board are people of

integrity. My question is the lack of direction, and the question of the policy which is now being applied in Board decisions. As I have said Sir, I make this statement with due respect to the Members of the Board, as I believe they are honest men and women of integrity. But I nonetheless, feel most concerned about the question of the granting of status and the way it is done.

Further Sir, policies regarding the granting of work permits have to be reviewed. Why are Caymanians being told that they may have to bring certain categories of casual workers from the United Kingdom and other European countries. Is this correct? I pose that question. Has this been said? I pose that question. I have been told that individuals have been told this. What is the rationale and the whole idea behind this? I leave you to ponder that question.

Mr. President, it is only practical that we continue, if the Caymanians are to develop, to receive or employ people from areas which are in the best interests of Caymanians. If we need a domestic helper in our house, or somebody to clean our yard or whatever, and we cannot find a Caymanian, then we should be permitted to employ somebody who can do the job to our satisfaction, at the lowest possible cost. But to have to try and recruit people from overseas, or as far back as Europe to do such tasks, Mr. President is not only impracticable, but it is a bit of a nonsense.

It seems that there is some hatred against Jamaicans in this country, especially the common workers. But Mr. President, many of the people voicing the anti feelings against Jamaicans have a very short memory, or perhaps they were not around when the Cayman Islands worked very closely with Jamaica, and indeed, most of our wealthy people in this country today obtained their money through Jamaica. Further Mr. President, many of our people had to go to Jamaica for a living.

I feel Mr. President that on the question of employing any nationality in this country, that we should now be considering whether individuals should be placed on contracts, or given facilities such as Green Cards, so that they could work in the Cayman Islands, because many of the people who now apply for status do this because they want the protection, not necessarily because they want to be a Caymanian citizen, or a member of the British Dependent Territories. They do it because they want protection and continuity in their lives, and contracts or a Green Card would offer them this type of protection. But it would be understood that they would not be eligible, or some would not be eligible for status, mainly because they want a contract, and when that two, three or four-year contract or whatever has expired, then they would have to come back and start all over again. This would prevent any question of them qualifying or getting the necessary requirement for qualification for status. I am not suggesting that the Government should discontinue giving status, I am only suggesting Mr. President, that maybe it is time that Government starts seriously looking at the whole question of status, and the granting of permits in the Cayman Islands. Let us not just squeeze any one nationality whether they be Jamaicans, Hondurians or whomever, because they are performing a service in this country, and whether we like the ethnic national or whatever their background may be, that should not play a part in the decision as to whether somebody should live or work in this country.

Mr. President, the problem does not only exist at a domestic or casual level, but it filters into the very top echelon of our commercial sector. I feel Mr. President, that the commercial and the professional firms should be forced to make a greater effort to employ Caymanians in top senior positions. When you look around you show me how many Caymanians are being groomed to fill the Managing Directors' positions of many of our Banks and Trust Companies, in some of the smaller companies, or indeed in the law firms or the accounting firms or whatever. It is a struggle Mr. President, it is a big struggle to even keep a job with some of these companies. And the reason for this Mr. President, is that as soon as some of these people come here they are placed on the same equal footing as Caymanians and they have the same rights, so there is no incentive for them to train Caymanians to take over from them. Mr. President, token gestures are not enough.

What is of concern to me Mr. President in this respect, it is because of the present policy of the Caymanian Protection Board in the granting of status, that most of the senior management positions will never be passed on to Caymanians,

especially those in professions such as accountancy, law and banking just to name a few. Granted Mr. President, some Caymanians are lucky to get the breaks, but these are in the very small minority. Much, much more should be given better, better employment opportunities.

Mr. President, I recently heard where a professional accounting firm fired a young lady who had spent six years in that firm as one of their top executive secretaries, for the mere reason that that lady refused to work in a dark and humid office when they had the power outage. That was the basis used, but when she went to the Labour Board she could get no redress. This is the reason why we need a Labour Law in this country, and regardless of who says we do not need one, it could be self serving, because most of the letters that I have seen opposing a Labour Law are coming from employers.

Mr. President, I am not suggesting that the present draft legislation before us is adequate, because I find a lot of fault with it. I feel that the Legal Department did not take sufficient time, and this is no reflection on our present Attorney General, but I feel that they did not take sufficient time to study what was needed for the Cayman Islands. What they seem to have done was to lift the Antigua Code and put it straight in the Cayman Islands, to be used by Caymanians. When in fact, conditions that exist in the Cayman Islands are so much different from the Eastern Caribbean Islands. But we need protection for our people, but it must be properly done.

Could anybody by any stretch of the imagination accept that the treatment given to our faithful employee for six years, for refusing to go and wipe out a damp humid cell was right, when they fired her. Yet, what can be done, her employer told her she could do whatever she wanted. Of course, you cannot hurt him, because he has Caymanian Status. Mr. President, I submit that this type of behavior is not only unfair, it is deplorable and it certainly is not in the best interests of Caymanians. As I have stated, if for no other reason, this is a good reason why protection is necessary for our people.

At present Mr. President, it is useless to take a labour dispute to the Labour Board, they have no power, employers laugh at them, they ignore them. It does not make sense, it is a waste of time. It can be likened to somebody having a permit refused and the Executive Council telling them to appeal it. It is a waste of time, you are appealing from Caesar to Caesar. So when you are told to go to the Labour Board, it is just putting you off, you are wasting your time. And if a Labour Law or proper legislation is not brought to this country, then people are going to be forced to take industrial action, and this will be a sad day for the Cayman Islands. We had better not ignore this any longer.

I know of another case Mr. President where another young Caymanian lady was dismissed from her job with a 'B' Bank without any form of severance pay, after having served that bank for 12 years. Now, nobody can tell me that after 12 years, it would take 12 years for an employer to decide whether an employee is suitable. It is not necessary Mr. President to have such a long period to decide on somebody's abilities. But there again, this lady was told 'you do what you like, I have made a decision, and there is nothing you can do about it.' She could not seek legal advice because she did not have the money, and this is what it all boils down to, who is paying the cheque. And this is why we need to neutral force, we need the legislation, we need the law to protect the people who do not have the money to pay for these expensive legal fees. What is happening to the rights of our people? How are those rights being protected? Mr. President, again it is not only unfair but it is disgraceful that an individual who had served faithfully, not only working as an employee but indeed, building up a company, should be fired without even the consideration of proper severance pay after 12 long years.

Still dealing with the Caymanian Protection Board. I would like to know Mr. President, what criteria was used in selecting applications for status from the list approved by the last Government. I happened to have seen this list, and this information will remain with me forever. And there were some very outstanding people that had been approved by the last Government on that list, but why have those people not since then been given consideration? In late 1983 at the request of the then Chief Secretary, Mr. Dennis Foster, the Board considered that of the 265 applications which were then outstanding, that 25 of those should be approved by Council, and they were recommended for the grant of

status.

Of those 265 applicants, 25 were recommended, of whom only 12 were granted status. What was the basis, what was the criteria used? Did they follow the Directives of the Governor in Executive Council, or the provisions of the Law and Regulations under which the Protection Board operates. Or were there other considerations given? Mr. President, I cannot understand why people who have contributed to this country, not only commercially, but socially, and in a community manner, are not also given top consideration. But you find situations where two and three from the same family can get status, but other people are by-passed. Why were not individuals like Mr. Brian Butler who has done so much for this country not considered for status? Why was not the Rev. Godfrey Meghoo who has done so much for this country considered for status? Why should they now have to go and beg.

Mr. President, something needs to be done. It would be interesting to know what one needs to do to qualify. I have watched the careers of the two people I have just mentioned, very closely. I do not think that there is a second developer in this country who has done more for the Cayman Islands than Mr. Butler, and I do not think there is another Minister in this country who has done more for our community than has Reverend Meghoo, and I have not asked their permission to mention this. I feel that it is only right and fair that people like that be given due consideration, something certainly does not seem right. I can understand when somebody is denied because of his behavior, because of his moral standards or whatever, but in these two cases cannot understand the reasons, and I am not here suggesting who should be granted status, I am questioning the criteria used.

However, I understand Mr. President that the reasons given were very flimsy indeed. The reason given for not approving the other 13 individuals at the time were because it was felt by the Board that these applicants did not have any assets - how ridiculous. You show me one who was approved who has any more assets than Mr. Butler. The second reason given was that they did not play an important role in the community. This again is ridiculous. Show me one of those who was granted status that plays a more important role in the community than the Reverend Meghoo. I am sure Mr. President that you will have to agree that this simple example I gave of two names, that they would have qualified in any country for the grant of status. Mr. President, something definitely seems to be inconsistent with the policies being adopted in practised by the Board in this respect.

I do not want Mr. President to be taken wrongly on this issue, because I am not advocating a proliferation of approvals for the grant of status. But Mr. President, I nonetheless feel that right is right, and that applicants should be considered strictly on the basis of the law, regulations and directives under which the Board operates, and that personal considerations should play a secondary role if any at all.

Moving on Mr. President, your Throne Speech dealt with Radio Cayman. Like yourself Mr. President, I too wish to congratulate Radio Cayman on the celebration of its tenth anniversary. The introduction of the FM broadcast system which now offers to the Brac and Little Cayman separate programmes was introduced here some ten years ago, or rather, the FM station was introduced last year. It is most refreshing and a welcoming addition to our news broadcast. The music Mr. President, is fit for the ears of Kings and Queens, especially on a Sunday afternoon. And I say, congratulations to the Radio Station for the good job they are doing. The staff in particular, are to be highly commended and congratulated on this fine job, and I would take this opportunity to tell Mr. Charles Glidden, otherwise known as 'Challo', to keep up the good job he is doing even though, he is not from my constituency, born here, he acts like a good George Town constituent, and I congratulate on this fine job he is doing.

MR. W. McKEEVA BUSH:

He comes from West Bay, he is a good fellow.

MR. LINFORD A. PIERSON:

....But I agree with the Second Elected Member for West Bay, that the credit has to go to West Bay where he was born. You know I have to always keep on the good side of my friends....(LAUGHTER).

Mr. President, the Radio Station is doing a good job, and it is disseminating news accurately

and impartially. This is not to say Mr. President, that I do not still feel that the Department of Broadcasting should still not be a Statutory Corporation. This is a matter which I feel very strongly about, as I do not feel that direct controls should be through Government.

And now I turn to the section dealing with the Attorney General's Chambers. It is noted from your Throne Speech Sir, that the Attorney General's Chambers will be faced with an increased work load, but I am confident that with the expertise of our present Attorney General and the new Senior Crown Counsel, and of course, our very ably Caymanian staff in that department, that one will see a greater degree of efficiency. I trust however Mr. President, that our new Attorney General has accepted his seat in this Honourable House with an open mind, as I believe he has, and that he has not allowed himself to be unduly influenced by his predecessor. Enough said on that.

I turn to the Cayman Law School. I also extend my sincere congratulations to the Law School for their fine performance since they were established almost five years ago. We are fortunate Mr. President, to have an astute group of individuals attending the school, and I believe that the legal profession in the Cayman Islands will be the better off with the introduction of the graduates from this school. I trust though Mr. President, that Government will give the school their full support, as it has established beyond any doubt, that the qualifications being offered through the school are comparable to any in the world. I am happy Sir, that the school has also had somebody in the person of Mr. Rowe to help it along, and also in gaining recognition through the Liverpool University for the external qualifications of the LL.B. degree. I wish we had more people like Mr. Rowe coming to this country.

I think Mr. President that the past Government is to be congratulated on the move they made to establish this school, it is an asset to the Cayman Islands. But Mr. President, I trust that the graduates will be able to occupy their rightful places in the firms and in other areas where they choose to work, and that Government and the Caymanian Protection Board will indeed protect the interests of these people. Sometimes I wonder if this is a misnomer, because when we say 'Caymanian protection', then it should be just that.

And now Mr. President, I will touch on a subject which is near and dear to my good colleague from North Side, the draft Five Year Development Plan, and one which I indeed welcome. This is the reason Mr. President, why I could not in good conscience, stand in this House and criticize the Development Plan. I agree that there is much that needs to be done to amend certain areas, and I feel that it will have to be reviewed to be presented in a better form, in a more practical and workable form. But Mr. President, let no one fool you, much work has gone into this Plan and it is basically, a good Plan, and I say this in my own personal position, and do not wish to, in any way, project or present the view of any group or groups.

The Draft Five-Year Development Plan which was laid on the Table of the House in November last year is a fairly good document. However Mr. President, as I have said, much work is still required in the Finance Committee before it is approved by the House. While I appreciate that its purpose is to plan Capital Expenditure over the next five years and to assist a smoother Budget preparation exercise, there is nonetheless, a lot of fluff which will need to be trimmed off to make it an acceptable and practical document for use, not only by the Government, but indeed by potential investors to this country.

I have to agree Mr. President with the Chamber of Commerce, that the Draft Plan in its present form is essentially a Civil Service document, but then, it would have been difficult for it to have been otherwise, especially considering that this is the first major attempt to prepare such a Plan. I further agree with the Chamber of Commerce that virtually every time it identifies an area requiring new investment, large or small, it proposes the public sector solution. It would seem Mr. President, and I agree with the Chamber, that little thought has been given to whether private enterprise should be encouraged to do a job, but I am sure that my good colleague the Honourable First Official Member, will clear this up. Care must always be taken Mr. President to avoid a situation in which the state, that is the Government either through the Civil Service or indirectly through statutory authorities or state

owned companies, fail to realise or release its grip on ordinary business. Usually you find that the private sector can as efficiently, or more efficiently manage many of these concerns. And I agree with the Chamber that perhaps in reviewing this document, that Government should look much more closely at this position.

MR. PRESIDENT: If the Member has come to the end of a particular part of his speech, I wonder if this is a convenient moment for him to break?

MR. LINFORD A. PIERSON: Yes Mr. President.

MR. PRESIDENT: In that case I will suspend proceedings until approximately two fifteen.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:18 P.M.

MR. PRESIDENT: Please be seated.
The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Thank you Mr. President.
When we adjourned for lunch I was dealing with the matter raised in your Throne Speech in connection with the Draft Five-Year Development Plan.

I would like now to move on to the section of your Throne Speech which refers to a Bill to regulate the Registry of Shipping. Mr. President, it is my intention to deal with this Bill in further detail during my debate of the Bill itself. However, I would say at this point that I believe we may be taking a backward step if we impose too many severe restrictions as seem to be contemplated. Perhaps instead we should be thinking of ways and means of expanding our Shipping Registry. But Mr. President, it would seem to me that my thoughts on this, when I received the Bill, have somewhat been overtaken by events, and further information which has been detailed and given by the Honourable First Elected Member of Executive Council in one of his recent meetings. He did say here at that meeting that a Bill to get international shipping conventions extended to the Cayman Islands enabling an expansion of the Shipping Registry is to be made by sending a delegation to London, and Mr. President, I certainly welcome this move. The Member further said that the delegation would leave shortly after the current sitting of the Legislative Assembly. He made a condition here and I do not think this condition should apply, but he said "if legislation governing the Shipping Registry is passed through the House". This is indeed a very good move because I see the development of shipping in the Cayman Islands as very necessary, and perhaps, an important avenue for increased revenue.

I was also pleased Mr. President, to note from the Throne Speech that additional training will be provided for teachers in the area of drug education, that the Quest Programme will be introduced into our school system, and specifically into the Middle School's curriculum. I also hope Mr. President, that a similar opportunity will be offered to the staff of the Social Services Department, in view of the very important role they play in guiding our youth, and in the community generally.

The Sports Complex - much credit Mr. President, must be extended to Mr. Winston Skinner for the invaluable job he is performing in developing sports throughout the Islands, and I would also personally thank him for the keen interest he has shown in the sport of boxing. I trust however Sir, that in the development of the sports complex that we will ensure that accommodation are provided permanently for the housing of the Boxing Club and other necessary facilities for sports in the Island. As mentioned here in the House during Question Time, the Boxing Club is indeed experiencing very severe difficulties in finding even temporary accommodation for the Club. This is one of the reasons Mr. President, why I feel that Members should get priorities right in this House, and also look more closely at the need for providing the activities and avenues for our youth. It would be a shame if a Club like this that now encourages 20 to 30 young boys to come out every evening to develop themselves physically and mentally, was closed down. This

would indeed be a shame Mr. President, so I trust that Government will not only pay lip service to this problem, but will do something in a tangible way.

I now turn to the National Museum. I was pleased to learn of the progress made in the establishment of a physical home for a national museum. I trust that Government will give this project their full support. We are fortunate to have a qualified Caymanian in the person of Miss Anita Ebanks who heads up this project for the benefit of the people of the Cayman Islands. Mr. President, I trust that she will be encouraged in every way to continue the good work she is doing, and I would take this opportunity of saying, congratulations Anita.

The Marine Parks and Farmers Market - I am also pleased Mr. President, to learn of the progress being made in the establishment of the Marine Park and the Farmers Market. I feel sure that the Farmers Market will provide a proper venue where farmers can display and sell their produce, and that it may also encourage self sufficiency in all farmed products. However Mr. President, at more of a community level, I feel that a Recreation Park is long overdue for George Town and for some of the other districts in the Cayman Islands. I trust that this will be given the serious consideration by Government in their next Budget. Many of us will remember when we had a small park here in George Town known as the Princess Royal Park, I think it was called, but this was destroyed to house the present Legislative Assembly Building, and unfortunately, it was never replaced. I am surprised that the Government of the day allowed that park to be destroyed, and that subsequent Governments have made no attempts to reestablish it.

However Mr. President, I understand that plans are underway for a new Post Office, and I feel that if this must be located behind the library, as I understand it will be, that Government should now be considering using certain areas of George Town now used for parking cars, and reconvert them to proper recreational parks. On top of the Post Office should be placed a multi storey car park, so that there will be no question as to the adequacy of parking facilities, where the cars are now forced to use the central George Town area for parking. I once saw an artist's conception Mr. President, of a building which was supposed to house the car parking facility, but I understand that that concept has now been put on a second burner. I trust Mr. President, that it will be given top priority because parking congestion is becoming a major problem in George Town. Specifically, Mr. President, I see an area in George Town between the Scotia Bank Building and the Courts Office which could be made into a very nice recreational park; somewhere where the workers in town, Caymanians, visitors, whatever, could sit during the day and relax for a while, could take their children there on the week ends, it would be an asset to this country. We need to be considering these things.

I would also take this opportunity to recognise one of my George Town constituents Mr. Rex Miller, in sending me a letter on this matter. Sometime ago he wrote to me on this matter, and Mr. President, I am happy that he is so far sighted. We should be thinking more and more about beautifying our country; in making it the paradise, the Garden of Eden that it really is. I can appreciate Mr. President that a car parking facility will be expensive, but I also see such a facility as a most important investment, whether this is undertaken by the private sector or indeed by Government, it will be a profitable undertaking, even though it would be financed over a long-term period. However Mr. President, in order for this to work properly, the Traffic Department would have to be empowered to designate side roads etcetera in George Town as non-parking zones, so that motorists would be forced to use the new parking facilities. This would not only improve the problems of parking in George Town, but would also improve the traffic problems generally around the Island.

Mr. President, I trust that the Member responsible for this subject will give it very serious consideration, and he will bring it either to the Finance Committee or to this House at some stage, because I feel that he will get a lot of support from the Members of this House. We are, just as with the case of the Speaker of the House, we are delaying the inevitable. At some stage we will have to consider establishing a proper car park, and Mr. President it would seem that one located above the newly planned Post Office behind the library building would perhaps be one of the most appropriate sites we could consider.

Mr. President, I now move on to

the Fire Department, but before doing this Sir, I wish to comment briefly on a matter which has been brought to my attention with regard to appointments within the Government Service, and I would ask that yourself and our Honourable First Official Member and the Honourable Third Official Member would look into this matter very seriously. It has to do with the qualification for appointments to senior posts. I do not feel that individual Civil Servants should be discriminated against in any way, mainly on a personal basis, on likes and dislikes. It has been brought to my attention that a senior officer of the Education Department has met with this condition. I trust Sir, that if this is correct, it will discontinue, because it cannot do our country any good. I also understand Sir, that whilst speaking on this, that it is the intention that the Netball Association Tournament will be held in the Cayman Islands in August of 1988, that is more than a year away, and I trust that in view of this major event, that Government will give it the support it deserves. This will perhaps be one of the biggest sporting events in the Cayman Islands, and it will indeed do a lot to advertise and project the Cayman Islands. So I trust that putting politics or other considerations aside, full support will be given to this event.

The Fire Department - I am pleased Mr. President, to note that the Fire Department is also taking account of the tourism growth in this country. I welcome Government's intention to build Fire Stations at Owen Roberts International Airport, in Cayman Brac, in West Bay and in other areas. I personally have no problem in supporting financial allocations made in the 1987 Budget, or indeed, will I see any problems in supporting future Budgets related to the Fire Department, the main reason being, that the Fire Department is not only expertly managed, but it is indeed most important to the development of this country. I am fully aware Mr. President of the efficiency and the expertise of the Chief Fire Officer, Mr. Kirkland Nixon, and his very abled staff. And I believe that any funds allocated to that department, will be well placed. I trust Mr. President, that manpower will indeed be put in readiness so that once the buildings are completed, we do not have a situation where Caymanian staff are not trained and available.

I now move on to the subject of Cayman Airways. I am pleased Mr. President, to note that, as a result of negotiations on the Miami/Cayman route moratorium, the national Airline has been granted rights to operate scheduled services to three new points in the United States, in addition to Miami and Houston, and also concessions on charter operations. It was further stated Sir, in your Throne Speech that Cayman Airways must now expect to face strong competition in the United States market from other American carriers. Further Sir, while I agree that Government and the loyalty of the travelling public will be critical to the continued survival of the Airline, I feel that it must be understood by the Caymanian public that the Airline will have to work in competition with other Airlines coming to the Cayman Islands. I also believe that while we must do all that is possible to keep Cayman Airways going, that we, the Members of this Honourable House, have demonstrated our good intentions by the big subsidies of between \$1-2.0 million which we provide to keep the Airline afloat on an annual basis. I believe Sir, that if this amount had to be increased to \$3.0 million a year, that the Caymanian public would support it, because the Airline is important not only to our national identity, but in ensuring that we have a reliable service for the people of the Cayman Islands. At the same time Mr. President, I do not believe that it is in the best interests of our people to demand that they should suffer as a result of competition.

It has come to my understanding that Cayman Airways passed a policy that the round-trip fare between here and Miami would be restricted so as to protect the Airline. I have discussed this with the Member concerned, and I fully understand the rationale behind it, and he is aware that I am speaking on this matter. But I, nonetheless, feel that if Government is being subsidised to the tune of \$1.0 million that the Airline will have to pass on any benefits that would normally have accrued, if they had travelled on some other Airline. In other words, the Airline has to be competitive, we cannot protect the fares that they charge and at the same time subsidise the Airline. The travelling public should receive the benefits of any discounts which may accrue as a result of competition.

Mr. President, it is unfortunate that so many negative reports have been surfacing, regarding the top management of the Airline, and this does not, I make

it quite clear, include the Member, but there have been quite a lot of negative reports as to what seems to be a lot of inconsistency, not only at the Board level, but at the top administrative level of the Airline, and this inconsistency relates specifically to the treatment of Caymanian staff at the Airline. Questions have been asked in this House Mr. President, with regard to the intention of staffing the Airline with Caymanian crew at senior management level, and I would also pose the question this afternoon Mr. President, why is a senior member of the airline not in the position of Managing Director, at this time? Why is somebody in the person of Mr. Ernie Bodden or Mr. Mike Adams not being groomed to replace Mr. Tino Gonzalez? What is the specific qualification that he may have that these people who have been there upwards of twelve years, would not have? Another question of relevance Mr. President is, what is Mr. Gonzalez doing for our Airline that could not be done by either of those two gentlemen I have just named especially if they are given the proper opportunity including the necessary training for the post of Managing Director?

Moving Mr. President, to the question of CAL's profitability, and the competition that Cayman Airways will face, I believe Sir, that in view of the Government subsidy as stated earlier, to the Airline which is already a major strain on the people of these Islands, that it is unreasonable, and I would repeat that, it is unreasonable and unfair to our people for Cayman Airways to deliberately keep the Grand Cayman/Miami fare at an inflated level, even though I can fully appreciate, that if it had been reduced, it would terribly disrupt the revenue position of the Airline. We will have to decide whether we are going to deny our people the rights of benefits of competition, or whether we are going to protect fares just to keep Cayman Airways moving. It is unfair for us to deny our people any savings that they may be able to get on a fare, whether it be to Miami or wherever.

I understood that Eastern Airlines was prepared to offer a \$98.00 round trip, Grand Cayman/Miami/Grand Cayman, but that this was turned down because it was felt it could injure the airline. But what about the consideration given to the travelling public? We are already giving a subsidy of \$1.0 million a year to the Airline. In 1985, together with payment on loans, I think the amount might have amounted to something like \$2.0 million. I do not have the figures before me, but I believe that is correct. Mr. President, the people of this country deserve better consideration, and I say again, I think the action that was taken, was taken in the best interests of the Airline, and I can fully understand why this was done, but I also feel Sir, that we must also consider the interests of the travelling public. I trust Sir, that Government's position in this matter will be reviewed in favour of the people of the Cayman Islands.

Continuing on the subject of Cayman Airways; I am very disturbed by the attitude of the Chairman and Directors of CAL as reported by certain members of the Airline's crews. There seems to be an on-going struggle between the Caymanian pilots and the Chairman and management of the Airline regarding what Caymanian pilots view as an infringement of their rights. However Mr. President, it seems that the Caymanian pilots are fighting a losing battle as they have been told, in no uncertain terms, by the Chairman that he has no intention of discussing whether or not certain expatriate staff should be included on the permanent seniority list. He told them quite bluntly that it is not a subject for discussion. I do not wish to be misunderstood in this matter, as it is not my intention to belittle the competence of these two expatriate pilots. As a matter of fact, I think they are fine gentlemen and they are men for whom I have a great deal of respect, but this is not the point here Sir.

However Mr. President, it does bother me the manner in which the Chairman appears to be handling this very delicate and sensitive issue. I do not feel Mr. President that Caymanian pilots should be held down because of the wish of the Chairman and possibly his Board of Directors, to retain top senior positions for expatriate staff when there are qualified young Caymanians who could be groomed for those positions. I would admit here though Sir, that I have been reliably informed by the Member in charge that every effort will be made to see that deserving young Caymanians are qualified in accordance with their capabilities, and that they are given the opportunity to fill any openings which may be available in the Airline. I am happy to hear this Sir, and I want to congratulate the Member for taking this positive step.

Mr. President, when I stand in

this House Sir, I do not stand here without facts. When I speak on any matter in this House, I spend sufficient time in researching it, so I am not guessing at what I am saying. Either I have been given the facts or I have read them, and I took the time to also examine the Pilot Work Rules and Employment Agreement, and a part of that stated, and I quote:

"From and after the date hereof, any Pilot whose name appears on the Contracts Seniority List and who may thereafter acquire Caymanian Status may elect to be placed on the Permanent Seniority List and his seniority on the latter shall take effect as from the date of such election."

This is why I queried in this House whether it was true that certain Pilots would be given special consideration for Caymanian Status, so as to assist them to qualify to be kept on the seniority list. It is my understanding Mr. President, that this section which I have just read, was included in their agreement to make provision and to protect the expatriate staff who are now on the seniority list, and to keep them there. It seems Mr. President, that the management of the Airline is not acting on this particular matter in the best interests of Government, especially when I hear that the two senior expatriate staff will be given Caymanian Status, merely to enable them to qualify. I trust that the Member responsible for this subject will clear this up, because if this is indeed the case, this is a sad situation. I do not think it is the case, but it has come to my attention.

Mr. President, I do not have any reason to doubt the honesty and the integrity of the Member responsible for this subject, and if he stands in this House and gives me an answer on any query which is raised here, I believe it, because I respect him as a man of honesty and integrity, even though I would like to see a situation where he, like his predecessor in that post, would cease saying "I will get you the information in due course", or "it is privileged information". Because Mr. President, it seems to me a bit contradictory that this should be said, when indeed our Cayman Airways is a one hundred percent asset of the Cayman Islands Government, it is owned one hundred percent by us. In addition, we are asked by this Honourable House to provide subsidies to keep it alive, one to two million dollars. Yet, when Members of this Honourable House ask questions regarding the operations of the Airline, we are told that it is a statutory authority and thus we cannot get the answers. While this may be the case under the Standing Orders, and while I appreciate that Erskine May no doubt supports this position, I feel that it is unfair to the people of this country who have to pay that subsidy, that they are denied information regarding the stewardship of that money.

I move now Mr. President, to the delay of commencement of construction work on the new Gerard Smith Airport Terminal. The First Elected Member for Cayman Brac will be pleased to know that Cayman Brac has a special spot in my heart. I have a lot of respect for the people from that Island, they are very industrious people, they do not beg for any favours, they are prepared to work. But Mr. President, I do not feel that the Caymanians, and they are Caymanians whether we want to believe it or not, from our Sister Islands are being given a proper break. They are not being treated fairly.

Specifically, Mr. President, I see no reasons why Government could not have advanced the necessary funds to enable commencement work on the Cayman Brac Terminal. To delay it until it was approved from overseas, to me was not correct. We advance money for a lot of other projects. Funds could have been advanced to start work in that Island. This, Mr. President, would have provided jobs for a lot of Cayman Brackers who are now forced to leave their homes to seek employment in Grand Cayman. They are forced to disrupt their way of life, it is not a voluntary act, it is forced upon them, if they want to keep alive and keep food in the mouths of their children, they have to come to Grand Cayman or go to some other country. This is not fair, we should be doing more to help those people. Why is it Mr. President, that no work is intended to commence on the building of the Air Traffic Control Tower and on the Fire Station until June, 1987? What is being done to stimulate the Brac's economy in the meantime? Granted, some work on the roads etcetera will continue, but is this enough?

Mr. President, I was most

concerned to read an article in Friday, 6th of February, 1987's issue of the Compass which was captioned 'Government Looks At Brac Economy', and I must say here, that I congratulate the Compass on this article. I sometimes am not that congratulatory to the Compass, but I want them to know that I must congratulate them on this. But I must ask the question, why is Government only now taking a serious look at the economic conditions and problems faced by the people of our Sister Islands, when these conditions have been existing for such a long time? May I be bold enough to ask if this is because we are just a year away from the 1988 General Election? I hope not.

In November 1986 the First Elected Member for Cayman Brac made an impassioned plea in this Honourable House for assistance to the people of the Sister Islands. Many people thought it was sensationalism, but knowing the Member as I do, I know it was honest. Yet to date Mr. President, no significant work has been commenced on the Brac or on Little Cayman.

While I agree with the Second Elected Member from the Brac who is also the Honourable Third Elected Member of Executive Council, that the people of substance, overseas people, should be encouraged to retire on the Brac as a source of employment for the Cayman Brackers, I do not believe that this is sufficient, and I am also convinced Sir, that very little will be accomplished until Government shows much more seriousness in providing the necessary infrastructural facilities on the Brac, such as the new Gerard Smith Terminal, the Fire Station, public water supply, public sewerage systems and facilities. It is indeed Mr. President, Government's responsibility to provide the people of Cayman Brac with the necessary facilities which are required before we can reasonably expect investors to invest in the Sister Islands.

Mr. President, I cannot accept the reason given by the Honourable Third Elected Member of Executive Council in the same Compass article, in which he was interviewed by Miss Winker, when he said that the reason Cayman Brac is taking much longer than he had hoped to get development going was because so much was going on in Grand Cayman. That is not good enough. Grand Cayman is only one of the three Islands that comprise the Cayman Islands, and it is his responsibility, like each one of us here whether we represent the Brac or not, to see that they get their equal share. So to suggest that the reason the people of Cayman Brac have suffered over the years is because priority was given to Grand Cayman, to me is a poor excuse. I really feel Mr. President, that it is his and other Member's responsibility, for the Brac in addition to Members of this House, to see that the Sister Islands get their just due, and I want them and the people of the Brac to know that I will support any efforts brought by them to get the economy of the Sister Islands moving again.

I now move to the Public Works Department. Mr. President I have heard much criticism leveled at the Public Works Department, not only during the session, but in many previous sessions, or sittings of this House. Some of these criticisms Mr. President, have been justified, but many not, in my opinion. While I too, not only as a Member of this House, but indeed as the Chairman of the Public Accounts Committee, would like to see more controls on the cost and expenditure in that department, we must realise the onerous job that they have to do. And while I would like to see the reduction in the cost of some of the new construction of roads etcetera, I do not think Sir, that any Member of this House can truthfully and reasonably say that the standards of roads which we have been developing in this country are not as good as anywhere in the world. Perhaps they are not as huge, but the standard can compare with any roads you would find anywhere in the world. Mr. President, I say this as an individual who has done a reasonable amount of travelling all over the world. It is true Sir, that I have seen more elaborate highways in much of my travel, but as I have said, I am yet to see better finished products than the new road in Frank Sound, for instance, and the new road which has just been completed connecting the Smith Road with Crewe Road. This is good work indeed, and I feel that the Director and staff of the Public Works Department together with the Portfolio, should be congratulated for the good work they are doing. It is easy for us to find faults, anybody can find faults, it is another question when we find solutions. And rather than finding faults Mr. President, I feel that we should give credit where credit is due.

Mr. President I would take this opportunity to let the Member and his Public Works staff know that I for one, feel that they are doing a good job under the circumstances.

If you go around George Town, West Bay and any of the districts around, you can see that they are busy not only building new roads, but repairing roads. As we have heard in this House, this is only a part of the many jobs that they have to do.

Mr. President, I would like to make reference to recognition of some of our prominent citizens in the Cayman Islands. Recently I was talking to one of our prominent citizens in the George Town constituency, Mrs. Ethel Cook-Bodden, and apart from our discussion being most refreshing and enlightening, I was pleasantly surprised to learn of the many things that this good lady had accomplished at her own expense, for the people of the Cayman Islands, with no more recognition than the Certificate and Badge of Honour. These were the days Mr. President, when people like Mrs. Cook-Bodden, gave without hoping to get in return. It is individuals like Mrs. Cook-Bodden who would and should qualify for higher recognition in this country, such as the M.B.E. In 1956 she was given the key to the city of Miami when she accompanied Theada Panton who was then the Miss Cayman Islands beauty queen, when she went on her trip to Miami. I think I have that date correct. And she also accompanied her to Jamaica and Costa Rica at her own expense. She has helped a number of Caymanian seamen with clothing in the heyday of National Bulk Carriers; some paid her, some did not, but she continued to help. For many years she was considered one of the leading merchants in George Town, yet we tend to push these people aside as pieces of asset which have become obsolete through the effluxion of time, this is a shame.

There are many, many good deeds which I could relate, but this is just an example of one individual, and there are many, many in our Islands' community. A lot of the accomplishments of these people will never be recorded in the annals of Caymanian history. But I would like to take this opportunity to congratulate Mrs. Cook-Bodden and others like her for the wonderful job they have done and are still doing for this country.

I feel Mr. President, that I would too be remiss in my duties this evening if I did not express my very deep disappointment at the treatment which was given to one of Cayman's most outstanding sons, I speak about no other than Mr. Ernest Panton. I feel Sir, that Mr. Panton should have been given a state funeral. Mr. Panton was one of the greatest Caymanians who lived in this country, and I cannot understand why it was not seen fit to give him such a funeral. There is not one individual in the Cayman Islands whether he be from West Bay, George Town or wherever, that had a bad word to say about Mr. Ernest, I have never met anyone. He did so much good for this country that indeed, he should have been given a knighthood. It would not have been out of order for it to have been done posthumously. I again say Sir, I trust that Government will not make a mistake like this again, and I fully support a letter which was written by his nephew complaining about this. Even though the letter was short and did not go into a lot of detail, the point was made.

Mr. Ernest's contribution to his Government, to the Church, to the community as a whole, and to each and every individual with whom he came in contact will never be forgotten. But I want his family to know Sir, that even though he was not given a state funeral, many, many residents of the Cayman Islands felt that he should have received one. I want Mr. Stanley Panton to know that I fully support his feeling in this respect.

Mr. President, in the appreciation Sir, that this is indeed your last Throne Speech, I will try my best before you leave not to make you get too nervous, and I will not make life difficult, as I have tried not to do in the past. I want you to know that I sincerely wish you all the best. It would be dishonest for me to say that I have not, many times, questioned your ruling, but this will happen in the best regulated families. I sometimes felt that your rulings were somewhat off, but then as an individual, I am sure you felt that maybe we were wrong in the way we were acting, thus the reason you felt to rule in a certain way. Mr. President, I trust that who ever succeeds you in that position will try their endeavour, whether it be Mr. Scott or whomever, to follow a path of non-involvement in politics regarding either side of the House. This may sometimes be difficult, but I have been very pleased to see, especially in recent sittings of this House that the Government bench has been reprimanded in the same way as backbenchers, and this is the way it should be.

The position of Speaker of the House should be a very neutral position, and regardless as to whether it is an Executive Council Member or a backbencher, the same rules

should apply. As I said yesterday, I cannot support the rationale of certain Members of the House that this not an opportune time for the appointment of a Caymanian Speaker, and I say it also that this was not a reflection on the Presiding Officer at present, or on any future Governor who may serve as President. It is much deeper than that Sir. It touches the national core of the people of this country.

I feel Sir, to comment a bit more on this, that we indeed can find suitably qualified Caymanians who could fill the position of Speaker of this Assembly, and I will abide by the ruling of the majority, which is democracy in action. But I believe Sir, that we are indeed delaying the inevitable. It would be interesting to hear the qualifications required for the job of Speaker. I would say right now that any Member of the official bench of Executive Council, given sufficient time to study Parliamentary procedures in this House, could fill that position. It need not be somebody who is designated 'the Governor'. I also feel Sir, that somebody in the position of Mrs. Sybil McLaughlin would have done an admirable job.

MR. PRESIDENT:

I am sure the Member knows that strictly, reviving debate on something we have already considered is out of order, and I hope he will not oblige me to call this formally to his attention.

MR. LINFORD A. PIERSON:

Mr. President with respect, I am hoping you will not get me in a position where I have to be defensive, but I do not think I am reviving a debate, I am not, but if that is your ruling so be it. But I must insist that my remarks are generally meant to convey to you and to the listening public that I feel that there is too much of an aura placed around the position of Governor and President, because that position is filled by an expatriate. There is no reason at all why any senior position in Government cannot be filled by qualified Caymanians. It was an unfortunate day yesterday, when the motion was defeated.

Mr. President there is no use us standing in this House giving lip service, if we do not believe what we are saying, if we do not sincerely practise what we preach. We want to see opportunities opened to Caymanians, therefore Mr. President, let us not block those opportunities. We want to see capable Caymanians filling jobs, and I am not speaking of the motion yesterday to do with the Speaker of the House, I am speaking generally. We want to see capable Caymanians put in place in these positions. We want to hear less hot steam being blown.

Mr. President, regardless of whether a motion had been brought here yesterday on the question of Speaker of this House, it was my intention long ago to raise this point, so I would hate for the Chair to feel that any reference I may make regarding this subject is reviving any past debate, it is not. I feel Sir, that any Governor who is brought to the Cayman Islands should perform the post of Governor of these Islands, and I will not, and cannot subscribe to the view that the only reason why a Governor should fill the position of the Presiding Officer in this House is to allow Members of this House to be able to meet and chat with him.

MR. PRESIDENT:

No, I must stop the Member now, I have told him once. I do regard this as reviving something that has been debated already, and the Member must pass on to the rest of his speech.

MR. LINFORD A. PIERSON:

Mr. President, I do not agree with you Sir, but I will bow to your ruling. I am not reviving any debate, I have a right to debate the Throne Speech in this House, and whether that touches on something that was debated before is beside the point. You cannot tell me I am wrong in doing that, because I will be touching on a lot of things that have been discussed in this House already. You are wrong Sir.

MR. PRESIDENT:

No, I think....

MR. LINFORD A. PIERSON:

If it is such a touchy subject to you Sir, I will not continue to speak on it, but I am sure in your retirement you will hear that a Caymanian has been appointed to that position.

Mr. President, there was much more I intended to say, but it is obvious to me that you intend to keep interrupting me without good reason, so may I take this

opportunity Sir to again, even though you are doing this, to congratulate you on your Throne Speech in your position as Governor of the Cayman Islands. I have taken some time to debate the Throne Speech, and if my throat not started to give out on me, I had intended to take some more time, and had I not been interrupted by you I would have taken some more time.

MR. PRESIDENT: I will suspend proceedings now if you like, to give you a chance to refresh yourself before you finish.

MR. LINFORD A. PIERSON: I am sure you do not want me to find any more ammunition Sir, but thank you anyway for your good thought. I will be finishing in a few minutes.

MR. PRESIDENT: Would you sooner finish before we take the break?

MR. LINFORD A. PIERSON: You can take the break now Sir, but I would not need many more minutes.

MR. PRESIDENT: Well I think we will take the break then, if you have no objection. So I will suspend proceedings for approximately fifteen minutes.

AT 3:21 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:39 P.M.

MR. PRESIDENT: Continuation of the debate on the Throne Speech. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, when we took the normal afternoon break I had mentioned at that point that I was nearing the conclusion of my contribution, or reply to the Throne Speech. And I believe Sir, we were discussing what could be considered admissible, or what was perhaps discussing matters that had already been covered, and I will not go over this ground Sir, because I stand to your ruling.

I want to again Mr. President, in closing, congratulate you on your Throne Speech which was ably delivered in this House. As stated earlier, I have taken time to debate a reply to your speech, and I trust that I have covered many of the very important areas touched on by you, and many of the important areas outlined in the Government's plans for the coming year.

I share your sentiment Sir, in your wish "that these Islands may remain prosperous and stable; making progress, but holding fast to our heritage and Christian virtues". This is the reason Sir, I alluded to a situation which I hope could occur in the future in this country where consideration could be given to amending our Penal Code so that we could more ably retain the Christian principles which we hold so dearly to us, and that we would not put ourselves in the position here in the Cayman Islands where we could be looked upon as just another Island in the Caribbean - a plantation colony.

I trust Sir, that consideration will be given by Members of Executive Council, regarding the suggestion made that maybe it is an opportune time that we look again at the provisions regarding capital punishment under our Penal Code.

I also trust Sir, that the new Governor and President of this House will come to his post with an open mind, because to come with any preconceived ideas would indeed be an error.

May I again Sir, take this opportunity to wish you and your good wife all the very best for the future.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? If not, I shall call on the mover to reply if he wishes to do so. I think there may be one other Member who wishes to.

MR. W. McKEEVA BUSH: The Third Member is coming Sir.

MR. PRESIDENT:

Does any Member wish to speak?

MR. W. MCKEEVA BUSH:

The Government is going to have to pay me an extra salary for being a whip, Sir.

MR. PRESIDENT:

Member for West Bay.

(LAUGHTER)..The Third Elected

MRS. DAPHNE L. ORRETT:

Thank you Mr. President.

I would like to be prepared at some time to make a speech, and there have been a couple of times when I have had to save the day. I am not sure that it is fair on me, but I hope and pray that I will get my message across this evening.

Mr. President, I would like first of all to thank you for your gracious Throne Speech, which you delivered last Friday, and I must say, that I found it a rather upbeat and positive Throne Speech. I personally would have liked to have seen it presented in probably a nicer way. I expected it to be nicely bound, in nice copies, but any way, I suppose the text is what matters, and I want to say how much I appreciate all that you have included therein.

There are a few things that I would like to comment on, and before doing so, I would certainly like to take this opportunity of welcoming our new Attorney General, as well as our new Clerk of the Legislative Assembly. And I trust that we will have a very mutually satisfactory time together here.

Many things have been touched on Mr. President, which were outlined in your speech. As I mentioned just a while ago, I do not have notes or anything like that prepared, and I hope that I will be able to remember all the things that I would like to say at this time. Perhaps with the number of speeches that have already been made, a lengthy one is perhaps not necessary at this time, but I hope the substance of it will be something that is quite valuable and helpful to each of us here.

The off-start of your speech was a little bit disheartening I must say, when I noticed some of the statistics of crimes on the increase, and so on. I suppose this comes with the development of any nation, and in the modern world today with all the forces of evil that are upon us, the Cayman Islands finds itself, not exactly the Islands time forgot any more.

I think that the Police Department is to be congratulated for all its efforts thus far. I am not sure whether the increase in statistics is necessarily that crime is on the increase, or whether it might be a combination of the detection rate being up, and not necessarily that there is that much of an increase. However, the slightest increase gives cause for concern, and through this medium, since what is said in this House is published and is heard over Radio Cayman, I think I would like to call upon the members of the public Sir, to assist in every way possible, because the Police are able to do just so much. There is a tendency nowadays to contradict, blame and criticise, but the Police cannot be everywhere at the same time, and it behooves each of us, Members of Government and every citizen in this country to recognise that to curtail crime, to suppress it even, I wish I could say to stamp it out, but certainly to make an inroad into the increase of it, each of us will have to be involved.

The Drug Squad Mr. President, I notice has been increased. I can quite understand why, and I trust that this might prove to be a means of helping to solve some of the terrible crimes which we have to face in these areas.

I must say that although I may have received the wrong impression, the editorial just a few days ago in the Caymanian Compass, did not lend itself to giving much encouragement to the Drug Squad of the Police Department in trying to curtail, suppress and convict criminals involved in the drug scene. I wish that I could skip over this whole subject. It is a terrible thing to have to deal with, because it is there in our society. However, the text of this particular editorial seems to indicate that there is a tendency to call upon us as it were to have, is it a defeatists attitude, to say that we might as well face facts, that no matter how much we do to try to catch the big dealers, or those who are making money out of drugs, the problem will still exist. To be likened to something like a service station, a lumber store or a supermarket, that society demands the service, it is a little difficult for me to understand what the editor here is trying to say. The editor goes on to say that it is deplorable, it is frightening, it

instills panic and so on. But people need them, and not because the dealer makes them available. They would not need them in the first place if a dealer had not made them available. And having now gotten young people addicted to them, they continue to fill what has become a craving, but certainly, it is not a need. I feel that this type of editorial is not helpful to the Caymanian public.

I hope that I am not being over zealous in this regard, in that perhaps there might be a misunderstanding on my part, but in reading through this Mr. President, it is almost saying to us that you might as well throw your hands up no matter how many you catch, the public is still going to demand that drugs be available. Mr. President, we have a situation in our midst that is certainly one that is a cause for concern.

I noticed that there are plans to increase the size of the Prison, this is a necessity, criminals will have to be punished. I am heartened to see that emphasis is going to be placed on rehabilitation programmes, and again, we need all the help and assistance we can get from the public, from the civic, social and Church organizations, and although some Members of this House seem to believe that it lies squarely and solely in the hands of Government to curtail or to make an indent into the drug problem, Mr. President, each and every individual in this country will have to realise that we cannot separate nor isolate ourselves from this particular problem, it is a grave problem and we have to become involved.

There are many things Mr. President that I would like to touch on here. Much has been said about the Caymanian Protection Law, and I would like to congratulate the Board for the tremendous job that it has to do. Certainly, there has to be a heavy work-load placed upon that particular Department. And while it cannot satisfy the needs of everyone nor the requests that are made, I have great confidence in that Board that they try to be as fair-minded and helpful as possible. Their decisions may not always please all of us, but I think that they try hard to do the best job that they possibly can do.

I too, was a bit concerned when certain individuals, whom I thought might have been and who certainly seemed to be eligible for receiving Caymanian Status, did not receive it. But again, I feel that we have a very fine Protection Board, and all that I can say is that I believe they acted in the best interests of the country, and with the limited number of persons that can receive Caymanian Status, I believe they acted, and did according to what they felt was best.

I am pleased Mr. President to see that in many of the Government Departments, young Caymanians are moving up. Many times we can see the situation where we feel Caymanians are being suppressed, held back, kept down, but in many areas many of the promotions and the appointments which I have seen published in the Gazette, I believe that there is a concerted effort made to place our young Caymanians in positions for which they are capable.

Mr. President I am concerned that often times there is a tendency to be overly critical in this particular area. I know that there are times when I have been caused to wonder why certain personnel seem to be stuck, and cannot move up. Sometimes I would like to ask for an explanation, and hope that I would get a satisfactory reply, and it does not always come. But I have sensed in some of the debate that has already taken place, even during this sitting, that we have to be extremely careful of the manner in which we tend to be overly critical in this regard. Caymanians must be taken care of. If they are capable, they must be placed in positions that they are capable of filling, they cannot be overlooked. But Mr. President, in our society there are certain positions which all of us recognise, where we still need a non-Caymanian to fill them. Mr. President Sir, I am old enough to recognise that this country has, all of my life, and probably even a long time before that, welcomed the expertise and the help which could be given by non-Caymanians. I am not so naive as to believe that a person does not come here to make a buck for himself. This is the whole reason why so many Caymanians left here to go overseas. But in having come here, and given us of their time and talent and energies, I think that we have to be extremely careful that we do not appear, even if this is not what our intention is, to just boot the individual out once we feel we have received what he could give us, and we do not need him any longer.

Mr. President, as all Members

of this Honourable House are aware, the subject of Cayman Airways has come up quite a bit during this Session. I suppose that particular area will be a subject of heated debate for a long time to come yet perhaps. Questions were raised about qualifications, capabilities, promotion from within of young Caymanians and so on and so forth. But Mr. President, when I think of individuals who come here and give seven or eight years of their time in working with an airline, during its early stages of development, now that we see that the Airline is making some progress, certainly the picture is more rosy than it was some time ago, it would seem Mr. President, quite unfair for any of us to simply boot those individuals out, simply because we have qualified Caymanians coming up. I would hope that that Airline is reaching a stage where not only can it absorb the talents and expertise of those that have been with us from overseas for a long while, but that we will find additional places in which young Caymanians can be placed.

Now Mr. President, what I feel that we in this Honourable House need to know and to do, is to realise that we cannot group the good and the bad apples into the same keg. There has to be a separation of those. I most definitely know that there are some expatriates who have lived among us, some who are still here, who seem not to fit in with our way of life at all. And in my humble opinion they do not belong here, simply because they seem not to have any intention of fitting in. But those are the few, Mr. President. The majority of the people who are here, my experience has been, that they have contributed to this country, and I feel that they ought to have the opportunity of living in this country with dignity, the ability to feel comfortable and respected until time comes that they are to leave.

Mr. President, the calling of names in this House, of certain individuals, whether they work with Cayman Airways, or whether they work in Immigration, or whether they work in any other department of this Government, I feel if nothing else, is disrespectful, because those individuals Mr. President, are not responsible for being hired in their jobs in the first place. This Government has hired them, and to take a man's name in this forum and send it over the airwaves and into the press and so on, I feel is unfair. Many of those individuals come here, they know they are not here to stay. It is not everyone who comes to these shores that is looking for Caymanian Status. I am not saying they may not wish to have it, but they know what the restrictions are, and I believe with all my heart that they are here to earn a good living, to make their contribution while doing so, and to leave with dignity.

Just this week Mr. President, one of the individuals working with Cayman Airways and his wife, sent a letter to the Caymanian Compass. In fact, if I am not mistaken this same individual may have been referred to during some of the debate in this House. But I will read it here. The letter goes on to say:

"Just over a year ago, my husband was hired by Cayman Airways on a short-term contract. It would have been easier for our two boys and myself to have remained in Texas while Ivan commuted, but we chose to join him in this beautiful land of sunshine. This was the best decision we could ever have made. Not only have we enjoyed the sea, land and air, which are typically splendiferous, but also the many opportunities to serve God and man. From being involved in our Church, the school, the Sound of Music and various other special events, to tasting the many native dishes, and treasuring the Caymanian culture itself, our time here has become a newly composed symphony which we will fondly listen to for many years to come.

It must be disheartening at times to make friendships with folk like us, who are not going to be around for long, only to have to see them off at the airport once again. But you have never let that stop you from building relationships at least in our case. For this we are grateful. No longer will the Cayman Islands be just a small dot on our map. Because of you, the friendly Caymanian people with big, big hearts, the Cayman Islands will be as large as the sea which surrounds them. May you allow Him that hath founded it upon the seas, to be the faithful friend that only He can be.

Thank you."

And it was signed Gloria and Ivan Lebrandt and their children.

This, Mr. President, is an indication of what many expatriates hope to find in this country. And I would sound a warning here that the day that these Islands find

themselves in a position where we no longer have time, nor friendship, nor respect, nor gratefulness for the people who come to contribute to the welfare of this country, then we have lost the single most important virtue which is ours. The fact that we are prosperous, the fact that there might be a situation of unemployment, the fact that we are renowned over the world for a people who are industrious and who are almost self-sufficient, which I consider we are, in many respects, we are never to forget where we came from, and where we need to go.

Mr. President, these overtones of belittling the expatriate, these overtones of independence in many respects, these overtones of not needing anyone else in our midst, I think is an unhealthy state of affairs, and I would like to express here, my concern that in this country we have no reason whatsoever why the same friendly disposition which we had all during the many years of our existence, cannot still go forward. There can be a happy medium where we ensure that this country is not taken over by any individuals who refuse to go along with our way of life, we will have none of it. If they are here and they see that this place is not what they want then I would suggest they take the next plane out. But when you have individuals who come here to seek a livelihood and to make a living like the rest of us, I do not feel that they should have to live under the stigma of feeling like a second-class citizen. And this House of all places Mr. President, should set an example of this, and these overtones of discontent with anyone other than a Caymanian is unhealthy, and I repeat that, it is an unhealthy situation.

These Islands are known for their friendliness, and this friendliness must not only be expressed to the tourists who come here and spend thousands of dollars in a few weeks, but anyone who gives of his time and talents should be recognised for what he is contributing to this country. Mr. President, perhaps I have touched on this issue before, but it bothers me and it bothers members of the Caymanian public when they listen sometimes to what is said in this House and the manner in which it is said. It is not always what one says, but many times it is the tone of voice and the manner in which it is said that makes a difference.

Mr. President this is an awesome responsibility; I have sat here at times and wondered whether this is something that I would wish to take on for another four years, but I am here, as sure as I am speaking in this House today by divine calling for a purpose, and I feel that each of us here has to recognise that the responsibility is ours to lead this country in the right direction. This Throne Speech Mr. President has touched on many issues, but this is an issue which weights heavily upon me.

There are other areas Mr. President, which I could touch upon. I am so grateful for the help we received in our district over the last year. Once again I feel that the Social Services Department has worked closely with us as representatives in the district of West Bay, and I believe we have made great inroads into some of the social problems which we have had there. There is still a lot to be done, but certainly we are making some progress.

Until I was getting the monthly progress report from the Public Works Department, there was a tendency on my part Sir, to wonder; what these people are doing, because there was so much that needed to be done in our district, and it seemed in my mind I thought, that they were dragging their feet. But fortunately, that department decided to issue and to circulate to Members the monthly progress report of the Public Works Department, and I feel that they ought to be congratulated heartily on all the accomplishments which I have seen from time to time in these reports.

Mr. President, there are many issues which are very delicate and serious. I would like very much to see the Rehabilitation Services in place. It bothers me when I see the many young people who have become addicted to alcohol and other hard drugs. And many times I am lead to believe that were this nipped in the bud, and with a proper rehabilitation service in place, I believe we could do something to curtail the many problems that we have to face today. I know that young people many times are disillusioned; many times there are problems in the home or in society which have confused, and sometimes almost compelled them to try to get into this world of unreality. But I would hope Sir, that it will no be long before that particular service is in place. There is a matter of funds, we would like to have many things but there is only so much that can be done at one time. I think that in the district of West Bay we have done well over the past year, and I look forward to many accomplishments during this year.

Mr. President, mention was made in your Throne Speech Address, regarding a study of the facilities at the hospital, and whether or not these should be improved upon, or whether other plans need to be made. I might say here and now Mr. President, that there are quite a number of good reasons why perhaps there should be a complete new facility for the hospital. I am not advocating that it be done this year, but I would suggest that as soon as possible it be done. The buildings on that particular compound can be used in many respects, but I would like to repeat once more that one of the areas that I feel should be a priority if any such decision is made, that that particular facility should be used for other purposes.

Mr. President, in our Island today, and I do not need to emphasize this, because each of us know that it is a situation that exists, but we have quite a number of teenage mothers. Many, if not most of them are from homes where the environment is not conducive, it is not wholesome nor favourable to a young mother expecting her child, and especially her first child. Mr. President a facility which would accommodate these young teenage mothers may be for the last six, or probably the last three months of their pregnancy with concerned, capable House Parents to teach those young mothers the responsibilities of motherhood; the ways in which to care for a child; the ways in which to manage a home, can be done in those last few months.

After the child is born, if that young mother is allowed to remain in a favourable environment where she can be taught how to care for the child, cement that bond of love between the mother and the child, her mind is not distracted through fighting and fussing and all the other things that go on in some of the homes in our society today, it can only be a positive approach for that young woman with a young child to care for. She learns how to manage a home; how to cook; how to clean; how to perhaps manage money; counseling on family planning, and with good Christian advice, with love and a sense of security Mr. President, we perhaps can nip in the bud many of today's ailments, because it starts in many instances right from infancy. The child does not know any other situation, other than that which it was born into, and it grew up with. It goes into society as another statistic, but the Social Services Department, the Police Department or some other Government department taking into its hands - preventative measures, Mr. President, I repeat, is what it is going to take to cure some of the ills in our Islands today.

I would hope that such a facility can be provided in the not too distant future, because some young teenage mothers just could not do much better; the whole environment was a place where this situation was conducive to exactly what they find themselves in. Mr. President, there is much to be done in this country. We do not have time for bickering and frivolity and the wasting of words in this forum. The business of governing a country is much too important for frivolities and bickering and majoring over minors Mr. President. This country is in our hands and if the public out there is in any way disillusioned or feel that we are incapable, or feel that we are not the individuals in whom they can place their trust, then there is very little use of our being here. No matter what we say Mr. President, no matter what we try to get across to the public, it is important that they see that this Government is going about the business of governing.

Mr. President, there are many things upon which I could touch. I am a little bit sorry that I do not have my notes together, and I make a promise here.....

MR. W. MCKEEVA BUSH:
made his secretary pregnant.

You could talk about a man who

MRS. DAPHNE L. ORRETT:
to debate in this House, I am going to

.....that the next time I have
be given that opportunity.

Mr. President, I mentioned a few seconds ago that the business of this House is not necessarily frivolity and fun, and I would hope that my message got across as I intended it to....

MR. W. MCKEEVA BUSH:
that is what you had said before.

I was just reminding you that

MRS. DAPHNE L. ORRETT:
of Health, Education and Social Services seems to have quite a few

Mr. President, the Department

things on their plate for this year. But I would like to at this time, congratulate an organization which I feel has helped in a very real way, and that is the Rotary Club for making available the mobile dental clinic. I think this is going to be a tremendous help with all the dental needs that are out there to be looked after, and I would like to congratulate all the social and civic organizations that throughout this year have made a positive impact on filling the needs of this country. The Lions, Kiwanis, Leos, Rotary and all the others who have pooled their efforts to raise funds, or to provide equipment whether it is for schools, the indigent or otherwise. This is the type of cooperation which this Island is accustomed to, and I am pleased to see that it continues.

Mr. President, I was also pleased to see that the Social Services Department is going to be providing a home help aid programme for the elderly and handicapped persons, and of course, the provision of a small home for the elderly in East End is certainly very much in order, especially since that district is so far removed from the Pines Retirement Home in George Town.

The Sports programme is very much in order. A child who is occupied with doing positive and wholesome activities has less, if any time, for being involved in drugs. I would hope that the men in this district who seem to find that they have time on their hands will find time to become involved in this area, and to lead many of our young people in the right direction.

I am pleased to see Sir, that the West Bay Sewerage System is going forward. I am surprised that they are able to do so much with so little disruption, and that other areas such as the piped water supply, is well on its way to being completed by next year. Many things which I feel the Caymanian public should be led to recognise that this Government is working on the people's behalf, and we are not necessarily centering our attention on any one area, but the entire Island is benefiting from what this Government has been able to do in the last two years, and more.

I notice Mr. President, that there is expected to be a vast growth in the number of visitors to our shores, and I notice that the standards of service are going to be monitored carefully, and we cannot be too careful in this regard. I happen to work in a complex where I meet many individuals who visit this Island, and they have a lot of good things to say about the Cayman Islands. As I mentioned a while ago, upper most in their minds is the friendliness of the people, the cleanliness of the Island in addition to its natural beauty, and the fact that they feel safe in this place. There are sometimes comments made that certain properties have been a disappointment to them, they expected so much, and when they got to the property it was not what they expected and they were very disappointed. But I feel sure that with diligence and a constant monitoring of all the properties in these Islands, the Department of Tourism will ensure that these Islands offer what it advertises, or better, but not worse. Nothing substandard at all.

Mr. President, I mentioned Cayman Airways just a while ago, but I want to say here and now that comments which have been made to me without any prompting whatsoever, have been only favourable for our national airline. I have had some comments from persons who were delayed in Miami from another airline, were able to get on to Cayman Airways, and they mentioned that it was the finest service they had received on any airline at any time. The ability of the young air hostesses to make them feel at home; one couple in particular commented that you had the feeling of being at a big family gathering. They were pleased with the cleanliness of the aircraft, they felt completely at ease in making the trip and they had very positive comments to make about the airline. After further discussion, the one thing that was left with me was this, and I know this has probably happened half a dozen times over the last several months, that that airline should at all costs be maintained, because it is ours, we have it, we know that it is there and we should do everything possible to see that it continues to fly and to maintain the services which our Islands need.

Speech.....

MR. PRESIDENT:
thirty.

MRS. DAPHNE L. ORRETT:

Mr. President in your Throne

I am afraid it is now four

I have about five minutes Sir.

I would request that Standing Orders be suspended.

SUSPENSION OF STANDING ORDER 10(2)

MR. W. McKEEVA BUSH: Mr. President, Standing Order 10(2), maybe it could be suspended so that the Member can finish her speech, under Standing Order 83, that is Sir.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 83, Standing Order...

MR. W. McKEEVA BUSH: 10(2).

MR. PRESIDENT: If it is 10(2), I was just checking it... I hope you have got it right...10(2) should be suspended in order to enable the Third Elected Member for West Bay to finish her speech. Unless anybody wishes to speak to that motion, I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 10(2) SUSPENDED

MR. PRESIDENT: The Ayes have it, the Member may continue.

MRS. DAPHNE L. ORRETT: Thank you, Sir.
In closing my debate on your Throne Speech Sir, I wanted to thank you very much for all your good wishes which perhaps I am sure everyone appreciates. You noted what we have, that the evidence of development is visible everywhere. New buildings; growing sophistication; more visitors and more traffic. I am glad that you will principally remember the warmth and friendliness for which the Caymanian people are renowned. I am glad that you find us kind and warm and friendly, and may your prayers Sir, be answered, that these Islands will remain prosperous and stable, making progress but holding fast to our heritage of Christian virtues. If we would let Almighty God guide us, then we can expect his blessings.

Mr. President, perhaps there is a lot more that I could have said. I will perhaps be chiding myself tonight that I have left out many points which I should have got across. However, that opportunity will present itself at another time, perhaps even during this Session, and I trust that each Member here will leave these Chambers with a determination that it is our business to continue to see that these Islands are the best anywhere, and second to none on this globe, and it takes each of us to do so.

Mr. President, I thank you for allowing me this time.

MR. PRESIDENT: In that case I will call on the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this House until ten o'clock on Monday morning.

MR. PRESIDENT: The motion now is that this House do now adjourn until 10.00 a.m. on Monday morning.

QUESTION PUT: AGREED. AT 4:35 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY, 16TH FEBRUARY, 1987.

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

MONDAY
16TH FEBRUARY, 1987
(SIXTH DAY)

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

* Absent in the afternoon.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

STATE OPENING OF THE 1987 SESSION

OF THE LEGISLATIVE ASSEMBLY

MONDAY

16TH FEBRUARY, 1987

(SIXTH DAY)

1. FRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

2. PRESENTATION OF PAPERS AND REPORTS

- (i) REPORT OF THE STANDING FINANCE COMMITTEE (Meeting held 28th January, 1987) TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL.

3. QUESTIONS TO HONOURABLE MEMBERS

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

NO. 35: WOULD THE HONOURABLE MEMBER STATE WHAT CONSIDERATION IS BEING GIVEN TO REPLACE FOREIGN SENIOR FLIGHT CREW WITH QUALIFIED CAYMANIANS?

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. 36: WOULD THE HONOURABLE MEMBER PROVIDE A COMPARATIVE ANNUAL MAINTENANCE COST OF THE TOWER BUILDING SINCE ITS PURCHASE BY GOVERNMENT?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 37: CAN THE HONOURABLE MEMBER SAY IF THE SNUG HARBOUR DEVELOPMENT HAS BEEN EXCLUDED FROM THE SEWERAGE PROJECT?

4. GOVERNMENT BUSINESS

1. CONTINUATION OF DEBATE ON THE THRONE SPEECH

2. BILLS:-

FIRST AND SECOND READINGS

- (1) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (2) THE ELECTIONS (AMENDMENT) BILL, 1987
- (3) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (4) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (5) THE TRAVEL TAX (AMENDMENT) BILL, 1987

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MONDAY

16TH FEBRUARY, 1987

10:02 A.M.

MR. PRESIDENT:

George Town.

Prayers.

The Second Elected Member for

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 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.

Prayer.

Let us repeat the Family

Our Father, who 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:

Reports. The Honourable First Official Member.

Please be seated.

Presentation of Papers and

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING FINANCE COMMITTEE
(MEETING HELD 28TH JANUARY, 1987)

HON. THOMAS C. JEFFERSON:

Mr. President, I apologise for the quality of my voice, but I beg to lay on the table of this Honourable House the Report of the Standing Finance Committee of the meeting of Wednesday, 28th January, 1987.

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:

Mr. President, that meeting was called specifically to deal with the Economic Development Plan, and also to deal with the seeking of approval from Finance Committee to the write-off of, what is deemed to be uncollectable, hospital fees. That sum was \$107,000, and approval was given for it.

In dealing with the Five-Year Economic Plan the discussion was held to try to reach an agreement

with Members of that Committee as to the approach in dealing with and examining the Economic Development Plan. Agreement was reached, and it was left for the Chairman to call a meeting shortly after this meeting comes to an end.

At that meeting also, Mr. President, Finance Committee approved a supplementary for Head 17 - Department of Social Services - Sub-Head 08-009 - Community Development of \$106,000.00 and Members will recall a few days ago, we also laid on the Table the Finance Committee Report of 18th December, where \$35,000.00 was also approved. That \$35,000.00 plus the \$106,000.00 makes \$141,000.00 which was a Government contribution to defraying the cost incurred in the development of the Helen Harquail Cultural Centre.

Thank you Mr. President.

MR. PRESIDENT:

In accordance with the provisions of Standing Order 67(4), the recommendations and the Report are deemed to have been accepted.

Questions. The Second Elected

Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 35: Would the Honourable Member state what consideration is being given to replace foreign senior flight crew with qualified Caymanians?

(That is the flight crew of Cayman Airways, Mr. President.)

ANSWER:

It is Cayman Airways policy to replace foreign senior flight crew, who are not on the Company's seniority list, subject to the availability of qualified Caymanians who meet the airline's standards.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON:

A supplementary for clarification purposes Mr. President.

Would the Honourable Member

state whether the question is suggesting that, if the foreign flight crew are on the seniority list, Cayman Airways Limited's policy is not to replace them?

HON. W. NORMAN BODDEN:

Mr. President, there are only two foreign senior flight crew members who are on the Company's seniority list, and it is the intention, as I explained last week in the course of answering other questions and supplementaries, that an exception has been made to keep those two crew members on the Company's seniority list. All the others on the seniority list are Caymanian.

MR. D. EZZARD MILLER:

Supplementary, Mr. President. Could the Honourable Member say whether the airline's standards are laid down in an operation manual, and if the Member knows what the standards are?

HON. W. NORMAN BODDEN:

Mr. President, I am not totally familiar with all the standards of the airline. The Civil Aviation Department, for example, has a certain criteria that has to be met, and the airline's standards are sometimes higher than those set out by the Civil Aviation Department. But the Company's standards are set out in the Company's Operations Manual.

MR. D. EZZARD MILLER:

Supplementary Mr. President. Could the Honourable Member say whether it is possible to have those standards for the flight crew published so that people who are aspiring to the airline can know what they have to obtain?

MR. W. NORMAN BODDEN:

I believe, Mr. President, that

would be a proper and correct procedure for the Company to follow, which I believe it does that is for any young Caymanian applying to Cayman Airways for a position to be given in exact detail the Company's standards so that they will understand from the very beginning what standards have to be met and what is expected of them. When the Member says "publish" I am not too sure what he means. Does he mean to publish it publicly? I think this information would be of value to prospective young Caymanians who are seeking positions with the airline, and I agree that those standards should be made available to them from the very beginning if they apply to the airline for a job.

MR. D. EZZARD MILLER:

Supplementary Mr. President.

I happen to know that persons who have applied to the airline have been given various standards. So I wonder if the Honourable Member could give me the undertaking that the five applicants who have applied for a pilot's job at the airline could receive in writing a copy of the set standards?

HON. W. NORMAN BODDEN:

Yes Mr. President, I will have

the Company review which applications they have on file and will see that management informs the applicants of the Company's standards.

MR. PRESIDENT:

If there is no further

supplementary, the Second Elected Member for George Town may ask Question No. 36.

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. 36:

Would the Honourable Member provide a comparative annual maintenance cost of the Tower Building since its purchase by Government?

ANSWER:

The Tower Building was purchased by Government in Mid-1984. At the time, the major part of the building had not yet been fitted with floor coverings or partitions. Appropriate floor layouts were designed for the various Departments selected to occupy the building. Between late 1984 and late 1985 the necessary internal works were carried out and the building progressively occupied.

The past year, 1986, therefore, represents the first full financial year of complete occupancy and the maintenance cost in respect of the building for 1986 was \$46,000.00.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN:

Mr. President, since the

question asked for a comparative maintenance cost, may I ask the Honourable Member if he can say how the cost of maintenance on this building compares with the cost of say the Government Administrative Building, or any other public building?

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, unfortunately I

do not have those figures, but I would be happy to get this information and pass it on, Sir.

MR. G. HAIG BODDEN:

Mr. President, can the

Honourable Member let us know what items make up the \$46,000.00 given in the answer?

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, in terms of

labour and materials, the respective costs were \$24,000 and \$22,000.

MR. D. EZZARD MILLER:

Supplementary Mr. President.

Could the Honourable Member

state what were the capital improvement costs made to the Tower Building during 1984 and 1985 to make it suitable for occupancy?

MR. PRESIDENT:

I do not really think that that

is a permissible supplementary. The original question dealt with maintenance, and the only reason that the Honourable Member mentioned the other point was in order to explain why there were not maintenance

figures for 1985. I think if the Member wants to get the information that he has sought, he will have to put down a substantive question. If there is no further supplementary, the Elected Member for North Side may ask Question No. 37.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 37: Can the Honourable Member say if the Snug Harbour Development has been excluded from the Sewerage Project?

ANSWER: Yes. Snug Harbour Development is excluded from the first phase of the West Bay Beach Sewerage project, but will be included in the second phase.

SUPPLEMENTARY:

MR. LINFORD A. PIERSON: Supplementary Mr. President. Would the Honourable Member state what is the estimated time placed for the commencement of the second phase?

HON. VASSEL G. JOHNSON: Mr. President, hopefully after the first phase is completed there could be a bit of a breather in putting the second phase proposal together. I would think that perhaps the second phase would be implemented sometime in the following year.

MR. PRESIDENT: If there is no further supplementary, we can then pass to Item 4(1). Continuation of Debate on the Throne Speech.

Does any further Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

HON. VASSEL G. JOHNSON: I am certainly not going to miss the opportunity to debate the Throne Speech, as happened with the Budget Address.

Now, Mr. President, I would like to join my colleagues here who have already spoken, to congratulate you on a well structured and a well presented Throne Speech. It is one Mr. President that went straight into telling the nation what to expect in this new year, so that everyone can be at ease to know what Government's plans are.

Mr. President, it is true to say, too, that your Throne Speech has also presented a true and explicit record of accomplishments so far, and plans either already set in motion or plans to come forward during the course of this year. Mr. President, it is a position I would say which can ably guide this Honourable House over the period of this year.

We have arrived, Mr. President, at a midway position of our term of office which expires at the end of next year. In reviewing the Throne Speech we feel a sense of accomplishment at the work which we have undertaken so far over the two-year period - and, satisfaction, too, Mr. President, that our plans for services to come into effect in the next two years will be on stream. We will see many of them unfolding in the not too distant future and certainly before the end of the term. Despite difficulties which were experienced at the outset, the ship is now on a smooth course.

Our aim, when we were elected to office was, I would say, two-fold. One was to rectify the problems that existed or that were just rearing their heads; and the second was to build up a surplus in the Treasury that could serve as a buffer over troubled periods, such as recessions and perhaps catastrophies.

Mr. President, looking over the Throne Speech there is ample evidence that we are doing just that.

Every area of service is showing needed growth, good maintenance and too, our surplus is beginning to grow.

Having said that, Mr.

President, I must also admit that due to financial restraint there are those things that need to be done, that we cannot. They could also be included on the list of priorities. But in circumstances like this we must ensure that our financial principles are not sacrificed on the altar of expediency just in order to achieve all that we want. In other words growth, development and progress must be slowly achieved. Like the old proverbs, we should not hang our hat where we cannot reach it. In other words, Mr. President, we must not attempt to delve or to travel in the realm of deficit financing. We must remain in the position we have built for ourselves over the years. If we look round the world today we will see that the Cayman Islands are almost unique in their financial position. The trend around the world today is that it is so easy to achieve things by borrowing. So let us go ahead and do it.

Mr. President, I hope that those coming after us in this Honourable House will also have that sense of the financial principles which have built this country to where it is today and that they will endeavour to maintain the status quo. The country is small. Our resources are not that great and we must always remain attractive in every way if we want to continue to build on the economy which serves these Islands today.

Mr. President, the Throne Speech has set out the numerous services, which I have mentioned, and to go through them would be to read the Throne Speech again.

As I look around these Islands, I cannot but say that there is ample evidence of prosperity, good harmony and a greater co-operation among citizens toward the common good. However, there are to my mind two areas that need addressing. One of them is our ever increasing traffic congestion which my colleague, the Second Elected Member for George Town, spoke about at some length in his contribution to the Throne Speech. Secondly, there is need for greater co-operation between the private sector and Government toward the good of these Islands.

Mr. President, I will deal with traffic first. At the beginning of this Administration, we had some input from residents regarding a possible solution to the traffic congestion here in George Town. We brought this to the attention of the public, with a suggestion that a multi-storey car park be constructed on Government property behind the library. In any case that land is now used by the public for parking.

It was thought, too, Mr. President, that the Post Office needed to be relocated, and that this could be done on the ground floor of that multi-storey car park building. And I should say, Mr. President, that with regard to the Post Office building, sooner or later it must be moved from where it is.

Quite recently the Honourable Member for Communications, Works and District Administration put forward a suggestion for the renovation and work to be done on the old building. But, it was Government's view that this should not be done because the re-siting of that office was in the making, and whatever resources there were available to put on any renovation of the building, should be applied to the new office.

Mr. President, we approached the business offices in George Town about the car park for an indication of their interest, and to also state that there would be a fee for parking. There was a reasonable response, although the senior people in those offices said that they could not speak for their staff, and of course their staff were in any case always looking for free parking in private parking lots, and so they would not be in a hurry to move unless they definitely had to find parking. But, Mr. President, looking at George Town today, it is bursting at its seams with traffic and with the problem growing worse each day it indicates that there is now good reason to move on with that particular development. And it is the intention, Mr. President, to begin fairly early to deal with the construction of the multi-storey building for the Post Office and car park. As soon as the Honourable First Official Member can marshal financing for the project, approval will be sought for the implementation. So there is no doubt that there is that need in George Town today for additional parking, and I am sure that all concerned will support the project.

Speaking of co-operation, Mr. President, much has been said from time-to-time about the co-operation

between Government and the private sector. Since our coming to office in November 1984, we have sought public input in all the things that we attempted to do; that is where major decisions had to be taken. I refer to projects like the Mutual Legal Assistance Treaty, Marine Parks, the Building Code and now the Development Plan review, the Labour Legislation and the proposed Pension Scheme, because Mr. President, we felt that this is the way good government should operate and it was therefore one of the principles which we adopted in our bid for this Government.

Mr. President, we believe that the opinion of the majority should prevail at all times, and in all the things that we attempt to do that principle is strongly borne in mind. In spite of this we still find responsible groups in the private sector asking questions such as "Why is Government doing this?" or "Why does Government not do that?". I believe, Mr. President, that Government basically exists to give shape, order and good meaning to society and to do for people what they need and what they cannot do for themselves. The interesting thing is that the more independent people are, the less Government there is. Now when people reach the point of expecting Government to practically do everything for them, and at little or no cost, that is when there is too much government and when the cost is very expensive to all concerned. The bottom line is that Government can only dole out what it takes in, and it only takes money from the people it provides a service to.

We have been talking about our fiscal policy, where the country will find added revenue for its future needs. That today, Mr. President, is not being thought of too much simply because the present system of revenue is producing quite well. But when we need to find new avenues of taxation to provide the need of government, if this Government continues to expand and expand to unreasonable proportions, then we are going to be in some difficulty and a dilemma to know where that revenue will be sought. So, Mr. President, when I speak about too much government, that is exactly what I mean. We can have too much of something that will not do us any good.

Mr. President in the midst of our private sector there is a high level of expertise. Most groups have formed associations such as banking, insurance and accountants. These associations, Mr. President, could well provide a certain level of self-discipline and community service which would be of direct benefit to the country, both in the short and long term and would provide better service to the public thereby avoiding the need for government to increase its size and costs. Again too much government.

Mr. President, I am aware that the private sector in any country has its limitation in what it would want to undertake. That is understandable, but it is also most important that at this point in time they make themselves aware of their choices, and take a more positive and less negative role in shaping the future of these Islands. Not by just peeking into Government and attempting to dictate the course.

Mr. President, there is no need to be at loggerheads just because of misplaced pride. The private sector and Government must work together for the good of the country. Each side must recognise its duty and fulfill those obligations to the best of its ability. Achievement must be the aim of both sides. As Shakespeare said, "Nothing will come of Nothing". We must recognise what is there to be done and do it. Not just by the easiest and most lucrative way either, by what is considered the best method and manner.

Mr. President, I will now say a few words on Agriculture. The Department of Agriculture was established many years ago, and scarcely without a goal - only to assist farmers in whatever manner was possible. In those days Mr. President, no form of agriculture was seen to be lucrative or viable and so there was very little interest. There were farming projects established in those days and vast sums of money injected into those operations, and they all failed.

Today Mr. President, the outlook is much better. Farmers are more optimistic about agriculture and so it is Government's intention to encourage and assist farming wherever this is possible. In this regard, in late 1986 last year, Government appointed a qualified and experienced agronomist, a farming expert from Trinidad to assist and put a new thrust into agricultural development and to upgrade our demonstration farms. This is one of the ways in which we assist farmers - by showing them what the latest

technology in farming is like so that it can assist their small or big projects.

It was never the intention of Government at any time, through these demonstration farms, to be in competition with local farmers. The question of the bananas was raised not long ago, but the demonstration farm produced bananas not intentionally to compete against other farmers. At the time we did not suspect that the local market would become saturated with that produce. When we found that this was so, we quickly placed a halt on the banana production which was really demonstrating a new species of banana and to see how well they would grow in our soil.

The demonstration farm, Mr. President, will be used for many other things - to produce other produce and we hope that that will be a boost to our endeavour to promote agriculture.

The other big move within agricultural development, Mr. President, is the construction of a Farmers' Market. Now we have many farmers coming to us from time to time saying that they are small farmers who produce a bit, but that there is no outlet for such produce. This was the first thought that brought about the idea of a Farmers' Market. Somewhere where all farmers could take their produce and have it placed for the public to use.

The other thought, Mr. President, was to build an abattoir for the slaughtering of animals. Now I have an idea that a few hairs rise when we talk about an abattoir, but from 1969, 18 years ago, an abattoir and a Farmers' Market were the subject of two items on the capital project list, which was a five-year programme - later converted into a ten-year programme. Those two items are the only items that have not been touched until now.

It was through that, with the Cayman Islands developing as they are, an abattoir was necessary from a sanitation point of view. And we can all be proud of the development that we see here today. All our services are considered first class, and yet we still butcher cows under the trees, on the ironshore - the seashore. We must balance our thought. If one service is good for improvement, then the other should be. Mr. President that is the reason why the abattoir is being built.

The question which has been asked is whether it is going to be self-financing? Well what if Government has to finance these things for a little while until they can be sorted out? The intention is to put the market and that abattoir under a co-operative of farmers, and the farmers must take responsibility for operating them - and operating them in a financially viable manner as well.

I do hope, Mr. President that those two items which have been approved in the Budget - all for the financing to be put in place as far as the abattoir is concerned - will be successfully completed and put into operation, and that they will be as fine a service as we find with the other improvements we have made in the Islands. And that we can also be justly proud of them, so that we can take people there and show them where we now butcher our animals.

Mr. President, I will now say something about water. We are grateful to the Cayman Water Company for providing piped desalinated water for the Seven Mile Beach which service came into effect back in 1979. In the early years, 1969 to 1970, when we prepared our development programme, we thought from those days that water for the Seven Mile Beach would be a very important subject because we knew that with the growth of tourism in that area the small rainfall and the water produced by truckers would not fill the need of that area in time. So we were very delighted when the Cayman Water Company came along and produced water. Of course, it is a very lucrative area and one that any business would seek to provide services of that nature to.

Mr. President, water for George Town is a little different. We have to produce water for people of all classes and varying conditions in George Town from the wealthy to the poor. And so it is not just another Seven Mile Beach project. We have to find cheaper water, more reliable water and water of equal or better quality. That is what the Water Authority sought to do over the past two years.

When we talked about water for George Town we invited the Cayman Water Company and other people to look at George Town and say whether they wanted to provide water here

as well. The reaction was that if Government was willing to subsidize a water system for George Town, they would be prepared to do it - subsidize. Well that will give you an idea, Mr. President. Not everybody will want to jump and do a project of this nature in George Town.

In any case, Mr. President, the Water Authority Law in 1983 gave that authority to the Water Authority to provide water and sewerage for these Islands. And so, if the Government of the day saw fit to place that responsibility in the lap of a public corporation, then at this stage I see no reason why the Authority is not the proper institution to do a water system for George Town. And so it was decided that that would be so. We would have to find someone who could produce water.

We knew many years ago that one of the cheapest and most reliable systems of producing water is to do so by a waste-steam system, and Caribbean Utilities was lobbied many years ago to see whether they were willing to produce water if the need should arise at any time. They, too, were quite aware of their capability of producing water, and so the arrangement was that Caribbean Utilities, through their affiliated company Central Desal Limited, would produce the water and sell it to the Water Authority for distribution. That is why the Water Authority is able to sell a cheaper water to the public of George Town.

There is no competition in it, Mr. President, because the Cayman Water Company is operating within a franchise area and the Water Authority will not be selling water in that area. Truckers who are now buying water from the Cayman Water Company may buy water from the Water Authority, because it is cheaper water and good quality. The truckers do not originate from the Seven Mile Beach. They are from George Town and other areas, and so there is absolutely no competition at all. Furthermore, Mr. President, Central Desal, which will produce the water, is not doing it under an exclusive franchise. They have a licence to produce water, but if more water is needed, other companies can be asked to produce water for George Town as well.

The question was raised why Central Desal is not paying a royalty. Well, Mr. President, if Central Desal were called upon to pay a royalty the people of George Town would pay more for their water, and we said that we should sell cheap water to the public of George Town. The Water Authority will be making a profit from its operation, and that profit will go to public revenue, or it will be used for the expansion of their facility. But in whatever way those excess funds are used, it will be of benefit to Government.

Mr. President, quite a lot has been said about George Town water, but I would like say one thing. The people of George Town want water and they are satisfied with the Water Authority producing that water. If other people do not want water that is entirely up to them. But I say that the George Town water system should be left alone because the people of George Town are beginning to ask why queries are being made in the House about the George Town water. It is the people of George Town who will pay for it, not the people from other districts.

When the time comes Mr. President, they can make a decision whether they want water in their district or not, but please leave George Town alone. This Government is not paying for any of it. The Water Authority will pay. It will pay its overhead cost and repay its loans, and it will put money into the public Treasury too.

MR. PRESIDENT:
convenient point to break?

I wonder if this will be a

HON. VASSEL G. JOHNSON:

Yes Sir.

MR. PRESIDENT:
proceedings for approximately 15 minutes.

In that case I will suspend

AT 11:12 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:38 A.M.

MR. PRESIDENT:

Please be seated.
Resumption of debate on the

Throne Speech. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL, G. JOHNSON:
President.

Well I am back home, Mr.

Mr. President, some mention was made about the ability of the Water Authority to collect its revenue. The Water Authority is a public corporation. It must operate its business as a commercial venture because it will be responsible for its overhead cost, repaying its loan and for other expansion of the system. So it must be able to collect its revenue. Further, the suggestion was made that the water and sewerage scheme should be done by a private company. Well, if the Water Authority institute tight control and proper methods of collecting revenue, what difference will it be from say Caribbean Utilities, Cable and Wireless or the Cayman Water Company? They institute stiff rules for the payment of fees too.

Mr. President, I have no fear about the Water Authority's ability to operate its financial affairs successfully. Neither do I see the need for politics to interfere in the operation of that system. Someone asked whether as a politician I was going to cut off the water supply. Well Mr. President, the truth is if you have to cut, you cut. It is no different to Caribbean Utilities or Cable and Wireless - especially when the Water Authority is producing a cheap commodity of good quality, people must pay for it. We can understand the few poor people who might have difficulty in paying dues for a month or so. I am sure that any of us would pull a few dollars out of our pockets and help them. One of the norms of the day is that we go around and help poor people.

Mr. President, we are now embarking on a Building Code for these Islands. Something which has been advocated for many years. Attempts have been made to establish such a code, but I know that among the architects, contractors, engineers, planners and interested persons there is support for such a Code. As we see large beautiful structures going up in the Island, the question about the type of construction and whether it is under any Government control is asked. All we can say is that it has received planning permission, but scarcely nothing else.

I know that since a few years ago the Planning Department has been using, as a guide, the South Florida Building Code. I think they have successfully employed it in some cases. But what is important Mr. President, is that under our Development and Planning Law there is a code to control the ethics of building. Although it is said that the Cayman Islands have never experienced heavy earthquakes, anything is possible and no doubt one of these days we will experience heavy enough shocks so that if our buildings are not properly structured under some acceptable building guidelines, we will start to blame ourselves for it.

I am sure even the investors and developers who come here to do construction of that nature also want to know the acceptable system which Government employs so that they can use it as well.

The draft Building Code Mr. President, passed through Executive Council and it is now with Members of this Honourable House. At the adjournment I will be calling them together to discuss the code because it is the intention to send it to the public for comment, but I did not want to do so until Legislators had the first look at it. After public comments are received we will pass it through formal legislative process. Hopefully by the middle of the year, or thereabouts, the Code will come into effect.

We are now recruiting the Building Code Inspector and will be establishing such a section within the Planning Department. That should improve building in the Island, but of course Members will see that the code will not apply to small residential homes that will continue to be under the control of the Central Planning Authority as is now the case.

I think it is a good code. A lot of effort was put into it. We have had the able assistance of a very experienced planner from the United Kingdom. I think that can be confirmed by all who worked with him.

Mr. President, also in the process of preparation is the Development Plan Review. The Development Plan was introduced in 1977, and under the Development and Planning Law there is a requirement that the Plan should be reviewed every five years. Unfortunately, it has now been ten years since the Plan came into effect and this is the first review which is being

carried out. The review is also in the hands of a very experienced planner. It will seek public input in the same manner as the Development Plan itself when it was being structured in 1977, and everybody will have the opportunity of giving their views and input into it.

I believe personally that there is need for the review because things have changed somewhat since those days of the 1970's. We see economic development booming on - and there is a need to support economic development, because job opportunities must be created for the young and upcoming generation. But in our bid to develop our properties, we must ensure that there is a balance between economic development and the ecological base of the country.

People have always said that we should not dredge our swamps or cut down our mangrove trees. We know that a tree takes many, many years to grow to full height. Although when one looks at the Hyatt Regency Hotel and Treasure Island Resort it can be seen that a forest can be created almost overnight. I dare say that when we cut trees we must seek to replace them with other trees. There is a great deal, from the planning point of view, that we need to look at, and which the public should have their say on as well. That is the purpose for the review of the Plan every five years. We hope that by later this year the review will be coming forward for us to look at in this Honourable House.

Mr. President, mention was made of the Marine Parks, and I apologise to the Elected Member for North Side who seems to have had difficulty in deciding what the Marine Park sign meant in areas of replenishment, and so on.

MR. D. EZZARD MILLER:

Not me, Sir, the public.

HON. VASSEL G. JOHNSON:

Well you speak on behalf of the public. The public never said anything to me, you did.

MR. W. McKEEVA BUSH:

They said it to me too.

HON. VASSEL G. JOHNSON:
that.

Yes well, I can understand

MR. W. McKEEVA BUSH:

explain to them now though.

I am glad you do. You could

HON. VASSEL G. JOHNSON:

Order! Order!

MR. W. McKEEVA BUSH:
Sir.

The Member is inviting debate

HON. VASSEL G. JOHNSON:

Mr. President I am sure there has been so much publicity about the three vital areas of the Marine Park. We have the Environmental Zone, the Replenishment Zone and the Marine Park Zone. What we are doing is making signs for the various zones. The signs will give the details of what you can and cannot do in those zones. The sign will show the exact spot where one is standing. So all those details will be there. But because the Marine Park signs were all finished before, we thought in the meantime we would put them up so as to remind people that it is a Marine Park. Whether it is environmental or not, it is a Marine Park, because the regulation deals with Marine Parks. Nevertheless, I am apologising to the two Members since they have been confused about these signs, and wish to assure them that proper signs will be put up as soon as they are available. Many of these Marine Park signs will be taken down and sent to the smaller Islands to alert them that the signs are coming.

MR. W. McKEEVA BUSH:
(LAUGHTER).

Signs of the times ...

HON. VASSEL G. JOHNSON:
of what is coming.

You have to give a pre-warning

MR. D. EZZARD MILLER:
complaints come from us.

Mr. President there was a complaint too, I do not know if it came from the two Members, but ...

HON. VASSEL G. JOHNSON:

(LAUGHTER) ... I know that. I am addressing the Chair, Sir, but when I refer to Members I mean the

two of them. (LAUGHTER)

They talked about starfish and the large number that tourists were taking away with them. Well, Mr. President, unfortunately, when the Marine Conservation Law was introduced, there was no protection for the starfish. In other words it was not considered a protected species at the time. So it is not an offence for anyone to take starfish out of the sea - except in a Marine Park area.

Mr. President, if it is the wish of this Honourable House for the Marine Conservation Law to be amended to include, in the list of protected species, starfish, I am prepared to bring the amendment forward. But we cannot go and accost people for taking starfish out of the sea. I think it was also said that we arrest only certain people. In other words the inference is that the tourists can get away with anything.

We have appointed a Marine Park Inspector, and I can say Mr. President, that he is a very alert and experienced person who has been loaned to the Portfolio by the Police Department. He will book anyone. It does not matter whether it be a tourist or a local person ...

MR. D. EZZARD MILLER:

What about the blow holes?

HON. VASSEL G. JOHNSON:
you were going to say.

I knew that was exactly what

Mr. President, my information is that he booked the police last week. So that is an indication of what I said a while ago. He is no respecter of persons. I would alert one and all to be cautious, because that Inspector is like Superman. You never know when he will appear.

MR. W. McKEEVA BUSH:

No politicking now.

HON. VASSEL G. JOHNSON:

You go in the sea and take a conch and you see what happens to you in a replenishment area.

You believe it is politicking.

Now, Mr. President, we come to some more serious things. The Elected Member for North Side complained that the Water Authority blocked the prospect of a sick North Sider from selling a parcel of land. It was probably valued at over \$100,000. I deny that allegation Mr. President.

We know the parcel of land that is being referred to. When the Authority looked at it, the parcel of land was going to be used as a quarry for the quarrying of rocks to produce aggregate. Normally it would not have been agreed if there was some other operation that would molest the underground water. This proposed quarry site was on a high rise, and it posed no problem to the water table. The relatives of the individual discussed this matter with the Water Authority, but to date no application has been made to the Water Authority for their decision on the matter. But as far as the Water Authority is concerned it indicated no objection to the proposed quarry.

MR. D. EZZARD MILLER:

In writing, or verbally?

HON. VASSEL G. JOHNSON:

Mr. President, perhaps when one knows the developers behind the scheme, it throws a different light on the matter. So, what I am saying, Mr. President, is that if the individual still wishes to sell his land for a quarry, the Water Authority has no objection.

The case of the proposed chemical factory over the North Side water lens is quite a different thing. Granting such an approval, Mr. President, would be in direct contravention of the Development and Planning Regulation. It would be against those Regulations to allow an industrial development to be placed in an area that is not zoned industrial.

Mr. President, I understand that the matter is now with the Central Planning Authority and so I cannot presuppose the decision of it. But the Authority uses the advice of the Environmental Health Office, the Water Authority and the Fire Department. So this advice forms part of the decision-making process of the Central Planning Authority. However, Mr. President, do we run the risk of damaging a water lens that provides water for an entire district? It is dangerous to health. Although assurances are given by the developers of what they would do to ensure non-interruption or interference with the water lens, we must remember

that when someone is conscious of it precautionary measures will be used. But what happens in the days when this is forgotten, and that chemical factory starts to spew chemicals into the soil, uncontrolled, that go down into a water system that is used by the people in that district?

Mr. President, there are many suitable industrial areas in the Island where this type of factory can be put. But I would say that if there is need to change the zone in any part of this Island, the matter must be examined by the Central Planning Authority. A recommendation must be put forward supporting changing of a zone. It must go through Executive Council and the regulation must be presented to this Honourable House for ratification. And so if it is the intention of the Central Planning Authority to finally recommend the siting of that chemical factory over the water lens, then the zoning will have to be changed, and the legislative process will have to be followed.

Mr. President, housing was also mentioned by one of the twins! (LAUGHTER)

MR. D. EZZARD MILLER:

Robin Hood!

HON. VASSEL G. JOHNSON:

And I would just say, Mr. President, that the intention of the Housing Development Corporation Law was to assist people in need - those who had little or no chance of attaining a mortgage from the commercial banks, but who had sufficient collateral to satisfy the Housing Corporation. They would be people whose income was of a certain level.

When this Government took office we first had to raise some money, because there was no mortgage money available. Secondly, our management gave some problem. The manager who was there resigned. The next manager we appointed died and so we have just been able to fill that post.

Now, Mr. President, since we have been able to raise the money and to recruit a manager, we must next go on to look at the guidelines and to see really whether there is a broader group of people who could be assisted by the Corporation. What we have been doing over the past is to loan people money which has been giving the Corporation some problem in collecting the loans. This is what we expect anyhow from that group of individuals. But it seems to me, Mr. President, that it is not only the poor people who become bad paymasters from time to time. One finds it even through those who can afford to pay their loans. Anyhow, loaning money to the poor is not an easy job, but it has its rewards in time ...

MR. W. McKEEVA BUSH:
right?

So what I said made sense,

HON. VASSEL G. JOHNSON:

Yes.

MR. W. McKEEVA BUSH:
my suggestion and revamp the guidelines?

And Government is going to take

HON. VASSEL G. JOHNSON:

Well, we are going to look at them. I did not say we were going to revamp the guidelines. We are going to look at them. That is a different thing. There is a statutory Board which deals with these matters. And again, I cannot presuppose the decision of the Board.

MR. W. McKEEVA BUSH:

Government sets the policy.

HON. VASSEL G. JOHNSON:

Mr. President, I could go on to comment on all the departments of the Portfolio which are doing very valuable work, but I know that all the Members here, too, could comment on their departments. I have found my departments very energetic and professional in all things that they attempt to do. They have achieved quite a lot during the time that I have been here, and we hope to continue achieving more as time goes on.

The Mosquito and Research Laboratory is one of the vital departments of this Government. If we were to take time to cast our memories back to the days before the laboratory was established, we will find that the work of the laboratory has been the main source by which development crept into these Islands - development of the tourist industry and the development of the offshore financial industry. It is from these two industries that all other activities flow.

I remember the days before the

laboratory was established. Tourists used to come here in the afternoon and by next morning they were off. They could not take another night of it. So without the control of mosquitoes and sandflies, this Island could never have developed to this extent. One needs only to reduce activity in that department for a short time for mosquitoes to be back in full force. Mr. President, Cayman is not the only place where you will find mosquitoes. I have been to New York and other big cities and have found a lot of mosquito nuisance there. And so we must at all times respect the work of that Unit, and never underestimate its value.

When a little money is asked for any improvement within that Unit, it is a well thought of project or proposal because the Unit is aware that legislators have always been cautious and suspicious of its spending. So, Mr. President, I have nothing but praise for the work that has been done from time to time, and I hope that we do not lose sight of the need for that job to continue at its high level in order to preserve our tourist industry and other things.

Mr. President, the other department that I would like to mention is Planning. This is also offering a very valuable service. In the days before that department was established, the days before cadastral survey took place and land registration started, there was a lot of concern by many politicians and others of the advent of land survey and registration. I think if the advantages of what has happened, with the lands of these Islands by way of recording and registration, is looked on carefully against that which was obtained in the days prior to that exercise, we will see that the people of these Islands have profited a great deal by the simple system that exists today. In days gone by, for one to transfer a piece of land, one had to employ an attorney who would take a long time to research the records and give a legal opinion on the title - and this would cost a lot of money. Today it is not necessary Mr. President, because the owner of a parcel of land can go to the Registrar of Lands for a research and instantaneously the legal position of the property can be had. The individual can stand there and ask for a transfer form and sell his parcel of land right away having to employ an attorney to do so. And so what ever else might have been said about land registration and the cadastral survey before that, it is today a system that we can all be proud of. People from other territories come here to look at our registry and learn about it, so they, too, can move on to institute something of the sort. I, too, Mr. President, have a great amount of praise for the work that is being done there.

Mr. President, I am now coming to the omega of my contribution to the debate on the Throne Speech. I will not end it as abruptly as a rabbit's tail. As far as the Throne Speech is concerned I have nothing but praise. It is to me the right format for a Throne speech. In times past we found Throne Speeches including financial and economic matters as well. But Mr. President, in the days before the Financial Secretary first presented the Budget Address, it fell the duty of the Governor or President of this House to present the Budget Address as well, which formed part of his Throne Speech. And so over that period of time, the Budget Address and Throne Speech became one and the same address. When the Budget Address was separated and done by the Financial Secretary - and the first of these was in February 1969 - when the Throne Speech began to be reduced to the extent to which it was given before. So we have come to a Budget Address of today which presents the format of what, in my opinion, a Throne Speech should be. I dare say Mr. President that although this will be your last Throne Speech, it sets a model for others to come.

Mr. President, there will be another occasion for tribute to be paid to you before you leave, so I will not attempt to say anything about that just now. But I certainly will not miss my opportunity to join others in doing so. Mr. President, I do not want to take up too much more time because there are other speakers. So I will say again, Sir, thank you for your gracious Throne Speech and for putting forward the state of the Nation in a very concise form.

Thank you Sir.

MR. PRESIDENT:

Does any other Member wish to speak? The First Elected member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I would like to thank His Excellency the Governor for his gracious Throne Speech, so

ably delivered to this Honourable House on the 6th February this year. It was concise and to the point. It was in line with my idea of a speech - as short as possible but covering the subjects that need to be covered.

Mr. President, before going on to the debate on your Throne Speech, I would like to make a few remarks. I would like to welcome the Honourable Second Official Member and the Clerk of the Legislative Assembly to this Honourable House. I look forward to their help in the years to come, and I wish for them all that is good in their term of office here.

Also, Mr. President, on the first page of the Caymanian Compass this morning appeared an article that could be misunderstood. During the debate on Thursday afternoon there was a motion to suspend Standing Orders to enable the business to go on after 4:30 p.m. Having no idea that this would take place, I was unable to postpone a previous appointment that I had made for 4:45 p.m. and so I voted no to the suspension of Standing Orders. There was no collusion on my part whatsoever. It was a matter of meeting another obligation that I had, and that was the reason why I left the House. I think in my debate I made my position very clear on my feeling about it. I spoke from my heart and although I might have been accused of not being in line with it, I still got my point across. Thank you Mr. President.

It is alarming to note that drug related crime continues to increase, even though efforts on the part of the Police Department have been made to strengthen and increase their detection. I am very proud of the progress that our Police Department has made, the training that they are being given and to see that many promotions have been made in recent months - many of which are Caymanian, and I hope that they will continue with the overseas training. I regret that we have still been unable to get our Police Force up to the allotted number. I think it is very essential that we have a full compliment of police officers in order for us to get on with the job.

The Drugs Squad, I am sure, is over worked. This is regrettable, but I guess this is the era in which we live. We are geographically located in a trans-shipment area leading into the United States' and North American continent. So we will continue in this location, and our problems will be compounded. However, if the continued detection rate increases and it can be eliminated here on our Island, we will have accomplished much.

Mr. President I am very encouraged to see that the number of fatalities on our roads were reduced during the year just ended, and I am happy that we are making efforts to reduce the hazards on our roads. Again, I compliment the Police Force on their vigilance in trying to control speeders and those driving under the influence, for we must make Cayman a safer place.

It is alarming that our prison population continues to grow. This is of great concern to me, particularly to see that the population is of such a young age and that so many offences are drug related crimes. It is incumbent upon us to make every effort to establish rehabilitation and crime prevention programmes in this Island and I feel that we must address this issue at the earliest possible time. I do not believe that incarcerating a young person really solves the problem. It only delays it and sometimes compounds their problem. I feel that if we have a place where they can be shown that what they have done in the past is wrong where we can change their attitudes, they will come out, join society and be good citizens. We have smart young men and women who go wrong. Maybe just through fate. Maybe because they took a step they did not really mean to take. But it is too late once they have taken it, and I feel, as I have said, that we should have a rehabilitation and crime prevention programmes that will solve the problem.

The construction of additional buildings at Northward is a necessity, I realise, and I support the expansion of the prison, but I hope that it will not be a matter of additional cell facilities and not rehabilitation and crime prevention centres outside the prison to solve the problems which I have spoken of.

Mr. President, our Immigration Department has a great task ahead of them as we prepare for the additional new hotel rooms and the increase in tourist traffic. We realise that they have a great problem and we support them one hundred per cent, but they must address the over-stayer problem. With the aid

of the computer I think this can be better controlled, and I would ask them all to realise that they are ambassadors and should be friendly and courteous to our tourists because tourism is one of the main pillars of our community. Without tourism we could not live the lifestyles in which we live in the Cayman Islands. Finance and tourism are two of the big things that we depend on to support our economy, and we should all be courteous, and realise that there are many other territories in the Caribbean and all around the world that are looking for these same tourists and trying to attract them. The very first person a tourist meets after leaving the aircraft is the Immigration Officer. I am very grateful to those who are courteous and pleasant to the arriving passenger, but I would ask them all to give a little extra smile to make the tourist feel at home.

The Caymanian Protection Law and the Caymanian Protection Board are both very important to the smooth operation of our country. The Board I think has done a good job. I compliment all the Members and its Chairman. I realise that there are amendments necessary to the Caymanian Protection Law and they will be dealt with in meetings to be held later on this year. But, until that time we have to address the problem of our own Caymanian people. Our own Caymanian people must be given every opportunity to advance, but at the same time must realise that it is not just because he is Caymanian that he is entitled to be paid and not work. It must work both ways.

Mr. President I think those of us who reside in the Lesser Islands have a greater appreciation for Radio Cayman than those who reside here in Grand Cayman, for it is our means of really keeping in touch with what is happening with our Central Government and the activities here on Grand Cayman. It is encouraging to note that the FM service will be extended to Cayman Brac sometime during this year and I look forward to it. I would like to recommend at this time that when the FM service is strong enough it be heard in Cayman Brac, and that maybe the Legislative Assembly broadcast could be put on FM as opposed to AM. It would not make the broadcast go quite so far away, for some of the broadcasting I think would be better kept at home.

The Government Information Service, I think, is doing a good job. It keeps us all informed of what is happening with our Government. The dissemination of news is good. They also handle matters of tourism locally and I congratulate them on the domestic coverage which is being made.

We note, with the increase in criminal cases, the Attorney General's Chambers are having a heavy workload. But I am glad to know that young Caymanians are coming up. Some being trained overseas will soon be returning. Others are now here, and I congratulate those who have qualified themselves and those who have taken the advantage and who will come back. It is my hope that most of these will see fit to stay with our Legal Department and help build our Legal Department with some of our Caymanian lawyers. I also would like to compliment all who had a part in the establishment of the Law School. It is good to know that in the coming year the first graduating class will qualify. I am also very encouraged to note that they will not only get a certificate from the Cayman Islands Law School, but will receive an external Bachelors' Degree issued by the University of Liverpool. This I am very glad of because for a while I was concerned whether lawyers graduating from our Law School could only be lawyers in the Cayman Islands. But I am glad to know that they will have an external degree which will make them comparable I would not guess, to lawyers who qualify anywhere else.

Mr. President, I turn now to the draft Economic Development Plan. I think this is a good plan. It is not perfect, but it is a step in the right direction. I think this is forward planning - something we have lacked over the years. I look forward to dealing with it in Finance Committee. I say now, there are some amendments or changes that I feel will be necessary, but it is a step in the right direction and it will enable priorities to be properly established without rushing into projects not really knowing what they are going to cost and the benefits that can be derived from them.

MR. PRESIDENT:
Member now to take the break ...

If it is convenient to the

CAPT. MABRY S. KIRKCONNELL:

Yes Sir.

MR. PRESIDENT:

... then let us suspend

proceedings until approximately two fifteen.

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:13 P.M.

MR. PRESIDENT:

Please be seated.

Resumption of debate on the Throne Speech. The First Elected member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, when we took the lunch break I had completed speaking on the Five-Year Economic Development Plan.

I will turn now to the Motor Vehicle Insurance (Third Party Risks) Law. It is my understanding that an amendment will be coming to this Honourable House sometime this year. It is my hope that the act coverage will be dropped completely for, as I see it, it really does not offer any coverage other than satisfying the requirements of the Law as it is written now. But as far as giving the motor owner or the pedestrian coverage, it does not. So it is my hope that it will be dropped from the Law by this amendment.

Ship Registration. It is my belief Mr. President that once our ship registration is put in proper order it can be a good revenue earner for this country. I note the amendment which is coming to this House. It is a band aid really in a sense. I look forward to further legislation that will make us a full ship registration, enabling us to register ships of all sizes and afford us a good source of revenue. I personally have been contacted by many large shipping companies and have turned them over to the Registrar of Companies who has in turn been in contact with them, but for certain reasons, sometimes, they are unable to accept the ships. So it is my hope if this Law is put into place in accordance with the requirements of the large shipping companies, our revenue will increase dramatically.

I note that in your Throne Speech a National Health Plan will be considered. I have no prior knowledge or view of what this will consist of. I think there is a need for it, but it will have to be approached with caution and I look forward to seeing and hearing more about that as the months go by.

The Mental Health Programme and also the Drug Abuse Programme is going to be strengthened, and, as I said earlier, it is an area that we certainly need to give serious attention to. Many of our people have problems, and if they go undetected there will be greater problems in society in the years to come. So I look forward to us being able to increase our personnel who will be properly trained and equipped to deal with these unfortunate people, and that we will be able to improve their position in society.

I note that we are considering a new hospital. It is my hope that this will be a complete new complex. Much of consideration will be given to the proper siting of this institution and its design, and that it will meet the needs of these Islands for many, many years. The Hospital was designed for a much smaller community than we now have, and it was not envisaged that we would have the facilities that we have on the site that exist today. Therefore it has been a sort of a patchwork affair. It is my hope that we will have a multi-storey hospital, something that we can be proud of, something that will afford medical treatment for many, many years to come, and one that will eliminate the necessity for so much treatment of our people overseas. I think if we spend the money in establishing the proper hospital facilities on the Island, we will eliminate the annual expense of sending them overseas.

I note with interest the progress made by the Education Department and the progress being made in constructing and expanding at the various schools here in Grand Cayman. I regret again, that due to the decreasing population in Cayman Brac there is no need to expand our schools. Our population in the Primary Schools and the High School are both decreasing. I spoke about this in November and I have to speak about it again. It is a serious problem, and we must address it. I note additional training will be provided for teachers in the area of drug education and the teaching of inter-personal skills, the Quest programme will be introduced into the Middle School curriculum for the first time. This

I am very happy to see, and I think it is a step in the right direction.

I also note that from visiting the Sports Complex and also from your Throne Speech, Mr. President, it is becoming a very nice complex. I am proud at last that the Cayman Islands can truly say that we have a Sports Complex. I look forward to seeing it in a completed state as time goes by. I hope it will attract international competition to our shores that will provide greater recognition for our talented young boys and girls who are excelling both at home and overseas. If they have the proper training facilities here in Grand Cayman, the sky is the limit as to what they can achieve.

I am also glad that there is now a home for the National Museum in Grand Cayman. Like the National Museum in Cayman Brac, it will be preserving an old building which is a museum piece within itself. The old Courts Building on the waterfront will be the home of the National Museum and I am glad that that old building will be preserved. I would like to compliment the Department of Agriculture on the progress they are making. I note with interest that the agronomist is now here in Grand Cayman. I look forward to his assistance to our small farmers in Cayman Brac. We have limited capacity for farming there but I think that with more modern technology we will be able to improve in that field as well. So I look forward to him helping our farmers there after the job is well underway in Grand Cayman.

Mr. President I could not stand in this Honourable House and not pay tribute to the Mosquito Research and Control Unit. As one of the older Members here, I fully remember, the days before the Unit was established, what we suffered and I am glad it continues to make progress - not only in Grand Cayman, but in the three Islands. Little Cayman is now benefiting substantially from the spraying and it is a far more pleasant place to visit and to live. The Unit deserves much credit for the development of the Cayman Islands.

The West Bay sewerage scheme. Never before has a project been undertaken in these Islands more necessary than the sewerage scheme. I am glad to see that progress is being made so rapidly, and I generally look forward to, not only, phase 1 but also the implementation of the because it is necessary for the health and welfare of the people of Grand Cayman.

The George Town piped water supply will also make good potable water available, not only to the affluent members of our society, but, to the less fortunate people. This Government is to be complimented. In putting in this piped water scheme it is thinking of providing for all classes. Everyone will have an opportunity to have healthy, good drinking water.

You also mentioned in your Throne Speech, Mr. President that the water resource development will be further studied in Cayman Brac. I regret that the wells drilled so far have not been more successful. In my honest opinion if we are to have water in Cayman Brac we need to look to desalinisation, and I should like, today, to recommend to the Honourable Member responsible for that Portfolio to commence negotiations with the Cayman Brac Power and Light Company - similar to that which has been done with Caribbean Utilities - to see if there is sufficient waste heat. I have been told by people who know that it is possible to produce sufficient water for the needs of Cayman Brac from the waste heat of the Cayman Brac Power and Light Company. A similar programme should be started in Cayman Brac because there today, other than the two reverse osmosis plants at the hotels, in a dry season there is just no water available for love or money. Human health cannot be maintained unless good water is provided.

I turn now to the Development Plan Review. The Development Plan as we all know was due for reviewing a few years ago. It was not completed, but it is well underway now for Grand Cayman. Cayman Brac and Little Cayman were included only in the guidelines in the 1977 Development Plan. However the people have elected that separate Development Plans with an emphasis on economic development be provided, one for Cayman Brac and one for Little Cayman. I am happy to say that this is well underway. The Planning Department with the help of the team from the University of Tennessee and the BESO Advisor have done much work on this. Much very useful information has been compiled. District committees have been established and I think when this is completed, the Development Plan for the two smaller Islands will help investors know what exactly will be available and will help to encourage investors to come to

these two smaller Islands.

I also support the Building Code which we now have in our possession. It is a good document. It is long overdue. If we are to have buildings constructed properly and to the proper standard we must have a code to go by. I look forward to its implementation.

I am also glad that the Planning Department will be expanded and strengthened as it is a very important department. It has been understaffed for many years and we cannot expect them to do all that they are asked to do if they are not properly staffed. With the Building Code complement added to the department, I think it will be far more efficient.

Another move that I think is in the right direction is the creation of the Civil Aviation Authority. If this is as successful as the Port Authority has been, it will be a great step forward. I compliment the Civil Aviation Authority today. It is a department headed by a young Caymanian, and it is very efficiently operated. I look forward to good things from that department.

Another department due for a lot of praise is the Fire Department, which is also headed by a young Caymanian who is very dedicated to his profession. His job is not an easy one. I have the privilege of serving on the Central Planning Authority with him, and without going into the technical aspects of his job, one cannot realise how complicated and complex his responsibility is. He determines all the safety requirements of buildings and everything that goes along with it to make them safe. He is a hard-working man and has the Cayman Islands at heart. He has served faithfully in support of the Development Control Board of the Lesser Islands. Whenever we have a problem he is right there to help us solve it.

I am happy that new Fire Stations will be constructed at Gerrard Smith Airport, Owen Roberts Airport and in West Bay during the coming year. Some people may think that the only service of the Fire Department is to put fires out, but the big job is in fire prevention.

Cayman Airways our national flag carrier has always been a subject compliments and criticism in this Honourable House. But I say today that it is the responsibility of every Caymanian to support and to be loyal to Cayman Airways. Cayman Airways has challenges today that it did not have during the last tourist season, and it will probably have greater challenges in the next tourist season. We should all support Cayman Airways and be proud that a territory as small as ours is able to have a national airline. It is an expensive thing I know, but nevertheless we could not, particularly in the smaller Islands even live the life standards we do today without Cayman Airways.

On behalf of the people of Cayman Brac and Little Cayman I would like to thank Cayman Airways, our Government and everybody who has seen fit to introduce the Shorts 330 aircraft to replace the Trilander. She served us faithfully for many years, but it was too small a capacity and simply could not cope with the trade. With the Shorts 3-30 - once all the bugs are ironed out and the schedule is properly organised - Little Cayman and Cayman Brac will have a good air service. I would like to make it crystal clear today that we are not prepared to accept this as our only service. We expect the jet service to Cayman Brac to be maintained. This is a domestic service connecting Grand Cayman and Cayman Brac and supplements the jet service. We do not accept this as a replacement for jet-air service to Cayman Brac and Little Cayman.

The Honourable Member is certainly giving me, as he has done on many occasions, his co-operation to study very carefully the scheduling of flights in and out of Cayman Brac in order to move the traffic as efficiently as possible and to encourage tourism in every way possible. I am grateful to him for his co-operation in the past, and I know I will have it in the future.

The Housing Development Corporation was established to benefit less fortunate people - people with a low income. It is unfortunate that more funds have not been available and that as much red tape, as has been in the past, has been involved. It is my hope that we can make larger sums of money available and streamline the process of applications. There are many young Caymanians who need a home, they deserve a home, but they cannot qualify with the banks and trust companies to borrow money here with present requirements. If our Government is in a position to help the

other people that genuinely need help, I look forward to seeing this implemented.

I go now, Mr. President, to my constituency, that of Cayman Brac and Little Cayman. I stated in my debate on the Budget in November that 1986 had been a very bad year economically for the people of Cayman Brac and Little Cayman. Some people thought that I just wanted to talk, I believe, but I was being very honest. I say today, Mr. President, that there has been no improvement during the first months of this year. The only construction going on in Cayman Brac today is a small expansion to the Tiara Beach Hotel.

There are plans I am told, if the air scheduling is satisfactory to the Board of Directors of the Divi Divi Hotel Corporation to carry out a major expansion to their hotel. That would be very beneficial as far as providing labour and also to improve and expand our tourist industry in Cayman Brac.

We are now told that funds will shortly be available from the EEC, which is very encouraging. Presently work is going on on the site for the new Gerrard Smith Airport Terminal, but unless we get funds from the Caribbean Development Bank to construct the Terminal, 1987, I am afraid, is going to end on a sad note for Cayman Brac. So I ask the Honourable First Official Member and all Honourable Members of the Executive Council to make every effort to get these funds in place.

I am very grateful to my colleague the Second Elected Member for Cayman Brac, the Honourable Third Elected Member of Executive Council, for his keen interest and close co-operation with me in trying to solve this problem. It is a big problem. It is not easily solved. I know it cannot be done overnight, but I am very grateful to him and his Elected colleagues in Executive Council for all that he has outlined in his debate. I feel they are moving in the right direction, and I would like to say to him, on behalf of the people of Cayman Brac, that we are all most grateful for all his efforts and those of his colleagues. It is important that the private sector becomes alive. If we can get investors to take the burden off Government, Government can then look in other directions. I realise, that as my colleague has said, the infrastructure is almost complete. But Mr. President where do we go if we do not get the private investors into Cayman Brac? That is why we must do everything possible at this time.

It was encouraging to note that a small sailing cruise ship visited Little Cayman and I hope this may be an area in which we can attract a little more activity in both Cayman Brac and Little Cayman. What we really need is exposure. It is my belief that we will develop as more a residential area than as a real vacation holiday site like Grand Cayman. If we can get retirees and residents, who live there say six months out of the year, to build expensive homes, I think it will begin to solve our problem. With the cruise ships calling it will help to generate revenue for the taxi drivers, the store keepers and it will also create some employment.

Mr. President, I again ask all Honourable Members for their support. I realise that large sums of money have been spent since I was elected to this Honourable House in 1980. Each year we have gotten large sums of capital improvements in addition to the recurrent expenses in Cayman Brac and Little Cayman. I am not complaining, but I am just saying that so far we do not have the private sector going, and that is the thing we need to motivate and get moving.

I move now, Mr. President, to the Port Authority. The Port Authority is a credit to the Cayman Islands. The facilities in Grand Cayman and Cayman Brac are both good, well equipped facilities. We are sorry because of our depressed situation that the Cayman Brac Port Authority is a financial burden on Grand Cayman. But, nevertheless, we hope it will turn around if everything else in Cayman Brac moves as we hope. However the Port Authority is a great asset to Grand Cayman. I traded here for many years when we only had the rocks to tie up to, and I can easily be one of the few here in this House who can appreciate the amount of improvement made to port facility in Grand Cayman.

Another very important subject you touched on in your Throne Speech, Mr. President, was the Master Ground Transportation Study. This is very essential. I realise it will to be very expensive, but much consideration at an early date must be given, particularly to the over-crowding of the road from George Town to West Bay and the tributaries leading off it. It is a serious problem and it must be addressed. I really look forward to an

early report from the the companies producing the survey and I hope that as soon as it is at hand, financing can be available to improve the position.

The Postal Department. The Postal Department is also a very important department, and I support the Honourable Fourth Elected Member of Executive Council in what he said today when he spoke of the need for a new Post Office and multi-storey car park in George Town. Although I do not live in George Town, I spend a lot of time here, and I see the need for it. I saw a design here some months ago, and I think it is very essential that we move towards implementing this. It would provide and amortise itself over a few years. We would have to finance it in the beginning, but it would be self supporting. It would not be like a road - something that we would have to maintain - and which would not amortise itself. It would be an investment.

Mr. President, there is much more I could say on the Address, but other Members have covered the other points. I have taken what I believe to be the most important.

I realise, Sir, that this is the last Throne Speech that you will be delivering to us. We shall miss you, and do appreciate having had you with us over these number of years. As the time comes in the next session we hope that we will be able to pay the respect that is due to you. In my closing remarks I wish to publicly state how much I appreciate the keen interest which you have taken in Cayman Brac and Little Cayman during your term of office. You are beloved by all the people of Cayman Brac and Little Cayman and you will be greatly missed by them. We look forward to your visits and we would ask you to visit us as frequently as possible prior to your departure.

Before closing, however, I would like to make one last plea to Honourable Members to not believe that I am simply trying to get money for Cayman Brac for nothing. I am trying to equip Cayman Brac so it can support itself and not be a burden on Government. We would like to be self-sufficient. That is the idea behind what I am trying to do. I am sure my colleague joins me in this. We are not asking for hand-outs. We are trying to equip ourselves to be self-sufficient.

Thank you Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak? The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, I offer my sincere congratulations to His Excellency the Governor on his Throne speech so ably delivered to this Honourable House on Friday, 6th February. As has been said by other speakers before me, the message was abundantly clear, to the point, well balanced in content and it reminded me of just how much can be said in a short space of time.

Like other Members, I too offer my congratulations to the Honourable Second Official Member, the Attorney General, and to our new Clerk on their recent appointments.

Government's plans for the year 1987 were ably outlined. While we were reminded of our many material blessings through the continuation of economic development and growth, what was also forcibly brought home to me was the price being paid for this progress we all enjoy, and sometimes boast about.

The immediate need to address the attending evils in our society of a growing crime rate, drug and alcohol related offences and even traffic congestion on our roadways were clearly and specifically called to our attention. So let us be perfectly frank and realistic about it. With 10,709 motor vehicles in our country and increasing monthly, with 437,000 visitors annually and still growing, a population growth of six percent in recent years, what can we expect, but to bluntly accept the facts of our case. That is, since we must continue on the path which we have chosen of economic development needed to support our high lifestyles, then we must certainly find a way to cope, to adjust and continuously search for solutions to the many accompanying problems in our society today. These are all facts that cannot be denied, and I accept fully that it is up to us - it is left to Caymanians to decide just where we want our country to go, and how we plan to get there.

It is of course true that so far crime in Cayman has not reached the proportions that it has in many countries. We are still free from terrorism, political tyranny and oppression, but we must recognise crime for the cancer to society that it is. Government, together with the entire population of these

Islands, must make a determined effort to meet the challenge of curbing the unsightly trends in our country before they finally undermine our tourism and financial industries, destroy our way of life and shatter investors' confidence as has happened elsewhere.

Fighting crime is everybody's business. Sure, we have the Police and we can increase their numbers and build bigger buildings at Northward. But as has already been said, these are not the answers. Rehabilitation programmes are making some progress in helping prisoners find their way back to becoming useful citizens. These have my continuing support. Regardless of what is said, Police efforts to detect and curb crime are in full force, but our community as a whole can help them do a better job.

Police and Prison Services are costing our country an increasingly tremendous amount of money. We are all concerned about the increasing crime rate and we are all ready to offer solutions. But solutions do not come easy and there is no magic formula. We all have a role to play in upholding law and order, to prevent our country's future being placed in serious jeopardy. As a country we must face the hard fact that we do have a serious growing drug and alcohol problem, and that the majority of our serious crimes are drug related.

We are today seeing the great United States of America almost battling under the serious scourge of society. They are spending millions of dollars, millions of man-hours passing laws, imposing the death sentence for drug trafficking, enlisting the help and co-operation of foreign countries such as ourselves, and yes, even appealing for the help of the boy scouts. We all know this. Caymanians are well informed. Television and radio keep us all up to date.

I recently read in the local press where our Magistrate in addressing a group said that it is time to declare war on drugs. I know that a start has been made, but it is also a fact that more needs to be done. I want to echo the Magistrate's words today and launch a desperate appeal to the entire population of the Cayman Islands to help us wipe out this problem - to help us save our country from both drug and alcohol addiction.

I know that it has been said that this Government has supported amendments to the Liquor Law. But Mr. President, prohibition does not work. It takes education. I also appeal to our young people who have more golden opportunities today to become someone than ever in the history of the Cayman Islands, to the Service Clubs which have already made a start; to our homes; our schools; Churches and all institutions - and yes, even we too can enlist the help of our Boy Cubs. We can call it a sermon if you may, but the Cayman Islands must get back to basics. In trying to hold on to our prosperity we must surely find a way to preserve the qualities which created that prosperity in the first place. It is not easy, but essential, and certainly it is worth reminding ourselves of this fact at every possible opportunity.

Radio Cayman is doing its part. Their community service messages against drunken driving, drug and alcohol abuse, against littering and also their tourism slogans, and messages encouraging our people to spend a smile on the tourists are all very much appreciated by residents and visitors alike, and are not going unnoticed. I would like to take this opportunity to thank Radio Cayman and to say that I would like to see these programmes continue and expand, because I do believe that the messages are getting across. But of course, like everything else, it all takes time, co-operation and money.

Last year's favourable financial results which enabled \$2.0 million to be transferred to General Reserve, and projections for a promising and progressive 1987 clearly establish the good state of the economy, and the growing strong expression of investors' confidence in our country and its future.

Regardless of the critics' cries and doomsday prophecies, this enviable position has been accomplished through Government's sound financial policies and its determination to hold on to what it has, as well as to continue to attract new business of high quality, banks of quality, quality insurance companies and investors of repute and respect.

It is obvious that, in spite of the critics' claims of disaster and swift downfalls through the Mutual Legal Assistance Treaty, the Treaty has served to polish to a high degree the image of the Cayman Islands so that its good name is resounding in financial circles around the world and attracting the

high quality business we are receiving today, and so rightfully deserve. Once we continue to keep our image clean on the international scene, maintain a high profile in our main markets, then there is no doubt that the two pillars of our economy, tourism and finance will continue to bring new and good business to our shores. This, Mr. President, must therefore strengthen our resolve and kindle our determination to control and remove anything that tends to threaten our stability. This too is why it is so vitally important who is placed in positions of power, and to whom we entrust the future of these Cayman Islands.

Mr. President, there can be no doubt that proper planning produces good results. We have evidence of this and it is my view that the Economic Development Plan which the Elected Member for North Side pushed for, will prove to be a worthwhile document in this regard. Advanced plans for capital expenditure will, as stated, greatly assist with Budget preparation. It establishes a clear sense of direction down-line in this very important area. The background information is well researched and written, and I consider this section, as well, to be of significant historical value. The Financial Secretary and his Department co-ordinated work on this Plan, and he along with the Honourable Members in Council spent many hours with the BESO Advisor on this project, and I believe that in due course those efforts will pay off.

I am pleased to see the progress that the Portfolio for Health, Education and Social Services is making with the Community College, and especially, Sir, the Hotel Training School in which I have a keen interest. The enrolment this year is 57, compared with a much smaller number over a year ago. This indicates that more interest is being generated for our young people to train and fill their respective places in the hospitality industry.

The training currently being provided will prepare them to eventually gain a recognised qualification in a wider variety of positions in hotel operations. I have been very encouraged to see these improvements; and the response and support from some hotels has been outstanding, which I would like to see continue. Training our people and equipping them to do a better job is a sound investment for the future of tourism. It will improve the quality of service we provide our visitors.

Marine Parks. This Government has had to table some not so popular legislation, and the Law to establish Marine Parks was one classified as such. But I am still convinced it is one that was absolutely necessary to the well-being of the tourist industry, and therefore to the country as a whole. I believe sincerely Sir, that one day our people will reap the benefits and agree that this was timely. Mr. Ladner Watler the Enforcement Officer is doing a good job and he needs the public's full support and co-operation. I want to assure him that he has my full blessing and support. I have no doubt, Sir, lost a few votes and perhaps a few friends for my stand on this, but I, to be quite frank, would prefer to loose a few votes, just a few votes, rather than for the country to loose its main tourist attractions.

The Mosquito Research and Control Unit. I have said many times before during the six years in this House, and I repeat it here and now - this is the best investment any Government has ever made. I say to the faithful in this department, keep up the good work, for we all know that mosquitoes out of control have the power to close down hotels and make life a misery for all of us, and I respect the mosquito's power.

The West Bay Road Sewerage System and the George Town piped water supply are both projects that are long overdue. They are not luxuries that we can afford to do without, but absolutely essential to public health improvement and to adequately meet the needs of an ever increasing population growth and tourist trade. There is no doubt that the completion of these projects will be very much appreciated by the general public and I look forward, Sir, to the time when water and sewerage systems can be extended throughout our Islands. As the Honourable Fourth Elected Member of Executive Council reminded this House this morning, the George Town people are anxiously waiting to receive piped water, and we trust that this project will be completed on time.

Mr. President, I now turn to the subjects in my own Portfolio, to tourism. The increase in tourist air arrivals as well as cruise ship business speaks well for our country as a whole, and I attribute the success to team effort, to the close working relationship and combined energies of Government and the private sector.

An arrangement whereby our Department of Tourism, Cayman Airways and other airlines, our Hotel Association, our water sports operators, charter operators and our ground tour companies are pooling their resources and expertise in bringing a good product to the consumer - backed by high quality advertising, strategically placed.

Our plans for 1987 call for continuing our efforts in that direction. Television and radio advertising in our North American market which supplies 84 percent of our tourists, have worked well so far and our plan is to continue this - strongly supported by good collateral material, magazine and newspaper advertising and public relations activities.

It is true Mr. President that this is costly, but one gets nothing for nothing, and if we are to maintain our enviable position as a preferred tourist destination in the Caribbean, we can do no less than this in order to compete with other Caribbean countries with much larger budgets, and perhaps much more to offer.

This year Cayman's tourism will be facing the greatest challenge in its history. With over 500 new hotel rooms to fill, it will demand the best from all of us in order to produce the desired results and meet the projections of a 35 per cent increase during 1987. The key to the success of this highly competitive business is service. Service, I repeat. People pay hard earned, good money for a holiday in Cayman, and they expect good value in return. Logically, good service can only be provided by well trained productive staff with the right attitude towards serving the public.

Greater efforts will be concentrated this year on training people for our tourism industry with the continuing help from the Hotel Training School and more support from the Cayman Islands Hotel Association. We have received and accepted an offer from an outside organisation for a training programme for a certain sector of our tourism industry. I believe, Sir, that these are all necessary and are bound to be helpful.

Product improvement remains high on our list of priorities this year. The proposed revision of our Tourism Law will be to strengthen and update that piece of legislation. We need more frequent inspection of hotel properties, and a more expeditious and effective system of dealing with properties which do not comply with the prescribed requirements. I agree with those Members who commented that standards must be held high, or it will have a damaging effect on our tourist industry. I am not satisfied Sir that we are able to keep as close a supervision as we should, and I certainly intend to take the steps to improve this during 1987.

I realise, Mr. President, that investors have spent large amounts on building hotels in our country. We encourage them to do so, and expect that they must earn a fair return on their investment. Tourism is our business. It is important to all of us. Our people depend on it for a livelihood. Government is spending large sums of money annually to bring visitors here, and so we must protect this vital industry on which we so heavily rely for economic survival. When we keep our country's image high and maintain our good reputation in the market place, we are likewise protecting our investors' interests as well. It is definitely a two-way street. It should be accepted as such and is worthy of co-operation from both sides.

Mr. President, as has been said, last year was a good year for Cayman's tourism and 1987 is bound to be better, but we must never take our success for granted. The same genuine efforts that built our tourism industry must continue. Our people's attitudes must not change if we expect success to continue.

I cannot help but mention, Mr. President, how the course of politics amazes me sometimes. If tourism was down, which would be most unfortunate for all of us, Government would be criticised, but now that the industry is doing well and the number of arrivals is increasing, an attempt is being made to say that tourists are not spending as much as they used to. Regardless of political propaganda, the facts cannot be challenged or changed, nor the truth denied; and I refer here, Sir, to the comment made that we are attracting peanut butter sandwich tourists. This is not true. One Member said, I think it was the Second Elected Member for West Bay, that the average length of stay has dropped, which indicates that our visitors in the past years are not making the contribution to our

economy they once were. According to my information Sir, it would seem that we are holding our own, and slightly better because the average length of stay was as follows.

In 1984 the average length of stay for hotels was 3.8 days. Apartments 6.7 days. This averages out to 5.2. In 1985 the hotels were 4.3 days and average length of stay for apartments was 6.2. Again this averages out 5.2. But it should be noted that the average length stay for hotels in 1985 increased from 3.8 to 4.3.

In 1986 the average length of stay for hotels was 4 days and apartments 7 days which gave us an average of 5.5.

First of all a vacation in Cayman is by no means cheap. You have to have some money to come here in the first place and if people come here it is my view that they are spending.

I believe, Sir, based on the information that I have, that we are still attracting quality and quantity in visitor air arrivals. In the course of this year we will hopefully be able to have our tourism survey completed which will establish more clearly their valuable contribution to the Island's economy.

Mr. President using the same formula as was applied in the past, it is estimated that in 1986 cruise ship visitors spent a total of \$10.5 million Cayman Island dollars, or \$39 per passenger arrival and that air arrivals contributed \$69 million dollars or each tourist spent approximately \$415. These are statistics provided to me by the Portfolio from the Department of Tourism.

Mr. President I may also mention here that a good yardstick by which to measure tourism and the image of one's country in the eyes of the tourist is the percentage of repeat visitors. I took these statistics out as a matter of interest.

In 1984 39 per cent of total air arrivals accounted for repeat visitors. In 1985 this percentage was 41 per cent and 1986 it was 41 per cent. This says something about the quality of the Cayman Islands, the services we are rendering and our image in the market place and it beholds all of us who have a genuine interest in this country and its future to endeavour to uphold those standards.

With regard to the ratio of Caymanians to expatriate workers in the hotels, the Member who mentioned this is correct in his information. The average I have is 87 per cent Caymanians and 13 per cent expatriate labour. However, it is commendable, Mr. President, that through the efforts of the Caymanian Protection Board, the Labour Office and the hotels it was not necessary to bring in more workers from overseas for the start-up of the two new hotels. Industrial standards require at least one employee plus to each room which means that over 500 employees have to be found for these two new hotels to operate. The number of new work permits were in fact kept to a bare minimum and a considerable number were conditioned to one year so that suitable Caymanians could be employed as they become available.

Mr. President, the Caymanian Protection Board often comes under severe criticism and just to clarify my knowledge of the workings of this Board - it does not come under my Portfolio - but as the Member responsible for labour, I have need, on occasion, to work with them from time to time and my Labour Officer is also represented on the Board. It is my view that maximum protection is being provided to Caymanians by the Caymanian Protection Board. I believe, like some others, that job protection is in fact practiced by some companies. They do this because they want to hold on to their old staff. Many times they apply schemes that will keep Caymanians out, but many times, too, because this is a small community, those companies are well known - so that all new applications are carefully scrutinised by the Board and a good case must be put up to them. That is the way it should be because, after all, our country must be developed for the benefit of our own people.

Why is it that the controls are in place if not to ensure that Caymanians are given priority and employed first as well as to ensure that companies have effective training programmes in place? This is the role of the Caymanian Protection Board and they are doing a good job which should be appreciated. The very people the Board protects many times seem to complain the most.

I recognise, of course, Mr.

President, that we are dependent upon outside labour for many categories of jobs to be performed in our country, and deserving cases of both local and foreign companies as well as individuals must be favourably considered until there are in fact Caymanians fit, willing and able to fill those positions. It is a fact too, Sir, that we cannot on one hand force the hotels, for example, to improve their service standards and in the same breath deny them sufficient man-power to properly service their establishments. This is why, when we decide to build buildings, we must always bear in mind that those buildings must be staffed and that not all the labour can be found in the Cayman Islands.

There are several new hotel projects in the pipe-line which Government is currently considering and it is my view, Mr. President, that the Cayman Islands will continue to attract tourists in increasingly large numbers to our shores for as long as our country continues to offer political stability, peace and tranquility, quality of service. May I say here, Mr. President, this responsibility rests with the entire population of the Cayman Islands and not just the Portfolio for Tourism, Aviation and Trade.

We need too, Sir, to endeavour to improve and increase our tourist attractions in Cayman and one project that I have in mind, that is being studied at the present time, is to develop a roadside park, an underwater park in the East End of the Island, in an effort to preserve our marine heritage. I believe that this, if followed through - and it will cost money; I am not saying it will be done this year, but the study is underway - and if it proves that we can find the funds to do this development, I believe it will be a step in the right direction.

Mr. President, I now come to Civil Aviation.

MR. PRESIDENT: Would it be a convenient moment to take our break before you turn to a new subject?

HON. W. NORMAN BODDEN: Yes Sir.

MR. PRESIDENT: I will suspend proceedings for approximately fifteen minutes.

AT 3:26 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:46 P.M.

MR. PRESIDENT: Please be seated. The continuation of the Debate on the Throne Speech. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, when we took the afternoon break, I was getting started on the subject of Civil Aviation.

Generally speaking our Civil Aviation department continues in its usual efficient manner and is geared to cope with handling the increase in projected air traffic at Owen Roberts Airport and Gerrard Smith in Cayman Brac. All ground support services, air traffic control, our Fire Department, Immigration Department, Customs, our taxis and tour services have so far performed tremendously well and deserve commendation for their dedication and high quality of service rendered to the travelling public. Often overlooked and often criticised, this hard working group of Civil Servants and individuals of the public sector are, in the majority, good ambassadors to the many visitors they receive and serve.

As has been mentioned, the long awaited Fire Station for George Town and the sub-station for West Bay will finally become a reality this year. Both of these are overdue and will provide the facilities needed for another hard working and dedicated group of young Caymanians in our Fire Department to continue to provide an even more efficient service to our country.

Now, Mr. President, I come to the national airline, Cayman Airways - the perennial, political football. I dare say that if the day were ever to come when Cayman Airways was taken over by private enterprise, the deliberations in this House could become rather dull.

I am genuinely concerned that due to the comments made by some Members and the line of questioning during this meeting the listening public could easily gain the wrong impression of the national airline. I must say that I find the picture being painted grossly unfair, politically biased and potentially dangerous. It can cause irreparable damage to the credibility of the airline in the eyes of the travelling public - especially at a critical time in this development when it needs all the support that it can get.

Regardless of where we stand and how we view Cayman Airways, if politics are allowed to destroy it then it will not be around to employ neither Caymanian nor expatriate. The airline is still financially weak. It still needs Government's financial support to survive.

Mr. President, no one is claiming perfection. It never was, it is not now, and probably will not be in the future, but the fact remains that great strides have been made over the past couple of years in the areas of organisation and administration. Financial statements are presented to this Honourable House on a timely basis. The external auditors have written letters complimenting the staff of Cayman Airways and have been pleased with the progress which has been made in the area of accounting. All efforts are continuing to stabilise the company. Negotiations on the Miami-Cayman route moratorium were most successful.

I would like to record my appreciation and thanks to the Department of Transport in the United Kingdom, to our Legal Counsel in Washington D.C. and the Chairman of Cayman Airways, who, along with myself, spent many long hours in preparing and presenting our case both to Washington and London. By giving up three months on the moratorium, the airline received route-rights to three new points in the United States of America. These will be selected shortly and services inaugurated in the course of this year, thereby allowing the airline to grow and expand and to provide more opportunities for Caymanians.

As is well known the airline has been operating to Miami since 1972 and to Houston, Texas, since 1978 and it had no other chance to gain any new route-rights to the United States - a country that provided 84 per cent of our tourists.

It was obvious Mr. President, that the moratorium would expire and not be renewed. We had already received one extension. It was obvious that competition from Eastern and other U.S. carriers would eventually have come in any event. So I feel Mr. President, that without blowing our own horn, that was a tremendous bargain.

A Shorts 3-30, 30 passenger aircraft has recently been put into operation on the inter-Island service, which in my view is the most suitable aircraft since the DC-3 was removed.

I would like, Mr. President, to explain the situation regarding air fares which was mentioned by the Second Elected Member for George Town. Back in December, Eastern Airlines announced that they would be introducing, for 30 days, an introductory fare of \$98, which in our view would have taken existing traffic from the airlines currently operating, rather than to generate new business. Government did not approve this fare because they were below cost fares on which even Eastern Airlines would have lost money, and it was only for a specific period of time - 30 days only.

At Cayman Airways every effort is made to give the travelling public the benefit of attractively priced air fares. There are about 10 different fares between here and Miami, but a matter of economics always come into play and I can safely say that this matter will be kept under constant review by the airline.

The localisation of flight crew and in other departments of Cayman Airways is important to me as well as to the Board of Directors and to all Caymanians. It is the Company's policy to accomplish this as and when suitable Caymanians become available. It is mischievous for the crew, or anyone else to attempt to make the public believe otherwise. This is our goal. This is our intention and this is the way it should be.

I should also like to reply to the point made by the Second Elected Member for George Town regarding the airline's seniority list and a mention of a promise made to some expatriate senior flight crew members who hold Caymanian status, which would enable them to remain on the Company's seniority list. He has

asked for confirmation from me, and I wish to state here publicly that it is well known that the Executive Council holds no authority to grant status to anyone. At no time has any Cayman Airways crew member been promised status by this Government so that they could remain on the airline's seniority list. This is far from the truth. It has never taken place.

The fact that there are two long serving non-Caymanians on the Company's seniority list will not prevent Caymanians from moving up and filling their rightful place with the airline. In recent years we have had Captain Swayby, Captain Kel Thompson, Captain Rex Miller who have all qualified as Captains and are flying now in the left-hand seat doing a good job for the Company. They were not held back. No attempt whatsoever is made to keep Caymanians from the opportunities available to them. But the airline as all other airlines and our Civil Aviation Department, have certain standards which must be met and complied with. It must be noted that we already have in place 18 Caymanian flight crew members holding their positions and contributing to the airline. I attribute, Sir, the airline's good reputation and impeccable safety record to the expertise and professionalism of the Cayman Airways's flight crew.

I would like to explain two points that were raised by the Member from North Side. One was regarding simulator training in Dallas by Braniff. My information is that Braniff's simulator was selected because it is identical to Cayman Airways' 727 and that the cost of training is considered to be competitive.

Regarding the application of double standards which was raised, this is denied. I would like to explain that the report which I have received is that the two Flight Engineers referred to were fully qualified. They met all requirements and it was just that through an administrative oversight the paperwork had not been filed with the FAA as was required. This is the report that I have received on this query which was raised by the Member from North Side.

Mr. President, in closing my comments on Cayman Airways, I would like to reiterate that no attempt is being made to conceal any necessary information on the airline's operation. I recognise that Members must have information, especially when they are asked to support requests for financial assistance. The financial statements and operating reports are tabled on a timely basis and should help Members in this regard. In addition, Mr. President, I would like to say that I am prepared to hold a quarterly meeting to which all members of this Honourable House will be invited, so that they can be properly briefed on developments in the airline. I must repeat, however, that there is certain information on the airline which is sensitive and can be confidential in nature. Government, as the sole shareholder, appoints the Chairman and Board of Directors. A Managing Director is employed by the Company and together they are responsible for the management of the it. As the Member, I am responsible for policy. This is the way I see it and this is the accepted business practice as well as the practice of this House and the House of Commons. Mr. President, with due respect, the business of the airline, the day-to-day management of the Company cannot be dictated by the crew, nor by politicians regardless of their good intentions.

Before signing off on Cayman Airways, I would like to point out that the moratorium that I mentioned a while ago was only placed on Miami to Cayman and not the U.S. generally. Under Bermuda, too, any airlines have always had the rights to provide services from any U.S. point to the Cayman Islands. The moratorium only covered the Miami-Cayman sector for a period of four years.

Mr. President, I now turn to Labour Legislation. As is well known, it is at the present time in Select Committee. I believe that this form of legislation must be carefully examined and tailored to meet the needs of this country. I will express here publicly that it is my view that legislation is necessary but it must serve to protect both employer as well as employee. During the two years that I have held this present Portfolio, I have seen both sides of the coin. I have seen employers who have tried to dump faithful and long serving employees with little or no pay and little or no notice - cases in which I considered that they were treating their staff unfairly. Many times I was reminded that there was no legislation which dictated what they were supposed to or not to do. I had to point out what the custom has been in this country regarding severance pay and other employee conditions.

I have also seen, Mr. President, employees who did very poor jobs for employers. Some were employed for only a very short time - a matter of six or seven months - and they came into the office demanding severance pay, demanding vacation pay, demanding sick leave and all sorts of things they were not entitled to. So Mr. President, there are always two sides. It is my hope that with the type of legislation which will eventually be brought to this House, it will enable other problems to be resolved in a more professional, legal and perhaps businesslike manner.

I would also mention the appointment of a Director of Trade and Labour. I would hope that this individual, when appointed, would strengthen the Department of Labour and assist us greatly in continuing our efforts to maintain a proper working relationship and harmony in our country.

I would like, Mr. President, at this time, to briefly mention the Public Works Department. I think we are fortunate to have the expertise and talent that we have today in that Department. I know many times they are easy prey for criticism, but the quality of the road construction which we have completed and those which are in progress, only need to be examined to verify that we have professionals in that department.

I would also like to mention that I, too, look forward to the completion of the Airport Terminal at the Gerrard Smith Airport in Cayman Brac and I want to assure the Honourable Third Elected Member of Executive Council that he has my full support in endeavouring to push this forward to completion. Additionally, Mr. President, I support any form of incentive, any form of programme that will help to boost Cayman Brac's economy, for we are one country, one people and must have one aim.

The First Elected Member for Cayman Brac mentioned the Cayman Airways' schedule and jet service. It is true that the introduction of the Shorts aircraft will provide numerous possibilities in improvement of service to Cayman Brac and Little Cayman. Many more connections are available. Much more flexibility exists. We are willing to sit down and work out the best methods that we can to provide a service that suits our needs and requirements. This has always been the goal for Cayman Airways - to endeavour to improve that service.

I would also at this time, Mr. President, the proposal for the development of the North Sound which the Honourable Third Elected Member of Council mentioned in his contribution to the Throne Speech. I have no doubt, that this is a project that could be beneficial and helpful to our entire country. It appears to me to be from what little I have seen under proposal, a very costly project. It is something that is long term and I would like to read one small section here which must continuously be borne in mind and I am happy to see that those who have prepared this proposal recognise this. It is that the protection of the ecology of the North Sound is of paramount importance to the Island. This must always be borne in mind. I see the North Sound, too, as what can be considered the last frontier for these Islands and any support that I am able to give, in my humble way, to this proposal, would be subject to what has already been acknowledged - a further ecological study and further engineering investigations. It is a project that has to be looked at very carefully.

Mr. President, in closing I would just like to say that I, like others, understand that politicians must naturally deal in politics. But believe me, unless a line is drawn as to where politics end and the interest of one's country begins, politics, the spreading of propaganda and incorrect information in order to make the next man look bad, will eventually wreck this land of ours; and we should ponder these thoughts.

In conclusion, Mr. President, I would like to wish you, as the President of our Legislature, and as the Governor of our Islands, and your family, all the best in the future. Your valuable contribution to our community has been appreciated, your visitation of the elderly and involvement in fund raising programmes and events for charity have all been welcome and highly appreciated by the entire population of our Islands. I realise that we will eventually have another opportunity to bid you farewell, but life, many times, can bring us different situations. I, therefore, would like to take this opportunity to say the words that I have said to you for you and your good wife at this time.

Mr. President, I thank you and all other Members for their attention.

MR. PRESIDENT:

Would any other Member wish to speak? If no Member rises or catches my eye, I shall call upon the mover of the Motion.

HON. BENSON D. EBANKS:

Mr. President, you may have noticed, Sir, that the proceedings in the reply to the Speech from the Throne has been somewhat different from the past. I would have thought that a speech, such as was just delivered by the Second Elected Member from George Town, would have prompted a response from the other side. But it seems as though it is going to take another similar dose of positive contribution to get some Members out of their seats.

Mr. President, I would not claim to be in a position to deliver as concise and comprehensive a speech as the last speaker, but I believe that I can hold the floor until 4.30pm and come back tomorrow morning and use the balance of the day.

I too, like Members who preceded me, Mr. President, would like to thank you in your capacity as Governor for your most gracious Throne Speech delivered on Friday, the 6th of February, 1987. Before I get into the substance of my contribution, Mr. President, I wish to join other Members who have welcomed to this Chamber for the first time, our new Attorney General and our Clerk. I hope that their respective stays in this small family be enjoyable and rewarding.

Mr. President, I will, of course, in my contribution contain myself primarily to those subjects that fall within my Portfolio, but I trust you will also give me the same latitude which other Members enjoyed if I drift into other areas.

MR. PRESIDENT:

It depends on how far you drift.

HON. BENSON D. EBANKS:

I will not get on the reef Mr. President.

Mr. President, the Economic Development Plan put forward by Government has come in for varying forms of treatment. My view is that such a plan is long overdue and as long as it is accepted in the spirit in which it is presented, it can do nothing but good.

For the first time in many years, Government is attempting to show where it would like to be in five, six or seven years down the road. While many of the programmes are projects that can only be successfully tackled by Government, it will also serve as a guide to the private sector showing where Government wishes to go. Hopefully it will induce private investment to take over some of the services that can rightly and profitably be taken over by the private sector, thereby alleviating Government from the capital expenditure involved.

We must be flexible enough to accommodate such changes to the Plan. We must look at Government or at the Islands as a whole and understand the inter-relationship between the various sectors within Government and within the private sector. If the private sector comes along and chooses to embark on some of the projects which Government has earmarked as being necessary for development, then I am sure, Mr. President, that this Government would be only too happy to encourage the private sector to take those projects, wish them well and see that they are implemented in the best interests of the country as a whole. Only in this way Mr. President, can public and private investment capital be employed to the benefit of the entire country.

To say that to develop or produce an Economic Development Plan is socialistic or communistic, is utter nonsense. There is nothing in the Plan, Mr. President, that makes, or seeks to make the private citizen a slave to the country's economy. That is basically the theory behind communism or socialism. That is ownership and operation by Government and the compulsion of all incentive directed towards the national goal or the national economy rather than stimulating the private economy.

Mr. President, as a constituent said to me on the telephone the other night, anyone in this country who does not want to see progress today, will have to fall over it because he cannot move without seeing it in every corner and in every direction. So no one can successfully label this Government as being socialistic or communistic in its approach. For example, mention has been made of the Health Plan which it is hoped will be completed this

year. I am hoping it will be completed, Mr. President. Within that Plan, what we are really saying is where we would like to be in health services for our people by the year 2000. I have already been approached by people in the private sector who would wish to provide private clinics, catering mainly, Mr. President, to the non-residents. I certainly welcome those approaches. I will study each one as it is presented and certainly each decision will be made on the merits or demerits of the proposal. For example, Mr. President, I am dealing with one project at the moment where the proprietors propose putting into that facility one machine alone that would cost approximately \$1.7 million U.S. dollars. That is one piece of medical diagnostic equipment. If that were to come about, Mr. President, it would certainly relieve Government of ever having to think about such a large investment in medical diagnostic equipment, but it would certainly also be a blessing to this community. In fact, I am reliably informed that there are only about four of those machines in use in the entire United States.

Now, Mr. President, I will some idea of the quality, magnitude and resources behind the people Government is dealing with today. Having said that one piece of equipment would be in the region of US\$1.7 million, the gentleman in the team providing the finance had one worry about overall facility. That was whether the scale of investment would be large enough to attract his company to invest in it. That I can believe because I know the name of the company well whom the person represents. It is perhaps the largest construction and development company in the world and they build projects in the hundreds of millions of dollars. So I hope that in order to attract this facility it can be built into a magnitude that it would be big enough to invest that type of money and expertise in its construction and equipment.

Mr. President, our health plan will be sufficiently flexible for us to accommodate and welcome what might be regarded in other countries as competition of that magnitude. We are not interested in building monuments to ourselves. What we are interested in is delivering first class service to our people. There are certain areas of our Health Services where it will be impossible to expect the private sector to undertake unless we are to retrogress from the position that we now enjoy. For example, you mentioned in your Speech, Mr. President, that we hope by the year 2000 to reach 100 per cent immunisation for our young population rising from the present 90 per cent. That is something that Government would never expect the private sector to undertake. Neither would we expect the private sector to undertake the hospitalisation care of our indigent and elderly. Nor would we expect the private sector to undertake the medical treatment that we now give to all children of school age.

Mr. President, it would be difficult to imagine the private sector delivering to our expectant mothers and their new born children the type of service which we now give to them, all, or basically all free of charge, Mr. President. This is reflected in the low mortality rate which we enjoy in the Cayman Islands among new born babies. Our statistics in this regard, Mr. President, are the envy of many developed countries. We also provide free birth control advice and services, free genetic counselling and so on. This is a service that Government will have to continue to provide, and in my humble opinion, we will have to continue our district clinics which are intended to be upgraded. The services presently rendered by these clinics are becoming increasingly acceptable to the districts. For example, Mr. President, in the West Bay district almost as much work is done in that clinic, certainly for that district, as is done in the Out-Patients Department at the Hospital. Here, again, Mr. President, I do not see us delivering hospital intensive care to our indigent and elderly, as I said before, without continuance of a Government Hospital, but certainly ...

MR. PRESIDENT:

I am afraid I am going to have to interrupt the Member. It is just after 4:30 p.m. and since he told us earlier that he hoped to occupy the whole of tomorrow speaking, I do not suppose the House will particularly wish to suspend Standing Orders in order to allow him to complete his speech today. Nor indeed perhaps is that his wish. So I will invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2), I move the adjournment of this Honourable House until ten o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until ten o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. TUESDAY, 17TH FEBRUARY, 1987

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY
TUESDAY
17TH FEBRUARY, 1987
(SEVENTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JT	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 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

O R D E R P A P E R

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

TUESDAY, 17TH FEBRUARY, 1987
(SEVENTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE THIRD OFFICIAL MEMBER.

2. PERSONAL EXPLANATION

PERSONAL EXPLANATION BY THE HONOURABLE THIRD ELECTED MEMBER
(STANDING ORDER 31).

3. GOVERNMENT BUSINESS

1. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH.

2. BILLS:-

FIRST AND SECOND READINGS

- (1) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (2) THE ELECTIONS (AMENDMENT) BILL, 1987
- (3) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (4) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS
BILL, 1987
- (5) THE TRAVEL TAX (AMENDMENT) BILL, 1987

COMMITTEE STAGE

- (6) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (7) THE ELECTIONS (AMENDMENT) BILL, 1987
- (8) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (9) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS
BILL, 1987
- (10) THE TRAVEL TAX (AMENDMENT) BILL, 1987

REPORTS THEREON

- (11) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (12) THE ELECTIONS (AMENDMENT) BILL, 1987
- (13) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (14) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS
BILL, 1987
- (15) THE TRAVEL TAX (AMENDMENT) BILL, 1987

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

- (1) PRIVATE MEMBER'S MOTION NO. 2/87
ORDER OF NATIONAL HEROES
- (2) PRIVATE MEMBER'S MOTION NO. 3/87
HOUSE NUMBERING
- (3) PRIVATE MEMBER'S MOTION NO. 4/87
AMENDMENT TO THE FIREARMS LAW (REVISED)
- (4) PRIVATE MEMBER'S MOTION NO. 5/87
A MOTION REQUESTING THIS HONOURABLE LEGISLATIVE
ASSEMBLY TO PETITION HER MOST GRACIOUS MAJESTY TO
CHANGE THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972
WITH RESPECT TO QUALIFICATIONS OF MEMBERS OF THE
LEGISLATIVE ASSEMBLY AND ELECTORS.

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TUESDAY

17TH FEBRUARY, 1987

10:07 A.M.

MR. PRESIDENT:

Member of Executive Council.

Prayers.

The Honourable Third Official

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 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, who 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:

Honourable Third Elected Member.

Personal explanation, the

PERSONAL EXPLANATION

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, in accordance with provisions of Standing Order No.31, I would like to make a personal explanation to correct a serious slip of the tongue I made when debating the Throne Speech. I was speaking about the drug problem in our Islands, I said "that we need to have more compassion for those who profit from drugs". Mr. President, what I intended to say was that we need to show more compassion for the addicts and their families and to bring the dealers and pushers to justice. Thank you, Sir.

MR. PRESIDENT:

Continuation of Debate on the Throne Speech, the First Elected Member of Executive Council.

Thank you. Item 3(1),

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE
THRONE SPEECH

HON. BENSON O. EBANKS:

Mr. President, yesterday I said that the preparation of the Five-Year Economic Development Plan by Government was necessary and made good sense and that it was long overdue. I said that it should be seen for what it is - a plan, and it should be accepted as an attempt by Government to show where it wishes to be in the provision of services for the people of the Islands for next five years. It should be regarded, Mr. President, as a programme linked to defined national commitments to which sufficient allocation of resources have been directed to make the greatest impact on the quality of life for all who live and visit these Islands. It must be recognised that the Plan will be sufficiently flexible to permit adjustments at different stages to take account of changes that are bound to occur. I mention the fact that the Plan would serve to focus the attention of the private sector on national objectives and goals as well as there would be areas within the Plan where, in my opinion, the private sector would step in and provide some of the services.

As an example of this Mr. President, if I am permitted, I would call the attention of the House to the fact that in the field of education this is already taking place. I know of plans by at least one of the private schools in the Island to establish a Middle School of sufficiently high standard to lead me to believe that some of the pressure will be taken off the Cayman Islands Government's Middle School to the extent where it will need us to rethink as to whether we will need to build our Middle School as quickly as envisaged when the Plan was drafted. I believe, Mr. President, that the same will be true for the High School, and I further believe that this will be a catalyst for the other private schools in the Island to follow suit and hopefully, relieve Government of most, if not all, of the financial burden envisaged in this area. Once these schools are of a sufficiently high standard, Government will welcome such a development.

Yesterday evening Mr. President, I also gave an example of what was happening in the field of health care. I pointed out that I was now in discussion with private investors who were interested in establishing a private clinic in the Islands which would provide first rate services, principally to patients brought in from overseas, but naturally, any such permission given to establish a private clinic would embody provisions for use by residents under recommendation of Medical Practitioners in the Government services or those already in private practice locally. To illustrate the high quality of the clinic envisaged, I mentioned that the plans entail one piece of diagnostic equipment that would cost in the region of \$1.7 million dollars. I mentioned, Mr. President, that such equipment would enhance the services available on the Islands.

I would like to add one further point, Mr. President, and that is, that the development of new technology in computers and other means of transmission can make available medical services locally by feeding into units in the metropolitan centres that would not have been thought of a few years ago. Government must, therefore, maintain a close watch over the fulfillment of the policies they have formulated to take account of developments and changes as they go by.

To summarize, Mr. President, the Economic Development Plan must be recognised as a programme of our economic and social developments as a harmonious process in order to achieve specific priority objectives. There is nothing socialistic or communistic about such a Plan and those who take that view, Mr. President, are short sighted and whistling in the wind. But enough on that subject Mr. President, I am sure that if need be, the Honourable Financial Secretary, under whose Portfolio this subject falls, will deal with it if further explanation is necessary.

It was mentioned in the Throne Speech, Mr. President, the fact that the National Health Plan is due for completion this year. On this subject, permit me to say, that the various section Heads have written their respective sections of the Plan. At this point, a final decision has to be made by my Portfolio on certain specific matters which will impact substantially on the overall Plan. Foremost among these Mr. President, is a final decision as to whether the Hospital will be placed under a Board as a statutory corporation which, it is my conviction, should be done. I believe that such a corporation run by a Board comprised of hard-nosed businessmen can and will deliver the best possible health care to our people. And, coupled with the foregoing, is the decision whether comprehensive medical care insurance scheme should be introduced. I am satisfied that this will also ensure maximum care to our people.

Once these decisions are made, the Plan can be finalised and will be published.

Mental Health and Drug and Alcohol abuse - Mr. President, often the Press comes in for a lot of stick and I myself have done so from time to time, but I believe that on those rare occasions when they deserve a bouquet, it should be thrown their way and in this case, Mr. President, I think they deserve one. When I assumed responsibility for the Portfolio, I found established a Committee which was styled, if I am not mistaken, "The Drug and Alcohol Abuse Committee". It had been working for a while and certain plans had been discussed. Shortly thereafter, in reply to a question in this House, I think it was, I mentioned that it was planned to establish a Drug Rehabilitation Centre or in other words, a Detoxification facility. The Caymanian Compass shortly thereafter carried an editorial advising caution in this approach and mentioned, inter alia, something about persons and entities building monuments to themselves. To say that I was not a bit disturbed at the headline or the contents of the editorial, when I first saw it, would be an untruth, but it caused me to think and to look at what was planned a little more closely.

This scrutiny by myself, the Portfolio and the Medical Department led us to conclude that very little, if any, technical input had been given to the programme so far. And, as a result, we have rethought and revamped our proposed services.

In the area of Mental Health, Mr. President, at the moment we have the services of two part-time Psychiatrists and one part time Psychiatric Social Worker. The Drug Abuse Programme is presently coordinated by the Medical Officer of Health and we rely heavily on the services of Narcotics Anonymous, Alcoholics Anonymous and voluntary counsellors. Members will know, that in the 1987 Budget, we have provided for a full time Psychiatrist and a Psychiatric Social Worker or a Psychologist who will be the coordinator of a Drugs and Alcohol Abuse Programme, as it has been determined that most of the persons affected need outpatient counselling rather than inpatient care, or indeed, detoxification. In those instances where residential treatment is needed, we have established that we can send those persons to a Detoxification Centre in Florida for approximately \$5,000 U.S. dollars each, for the required 30 day period, then bring the person back for professional counselling, a much cheaper proposition in the short term, for treating a substance abuse patient.

I thank the Caymanian Compass for their timely editorial which caused us to rethink our position. If and when it becomes necessary, to build a Detoxification Centre, we will have the experience of a number of years of actual involvement in the problem behind us and we will therefore know more precisely how many patients we must cater for. In the meantime Mr. President, we have promise of assistance from Dr. Parker, Physician in Charge of Psychiatry, Department of Substance Abuse, Henry Ford Hospital, Detroit, Michigan. She comes obviously eminently qualified, widely experienced and a lady whom we can rely on with confidence to guide us in this area. She has offered to help us set up our programme and assist in the recruitment of Substance Abuse Counsellor.

Mr. President, I might say that the appointment of staff for this programme is one of the most crucial decisions and one of the most important elements in the entire programme. The Medical Director of the Additional Treatment Programme at the South Miami Hospital has also agreed to provide all the assistance possible in the development of our programme. So Mr. President, with the appointment of the staff provided in our 1987 Budget, our Programme will really be off and running providing the much needed help for our people hooked on narcotic drugs and alcohol.

This year has been designated by the World Health Organization as a year of immunization and it is our Government's intention to increase our present 90 per cent coverage for immunization to 100 per cent. The Mobile Dental Unit donated by the Rotary Club of Grand Cayman, for which we thank them sincerely, will be placed in service to improve the delivery of dental health care at the community level and to schools. This Unit will be manned by Dental Auxiliaries, under the supervision of the Government Dental Officers. It is hoped that this programme will eventually make it possible for all school children in Grand Cayman to become dentally fit in their future and eventually lead to a more dentally fit adult population.

It has become increasingly

clear that the present physical facilities at the George Town Hospital are inadequate for our present future needs. The ad hoc additions which have taken place over the past 10 years have not satisfied our requirements. The Member for North Side has described the present facility as a complete maze, and here, I agree with him. He is correct. He also said that we do not need a consultant to tell us what we need. Here, Mr. President, I disagree with him and those outside and maybe even inside this Chamber, who agree with him. He also mentioned the 1973 Development Plan for the Hospital, and for your benefit, Mr. President, and that of Members, I would like to show that, had that Plan been followed rather than I have been made to understand, committed to the archives in the Government Administration Building, we could have had a good facility on the present premises today, with room for future expansion. But instead of following this Plan, we had a Revised Plan done locally in 1983, and this Plan shows what we have up there today, not this one, the local Plan, with a kitchen out South Sound, the Pediatric Unit out in a grass-piece and, God only knows where the rest of the facilities are situated.

It is my opinion, Mr.

President, that we have two options before us, one is total redevelopment on the existing site and the other the development of a new Hospital on a new site. I prefer the latter, but the money spent on a proper consultancy would be money well spent, provided that the Plan, when it is prepared, is not again taken and put in the basement to harbour cockroaches.

MR. D. EZZARD MILLER:

A Consultancy to design the facility not to tell you whether you need it, because we all know we need it.

HON. BENSON O. EBANKS:

Shut Up!

MR. D. EZZARD MILLER:

that.

You can holler louder than

HON. BENSON O. EBANKS:

Mr. President, I do not know whether the Member was there when it was redesigned or not, but I am making the point, you do not go to a Proctologist to clean your teeth. The planning of a Hospital facility, if the Member will listen, is a specialized field which must take into account many variables. I, nor anyone else in the Island, that I know of, is competent to do that study and make recommendations that I certainly would be comfortable with to spend scarce Government resources on. The problem is that modernization and expansion of Hospital facilities are subjects often answered by expediency, but because the total problem is seldom envisaged initially, the many factors inherent in such a study, for example present population, anticipated population growth, anticipated tourism growth, environmental criteria, financial capability and so on, all combine to provide a basis of study determination.

In the area of training -

continued emphasis is planned both from our own resources and outside agencies such as Pan American Health Organization, which Mr. President, has been generous to us in our training programmes. To name a few, a Workshop on Family Life Education will be conducted for selected nurses and selected teachers who will be involved in the teaching of Family Life education. This is a timely course, particularly with the advent of AIDS worldwide. An observation visit by the Genetics Disease Programme Coordinator to Malenan Centre in Miami for Child Development, has been arranged by PAHO. An agreement has been reached for Medical Consultants from Baptist Hospital in Miami to visit the Islands periodically to provide services on various topics, at no cost to Government. The Supervisor of our Laboratory will be sent to the University Hospital of the West Indies in Jamaica for two weeks to upgrade skills in Blood Bank Management. There are many other courses for doctors and nurses to be undertaken during this year, which are too numerous for me to mention here, Mr. President, unless I carried out my threat to speak all day.

Perhaps, Mr. President, this is

a good place to mention that because of the increased incidence of AIDS worldwide, we are in the process of making arrangements to increase our blood bank facilities locally, and, in order that none of this blood is wasted and to ensure that we have a ready supply of tested blood at all times, we are negotiating simultaneously with a reputable Blood Bank in Miami, recommended to us by a Caymanian doctor working in the area, to open an account with them whereby we can send excess blood to that Blood Bank and draw from their supplies as and

when we need them.

In addition to what has been mentioned in the Throne Speech on the subject of Education Mr. President, I might add that the degree course for teachers started in September, 1985 under the auspices of the University of Miami for some 34 Teachers, which includes 17 Caymanians, will be continued, and the participants will graduate in April, 1988 with a B.Sc in Elementary Education with a Major in Special Education. This course consists of weekend courses taught in Cayman by a Professor from the University and seven weeks courses during the summer at the University in Miami. The teachers are bearing most of these expenses for themselves. In the case of the Caymanian teachers, the cost is \$5,830, in the case of non-Caymanian teachers, the cost is \$7,282.56 and the total cost to Government, that is, unrecoverable cost to Government, is \$31,075. This covers mostly the function of distance teaching costs.

There has been a counsellor in place at the Cayman Islands High School since September, 1986. There will be a Careers Counsellor cum Education Social worker in place at the Cayman Islands Middle School starting from September, 1987 and an Education Social worker will be recruited to replace the School's Liaison Officer, from September, 1987 in the Primary system. These appointments, together with the Education Psychologist mentioned in the Throne Speech, and the Coordinator of Special Education across the system and already in post, will provide a strengthened and enhanced counselling service in education.

Those who have read the Development Plan, Mr. President, will also see that money is in that Plan this year, to purchase land for a new Junior School in George Town. The Primary School in George Town has a present enrollment of something like 475 children which is in excess of the capacity for which it was built. Therefore, it is Government's intention to build a Junior School in George Town covering ages 4 through 6 next year which would remove about half of the children from the George Town Primary School. From available statistics, it would appear that the two schools will take us well beyond the year 2000 in supplying the needs of George Town Primary School and Junior School. I should also say that negotiations are presently under way for that land and again I refer to the required flexibility of the Plan because it appears, Mr. President, that we can get the land for the Junior School and accommodation for the Community College short term all on the same compound and for a minimum of additional expenditure.

Of course, being a prudent businessman, we already know what we will do with the premises when the Community College moves on to its permanent site in four or five years. Which again, Mr. President, is the only client in Government which I see can rescue the \$1 million plus dollars that was put in the White Elephant of a kitchen at the Hospital and we intend to rescue that as the training centre of the Community College in its area of Hotel Training. If the new Hospital is built, it has been determined that existing buildings will be adequate to house the Community College permanently.

In addition to what was said in the Throne Speech about the Community College, Mr. President, permit me to add that the Community College is doing a great deal to equip young Caymanians with skills and knowledge to take an active part in the developing economy of this country. In September, 1986 the College enrolled 122 students in full time courses, offering training for work in hotels and restaurants, in technical trades, in business and in the Government Services. This figure represents an increase of over 70 per cent on the 1985 full time enrollment of 71 and more than double the 1984 enrollment of 48. What a dramatic change, Mr. President. No more two week shaft courses and fancy uniforms just to impress the electorate. We are down to serious business.

Of the 122 full time students currently registered for the three upper swing studies for the hospitality trades, 8 auto mechanics, 14 electrical installation and 17 building trades and it should be noted, Mr. President, all but 6 of these students are Caymanians. We are quite pleased, with the acceptance of the product of the College, by the hotel industry, and commercial enterprises and the moral and material support which the College receives from these entities is gratifying. We call upon the entire business community to continue to support the work of the College in the exciting days ahead. With improved accommodation, strengthening of its staff and organizational structure, the College will make a major impact on the lives of young people in this country and contribute substantially to the process of social and economic

development.

It is planned to offer higher level courses in Accounting, Banking, Hotel Operations and Secretarial Services, to equip Caymanians for lower and middle level management or professional positions, or to enable them to go on to further and higher study. We will give the College the tools, Mr. President, and it will be up to the community and the students to make the fullest use of the opportunities provided and for the staff to guide them to success.

While increasing its numbers, Mr. President, the College does not and will not compromise or sacrifice quality for quantity, in fact, much of the College's work will continue for some time yet to be based on the courses and examinations of reputable overseas institutions and professional bodies, such as the Educational Institute of the American Hotel and Motel Association and the London Chamber of Commerce and Industry. I might add, Mr. President, that at the recent meeting which I attended in Jamaica, it appears very possible that an affiliation for recognition of our courses can be made with the College of Arts Science and Technology and the University of the West Indies.

The role of the College in the continuing education of adults must not go unnoticed. In response to public demand, the College offers a wide range of evening classes in practical, recreational and academic subjects. A few examples of these evening courses are, English Language, Introduction to Computers, Computers and the Small Business, Accounts for Beginners, Plumbing, Refrigeration, Economics, Photography and even Aerobics for ladies, Mr. President. The evening courses allow the College the flexibility to tailor its offerings to meet the needs of individuals for personal development and fulfillment. This is important because the development of a country depends upon the development of its citizens, not on vain promises and fault finding. Well over 400 students are enrolled in evening classes at the College with a total of over 650 registrations since some students register for more than one class.

Another important role of the College is the special courses it organizes and offers at the request of particular businesses or Government agencies for their workers. The College plans to step up this community service when its facilities are improved, either through its own or local resources, or through contractual arrangements with overseas staff and institutions. As I said, Mr. President, it is hoped that in a month or two, the Community College will be on its own compound which will be adequate to its needs for the next four or five years.

1987 holds much promise and challenge for the Department of Social Services, Mr. President. New services in place are, (1) The Home Health Aid Programme. This programme will ensure that individuals who possesses either Red Cross, Home Nursing training or Practical Nurse training can be hired to provide home care services to elderly and handicapped persons in the various districts. (2), In East End a small Government owned house has been renovated and will be officially opened on March 7th as a home for elderly residents. Presently there are two old ladies at the Home with plans for about three more to bring the Home to full occupancy. There are additional plans to cater just to persons who will go there daily, carry their knitting or crochet, sit and chat while they would otherwise be at home suffering from loneliness and despondency. This little Home, Mr. President, is really a pilot project as we explore the best possible ways to provide residential care to the elderly and handicapped persons in our community as close to home as possible and always within the district in which they are resident, wherever this is possible. (3) There have been group work programmes started with two young groups, one for boys, one for girls and these groups will focus on young people, not necessarily those already in some sort of problem with the Law. The two groups in progress since early January have seen the growth in attendance and enthusiasm by the young people attending. It should be noted that the group for girls is funded, by the Lions Club and speaks again to the actual and noticeable cooperation between Government and the Service Clubs. There are also plans to reactivate a group for teenage mothers which was in action for a short while in conjunction with a local Church.

There is a post, as Members know, for a professional Boy Scouts Trainer. It is hoped that his recruitment will revive the Boy Scouts movement in the Cayman Islands, a movement that teaches skills for life, health, wholesome habits and

recreational activities.

Mr. President, I understand from some previous speakers this Department came in for some heavy stick. But it is easy to chat when you do not know what you are chatting about and it is even more despicable when the person who criticizes should know better. The staff in that department Mr. President, is under a heavy strain. I personally called one of the workers who I know visits the West Bay district, and asked her if she would make a call on two individuals on her next visit to West Bay. I was informed, Mr. President, that she would be going to my district within the next two days, but that she already had 14 calls confirmed for that day and she did not know whether she would be able to work those in, but if not, she would visit them as soon as her schedule of work permitted.

Probably, Mr. President, the 14 calls which she was going to make that day was going to add at least 10 new clients to the Department, certainly the two about whom I spoke would require processing, and if approved, would become clients of the Department.

I understand, Mr. President, that the point was made that Social Services Department sends children to Approved Schools in Jamaica. The Member who made that statement, Mr. President, should know better. The Department cannot send anyone to an Approved School, it is the Juvenile Court which does it. He should know better because he sits on the Bench. Mr. President, there have been instances when the Bench has gone against the recommendations of the Department. The Court has the last say, so why come up here and chew his gum over something he knows to be incorrect? I gather that it was also said, Mr. President, that no check is made on the children once they are sent to Jamaica. That is an untruth, the children are checked on at least twice a month by telephone and they are visited occasionally. It would be well for that Member to realize that when he commits those children to an Approved School in Jamaica, he has in fact, turned them over to the Jamaican authorities.

He complained, Mr. President, that the Social Services Department had become too bureaucratic because he was unable to get information which he enquired for. He should know that personal affairs of clients is confidential. How can the Department go and tell him what he wants to know about some youngster? Go and ask the parent, or the youngster, maybe he will get the answer that he deserves.

Mr. President, plans for the Museum are going well. We have a hard working and methodical Board. Soon plans for the rehabilitation of the old Court House or the Lands & Survey building, whatever people remember it by, will be finalized and reconstruction of the temporary home will commence. Work has already started on the preparation of exhibits and we have some excellent ones which depict the true history of the Caymanian people. Of course, Mr. President, it is not intended that that building will be the permanent home of the Museum because those who understand the operation of Museums, would readily understand that a wooden building is not the best place in which to house our artifacts and documents that must be preserved. The small vault that is in there is inadequate. So understandably, Government is committed, in the future, to building a purpose built building for a Museum on the Harquail Cultural Centre land. This will complement the Theatre that is already there and the Heritage Village that is planned for it, so that all our cultural activity and our cultural heritage can be displayed and practised in one central area.

Mr. President, if I could revert to the topic of Education for a while, I would just like to mention that we really do not have a serious truancy problem in terms of numbers, but one child, Mr. President, in our society is too much to lose and we are endeavouring to prevent this from happening. The staff which I enumerated earlier will form the core of our outreach and counselling services. Too often, Mr. President, I visit the school and I ask about the truancy problem, and I am told we really do not have a problem, but as you know, Family A and Family B, have always been a problem. Mr. President, we cannot write a child or his family off at that early age in their lives, hence, the Education Social Worker. We will get those children back into the system, and if it means someone sitting with them at night to see that they do their homework and regain their self respect and confidence, it will be done.

MR. W. McKEEVA BUSH:

Hear! Hear!

HON. BENSON O. EBANKS:

Additional training will be provided for Teachers in the area of Drug Education and the teaching of interpersonal skills. For the first time this year, we will introduce the Quest Programme into the Cayman Islands Middle School.

Now, Mr. President, what I have said up to now, together with what was put forward in the Throne Speech, should provide the answers to those who talked about going faster and faster and faster, spending more and more money and those that said that nothing is being done for the youth of our country. Talk is cheap, Mr. President, and I have heard few suggestions for remedies to our problems from our critics. I submit we have shown that we understand our problems and are tackling them in a conscientious and business like fashion.

I have heard and read a lot recently, Mr. President, about increased crime and a country gone mad with crime. Mr. President, crime has increased, but those who have seen the Police Report will also realize that the detection rate has increased dramatically and that is why it is so much in the forefront. It is indicative of the expertise and capacity of the Force that all of the last five murders at least someone has been brought to book on those murders. Whereas in the past, how many successes have there been? You hear that somebody disappeared and must have fell off the iron shore when he went fishing, or you can not press so and so to give information because he/she has a heart problem. I have not heard that in this instance, Mr. President, I could sit back and relax and know that the job was going to be done.

MR. W. MCKEEVA BUSH:

Why did they get special treatment?

HON. BENSON O. EBANKS:

Mr. President, I will give way to the Member to explain the comment.

MR PRESIDENT:

I do not think the Member has any wish to give an explanation, perhaps it is inexplicable.

MR. W. MCKEEVA BUSH:

I think you ought to explain it, not me. You are talking about those people that are having heart attacks and why they could not be prosecuted. Explain to the House who they are and why they were not prosecuted.

HON. BENSON O. EBANKS:

Well, Mr. President, the Member probably has that information just as I did and if he wanted to mention it, he could have mentioned it along with his other babble. I do not appreciate my speech being interspersed with remarks that do not fit in. What I am saying ...

MR. W. MCKEEVA BUSH:

Only when you do it to people is it satisfactory.

HON. BENSON O. EBANKS:

Mr. President, the other aspect that I would like to call attention to is in the area of Drugs for example. I would challenge this country, or anyone in it, to equip at any time in our history, the successful rehabilitation rate which we have been experiencing in the last year or two with any other time. But you do not hear anything about that, Mr. President. Just Saturday night, Mr. President, I was at a wedding reception and there I saw a young man, whom I knew had a problem. I asked whether he had sought any professional help and I was told, "No". Mr. President, I was able to recommend with confidence, the name of one of his peers who had come out of prison, rehabilitated, attending Drugs Anonymous, Counselling, attending Church and is basically a lay preacher against drugs. The young man of whom I speak, also helped the Police in their "Say No To Drugs" campaign. Before I left that reception I knew that an arrangement had been made for the two of them to meet on Sunday for discussion, and I believe that just that introduction might have saved the life of one other of our citizens.

MR PRESIDENT:

I wonder if this would be a convenient moment to take our customary morning break?

HON. BENSON O. EBANKS:

Yes Sir, I do not have too much more to say, but I would like a drink of water, coffee or something.

MR. PRESIDENT:

In that case, I will suspend proceedings for approximately 15 minutes.

AT 11:12 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:32 A.M.

MR. PRESIDENT:

quorum yet, I do not know whether ... resumed. Debate on the Throne Speech. Executive Council.

Please be seated.

I think perhaps there is not a Very well proceedings are The First Elected Member of

HON. BENSON O. EBANKS:

the question of crime generally, I would like to point out also that the facts should not be lost in considering these statistics that many of the crimes that are listed in that Report are, in fact, crimes that were committed some up to three years previously and have only now been detected because of improved detection techniques, especially in fingerprinting expertise by the Police Force. Mr. President, while on the subject of crime, I saw in the paper somewhere, where, at a public meeting, the statement had been made that the problem was that this Government did not know where it wanted to go and that it was a society gone mad with crime.

statement to make in answer to that criticism and that is, that to the best of my knowledge, no Member of this Government since 1984, has been found misbehaving in public places, so the example is not being set for bad behavior by Government. If the reference, Mr. President, is intended to reflect on the fact that this Government saw fit to remove the mandatory imprisonment sentence within the Misuse of Drugs Law, then, Mr. President, I accept full responsibility. But, it should be realized, Mr. President, that simultaneously with those amendments came the Community Service Order, the introduction of suspended sentences and the use of the power within the Prisons Law for the release of prisoners on parole. I maintain, Mr. President, that that is one of the best things that has ever happened in our society. It has proven its weight in gold because contrary to what people might believe, persons who are released on licence are not just set free, they have conditions to meet, they must attend the Church of their choice, they must be employed, if it is a drug related offence, the conditions can contain requirements that they must subject themselves to frequent urine analysis, they must attend the Narcotics Abuse Counselling meetings and such. And Mr. President I know of many who have benefited from such, shall I say, an easing back into society and in fact, they have been introduced to elements of society for their good, which were unknown to them in the past.

prisoners who, by their actions within the Prison, have demonstrated that they are repentant and that they intend to make good citizens when they return to society. I would just like to add for the records, Mr. President, that when the Misuse of Drugs Law was amended, the maximum penalties were not reduced, all that was done was that the discretion was placed where it should be, in the Courts, so that each case could be judged on its merits or demerits, whatever the case might be. Mr. President, those people who might have believed that this Government was soft on drugs, should remember that simultaneously with the removal of that mandatory sentence, the introduction of urine analysis for the detection of drugs was introduced.

Our standard defence in drug offences in days gone by, Mr. President, was "I didn't have the ganja, the Policeman put it in my pocket". I want to see the Policeman put it in his urine. And, make no mistake about it, Mr. President, this Government is not soft on drugs, but we do not wish to see a monument twice the size of the one we have now at Northward. Our mission is to rehabilitate the unfortunate people who are hooked or addicted to substance abuse.

Mr. President, it is true that we did not get as much money for road development in our district this year as I would have liked to see, but we did not do badly last year and I am confident that with the buoyancy of the economy, we will get more money by supplementary vote during the year to spend on roads, street lighting and such. One thing that can be said, Mr. President, is that we are looking at the problems of roads in the districts and we are tackling the most serious problems, we are not just fixing the roads of those people who, we might suspect, voted for us.

Mr. President, I hope that before you leave I will have the pleasure of inviting you to the

official opening and dedication of the Launching Ramp in West Bay. I think that it is a model and it is going to provide a much needed service for the district, providing we can keep the divers out of it, because it is such an attractive facility, that you have more divers there now than you have around the Lobster Pot. When it is opened, we intend to put up a sign which will indicate the use for which it is intended and make it known that anyone else using it otherwise, is using it at their own risk.

I would like, Mr. President, at this time, to extend a vote of thanks to the staff of Public Works Department for that Ramp. It is true, Mr. President, that mistakes were made, but we all do. What impressed me was that very often they corrected their mistakes by listening to the lay seamen around and the persons who use the ramp. Once the little wall has been extended (if that has not already been done, I have not visited it this week, I am in the second week and have not seen it) they may have already extended it, and we have been hampered by bad weather, Mr. President, we hope to open it with a bit of fanfare because it is the most outstanding project that the community has had in a long time. Simultaneously with the Public Works, Mr. President, I would like to say thanks publicly to those public spirited citizens in West Bay who helped us locate the site and also those persons who made the land available to us at what I consider concessionary rates. I do not, Mr. President, like to expound Sunday work, although most of them might have been Adventists, I do not know, but the Sunday morning, Mr. President, that that site was decided on, there were at least a dozen able bodied men from that district who accompanied ... I believe the Second Elected Member from West Bay was there although he distanced himself from the ramp in his speech.

MR. W. McKEEVA BUSH:
you not tell the truth?

You know I was there. Why will

HON. BENSON D. EBANKS:

They accompanied the Second Elected Member and myself all around the district and we settled on that site. It was a community effort and I would like to say, Mr. President, that I would recommend to the Island that they tried to mobilize the community spirit which has been evident in community development in the West Bay ...

MR. W. McKEEVA BUSH:
point of order, 34(b).

Mr. President, I rise on a

MR. PRESIDENT:

34(b) does not deal with Points of Order, it deals with elucidating matters as long as the First Elected Member is willing to give way, then you may continue, but if he is not willing ...

MR. W. McKEEVA BUSH:
point of order Sir, to catch your attention.

I thought it would have been a

HON. BENSON D. EBANKS:

Mr. President, I am not prepared to give way, if he has some elucidation to do he can do it when speaking again, he has the capacity to bring in everything under any head. So he can get a chance, he can speak four or five times later.

MR. W. McKEEVA BUSH:

Mr. President, I am being misstated here and that is why I asked to raise the point. If the Member knew that it was true what he is saying then he would have given me the chance to correct it.

MR. PRESIDENT:

Order! Order! The Member must not continue. It is not a point of order.

HON. BENSON D. EBANKS:
misquote or mislead the House ...

Mr. President, I do not

MR. W. McKEEVA BUSH:

You are misleading me now.

HON. BENSON D. EBANKS:

If I am misleading you it means you are not following what I am saying, that is all.

MR. W. McKEEVA BUSH:

You are saying that I distanced myself from the ramp, it is not true.

HON. BENSON D. EBANKS:
you can explain it.

I think you did, but anyway,

MR. W. McKEEVA BUSH:
made a man do?

Think? You know what thought

HON. BENSON D. EBANKS:

Shut up!

MR. W. McKEEVA BUSH:

You shut up. Tell the truth.

MR. PRESIDENT:

The Second Elected Member from West Bay must not continue interrupting, if he has a personal explanation to make, he may request my permission to make it and it can be placed on the Order Paper.

MR. W. McKEEVA BUSH:

Thank you Sir, I will do that.

HON. BENSON D. EBANKS:

And it must be quoted from the

Hansard Sir, I know what I am saying.

Mr. President, shortly, the sub-Fire Station will be started in West Bay, which, is to some extent, a by-product of the Ramp Project because most, if not all of the fill for that land, was recovered from the digging of the basin for the Ramp. We had hoped, Mr. President, that by now we would have had a tourist landing jetty in West Bay, but Members and the public are aware of certain proposals which were before Government which had to make us rethink that. Nevertheless, now that it appears that that project has been shelved, at least for the time being, that we are hoping that that will again gain favour and that we will be able to get at least one permanent mooring in West Bay so that we can show to our Cruise Ship visitors the garden district of these Islands and that it can bring some activity and prosperity to West Bay. After all, Mr. President, they have to come to West Bay to find the attractions anyway, so it might as well land them by them.

Mr. President, in closing, I think I should make a comment on a statement made by the Honourable Third Elected Member of Executive Council regarding proposed development in the North Sound. I understood that the Member was stating his own views and I would like to make it quite clear for all concerned that what he was saying was in fact his views, it is not a policy of Government. As far as I am concerned, Mr. President, the North Sound is Cayman's greatest natural asset, that is, the North Sound and the surrounding mangroves. I believe that to materially alter what nature has provided there, is going to irreversibly alter the ecological system of these Islands. We are not like the Bahamas or Florida, blessed with thousands of square miles of shallow water and mangroves, and it is late in the day that we are bringing in the practice of conservation efforts, they can only pay off if we strictly adhere to them.

My personal view is, Mr. President, that even if such a project, as I understand is envisaged, could be successfully completed without my fears of damage to the ecological system, the question I would have to ask myself is, do we really need this project at this time? To the best of my knowledge, Mr. President, we have hotel after hotel stacked up for construction. It is my understanding that one of the longshoremen at least operating on the present dock, would be unable to perform his existing task without employing something like six expatriate labourers. So it would seem to me that we do not need, at this time, to undertake such a project with so many unknowns to provide labour for our people. I personally, Mr. President, am going to need a lot of scientific convincing that such a project can be undertaken without doing irreparable damage, and until I am convinced scientifically, that that will not be the case, then I do not think I could lend my support to such a project. As I said, if evidence produced shows that it is engineeringly and ecologically possible, I think we could leave the North Sound development to the next generation. I believe that we have enough reclaimed land already and enough natural land to see this generation through its developmental stages. I do not know, Mr. President.

I noticed an article attributed to the gentleman behind the project, and I am not referring to the Honourable Third Elected Member, Mr. President, who said that he basically thought it would be a great thing to Cayman, so that Caymanians could resume their heritage of going to sea as they did with National Bulk Carriers. I have got some news for that gentleman,

Mr. President. Caymanians were renown seamen long before National Bulk Carriers entered the scene. Caymanians were renown seamen from before the advent of the sexton, when they had to direct their ships by use of cassava sticks with notches on them. That is the reason why, when National Bulk Carriers came into existence, they rushed to get Caymanian seamen. I can go further, it was a Caymanian who pioneered one of the bigger and more successful oil shipping companies in the United States, Seden Tanker & Towing Company. Caymanians sailed as Masters on many American registered ships long before National Bulk Carriers came on the scene, it was only because National Bulk Carriers had ships under Liberian flags on which Caymanians could sail without being citizens or legally resident in the United States.

What I would prefer to see, Mr. President, in regard to Caymanian seafaring heritage is, something which we are tackling in our plans for the Community College and elsewhere and that is, that when a tourist comes to this country and goes into a boat for a dive, instead of 100 and odd Americans like himself, that is the tourist, operating the boat, I would like to see Caymanians doing that. And, I would like to see the spin off industries from tourism preserved for Caymanians, but I would also hope, Mr. President, that the capable Caymanians would continue to aspire to high positions in the financial industry, in Banking and Insurance.

I do not believe, Mr. President too many Caymanians enjoyed their life at sea. It was hard. When we tell somebody that they have to come here without their wife to work, you hear that it is inhumane, yet our men had to go to sea for years and leave their families. I do not know what big gift that gentleman is giving to the Caymanian society by offering them the return of their heritage of the sea. Sea flows in the veins of the Caymanians, Mr. President, and they will get back in command of our marine operations one way or the other. All they need is the training and we will see that they get it.

I hope, Mr. President, I have not sounded too negative a note on that project, I am not voting on it as yet, but as I said, Mr. President, I believe we have a lot of development going on in the western peninsula of the Sound behind the iron shore which does not, in itself, present too much threat to the total ecology of the North Sound. Let that continue and develop. As far as I know, there are plans in the pipeline to basically reclaim that whole peninsula and, in my opinion, Government should not go one step further until all of that and all of the other land that has been reclaimed in this country, is built up. If we then find out that we do not have the land that is required for next generation to work on, then leave that to them and let them make the decision, but do not let us, in our haste, ruin the inheritance of our children and their children. That is my position on that project, Mr. President. Thank you very much.

MR. PRESIDENT:

The Member for East End.

MR. JOHN B. McLEAN:

Mr. President, on the 6th of February, the First Session of the Legislative Assembly for 1987 was opened with the usual Throne Speech outlining the plans for the year before us. Before entering into Debate on the Speech, let me congratulate our new Clerk on her appointment and to thank the outgoing Clerk for her helpfulness to me during her tenure of office. I have said many times in this Honourable House, Mr. President, that this department has persons in it that are very able and run a very smooth show. I wish also to thank them for their assistance over the years. I wish also to join with others who have offered congratulations to the newly appointed Attorney General. I wish for him every success in the future.

Mr. President, in the Throne Speech, mention has been made of steps being taken to strengthen our Police Force and also of plans to improve standards by enforced training and overseas training. This is very important and it is something which I fully support, as I see it the answer to the problems which we are faced with. Mr. President, I am aware, like I have said many times, that we must be most grateful to our Police Department. It is our only means of protection and it is a very hard job. I would say, it is probably next to that of a politician, a very ungrateful job, because in most cases, the more you do, the more you are talked about. I feel that it is only right that every responsible citizen of these Islands give support where at all necessary and possible to our Force. It was further said in the Throne Speech, that

the careers of our local officers are being carefully developed and it was stressed that at least 14 promotions had taken place over the last 12 months. Mr. President, I wish it was only possible that we could brag that the 14 promotions were all Caymanian Police.

I know of an officer, Mr. President, that has been with the Police Force from the time he came out of school and, for one reason or the other, it seems as if he has been kept back from promotions. He, in his capacity as somewhat an old officer, has known, as a fact, that he has trained many and for one reason or the other, when promotion time comes up, the junior officers have been promoted and he has been left at the bottom. This sort of scheme, Mr. President, to me, is unfair, and not because there is an officer who does not say "yes" to the whims and fancies of others, that they should not be given an opportunity to move forward. What I am saying here, Mr. President, is that it is my honest opinion that the time has come when the policies for promotions in our Force should be looked after and looked after seriously, revised if necessary, thus giving equal opportunities to all those who deserve it. I feel that when we have an officer who joins the Force and stays there for a number of years, that in itself, proves to us his determination to work for his country and try to make it a better place.

In the Throne Speech, Sir, the increase in crime was also highlighted, and this is a fact. Regardless of what might have been said by previous speakers, we cannot bury our heads in the sand. This country has never in its history, experienced such harsh, wicked crime as it has over the past few years and I was a bit concerned that in this speech, it seemed like more emphasis was placed on drug offences rather than the harsh crimes. There is no two ways about it, Sir, I am not here echoing my views, but it is said on the street that nowadays one goes to jail for drug offences and goes free for murder.

This is not good enough Sir, and I hate to go back to referring to Elections, but again, it is a fact, that Elections in this country, in some instances, in 1984 were won on campaign promises of a crime free society. My question now is, where did the promises go? We see from the Police Report that in 1986 the overall number of crimes was 2,668 which showed an increase of over 717 in 1985. Mr. President, we need to do whatever is possible, we need to put our feet down and try all endeavours to curtail this. I am aware, Sir, that we must take every possible measure to deal with drugs, but at the same time, we must deal with both drugs and other very serious criminal cases. One Member mentioned a while ago, that in the past, you would hear of people leaving to go fishing and that was the end of it. Well, I am not one Sir, that believes in two wrongs making a right, we must look at it from the point of view that if that has happened in the past, we would not like an occurrence in the future. This brings me to another point.

Recently, Mr. President, I have had many complaints. Complaints from many reputable citizens of these Islands concerning, what they term, victimization of honest citizens. This complaint, Mr. President, was with regard to firearms. Recently for one reason or the other, Government has seen fit to restrict licenses of every firearm holder in this country, or to put it in good Caymanian language, restrict the honest, true-born Caymanians. My argument has been, Mr. President, and will be, that we should not in any way pressurise honest Caymanians or honest people who are honest enough to seek a license for a firearm. To me, this is a retrograde step, when we are going to take away a right from our people who have helped to build this country and who, in most cases, are of characters that cannot be questioned. We know, Mr. President, that the problems are not with the licensed firearms, the problems this country is faced with are the many unlicensed firearms that are out there. What are we doing about those?

One stipulation on these restricted licenses is that the firearm must not be on the street after 8:00 p.m. Really, Mr. President, that one is a joke. The other one is that the firearm must be used on the owner's property only, and again, this is a bigger joke. I will bear my argument out now.

Especially in the eastern districts, Mr. President, we have some of the better farmers in these Islands. We have farmers who cultivate, not their properties, but other people's property. Properties which are several miles from the main streets and properties which can only be reached by a footpath. How can we say to an honest, hard working farmer, who has to protect his crops, that he should not be seen on the road after 8:00 p.m. with

a firearm. Mr. President, the farmer cannot set the time when the rabbit is going to feed on the crops. Also, if he is inland and for one reason or the other, something should slow him down, how can he be back to his house before this allotted time? I think it is most unfair, and I hope and trust that somebody in Government will see fit to have this stipulation removed. As I have also mentioned, some farmers who are willing and able and have proven themselves as some of the better farmers, have no property of their own. But, Mr. President, because of the goodwill of others, they are allowed to make their plantation on their property. How now can we say to them that you cannot be seen on anybody else's property with a firearm?

I feel, Sir, that much more study should have been put into this. We have taken away somebody's right, which in some cases they could have been enjoying for 20 or 30 years. I am not here Sir, to condone for any one individual or individuals who has created a problem, I say they should have been penalized, but for God sake, do not penalize everyone for one bad sheep. This is most unfair. I would add that this is one of the things that will help to turn a good citizen bad. What will happen if someone is found after the stipulated hour, or if someone is found on another property? My guess is, Mr. President, they will be jailed, their firearm will be confiscated and again I am saying, this is most unfair.

I know right now of a Police Officer who has worked for Government, who has been as upright a citizen in these Islands as there ever has been produced, he has handled firearms in Government and today, he is faced with the same restriction, how unfair. I have brought this matter forward, Mr. President, and I hope it will be taken in the light I have passed it on. I trust that Government will see fit to take the necessary action to have this matter further studied and, as I have said, if a problem was created by an individual or individuals, have them punished, but for God's sake, give our people a chance.

Mention was also made of the high priority given to Road Safety which has already shown a success. Mr. President, I support whatever measures we can take to keep our roads safe. It was for this reason that I had no problem supporting what Government presented to the Finance Committee, to try to have roads from George Town to the Eastern Districts as curve-free as possible. It is unfortunate that others did not share my view and disagreed, but I hope and trust that this move will prove itself in the end, to be a good one. I drive that road each day, Mr. President, and I see things sometimes that cause me to shiver, but we know as a fact, a few months ago, one of the worst accidents in the history of these Islands happened on that road. I am glad to see that immediate action has been taken and I must commend the Member responsible for Communication and Works and the Public Works Department for it.

On Page 2 of the Speech, I have to strenuously disagree as I cannot accept the excuse which is given. It has been said, Mr. President, that "the reason why Caymanians are losing their attraction for the Force is due to competition from other Government departments and private sector". I must say, I disagree completely and again, I hope this will be taken in the light I am offering it. I feel that our young Caymanians must be given equal chances against any other officer which may be brought in to this country. We cannot expect, Mr. President, and I say it is not fair, to have our new recruits sit side by side in examination rooms, do the same exams that officers with a much higher experience in Police work do and to expect that they could prove as well as the foreign officer. I think that this is most unfair and again, I hope and trust that it will be looked into before too many of our promising young officers become discouraged.

What has been said in the address is not good enough and I quote, "it may be necessary therefore to consider overseas recruitment". This is not the answer, Mr. President. This sentence should never have been included in the Throne Speech. I feel that it is a retrograde step and I can imagine it is very discouraging to the young officers of the Force. That is as good as saying, "if you do not perform you can get out". In some cases, it has been proven that foreign officers have been brought in, our Caymanian men have ended up training them, at that point what happens? We all know what happens, the job is given to the foreign police and our Caymanian must then stay below. I have had this complaint many times, Mr. President, and this is why I have decided to air it in this House.

Not long ago, I was told that a

certain U.K. officer, I think he probably has returned to England by now, was brought here to update the training of our local officers in traffic work, but before he could do that, our officers had to even train him to drive a common motor car. My question is, is this fair to our people? When will it stop? Are we going to sit back and watch our people become second class citizens in their own hometown? Let us find a way to offer and to make local recruitment attractive enough so that we can some day have a localized Caymanian Force. I am not saying this in any way without respect, I am just saying, Mr. President, that we have come from strength to strength in many, many other areas and I feel this is one which we must now fully develop.

I was a bit upset to see in the Police Report that of the number of senior officers, there were only two true born Caymanians. These are the things I would like to see changed.

To move to Prison and the remarks on the emphasis which will be placed on training of staff - again, Mr. President, I fully support this and I hope that in the future this too will prove to be a great benefit to our Caymanians. What I disagree with regarding the Prison, is the fact that we were told in the Throne Speech that we must have further buildings constructed at the Prison. Mr. President, this is not the answer. I am aware that the Honourable Member who spoke before me did elaborate a bit on this, but I feel that the funds which have been earmarked for more buildings would be much better spent had they been spent on a proper rehabilitation programme. This, Mr. President, is what we need.

Just recently, it really hurt my heart as I visited the Prison for one reason or the other. An officer that I knew was by the door, he was there with an inmate. So in speaking to the officer, the inmate called my attention and it was really touching to listen to that inmate explain why he was there. It was as a result of drugs of course, but his story as to why he chose drugs was disheartening. This officer stood there, as I did, just listening to the plea of this young man. Of course, what he pointed out to me was, that he had been put in prison because he had handled five grams of marijuana, he is faced with two years imprisonment and he drew the reference to me of how he felt it was so unfair for him as an 18 year old boy, a Caymanian, to be put away for two years versus others who are foreigners here and have been put up for shorter periods for bringing in tons of the same vegetable matter. Like I said, it was quite sad, to listen to one of our young people as he tried his endeavours to put forward his story. Again, I hope and trust that this will be looked into, and we will try to, I do not like quoting other Members, but as the Second Member from West Bay always refers to, "move faster and faster and faster". In this case we cannot move too fast. This is an evil which we have to try and stamp out.

Mr. President, I do not only speak here because of the case which I have stated, I speak on behalf of the country and on behalf of our young people as a whole. I am a young father and one who is very concerned, knowing that I have a 14 year old son, who is exposed to this sort of thing. The most that I can do is to talk to him about the problem, but we all know that once they are out there, on their own, the temptations are there. So let us try, and try quickly to work in this direction.

Mr. President, I wish to congratulate the staff of our Broadcasting House on their very good performance and their many years of keeping these Islands informed. However, sadly to say, I wish to bring up an incident which I should hope will never, ever reoccur. At the end of last year I was very discouraged with the controls on our Radio Broadcasting. There were five Members of this Legislative Assembly who endeavoured to go through to the people of these Islands. I speak of Messrs. Linford Pierson, Jim and Haig Bodden, McKeeva Bush and myself. We were interviewed by the Radio, we were told by an officer in charge that he saw nothing wrong with the interview, but unfortunately, Mr. President, because of the powers that be, until this moment, the broadcast has not been aired. I do not feel that in instances like this, the rights of any Member or any member of this country should be taken away and that is what I think it was. We had our reasons for doing so and we went about it in the correct way. I must say, we felt very badly about it and I trust that that will be the last time such a thing should ever surface. We felt that it was important enough for us to relate through this media to our people and it is unfortunate that such action had to be taken.

On a more pleasant note, Mr. President, I join others in congratulating the three Caymanian lawyers who have been qualified overseas and also to those in the Law School. I feel it will be a great honour to those who graduate from our Law School in having the great feeling of making such an achievement on their own soil. I must say, that if ever there was one good move, it was when Government saw fit to put together the Law School. I hope and trust that it will continue from strength to strength to assist our young people as they try to make their lives better.

I wish also to offer special congratulations to the many young men who have made great achievements in our Public Works Department. I was very impressed as I sat here and listened to the Honourable Member for Communication and Works as he outlined it. I wish to especially congratulate the young man from my district, Mr. McLeary Fredericks, I feel, Mr. President, that a young man of his age and his ability, that the sky will be the limit. I wish for him all that is good in the future.

In the Throne Speech, Mr. President, it was highlighted that there are plans afoot to amend the Third Party Insurance Law. It is my hope that this will add no further hardships to our people. I know that some years ago, when this Law was put together, there was a lot of unrest among our people and I think that some Member speaking before me yesterday, did speak on this amendment. I trust that if amendments are needed, they will be in favour of the public and not as before, really making it compulsory and in some instances creating hardships for our people.

Mention was also made of plans for a Consultant to determine the adequacy of the physical facilities at the Hospital. Let me say, Mr. President, that there are many improvements which are necessary there. I must say that the Honourable Member did elaborate on this. I agree with some of his explanations, I cannot say that I agree with all, but I trust that if and when this is done, we will not enter into the upgrading of the facility in any haphazard manner. Whatever we do we should have something that can be expanded in the future and something that can do us proud.

Still dealing with the Portfolio of Health, Education and Social Services, I wish to commend the Social Services Department on the introduction of their Home Health Aid programme for elderly and handicapped. I must say, Mr. President, that I am most grateful to them and I know I speak on behalf of the constituents of my district when I say, we are most grateful that they saw fit to chose our district for the first small Home for the elderly. We are grateful for this and I am certain each and every one who is concerned with this knows that we have come forward in a positive way and have proven that we are very supportive of this. I hope and trust that this will be looked after for other districts and in turn, the same support will be offered to our Social Services Department. I agree, Government can only do so much and it is in instances like these when we, the people, must work very closely with them in an effort to succeed. Again, I must say we are very grateful.

I now turn to Sports. In the Speech it has been said that Sports will be developed during 1987 in such a way that the whole Caymanian community will benefit. Mr. President, I am most pleased to hear this and I trust that when that statement was made, my district, East End was included. My reason for saying this is, that since 1984, I have tried for assistance to have a playfield in my district completed and fenced. However, as of now, nothing has been done. I am aware of what was said by the Member concerning a proposal from a group out there as far as building a new field. Mr. President, I supported that idea, I support it wholeheartedly, but what should we do for the period between completing the new one and at present? I would appreciate very much if the Member would see fit to offer the assistance, if at all possible, to having the field completed and properly fenced. I feel, Mr. President, that regardless of what whichever Government is in power, the succeeding Government should endeavour, not because the previous Government began a project, but they should look at it from a national point of view at all times, to complete where necessary and possible, all the jobs that were started by previous Governments.

On behalf of my district, Mr. President, and I am diverting a little bit here, I submitted from 1984 a list of the different things that I had started and the things I would have liked very much to get done. I must say it is very discouraging to this point in time, that I have been unable to get

hardly anything done. I am very appreciative of what I have gotten, I just want to get that point clear, but I honestly feel that the cake could have been shared a little more fairly than it has been. The Honourable Member for Communication and Works has been out with me on several occasions, he has shown his support and I trust that in the future I will see a little more action than what I have seen for the last two years. This is very discouraging to me Sir, because my history as a Member of the Legislative Assembly will prove that I have tried my endeavours to get as much as possible for my district. I do not think, Mr. President, that that is asking too much because when it comes to the first of the year, the people of my district are asked to pay the same taxes, so we must have our equal share.

MR. PRESIDENT:
convenient point to break for lunch?

I wonder if this would be a

MR. JOHN B. McLEAN:
minute to finish Sports and then ...

Mr. President, I will just be a

MR. PRESIDENT:

All right. Yes surely.

MR. JOHN B. McLEAN:
let me pay special tribute to Mr. Dalmain Ebanks, whom we all know, who has so willingly assisted me in East End to construct a Boxing Ring. Our young men are most grateful to him and I hope and trust that in the future, we will be able to establish a place for the George Town club so that we will have district competitions. I am certain, that my colleague here from George Town, Mr. Pierson, will agree with me on that and we have been working quite closely to try to make both clubs a success.

Mr. President, I am going to move onto another Head so it would be a convenient time now to break.

MR. PRESIDENT:
suspend proceedings until approximately 2:15 p.m.

Thank you. In that case I will

AT 1:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:21 P.M.

MR. PRESIDENT:

Please be seated.

Continuation of the Debate on the Throne Speech. The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, when we took the lunch break I had just dealt with Sports and I now move to the Fire Department.

I am delighted to know that there are plans for a new Fire Station at the Airport. This is long overdue and I must say that this department has performed well, taking into consideration the housing facilities they have operated from. This department, Mr. President, is one which deserved admiration as it is headed by one of our finest Caymanian men. With the sub-station at Frank Sound and the one planned for West Bay, I feel this country has progressed and much has been done in catering to the needs in this area. Like the Police Department, the duties of a Fire Officer is a very hard and dangerous one. One must always be alert, able and willing at all times. I think, Sir, we can be justly proud to know that we can boast of this. I hope that Government will see fit to accept my suggestion which was made in Finance Committee at the end of the year, and that as soon as is possible, to place an ambulance at these sub-outlets, Mr. President, especially the Frank Sound Station for the eastern districts.

The eastern districts are further away from the capital. From time to time an ambulance has to be summoned out there. I see it as most dangerous having to rush out to East End, knowing the amount of traffic which we have on the roads today. I feel, Sir, that this suggestion should not be taken lightly and I am aware that a \$10 token was placed in the Vote. I feel that later on in the year when we see our way clear, this should be given priority and we should try, as soon as possible, to have an ambulance placed at Frank Sound. If it is at Frank Sound, it will serve the needs of East End, North Side and Bodden Town and I think, Mr. President, that this is important enough for us to take immediate

action. This could save somebody's life in the near future.

I now turn to Cayman Airways Limited. Mr. President, I am very concerned over the future of our national airline and the Throne Speech confirms my concern. Because I read on page 9 of the Throne Speech, it states, and I quote, "Cayman Airways must now expect to face strong competition from U.S. carriers". To me, this is serious and worrying. I have heard remarks recently on the street, by reputable people that they suppose the next step will be to bring back LACSA, as it seems that the objective is to prove Cayman Airways is not needed and to make us, once again, beholden to foreign carriers. I trust, Mr. President, this is not the intention and I hope our Airline will be able to continue as it is most important and necessary that it does for many important reasons. It no doubt provides a service to these Islands that plays a most important part in the economy of these Islands and also provides many good jobs for our people.

I would go on to say, Mr. President that quite recently I, as one who has always supported the Airline, have been very disturbed over certain matters pertaining to the operation of the Airline. These matters were brought to my attention, and as everyone knows by now, I have tried my endeavours to air them on the floor of this House. When I bring a question to this Honourable House, Mr. President, it is not in any way for political reasons. I bring it with good intentions and my reason is the hope that the Member concerned will take necessary action.

It is an old saying in Cayman, "that were there is smoke, there is fire". I am not saying that every incident that I have raised here at Question Time is fully correct, but, Mr. President, I have reason to believe that there is something wrong. I believe that we can honestly boast of our national airline as having some of the best crew that has ever flown an Airline and we need to keep it that way. We have seen our young men, Mr. President, move from the bottom of the scale to the top. We have seen them clean the airplane and today we see them proudly sit in the seat and take it from port to port. This, Mr. President, is a great achievement for us in these small little Islands. What we, as sensible Legislators must do, is to endeavour to keep our people in this area satisfied.

I have had several complaints as to the future of certain pilots within our Airline and this, over the last few days, in Question Time, has been tossed around in this House and I do not wish in any way to go back into the pros and cons as we heard. What I would like, Mr. President, is for the Member to meet with all Members of this Legislative Assembly at various intervals and enlighten us on the full day to day operation of the Airline. It is impossible to think that any Member in this House will feel satisfied knowing that each time a question is posed here, we are given an answer to the effect that "I cannot tell you, it is all to do with day to day management".

Mr. President, my people have a right to know what is happening in Cayman Airways, be it day to day management, or be it policy. I happen to be the representative for my people in East End and each time I am asked in Finance Committee to vote funds to keep this Airline operating, I cannot say more than that to my people. This is unfair to any Member here to be asked to vote funds to keep it going, yet I cannot tell you what is in there. This has to stop, Mr. President, I do not want to see Cayman Airways continue to be on the floor of this House and I think this is the way to prevent it from being here, if we know what is going on, none of us will have any reason to have to constantly bring questions here in an effort to find out. If there is something wrong there, let us have it corrected. We have heard much, even on political platforms, of certain changes which would have taken place. What have we said? What has caused a change of heart?

As I have said, Mr. President, we have good, smart, upright Caymanians operating our Airline. We constantly hear that Caymanians are not willing to work. This is an area where we have seen it has been proven to the contrary, that if a Caymanian is given the slightest opportunity, they will make good of it. Let us put no obstacles in front of them.

Recently, Mr. President, the Airline saw fit to purchase a new airplane. I am happy to know that we have now a larger aircraft to service the Lesser Islands. What I am a bit disturbed over, Mr. President, is the fact that I understand we have had this plane sitting at the Airport for some time, what I may call idle, and this is due to the fact that proper arrangements were not made in advance. Presently we have had to be like the dog

who eats his own vomit because, I understand, that we had to go back and charter the old Trilander in an effort to alleviate the problem which was caused. In instances like this, Mr. President, when such action is taken that will cost this country extra money, I feel that whoever is responsible should be brought before the Board and knocked on the knuckles. We cannot afford this sort of waste. I also hope that if we ever meet with management, that we will be told exactly what took place with the sale of the Trilander. I have been told that we have sold the Trilander for a mere \$175,000 and that spare parts that were thrown in with the package amounted to some \$300,000. I hope that this is not true, but again I hope, and I believe that the Honourable Member in charge will check this and make sure and report back to Finance Committee.

In the Throne Speech mention has also been made of shortage of jobs in the Lesser Islands. This, Mr. President, has created a sad situation, as I understand it, whereby families have had to leave their home there and to come here to look for jobs. I was most pleased to hear from the Honourable Third Elected Member of Executive Council when he said that the loan for the Cayman Brac Airport had been approved. I trust this will alleviate some of the problems and that some of the Cayman Brackers will be able to go back to their homes. I also feel that Government should endeavour to try to motivate investors' interest in the Lesser Islands so that this sort of thing will not be repeated in the future.

Mr. President, a matter that was raised here at Question Time that concerns my district, and I would like to refer to it briefly as the matter of the Blow Holes in East End. This was first brought to me some time ...

MR. PRESIDENT:

May I just interrupt the Member for a moment. My recollection is, that a complaint was made and it was said that it would be investigated to see whether an offence had been committed, if that is so, I think really, the rule that precludes discussion of possible judicial proceedings has to apply because I would not like anything said here to prejudice any possible proceedings, though I will ask the Honourable Second Official Member whether I am right in my recollection of the matter.

HON. RICHARD W. GROUND:

Mr. President, it is correct that I had undertaken to refer the matter to the Police and this is now being done.

MR. PRESIDENT:

So I think perhaps ... if you have got something to say that you are quite certain will not offend the Rule, go on and I will stop you if necessary, but if you think it might offend the Rule, I would prefer you not to continue on that particular subject.

MR. JOHN B. McLEAN:

Mr. President, you can tell me now if you think it will, what I was going to elaborate on, was the fact that I had been notified of the incident, I took it to the proper authorities and the two Portfolios in charge had taken the necessary action to have it cleared. When I heard the Member from North Side mentioning something that leads up to what could be legal action, it was a shock to me because I could not say any more than I knew. I had reported it to the correct people and the necessary action was taken, so if he has the statement as he said, I now leave it in the hands of the Legal Department.

Another matter, Mr. President, which I feel is very important to the safety of the people of these Islands, has been highlighted here and it has to do with Caribbean Utilities Company and those dangerous light poles and barricades which are along the Spotts Road. Mr. President this really and truly worries me and again I will not go too far into this because I know, as you have pointed out, sub judice, I trust that the necessary action will be taken and, if possible, have this danger removed from the public.

Mr. President, the Honourable Member for Communication and Works in his debate, mentioned a proposal for the development of the North Sound. I must say I was glad to see that Government has seen the congestion of the present port facility and is willing to look at the present study. What really shocked me, was to see the disagreement of the Honourable First Elected Member and his negative attitude towards such a development. Mr. President, as I saw it, the Honourable First Elected Member to Executive Council has aired many, what I would term, "pie in the sky" projects, but I

carefully sat here and listened, and he has failed to say where money was coming from to pay for these. The proposal as I see it, would help him with the necessary revenue and to meet the costs of the various projects outlined. I should hope that the Member, or any Member of Government for that matter, does not hope, in the near future, to revert to any further taxation of our people. Because, as long as I am here, Mr. President, I could never agree to this.

I would like to deal briefly with our new Governor now, Mr. President, I must say, that I have to agree with the Second Elected Member from West Bay, when he said he resented the approach taken with regard to the new Governor's appointment. I too feel, Mr. President, that we as Legislators, could have been brought into the picture, and I am not saying that everything that happens in your office you should call us and tell us about it, what I am saying is this, this man was invited here, he was taken to each of our districts and he was taken to our schools. I take it as a slap in the face that the people of these Islands had not been acquainted that he would have been our next Governor. I feel that this should have been a courtesy extended to our people, or at least to us as representatives of our people. I was most shocked when I opened the newspaper and saw photographs and the caption, "New Governor for the Island". Anyway, Mr. President, I trust this will have no bearing on his attitude towards our people.

I would like to go further to say, Mr. President, that while I had to take that stand as far as the Governor's visit is concerned, I must make certain remarks as far as the change is concerned. Mr. President, I cannot be a hypocrite, I will never lie to my people and if I did not state this, God knows I would be lying. I must say that I welcome the change of Governor, I feel that it is timely, I feel that it is time that we see a new face in that capacity and I say this with due respect. It is my personal opinion and I feel I have a right to air it.

Mr. President, the Throne Speech as outlined, has been a fairly good one and I trust that it will be followed as closely as possible by our Government. If, later on through the year we should come across something which we do not feel is working out right, I think we should be man enough to change it.

I thank you Mr. President.

MR. PRESIDENT:
Bodden Town.

Second Elected Member for

MR. G. HAIG BODDEN:

Mr. President, I would like to welcome the Honourable Second Official Member and congratulate him on his promotion in the Civil Service and to say that I am happy to see the change in Attorney General. I would like to welcome our new Clerk and I will promise to give her any support which a Member can give to the Clerk. I would say that I do not consider her a round peg in a square hole, or a square peg in a round hole, but I believe that she is quite suitable for the job. I would also like to say that I was very sorry to see the former Clerk retire and would like to say that my relationship with her was quite good. I found her willing to assist the Members and I think she did a very good job.

The Throne Speech, I must say, Sir, was a disappointment. There was nothing new in it, there was nothing that gave any hope to this country. It was simply a catalogue of happenings that have been going on, some of them long before two years ago. Perhaps the reason for such a negative document is twofold, one is that nothing has happened in the past two years and perhaps the second is that this is really your last Throne Speech and you perhaps did not care to venture out into realms unknown.

The Speech began dealing with crime and perhaps this is fitting, since we do have a serious crime problem. According to our Police Report, one crime is committed every three hours in this Island. One Member mentioned that somebody's manifesto had promised the wonderful utopia where we would have a crime free society. I wonder if they would dare to read that manifesto today.

In November 1984 there were about 60 people in our jails. Within a year the number had more than doubled and the prison is now filled to capacity. In 1982, 1,674 crimes were reported. In 1983 the number had dropped to 1,384 and in 1984, the number had dropped again to 1,367. So, in 1984, we actually had less crimes reported than we had had in 1981. This trend shows that there was a very good "cap" put upon the criminal activities in

these Islands. But whatever happened in November 1984, seemed to have triggered a wave of violence and other offences that are nonviolent and crime just ballooned. In 1985 crime was up by 50 per cent with 1,951 cases reported. In 1986 crime was up again - 36.7 per cent above the 1985 figures. So that while in 1984 we had 1,367 crimes, two years later the figure had doubled to 2,668.

The Honourable First Elected Member for Executive Council seemed to feel guilty about this and jumped up to say that neither he, nor his colleagues, had committed any offence during that period. He had not been accused of any offence, but the country over which he now rules has been saturated with crime during the two years of his administration and apart from the small mention at the opening of this Throne Speech, it appears to me that the Government does not know that we have a crisis in this country.

More time and money is spent on conservation matters than on crime investigation and curbing of crime. The debate was taken up with trying to put the Sea Star on the endangered species list. I am certain that in April we will have a Private Member's Motion to put the Sea Star on that list and the Government Bill will follow, as night follows the day, so that the beloved little Sea Star will exist. But man is becoming an endangered species and the Government does not seem to mind. I noticed the change in attitude of the four Elected Members who simply got up this time to sing their own praises, perhaps because nobody else is doing it and even the First Elected Member from West Bay is no longer on the defensive but has become offensive in putting forward his views.

Paragraph 54 of this Report is frightening. It reads, "that the overall number of crimes reported in 1986 rose sharply. An increase of 717 or 36.7 per cent against the 1985 total." And, if we look at the table in paragraph 55, we will see the cause. In 1986, of the total crimes reported, 568 were drug offences and, following very closely, are the two crimes which pay for the drug offences, the crimes of theft and burglary. 416 cases of theft and 392 cases of burglary. This is a very serious situation. It means that no one is now safe because the drug users have to commit thefts and burglaries to pay for their expensive drug habits.

I listened to a speech quite recently by Mr. Kipling Douglas when he spoke at a Rotary function. The theme of his speech was, "That we should wage war on drugs". Amongst the interesting statistics that he gave, he made one statement which stands out and that was that 50 per cent of the people who come before him on charges of burglary and theft admit in Court that they stole because of their drug habits. This has to be so, because we have seen the shift from the less expensive ganja to cocaine and even to the cheap form of cocaine, "crack", which is now selling for \$25 a rock, and, since cocaine does not remain long in the system and the addict needs three or four fixes a day, we can see that the person will have a \$75 to \$100 a day drug habit. It is certain that these people will have to turn to stealing to find the money to pay for their drugs.

Paragraph 56 of this Report reads, "Next to drugs, burglaries and thefts therefore remain as the main problem areas and determined efforts will continue to be made in regard to prevention and detection". The number of cases reported and dealt with rose from 178 in 1985, to 568 in 1986; an increase of 390 cases or 319 per cent. So it seems inescapable that the Throne Speech should have started with a discussion of crime. When one studies the tables in this Report, one sees how epidemic the problem has become. In 1984 there were 100 cases for ganja before the Courts, in 1986 that figure had more than doubled, to 232 cases. In 1984 there were four cases for cocaine offences, in 1986 there 165, 41.25 times as much. Other miscellaneous drug offences which were only four in 1984, had gone to 171 in 1986, almost 42 times as much. All of this has happened in two years, while the Government has been counting green parrots and telling the little boy were to put his fishing line.

Paragraph 58 reads, "Whereas the overall increase is a matter for great concern, the increase in cocaine cases is grave indeed, particularly as most of these relate to the use of the drug in the form known as 'crack', or 'rocks'." Medical experts agree that this is among the most addictive and dangerous drugs encountered, and from experience in other parts of the world, it can be expected that addicts who do not submit themselves for treatment are likely to turn to serious crime to subsidize their habits and will eventually become physically dependent and an expensive burden to society.

The Honourable First Elected Member of Executive Council tried to brush aside any responsibility for this alarming state of affairs but many of the actions of Government have contributed to the situation we have. I believe the biggest mistake we made in this country was to stop the construction of the gallows. Perhaps an even bigger mistake was to remove the mandatory jail sentences for hard drugs. You see, the idea has trickled down to the criminal that we have a permissive Government who is lenient on drug offenders.

The United States has found that trying to stamp out the supply of drugs has not worked and they must work just as hard trying to slow the demand. While we may talk about rehabilitation for those few who can be salvaged, I believe we have to step up the prosecution and punishment of the user as well as the supplier. Our two years of relaxing to penalties for drugs have resulted in the country being swamped and, I believe, we had better get back to a hard line if we are going to save future generations. We passed through a period in the last three years, when everything was done to demoralize the Police Force and to make the Police Officer look like an ass. We had better get back to respecting our Law Enforcement Officers and to treating them better than we are doing.

In the last two years, since 1984, the Police Officers have not had a raise, with the exception of a 5 per cent which was given across the board. I remember when I became a Member of this House, back in 1972, Police Officers were making \$180 a month, some of them less, and during our administration it was realised that if we were going to attract and keep a good quality police officer, we would have to pay them a reasonable salary. We increased the salaries many fold until a Police Officer's starting pay is now at \$10,000 a year.

The same thing goes for the Prison Officers and the Fire Officers, these essential services need a special breed of man who is honest, hard working, and who will put his line of duty ahead of other requirements and in order to get this kind of person, we will have to pay them. Perhaps it is time that these salaries be examined again.

The Government does not seem to realise this, because your Throne Speech says, "it may be necessary to reconsider overseas recruitment on a careful and limited scale". This certainly is not the answer, this the easy way out. The answer to the attrition in the Police Force is for Government to sit down and find out why we are losing Police Officers to competition from other Government Departments and to attractions offered in the private sector and try to remedy the situation. I do not believe that the monthly pay cheque alone will be sufficient, we need to reinstate the Policeman, the Prison Officer and the Fire Officer to their former respectability in the community. We need to have less sympathy for the criminals and more for the Law Enforcement Officers - these men who serve in high risk occupations, their conduct is constantly on display and if other countries can keep their Police Officers, we must also keep ours.

MR. PRESIDENT: Would this be a convenient moment to break? Yes? In that case, I will suspend proceedings for approximately 15 minutes.

AT 3:17 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:38 P.M.

MR. PRESIDENT: Proceedings are resumed. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, you also mentioned, on the first page of the Throne Speech, "that the high priority given to road safety resulting in few accidents and road fatalities in 1986 will be continued". Here again, it is fitting that this item should have appeared on the front page of the Throne Speech and it is comforting to know, that only 10 people died on the roads in 1986, as against 21, I believe, in 1985. But this is no cause for jubilation, because, 10 traffic deaths is still a large number of people.

In 1985 something like 99 or 100 persons died in the Cayman Islands, 21 of them deid in road

accidents. Traffic accidents was the largest single cause of death in the Cayman Islands in 1985. More people died on the roads than from any other single cause. More people were killed by automobiles than by lung cancer, more people were killed by automobiles than by heart disease. This is a very sorry state of affairs, and, while that number was cut in half in 1985, we still have great cause for alarm. If one looks at Appendix H of the Police Report, one will see why 10 is such an abnormally high figure.

In 1983, only six people were killed in traffic accidents, in 1984 seven, but in 1985, which was the worst year in our entire history, the number had increased by 300 per cent. In 1986, 10 people died but that is still a large number when we consider that roughly 10 per cent of the deaths in these Islands was attributed to the automobile. These figures are alarming when compared to other statistics, for example, the number of new driving tests given were less in 1986 than in 1984, when we had 1,257 new drivers on the road; in 1986 we had 1,203, yet we had 10 traffic deaths.

In 1983, 10,099 vehicles were registered while in 1986 only 10,709 were registered. According to paragraph 17 of this Report, the increase of registered vehicles was only 1.5 per cent yet, the people brought in for speeding had increased in the same period by 126.9 per cent. So, while in 1985 only 416 people were charged with speeding, the next year, 1986, 944 had been charged; an increase of 126.9 per cent, when the registered vehicles had only increased by 1.5 per cent.

Now, here again if you examine this Report, you will notice the large number of driving offences that are related to alcohol use and, in fact, in some of the serious automobile accidents, where serious damage resulted in the person, or where death resulted, alcohol or other drugs played a part. It is my belief that the permissive attitude of the Government towards alcohol had helped to increase the number of accidents related to alcohol.

It is no secret that since 1984 the places holding a Liquor License have greatly increased, and in fact, on Church Street, North Church, South Church Street and Harbour Drive in George Town, the number of licensed liquor establishments have more than doubled. Someone even said that they believe that lamp posts could get a license now if they applied to the Liquor Licensing Board. Not only have the number of establishments been increased, but the hours have been liberalised. The Liquor Law which was passed by this Government did a lot to undermine the controls on liquor establishments, the Government must bear the blame and should seek to tighten the Law.

You mentioned in your Throne Speech the challenges faced by the Prison Service. The previous Government had been condemned for building a Prison at Northward, but I believe that it was the correct thing to do. If the Prison had not been built at Northward, we would still have prisoners but they would be going to Jamaica. They would be incarcerated in buildings that are substandard and the life of the prisoner would be much worse than it is here at Northward. It would not be possible to have visits from members of the family. The money which the Government spent on the Prison at Northward was money well spent. Despite the fact that a person has done wrong and winds up in prison, society still has an obligation to show humanity to the prisoner, in the hope that when he is released, he will not become a recidivist and may change his way of life. Our Prison has now become overcrowded and Government will have to find the funds to provide more buildings. I am not advocating this as the answer to the crime problem, but, we either have to find the space to house them, or we have to leave them on the streets.

In your Speech, you mentioned that the demand for labour will be closely monitored to preserve full employment whilst being receptive to the genuine needs of local employers. This is the work of the Caymanian Protection Board. The Government has been trying to produce a Labour Law and I certainly would have been happy if the former Attorney General had taken the draft which he produced, to wherever he has gone with him, because that document will not help the labour situation in this country at all. It is bound to damage the relationship which now exists. I trust, that as a result of his departure, we will hear no more about the Antigua Law and, if we do have a Labour Law, it will be one that will suit the Cayman Islands or one that is copied from a country whose economy is similar to ours.

The Honourable First Elected Member of Executive Council dealt with the work of the Social Services

Department and he stressed the heavy work load which is carried by the officers in that department. I believe that he has given a true picture. I know some of the officers are very dedicated. The Government itself, and especially some Members of the Legislative Assembly, have encouraged the public to expect so much from the Government that the demands on the resources of that department are bound to increase.

We have embarked on a way of life here which, if not checked, will eventually make many people dependent upon the Government rather than trying to help themselves.

In your Speech, you mentioned that the Government Information Services will continue to prepare and issue Press Releases. I think what you should have said, Sir, is that the Government Information Services will continue to manage the news for Government in an attempt to make them look good. I wondered how it was possible that the man in charge of that department and his assistant could spend all their time taking notes here when the Honourable First Elected Member of Executive Council was speaking, and whether he had brought them along to help whitewash his image. Is this what we are paying them for? Why should they be here on Governments time? I can understand the newspaper being here, I can understand other people sitting there, but not somebody who is on the payroll of Government.

You mentioned that the first year's intake at the Cayman Islands Law School are scheduled to take their full examinations in July. I believe the Law School will stand out among the many achievements of the past administration. No such thing existed before 1976 and, in fact, a previous administration of which the Honourable First Elected Member of Executive Council and Honourable Third Elected Member of Executive Council had been the leaders, had closed the circuit and, in doing so, prevented Caymanians from becoming Attorneys-at-Law. What they had done was to amend the Legal Practitioners Law in such a way that it was physically impossible for a Caymanian to become a Law Agent, as they were called in those days, unless the Caymanian had gone abroad at his own expense, which was almost impossible in those days, and was trained as a Solicitor.

When we took office in 1976, we saw the need for a School to train young Caymanians as Lawyers here on the Island, where they could afford the fees. All the reports that I have had, have pointed to a success story for that School. We must be indebted to the tutors who came from the United Kingdom and instructed our students. I would also like to praise the students themselves, who have shown a dedication and tenacity to duty. I am very proud of the Law School and hope that the Honourable First Elected Member of Executive Council will not seek to make it a part of the Community College as he has done with the other Schools which we started and which he now boasts about.

Listening to him this morning, one would have thought that he had been the author and the giver of the technical aspects of the Community College. And although the Community College had been started before 1976, it was, as he reported himself, a very fledgling enterprise. If it were not for the good work done in the Hotel Training School and the Building School by the First Elected Member for Bodden Town when he was in charge of that Portfolio, my good friend, the First Elected Member for West Bay, would have had nothing to crow about today. But, we do not mind his crowing, because we know the rooster can crow, but only the hen can lay the egg.

The most alarming part of this debate has been the comments from the Member for North Side. I trust that he will never get in a position to enforce those sentiments. I was very disturbed with his attitude to foreigners in this country; we cannot let these people come here, use them and then ship them out in packing cases. We do not want in this country, a third world attitude towards foreigners. We must never forget that we live on three small Islands which are dependent on the outside world for our very existence.

As far back as history records, the Cayman Islands have survived simply because we were one of the few countries that always managed to get money from abroad. How did we get it? The First Elected Member for West Bay told you about the Caymanians working on the sailing ships, who sent their monies back to their families; those were the days when our fishermen caught turtle and sold them abroad; when we exported logwood, thatch rope and even the bark from the mangrove. Those days went along quite well until

the Second World War when, the renowned fact of our men as seamen, spread. We entered into a new era when much more than 50 per cent of all the working males in Cayman were employed with National Bulk Carriers. What were they doing? They were sending their monies home to their families.

One year in the early 60's, the remittances from seamen abroad amounted to more than 1 million pounds. This was a lot of money in those days, all good hard currency. Because we live on an Island, every day we are sending money abroad to buy our food, our clothes, whatever else we may use, building materials, automobiles and, if we keep sending that money abroad, we will one day go broke unless the money comes back. The people we pay for a shipment of beer, soft drinks or sweet potatoes do not send that money back to us, we have to bring it back. And, now that those days are behind us, we have entered into the area of tourism into the age of tourism and offshore investment and, here again, we are dependent on foreign capital. Cayman has nothing, we have no bauxite, we have no oil, we have no agricultural products, we have nothing we can send abroad to get money back; so the money which we send abroad must come back from the foreign investors and the tourists.

Whether we like the tourist or not, whether we like the foreign investor or not, we must realise that it is the cash which they bring to our country that we use to buy the goods we need. Do not make the mistake Michael Manley made in Jamaica to run away the foreign companies, run away the foreign investor and then believe we can coax them back. Why has the Caribbean Basin Initiative failed? Why has not the American investor poured money into Jamaica? And, this is only one of the countries in the Caribbean I could name. It is because the foreign investor has been stung by the Government and that was started by the individual Member forgetting that his attitude would keep away the foreigner.

We know that the 1984 campaign was fought by people who said they wanted to get in so they could get rid of the Texan money, and people believed that they would do that. Do you no what happened Sir? I understand when they went up to Fort Arthur, they put on one of those wide brimmed stetson hats and they could not get them to take it off. So, instead of getting rid of Texan money I think they went to try and woo the Texan and his money. We need money not only from Texas, but from every state in the Union. We are an Island and we are not self sufficient. The money which we send abroad for consumer goods will come back from the investor and the tourist and, until we find some other way of making money, we had better be nice to these people.

Do you know that since the signing of the Mutual Legal Assistance Treaty, Cayman has fallen in the eyes of the investor? There are other places that people can put their dollars, there are other beaches that tourists can go to. There was a time when Cayman was the place and there was not much choice otherwise, but we now hear of competition even from Turks Island. So, we had better straighten up our house and get rid of the Third World Syndrome, the Third World attitude to the foreign investor.

If one looks at our import and export statistics for the year, one will see there is a gross imbalance. We are buying more goods abroad than we are selling, so we need to get money from abroad and do not ever forget it.

Now, this is why the job of the Caymanian Protection Board is so difficult. They have to weigh the needs of the local population in such a way that they can only allow in a certain amount of workers to help our expanding economy. We cannot do it alone. On the other hand, the Government must take whatever steps are necessary to get rid of those people who are undesirable, to get rid of those people who are no good for this country, and there are many of them.

We have reached a stage in our development where Caymanians are becoming qualified to take executive positions in jobs and they must be given an opportunity. The Caymanian today has opportunities which were not available to his parents and his grandparents. He has the opportunity to on to college and university. He has the opportunity, if he will take it. So the young Caymanian must qualify himself for the job. He should never be given a job simply because he is a Caymanian, he should be given a job because he is capable of doing that job. We should not be ungrateful to those people from abroad who have helped us in the past and, they too, should remember that we have helped them. None of them is coming to Cayman because they love this rock, they come here because they can do better than they can do at home. If you take the professional

person for example, he comes from New York City or London. Out there in that wilderness he is just another statistic, but when he comes to a small community, he is like a flower transplanted unto virgin soil, he can become something and grow. We receive him with open arms and stamp upon his forehead the shield of respectability. But, having been received like that, he must realise that we are doing him a favour, just the same as he is helping himself because he knows he is better off here.

It is a two-way street on which we must seek out those people who have gone abroad from their countries to seek a livelihood and are going about it honestly. Caymanians once went abroad with National Bulk Carriers on American ships, to Cuba, Nicaragua, Honduras and Jamaica; they went abroad to look for jobs. We now have people who are coming here, just like we went abroad, and these people must not be allowed to take away our country. But, if they are honest and hard working, we must at least treat them with respect. I think it was wrong the attitude adopted by the present Government to the Jamaicans in this country and I believe, if you have to keep Jamaicans, or any other nationality, it is better to keep those that you know of, those that have been here for years and have proven themselves, rather than to ship them out and bring in new people.

The draft Five Year Economic Plan which has been laid on the Table of this House, is really a joke. Perhaps, that is why the First Elected Member from West Bay tried to anticipate my remarks when he said that there were those who would claim that the Plan was communistic. The whole concept of five year planning developed in Russia, there is no question about that, and even the Russians today, have the good sense to know it is a waste of time. If you want, you can see the folly of this Plan; it is to cover the period from 1986 to 1990 and it has not yet been adopted by the Government. With this slow and ponderous movement that they have, I think 1990 will have rolled out before they get around to adopting it. 1986 is history. As far as Government's spending is concerned, so is 1987 because whatever money we will spend in the remainder of this year, has already been budgeted for in the 1987 Estimates which were passed in December last year. So, how can this be called a Five Year Economic Plan when we have not yet adopted the Plan and two years have passed? And, what of the other three years that are to come?

With the many programmes outlined by the Members and "the pie in the sky" project envisioned by the Honourable First Elected Member of Executive Council, there is no room for any Economic Plan. I can only say what the owner of the Oscar Meyer Hot dog fortune told one of his young workers, he said, "son, why the hell don't you stop planning and get on with your work?". This Plan is nothing more than what the Planner was told he must put into it and, I believe it is not worth the expense that we have already gone to because it is very difficult with the way things move to plan five years in advance. We heard the Honourable Third Elected Member of Executive Council talk about the market and the abattoir that had been in the planning stages and had been inserted into a Five Year Economic Plan which turned into a Ten Year Economic Plan and is now fifteen years old and those Plans are still on the drawing boards because they have been overtaken by other projects which appear to be more necessary.

Mr. President it is coming near the time for the adjournment ...

MR. PRESIDENT:

I make it just on 4:30 p.m. so I will ask the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

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 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 18TH FEBRUARY, 1987

MR. PRESIDENT:

Perhaps I may just remind

Members that the Annual General Meeting of the Commonwealth Parliamentary Association is scheduled for 4:30 p.m. here in the Chamber so that all Members who may wish to remain for it perhaps will stay in their seats and we can carry on in a few minutes time.

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY
WEDNESDAY
18TH FEBRUARY, 1987
(EIGHTH DAY)

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 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

O R D E R P A P E R

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY, 18TH FEBRUARY, 1987

(EIGHTH DAY)

1. PRAYERS

TO BE READ BY THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS

2. QUESTIONS TO HONOURABLE MEMBERS

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

NO. 38: CAN THE HONOURABLE MEMBER SAY IF AND WHEN PROVISION WILL
BE MADE FOR COMPULSORY PILOTAGE OF SHIPS IN THE GEORGE
TOWN PORT?

3. PERSONAL EXPLANATION

PERSONAL EXPLANATION BY THE SECOND ELECTED MEMBER FOR WEST BAY
(STANDING ORDER 31)

4. GOVERNMENT BUSINESS

1. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

2. BILLS:-

FIRST AND SECOND READINGS

- (1) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (2) THE ELECTIONS (AMENDMENT) BILL, 1987
- (3) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (4) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (5) THE TRAVEL TAX (AMENDMENT) BILL, 1987

COMMITTEE STAGE

- (6) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (7) THE ELECTIONS (AMENDMENT) BILL, 1987
- (8) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (9) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (10) THE TRAVEL TAX (AMENDMENT) BILL, 1987

REPORTS THEREON

- (11) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (12) THE ELECTIONS (AMENDMENT) BILL, 1987
- (13) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (14) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (15) THE TRAVEL TAX (AMENDMENT) BILL, 1987

3. MOTIONS:-

GOVERNMENT MOTION NO. 1/87
CINEMATOGRAPHIC AUTHORITY

5. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

- (1) PRIVATE MEMBER'S MOTION NO. 2/87
ORDER OF NATIONAL HEROES
- (2) PRIVATE MEMBER'S MOTION NO. 3/87
HOUSE NUMBERING
- (3) PRIVATE MEMBER'S MOTION NO. 4/87
AMENDMENT TO THE FIREARMS LAW (REVISED)
- (4) PRIVATE MEMBER'S MOTION NO. 5/87
A MOTION REQUESTING THIS HONOURABLE LEGISLATIVE ASSEMBLY
TO PETITION HER MOST GRACIOUS MAJESTY TO CHANGE THE
CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972 WITH RESPECT
TO QUALIFICATIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY
AND ELECTORS.

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WEDNESDAY

18TH FEBRUARY, 1987

10:00 A.M.

MR. PRESIDENT:

Lesser Islands.

Prayers.

The First Elected Member for the

PRAYERS

CAPT. MABRY S. KIRKCONNELL:

Let us Pray.

Almight 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 Member 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, who 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:

for North Side.

Please be seated.

Questions. The Elected Member

QUESTIONS TO MEMBERS

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

NO. 38: Can the Honourable Member say if and when provision will be made for compulsory pilotage of ships in the George Town Port?

ANSWER: At the present time no provision is being made for compulsory pilotage in the Port of George Town. The Government and the Port Authority have considered this matter carefully and have decided that compulsory pilotage is not necessary because ships trading here are able to obtain, through their agents, competent and responsible local persons, with knowledge of the Port, to assist them either to a safe anchorage or to a berth at the pier. This system has worked very well over the years and there have been no complaints from shipowners or operators.

However, should Government or the Port Authority, at some future date, consider compulsory pilotage necessary to improve the safety of the Port, appropriate steps will be

taken to introduce legislation that will cover all aspects of pilotage.

SUPPLEMENTARY:

MR. W. McKEEVA BUSH:

Supplementary, Mr. President.
Can the Honourable Member say

whether there was any agreement, at any time, to put in place this compulsory pilotage?

HON. CAPT. CHARLES L. KIRKCONNEL:

Mr. President, at one time, Sir, we were considering it and when we got into the legal matter of compulsory pilotage we found we were in a hornet's nest. We were advised legally to back off from it until we could establish a proper legal framework under which we could appoint pilots and a proper authority to licence them.

MR. PRESIDENT:

Unless there is any further supplementary, we can pass on to Item 3 - Personal explanation. The Second Elected Member from West Bay.

PERSONAL EXPLANATION

MR. W. McKEEVA BUSH:

Mr. President, in the course of his debate yesterday afternoon, the Honourable First Elected Member of Executive Council misquoted what I said in my contribution to the Throne Speech. He said, and I quote him: "I believe the Second Elected Member for West Bay was there, Sir, although he distanced himself from the ramp in his speech."

The dictionary, Mr. President, says that the word 'distance' means the fact of condition of being far removed or apart; secondly, disassociation from one surrounding of worldly affairs.

Mr. President, I rose on a point of order which was not allowed and so I want to correct the deliberate attempt to mislead the country.....

HON. BENSON O. EBANKS:

Mr. President, on a point of order, Sir. Nothing controversial can be raised in the explanation. If the Member cares to read his speech from the Hansard I have no objection, but if he is going to introduce allegations I am going to make an explanation as well.

MR. PRESIDENT:

I have asked the Member already to confine himself to reading what he said and I should be grateful if he would do so.

MR. W. McKEEVA BUSH:

I do not know why he did not wait, Mr. President. That is what I was about to do. His conscience must be pricking him. Some people now have no conscience, just a shell.

In my debate, Mr. President, I said, and I quote: "The ramp, speaking on my constituency, although there is some criticism of it, it is finished. It can be used. I do not agree with everything about it. Everybody knows that I do not have any say in matters anyway. In any event it is usable and I think in the end it is going to be a good addition for the people of West Bay".

Mr. President, anyone who says that I distanced myself from the ramp is an idiot.

MR. PRESIDENT:

Item 4, Government Business.
Continuation of debate on the Throne Speech. The Second Elected Member for Bodden Town.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE
THRONE SPEECH

MR. G. HAIG BODDEN:

Mr. President, in the course of his reply to the Throne Speech, the Honourable Third Elected Member of

Executive Council mentioned that Government had received a proposal for the construction of a deep water port in the North Sound. He made it clear that this matter is really in the preliminary stages. He did not say that Executive Council has adopted the proposal, but I gather from what he said is that this matter has been with Council for some time and that Council has received a study, or has encouraged a further study on it that would show the ecological impact of such a project.

In my mind the Island needs a deep water port. The experts may argue about where it should go - whether it should be in the North Sound or in some other area - but there can be no question that this Island needs a deep water port. The locality of the present port is far from suitable. So while I am not today endorsing the North Sound project, I would like to make it clear that I am convinced these Islands need a port that is safe from bad weather and a port that is deep enough to accommodate larger ships. We are trying to cater to the tourist trade and if we are ever to develop the cruise ship business we will need a port where the cruise ships can lie alongside the dock and where passengers can embark comfortably.

Today's commercial cargo has moved into the age of containers. Some of the container ships are large and we could receive transshipment business - and I think the need is quite clear. What surprises me was the reaction of the Honourable First Elected Member of Executive Council who did not appear to grasp the situation we are now in. While it seems strange that there should be such a divergence of opinion amongst Executive Council Members, it seems ridiculous for the Honourable First Elected Member to make those statements.

We know our constitution contains collective responsibility which means that every Member of Council, whether he agrees with the decision of Council or not, must support in the Legislative Assembly its decisions. This is not to say that Council had taken a decision on the matter of putting a port in the North Sound, but if the public are to have confidence in our Government, they must see Government as a unit. They must see their leaders as working together. In fact our Constitution cannot function because of its delicate balance unless the four Honourable Elected Members agree. So when a major issue is to be dealt with the Members must decide amongst themselves their position, and the position must be made clear to this House and to the public. Although one or two Members may not agree with a decision they, nevertheless, under our Constitution, must support it unless they have been given prior permission of the Governor not to.

The country looks to Executive Council to function as a body and if one Member gets up and announces a dream that he has for his Portfolio, whether it be a \$1 million dollar piece of equipment for the Hospital, or a new jet for Cayman Airways, or whatever it is, I think the other Members of Council must give reasonable support although they have a right to declare that they have not formally approved the idea. If our four Elected Members of Council do not stick together, Council decisions will then be the decisions of the Civil Service. There are three Official Members of Executive Council; they are Civil Servants and if even one of the Elected Members agree with the three of them, we then have a Civil Service decision. So it is very important, if we are to maintain the principle of collective responsibility, for the Elected Members of Council to stick together. When they do disagree I think they should discuss it amongst themselves - and I feel the First Elected Member of Council owes Executive Council an apology for his mean behaviour yesterday.

HON. BENSON O EBANKS:

You wait on that.

MR. G HAIG BODDEN:

Mr. President, I brought this matter up first because I was certain there would be some interjection, and I have decided not to be side-tracked by any from the Honourable Member. So I will leave this subject letting him know that I am disappointed in his leadership display yesterday and I trust that we will see no more of this from any Honourable Member of Executive Council.

In your Throne Speech, Mr President, you mention that the unaudited preliminary figures for the 1986 revenue and expenditure accounts indicate a surplus position of \$2 million plus. Perhaps it is right that you use the word "indicate" because we know full well that the final results showed there was no

surplus.

In a question that was answered in the House during this meeting, we were told by the Honourable First Official Member that the projected surplus that should have been there on the 1st of January, 1987, had fallen short by \$1,971,806.00. So when we put forward a budget which estimated that we would have surplus funds at the end of 1987 of \$108,237.00, we can see how far wrong we are if we are depending on a surplus which was short by almost \$2 million. Then to make it even worse, the Honourable Member, the Financial Secretary, laid on the table of this House the Report of a Finance Committee meeting held on the 18th of December - only a few short days after we had passed the 1987 estimates. That Finance Committee Report showed that it had increased the expenditure for 1987 by \$1,896,023.00.

There has also been laid on the table, during this same meeting, the Report of another Finance Committee meeting at which approval was given for an additional expenditure of \$106,000.00. So we can see that the little surplus which we would have shown at the end of 1987 of \$100,000.00, will be wiped out by the little figure of \$106,000.00, and we will go in the red by the \$1,896,023.00 additional expenditure approved on the 18th of December as well as the shortfall of the surplus of \$1,971,806.00. To use round figures, this means that the true deficit for 1987 will be \$4 million - \$4 million, and not a surplus of \$100,000.00. The way this has been achieved baffles the minds of accountants. (LAUGHTER)

This cover up was very clever, but no one who can make me believe that Government did not know, when we approved the estimates in December, that they needed another \$1,896,023.00. They had to know. And I am asking why was the House not told?

Now I can understand that when the budget process started in July or September they may not have had these figures. But certainly on the day when we had the third reading of the Appropriation Bill they had to know. I do not remember the date of that meeting, but it was only a week or two later on the 18th of December when they came back to ask for \$1,896,000.00. An examination of that \$1,896,000.00 will show that they full well knew; they had to know.

I would like to deal with just one or two items. For example on the 18th of December they asked us to approve \$288,530.00 to cover housing rental for overseas officers through the remainder of 1986. So they had to know. In a matter of renting houses for an officer, they would have to have known he would have to pay the rent. Let me say that \$288,000.00 was not to pay the rent from the 18th of December onward. That covered money already spent.

They asked us to approve on the 18th of December \$165,000.00 to cover additional expenses for retiring officers during 1986. Now everybody knows when a Government officer retires, particularly those who are pensionable. Everybody knows it twelve months or even two years in advance, and this \$165,000.00 was not retiring expenses from the 18th to the 31st of December. No one can make me believe that - and this one surprises even the people who put it forward.

Under Head 10 we were asked to approve \$182,450.00 to cover expenditure under the following sub-heads, which sums are a combination of charges relative to 1985 that were brought to account in 1986 and excesses arising over budgeting provisions for payments due to fluctuation in exchange rates. So when we approved the estimates in this House in December Government had to know that they would need funds to pay for 1985.

On the matter of Poor Relief, we were asked to approve \$57,000.00 to meet expenditure incurred during 1985. Government had to know about these figures and I question why they were not included in the Estimates?

I will deal with just one more item - Head 16. We were asked to approve \$72,000.00 to cover additional costs to fill the absence of nursing staff on vacation. That was not an amount of money needed from the 18th to the 31st of December. That money for vacation would cover the entire medical staff if they all went on vacation for two weeks.

So the Throne Speech, which I believe was written after the 18th of December, should not restate the projected position set out in the estimates which were prepared earlier in 1986, but should tell us that this surplus position of \$2.9 million at the end of 1986 could not, in fact, exist if these monies

had been spent and if these monies were included in the Estimates for 1987, 1987 would have to be projected with a deficit because we are short of the surplus and we are adding \$2 million expenditure at the beginning of the year.

The matter of transferring surplus at the beginning of the year also seems ridiculous. Not only was there no surplus to transfer, as I have shown, but the 1987 estimates includes a loan figure of roughly \$8 million. So what are we doing? With that \$8 million which we are borrowing, we are transferring \$2 million to reserve account. Going out to borrow money at 18 per cent and putting it on fixed deposit at 5 per cent! I do not know exactly what the rates are, but one can bet that the loan rate exceeds the deposit rate. So if we had not done that little bit of cosmetic surgery - putting \$2 million on reserve - we would not have had to borrow \$8 million and we could have gotten along with \$6 million.

I do not want to say that the estimates are phony, but there has been a very clever presentation - a very clever manipulation of the figures - and I guess that on paper you can show anything. In reality the 1987 estimates are a dud.

These two lines in the Throne Speech could be used as my text if I wanted to speak for the entire day because the more I look at it the clearer it becomes that Government had no surplus to bring forward, it had no surplus to put on reserves and it will have no surplus in 1987. I believe there is even a little part that mentions building up reserves. I seem to have read that. Yes, in January 1987 \$2 million of the 1986 surplus was transferred to general reserve, increasing the total to \$7 million. But even that - is that anything to boast about? If you look at these statements you will see that that reserve is much below reserves in the past.

Now if we are going to make ourselves look good by claiming that we have a reserve, we should do what the past administration did - put money in reserve from the surplus revenue during the year when one has the cash - the physical cash - but do not manipulate the accounting procedure by attempting to put money in reserves from a surplus which does not exist and from funds that you are borrowing. The day of reckoning will come for this type of accounting.

In the Throne Speech it was mentioned that it was hoped to introduce in 1987 amendments to the Motor Vehicle (Third Party) Insurance Law. This concerns me. If this Law is being examined by the people who sell the third party insurance what are they going to recommend? They would be foolish if they did not recommend compulsory third party insurance so they have captive buyers for their product and so that they can increase the rates every year. Now I do not know if any of the Executive Council Members are involved in any companies that sell third party insurance, but I would trust that any amendments to this Law will not come to the House with third party insurance being compulsory. We will have to await the development. I believe in insurance. I do not think it should ever be compulsory. I believe a man should insure or pay the far higher price of not having insurance. But I do not think Government should tell the people to buy health insurance or life insurance or any other form of insurance. They should encourage people to buy insurance and for those who do not buy it - well they pay a far higher price than those who do. So I will be watching out for these amendments when they come.

You mention in the Speech that a Bill to regulate the registry of shipping will be presented at this meeting. I will not anticipate the Bill, but give notice that I will not miss my opportunity to debate it if it arrives on the floor because I believe that what is being brought forward now is the same Bill that was withdrawn from this House after it had been put on the agenda at a previous meeting. I can only say that the circumstances which caused the withdrawal of that Bill have not changed and I believe that if we seek to put restrictions on our registry we are playing into the hands of the British Government who has never wanted this Island to have a decent shipping registry.

The British Government, I believe, is a great believer in the untied doctrine that says that for a ship to be registered it must have an economic link with the country and must either be owned by the nationals of the Cayman Islands or trade directly with it. I think this is a manoeuvre by the British Government to get us to do what they have always wanted. However, I better save a little for my debate on that Bill.

I must support the First Elected Member for West Bay, the Honourable First Elected Member of Executive Council, in his stating that the aim of Government this year will be to increase the immunisation programme for the children in these Islands. I may also add that Rotary International this year has taken on as its major project that of wiping out polio world-wide. All the Rotary Clubs in the countries around the world will be raising funds and assisting in the work to vaccinate every child in the world against Polio. It is good that our Government, for many years, has engaged in a programme of providing free vaccines for young children and any mother who does not take her child to receive these shots is very stupid indeed. I support this programme because in medicine, prevention is better than the \$1 million diagnostic machine that we are hearing so much about.

I would also like to congratulate the Rotary Club on its gift to Government of the mobile dental unit which will add so much to the health of the children of these Islands and will bring preventative medicine to the schools throughout the districts. I can only say that I am happy that the attitude of Government has changed. I remember in the old days when the now Honourable First Elected Member of Executive Council ran the Government, it refused a gift from the Rotary Club of an automobile for police patrol. At that time the Police Force only had two bicycles and two stick-horses - and the gift was refused, but I am glad that the attitude of Government has changed over the years and that it now accepts the role played by the service clubs. Not because I have been a Rotarian for more than 20 years do I say this. I am really happy and proud to have been associated with the Rotary Club and also with the Lions Club because they seem to get more contributions from me than the Rotary Club. They have both done an excellent job in these Islands and I trust that their relationship with Government will continue. I am not ignoring the other clubs. They too have done their part - the Kiwanis, the Leos Club and all the other service organisations.

I support the Honourable First Elected Member of Executive Council - you know sometimes he does make sense - in mentioning that a consultancy will be undertaken to determine the adequacy of the physical facilities at the Hospital.

There are some people who curse the Hospital. There are some people who curse the doctors and staff, but it is my opinion that there is no better small Hospital than the one we have. It is manned by a team of doctors that any country would be proud of. The nurses are well trained. All the other ancillary staff of the laboratory and X-ray are all qualified people and I believe they are doing a good job. Of course there will always be the odd patient who will die. There will always be the odd patient who gets bad treatment and in an organisation like that we will always have the odd bad professional. But on a whole I think the Cayman Islands can be proud of its Hospital.

The Honourable First Elected Member tried to make us believe that if some moth-eaten plan that he had left there had been implemented, all the aches and pains of the people in this country would have been cured. Nothing could be further from the truth. He knows full well the reasons why that plan was scrapped - like so many of his other wild dreams.

The physical building of the Hospital has come in for a lot of criticism. Additions to it, the Honourable Member said, had been done in a helter-skelter manner with the kitchen being up in South Sound and heavens only knows where some parts of it were, but these are not honest criticisms. Everybody knows the Hospital was built years ago. I believe it was in the 1950's - at the time when Government should have been given credit for undertaking the construction of such a Hospital. At that time we only had one little house with two or three bedrooms and it was called a Hospital. At that time Government could not afford the consultants it can now afford. At that time the technology for hospital management and hospital construction was not available, even if the Government could afford it. And so the Government simply built a Hospital the way it built a town hall or the library and it served its purpose. It has been added to. It has been renovated and I do not think the major renovations made during the years 1972 to 1976 were anything to boast about either. The plain fact is that the construction people are working with what they have. Ask any carpenter and he will tell you that he would rather build a new house from scratch than have to renovate or change the use of an existing building.

So we have come a long way and

I think it is only right that Government decides that we do need a new Hospital. I do not think we can blame any of the Honourable Members or governments of the past for what we have. I think we should be thankful for what we have. And I believe that the Hospital will continue to serve us for some time until Government can find the funds. If our economy continues to stagnate as it has done since 1984, the year will probably be 3000 before we can build a new facility. But if we have a wind of change that will bring back some of the glorious days of the past, we will see funds available to build a new Hospital.

We are now talking about building a Community College. This is a good idea. But do you know that the last administration built the Middle School from scratch at a cost of over \$2 million from some of the pocket money in recurrent revenue. There was not a single penny of borrowed money - a \$2 million project - and while we were building the school the Honourable Member who is now in charge of schools was working to get a resolution through the Parent Teachers Association, along with Mrs. Mary Lawrence who was the President, to befuddle, to obstruct and to criticize the Honourable Member for doing this job. But I am glad that since he has been reinstated and has been brought back in from pasture that he recognises the value of the Middle School and that he understands that the High School would have been unmanageable today if we had not built the Middle School, despite all the nasty letters and the criticisms from the newspaper that were levelled at the Honourable Member during that age.

The High School, Middle School and the George Town Primary School are now crowded to capacity and it is time that Government take this surplus, which it claims is going into reserves, to build one of these schools. You see, if they had that \$2 million in cash, in good Cayman Island dollars, they could hand it to Arch and Godfrey for them to build the School. But if it is only a maze of statistics in an accounting programme, it cannot be done.

We are told about the change to the G.C.S.E. examinations which will occur. I recall that last year I brought a question enquiring whether Government was going to cut out certain exams and whether it would only enter children that had a 100 per cent chance of passing. I was told by the Honourable Member that he had not given such instructions. My information was that teachers had been instructed to screen the pupils in December last year and only enter for examination those whom they felt certain would pass. This was very different from the directive they had in the past which allowed any child who had a reasonable chance of passing to enter.

When I discussed this with some of my supporters they said that I should leave them alone and not question it. They said that I should let the public deal with them, but I said that the development of education is at stake in this country and I must pose the question, even though I knew what the answer would be. Nevertheless, I am glad to see that even before the day the question was answered the matter was settled and the Teachers went along to select, in December, those children who had a reasonable chance. That was the second time, that I remember, that the fate of our educational programme was in jeopardy. The other time was in April, 1976 when the Honourable First Elected Member of Executive Council signed the agreement for the Caribbean examinations. I do not want to get into past history, but it would have been a mistake if the new Government, following 1976, had not given notice that we would not do the Caribbean examinations. That is a subject on which I could talk, but I do not want to bring out my Gleaner and other newspaper clippings at that time.

MR. PRESIDENT:

I wonder, if the Member has disposed of one subject, would it be convenient for him to break now? I am informed that arrangements have been made for a photograph of Members I just want to check with the Clerk. Is it at 11.15 or has no time been fixed for the photograph? Yes, it has been fixed for 11.15. So if Members would be kind enough to go outside now, we could have the photographs taken. Perhaps we could make the suspension about twenty minutes instead of the usual fifteen this morning.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:43 P.M.

MR. PRESIDENT:

Please be seated.

Continuation of Debate on the Throne Speech. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, to finish up with the Portfolio of Health, Education and Social Services I would like to touch on a comment made yesterday by the Elected Member for East End when he read from the Throne Speech that, "Sports will be developed during 1987 in such a way that the whole Caymanian community benefits from a comprehensive programme.", and his comment that it is proving very difficult to get the playing-field completed that he wanted in East End.

I would like to add that this is also true of Bodden Town. In Bodden Town we started to develop a complex. In one year we bought the land. Afterwards we built a playing-field and finally a Civic Center, and the Civic Center is built in such a way that it contains changing rooms that can be locked off from the rest of the building. There is also sufficient land to put in a large playing-field.

Just after the November, 1984 elections the First Elected Member for West Bay went to Bodden Town and saw the need to fill this parcel of land to complete the playing-field. But there seemed to have been no money to do the work. When they were preparing the estimates at the end of 1985, I was again asked which project I would like to see in Bodden Town and I said, "Simply finish the playing-field.". I have heard no more about it.

Again, at the end of last year I received further communication from Government asking which project I would like to see - and again we have not seen any work done. I am used to this kind of treatment from the First Elected Member for West Bay.

I remember on the 13th of December, 1972 my colleague from Bodden Town and I were successful in getting a motion passed through this Assembly for a certain project in the Bodden Town district. Very shortly after that Finance Committee voted the money, but over the next four years the project was never completed. He made it clear on more than one occasion that he is interested in projects in his district, and we have found that projects for George Town and West Bay are completed quite easily. And this is bad because, whether it is so or not, it appears that the Executive Council Members, the majority of whom are from George Town and West Bay, are simply doing projects in their own districts for whatever reason they may have. The result has been that the rest of the Island has been sadly neglected - Cayman Brac, East End, Bodden Town, and occasionally they will throw a few crumbs at North Side. This is bad Government. Members of Executive Council should look at priorities Island-wide and should not have parochial mentalities which deal simply with their own backyards. We want government by the people, for all of the people. So when the Honourable Member enquires, as he will at the end of 1987, as to what project I would like to see, my answer will simply be the same as in 1984, 1985 and 1986.

We have been told about the contract given to a company to supply water to George Town, to the Water Authority, and I am concerned about the liberal terms of that franchise. We were told by answers given, that during 1986 Government will collect a substantial sum of money - I believe it was \$191,000.00 - from the Cayman Water Company. This has been possible only because the Government of the day, when that franchise was given, required the company to pay a small royalty for their right to supply water. This resulted in Government receiving revenue and not having to tax everybody to raise the money. And here we see Government giving away to Caribbean Utilities Co Ltd (CUC) a golden egg. If this were all, one should not be too concerned, but they have given a guarantee to the company, which is either owned or affiliated with CUC, to purchase from them a fixed amount of water at a fixed price. Whether we say it or not, this company will be in direct competition with the Cayman Water Company which is a franchised company paying a royalty. It is unfair competition and should not have been allowed by Government.

Disgust has been expressed by certain Members about the barriers erected by CUC along the road. I cannot see how they could have taken such action with no regard to the

safety of individuals. These poles that are well reinforced will mean certain death to any driver who comes in contact with them. They should be removed immediately.

The Honourable Member responsible for Civil Aviation seems satisfied that we now have competition on the Miami route. In fact, the comments in the Throne Speech would lead one to believe that we have a very good deal. It reads: "As a result of negotiations on the Miami/Cayman Route Moratorium, the National Airline has been granted rights to operate scheduled services to three new points in the United States in addition to Miami and Houston, and concessions on charter operations."

This certainly should read: "We have been given a bad deal.". The lucrative Cayman/Miami route has been taken and divided amongst the large American carriers to the detriment of our little airline. No amount of other points can ever compensate for the revenue that will be lost as a result of this change.

Government lost a wonderful opportunity when they were negotiating the Mutual Legal Assistance Treaty. At that time I am certain that the United States' Government and its many bodies, the FAA, would have given any small concession that we asked for. If, at that time, the Government negotiators, instead of simply smiling and waiting for the handshake at the end, had asked the United States' Government to extend the moratorium, we would have gotten it and, in fact, I believe they would have even taken the other airline off of it - they were so anxious to conclude the Treaty. But we were let down by our negotiators and our birthright sold without even receiving the mess of pottage.

What amazes me is how anxious Government has been to get rid of the Miami route or to retain only a portion of it because the moratorium which they recently scrapped would have extended into this year and would have at least taken us past this year's tourist season. What do we get in return for it? Well, this is what we get. We lose the traffic that we built up on the Miami route to Eastern Airlines. We lose the traffic that we paid with our advertising dollars and our goodwill promotions. We lose that, and what do we get? We get the right simply to operate from another city. But if we had been given ten cities, it could not compensate for the loss or competition on the Miami route.

Government knows how difficult it is to open up flights to a new city in the United States. It knows the difficulties of opening up the Houston route and making it profitable. In fact I understand that quite recently an attempt to start flights into Tampa had to be curtailed because it was not profitable. So we gave away the only revenue earner that the airline had and we have gotten nothing in return. What are we going to do with these three new points? What cities shall we select? How many travellers from those cities will be interested in a direct flight to Cayman? Will it be Birmingham, Alabama or Detroit? Will it be Sumter, South Carolina? How much money is the airline going to spend to develop these new routes? The sad fact is that we gave away the Miami route and we got nothing in return.

We signed the Treaty with the United States. They got what they wanted - and we got a handshake. We do not need new points into the United States because all the major airlines have connecting flights into Miami. What are we going to do with flights into Norfolk, Virginia? Miami is probably the closest point to the Cayman Islands and our connection to the United States should be through Miami International Airport.

The Government negotiators failed us. They did not try. For example, Eastern Airlines should have been told that it can fly into Cayman, but that its flights would have to terminate in Cayman Brac. The Gerrard Smith Airport in Cayman Brac is of an international standard and the flights should have been directed there. If this had been done, Eastern Airlines would not be flying to Cayman today because they are not interested in a point that is not already developed. They want our airport that has already been developed by the money spent by this Government. They want to pick it up for free. They are not interested in the Cayman Islands.

Eastern Airlines, Delta and Pan Am have shown repeatedly that they are not interested in the Caribbean because the minute business gets bad and the country needs them they pull out. Delta Airline crippled the Jamaican tourist business when it shut down its United States/Montego Bay flights at a time when Jamaica needed it. Eastern Airlines would do the same to us that BWIA

did, or that Lacs did for that matter, if it suits them to pull out. So do not believe Eastern Airlines is coming here for our pleasure. They are coming here because they know - they are airline people who know - they can make money on this route. They will not have the initial start-up cost that Cayman Airways will have if it tries to penetrate a new market.

We have been let down by Government. I can only say that today Cayman Airways is in a worse shape than it has ever been and all the major decisions of Government and the Board have been to the detriment of the airline - the loss of the Miami route and the addition of duty on airfreight. I could go on and on, but we are not supposed to mention Cayman Airways anymore. We are only supposed to pay for it.

The Airline has been criticized for the purchase of the Shorts aircraft for the Cayman Brac route, but I cannot join in that criticism because I know that since the demise of the DC-3 it has been very difficult to find a suitable aircraft for the traffic between here and the Lesser Islands - difficult in that most of the small planes are not equipped for comfortable travel. Most of them are like the Trilander with no lavatories, no kitchen, no aisles and no space to work around, and it is a very difficult job. I think the airline did well to find the plane that it found. I will not get into the matter of crew training and all that, but overall Cayman Airways has suffered a lot in the last two years, as was borne out by the accounts that were tabled here recently.

The Throne Speech recognises the shortage of jobs in Cayman Brac and this has resulted in families moving to Grand Cayman to seek employment. Cayman Brac is a problem area and everyone but Government recognises it.

On the day that I mentioned a while ago, the 13th of December, 1972, the First Elected Member for Bodden Town and I also moved a motion in the House asking Government to set up a Committee to look into the economy of Cayman Brac. The Motion was rejected and we were criticized by the representatives of Cayman Brac at the time because it was said that we were meddling in their constituency. And so for four years Government did nothing to help Cayman Brac and conditions got worse. People left - well, they were leaving for two reasons. One was to put their children in the High School in Grand Cayman and the other because there were no jobs.

Government had before it an application from Cayman Energy for the transfer of oil and it would not even look at it. Time went on and after the elections in 1976, the new Government, in early 1977, signed an agreement for Cayman Energy to transfer oil off the coast of Cayman Brac and Little Cayman.

During the years that followed, Government received revenue. In one year the royalties exceeded \$1 million, but this is not where the benefits came. The benefits came directly to Cayman Brac. At one time 15 per cent of the working population was employed at Cayman Energy. Of course other money was spent, but when I say employed, the men were making good salaries. Some of the mooring captains were making \$3,000 to \$4,000 a month - men who had before gone to sea for much less. But because of the construction of the loop-terminal and because of the fall in demand for oil, the transfers have ceased. And so Cayman Brac faces a new crisis and I hear of no steps to be taken by Government to counter the fall in jobs. Government lost the wonderful opportunity of having Eastern Airlines fly to Cayman Brac. They lost their bargaining power in the Legal Assistance Treaty, and today Cayman Brac suffers.

Over the last 20 years I have probably visited Cayman Brac more than any other Caymanian and I know that the words spoken by the Honourable First Elected Member for Cayman Brac are just as true today as they were when he spoke them at the Budget meeting. Cayman Brac is in bad straits and it needs development.

I am proud that over the eight years, from 1976 to 1984, Government spent a large amount of capital in Cayman Brac. In fact it averaged about 25 per cent of the capital expenditure over the eight years in building the dock which they need, making the airport to accommodate jets, building the roads and schools and a new Public Works' compound. But today Cayman Brac still needs a big injection of capital. I suffer and sympathise with the two Elected Members for Cayman Brac because the mentality of Government and the establishment has always been that these Islands end at Crewe Road, and that no money must go to Cayman Brac, Bodden Town or East End, and unless we change our way of thinking districts such as Cayman Brac, Bodden Town and East End will always suffer.

I would like to turn now to my many pages of notes that I made, and would certainly like to continue to use my four hours, but I have promised the First Elected Member for Bodden Town to end my speech at 12:30 so that he can start his.

The Honourable Member for Communications, Works and District Administration has spoken of the need for a new Post Office. This is an item that should have priority. The previous Government completed a study done by an expert of the Universal Postal Union which projected the needs for the mail services over the next 20 years. The Public Works Department did a preliminary costing and we were thinking of a building to be sited on the old Public Works compound with the bottom floor being used for the handling of mail, the second floor for offices and the remaining three floors for car parking. So the proposal that Government received from the private sector some time ago, I think since the last election, is not anything new. And I am glad that the Honourable Member recognises this need and that he will push forward to get this Post Office.

Amongst other things, it was envisioned that the new Post Office should have 10,000 postal boxes that could be rented within a few years and bring substantial income. One cannot get a large outside postal box for love or money. The staff is crowded and the mail is increasing.

What I would have liked to have seen was the Post Office built and the Museum put in the old Post Office building. I think it would be a mistake to put the Museum at the Harquail Center. The Museum should be in a locality where every tourist who comes off the cruise ship could pay \$1 or \$2 to visit the Museum. If we can put it in the center of George Town in the old Post Office building it will be the ideal locality. This could house many artifacts, but if we do have large ones such as the first buggy that travelled in Cayman and big items like this, they can do that at the Harquail Center. The smaller artifacts should be in the heart of George Town where the tourist can pay to visit it so that it can earn revenue for the country.

I do not think it is wise to put the Museum in the old Court House. I remember hearing of a story during World War 2 when one of the large rubber warehouses burnt down. It was a disaster for the allied forces. However, one of the newspapers the next day printed in black headlines, "Rubber Warehouse Burned, But Contents Insured". It is no use having irreplaceable artifacts insured if you lose them because money can never replace them. If the Museum is housed in the old Court House for a short time - I hope it will only be a temporary home - I trust that they will be moved to the permanent home in the old Post Office and not down to the Harquail Center where they would be inaccessible. So please do not let the Honourable First Elected Member for West Bay have his wish in this matter.

Another good locality for the Museum would be that place in the center of town that I understand is to be used for a Farmers Market. I support the building of the Farmers Market, but there is so much other land available. There is the old compound at the junction of Smith Road, there is the place where the present offices are housed. We could find many different spots and the area in the center of town should really be for the Museum. Is it just a matter of expediency why Government is taking the easy course because the old Market could be easily converted at very low costs into a Farmers Market. Government must look at the overall picture and not bend to expediency, but try to do a job that will be for the benefit of everyone concerned.

Finally, I would like to say that while Government seems to spend more effort on conservation and more money on propaganda, it fails when it comes to looking at important matters, and it is able to get away with this because the public seems to accept it. For example, the conservationists who scream about beautification allow CUC to dispoil the view along the road side and never raise a voice against it.

The Honourable Member from West Bay is reminding me, Sir, that it was his Government who destroyed the Princess Royal Park to put up this building (LAUGHTER) and I am amazed that he would bring this to my attention. I was willing to forget it. (LAUGHTER).

Mr. President, I know we have a long Agenda. There are many Bills to come. There are many Private Members' Motions tomorrow and I will keep my word to the Member to let him start his debate. I thank you.

MR. PRESIDENT:
Bodden Town.

The First Elected Member for

MR. JAMES M. BODDEN:

Mr. President, it is a great opportunity for me to have finally been able to sit out the Honourable First Elected Member for West Bay. I still wonder why he allowed this to happen, but I think I can sympathize with him because his administration has not been able to do anything since 1984 and there is nothing much planned for 1987; thus, the brevity of your Speech.

This is the fifteen consecutive Throne Speech that God has blessed me to be able to debate and I must say that this one lasted about the length of drinking a cup of coffee. So it goes to show that this administration has not been able to accomplish very much. Although much may not have been accomplished, at least the speeches could have been longer.

Your speech, Mr. President, could not be termed as anything that would give hope to our people. Nothing was contained in the message for our people to grasp. Nothing in your Speech enlightened the youngest school boy in the street.

I am reminded and will remind the people of this country of a very old poem in the school books when I was a very young boy. This poem was about a certain sailing ship that was standing by a sinking ship at night. I think that that ship was probably captained by an ancestor of some of the famous people in Cayman today. However, it went on to say, "Take heart. Hold on. The three bells shall stand by."

I am reminding the people of the Cayman Islands today that, although your Speech was very short because you could boast of nothing that this administration had done, they can take heart and hold on because the Unity team is standing by for 1988.

I see from the Throne Speech that this administration has heeded well the words of the Financial Secretary, the First Official Member, in his delivery of the Budget Address when he said that it would be wise not to undertake any ambitious capital projects for 1987. I can well see why this has not been done, but with the present elected administration I do not think the country or ourselves will ever have to worry about any ambitious undertakings being started.

Our people are looking forward to the days that they enjoyed before. I think by this time the people of this country have well seen the empty promises that were given to them - promises that have not been fulfilled. Promises that were strictly election garbage, and it is a shame that the people of this country fell for it.

To enjoy the way of life that the people of this country have become accustomed to, we need the infusion of money from abroad. We need to provide the atmosphere to attract that investment money and it matters not whether that investment money comes from New York, Georgia, Texas or any part of the world so long as it is not the drug money. We need the infusion of foreign capital to help us build this country.

There is one Honourable Member of the present Executive Council who, in his electioneering, had much to say about money coming into the country from abroad. But I am very happy to learn that he has traded in his traditional head gown for a ten gallon Texas hat.

We must have this infusion of money. We have to import from abroad. We do not export anything other than geniuses who go abroad to shake hands. How are we going to import the necessities of life if the business community in the Cayman Islands is not of a vibrant nature? We will stagnate as we did in the years 1972 to 1976 - the years which few people in this country will ever forget, but I am sure they will also couple them closely with the years 1985 to 1988 after we are through with this Elected Executive Council.

We must no longer tamper with the faucets. If we do we will find that we close them off and no money will be available to develop this country. We must get away from the third world insular, socialistic minded policies of some of the people of this administration. There is no room in this century for some of the idea that they promulgate to this House.

Mr. President, I would have thought that in your Throne Speech you would have chosen some other item other than the Police Report to open your state of the union message to our people because I am sure that this Report must have

been as disheartening to you as it was to me when I saw it. You did preface it by saying that crime generally continues to increase. Yes, unfortunately that is correct, Mr. President. That is correct although your present Elected Executive Council promised the people of this country a utopia in their electioneering - a garden Eden from which nothing but pure sweet honey would flow. What do we have instead? We have a crime ridden community thrust upon us - much worse than it ever was anytime in our history.

When one reads the Royal Cayman Islands Report for 1986 and compares it with 1984 Report, one can see the damage that was done by empty headed politicians in this country in the last election when, with their political cronies, they grasped at everything they could to tear down the reputation of anybody in this country - those cronies whom they have now supplied with some of the cushy jobs in Government. But I will give them notice and I will give their cronies notice that, God be willing, in 1988 they can pack their bags before the election. The cronies will not survive into 1989. It is because of that and this Report that I speak in this House today very inflamed.

The drug situation has been with us and will continue to be with us but I am certain there is no man in the Cayman Islands who looks at this situation anymore seriously than I do, and have done in my entire stay in the Cayman Islands.

When we had a Chief of Police who was doing something toward curbing some of these things, you, Mr. President, allowed yourself to be subjected to the abuse of the Elected Members and removed that man as no Police Chief has been removed in disgrace in our history. A man who, in my opinion, had done a lot for this country. You have allowed our Laws to be changed to where they have very little teeth anymore.

I can go along with the rehabilitation schemes and I will speak about them because I think the time has come that we have to make a major thrust in that area; but I do not believe in freeing a criminal just because on an election platform I may say, "Vote for me. Vote for the group and we will release your brothers and sisters out of bondage.". That is were are country began to go down hill.

If we had made a move that the Courts acted upon a couple of years ago and inflicted the sentence that was imposed under our judicial system at that time, we would not today have a country that is so crime ridden; and if you will remember, you will remember my personal stand on that action on that at the time. I feel as strong about it today as I felt then. Why did we not have enough guts to carry out the sentences which our Courts had imposed? Why would we want to let Jamaica carry it out for us? If crime is committed in this country we should deal with it as people who are fit to stand up and govern a country. We should not have to hide behind the coat-tails of someone else.

MR. PRESIDENT:

I think we have probably come to the time when we normally break for lunch. Is that is a convenient moment for the Member to pause.?

MR. JAMES M. BODDEN:

I wish I had 24 hours to debate this, Sir.

MR. PRESIDENT:

Very well. I shall suspend proceedings until approximately 2:15.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MR. PRESIDENT:

Please be seated.
Continuation of the Debate on the Throne Speech. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I would like the permission of the House at this time to deal with another important matter which I think is of grave national importance rather than to deal with the Debate on the Throne Speech.

During the lunch break it came to my attention that instead of having the peanut butter sandwich

tourist that we have been getting, we have decided to bring to our shores a boat load of cream-puffs. I understand that we have a large ship in the harbour with at least 750 admitted homosexuals that have chartered this vessel.

Before I go further, Mr. President, and hear there is nothing that can be done about this, I would like to remind this House that in 1937, I think it was, a bunch of Jewish immigrants who were very anxious to get away from Nazi Germany chartered a Swedish ship by the name of "Gripsome", trying to find refuge in a foreign land. They travelled quite a bit of the globe in search of a sanctuary and although many of the western countries were sympathetic with them they were not allowed to land in any of these countries. So if I am told that nothing can be done, I will refer you back to that story. Something, I think, can be done and the precedent has been set.

We have today in our midst at least 750 men walking around town holding hands with each other and kissing each other in public. It disturbs our people, and so it should disturb us. Homosexuality has been with us like the poor ever since the creation of time, but there is no reason for us, in a small community, to import it in such volume. I understand that this ship has something to do with Bermuda. Is it another incidence of the Bermuda Triangle - or what is it?

It is also reported and it is probably true that many of these people may be suffering from Aids, or if not, they are probably Aids' carriers. God, in his wisdom, may have seen fit to inflict mankind with this dangerous disease to see if the ills of homosexuality cannot be cured, but I feel that our people do not support this move. Apparently, it was known in advance by Government that this ship had this mottly crew aboard.

Consider the consequences of this, Mr. President. People are eating and drinking in the restaurants and everyone well knows that our restaurants are not that well equipped with hot water supplies and so forth. We do not have the proper sanitation code to enforce things in our restaurants, and yet we are allowing these people ashore on our land. We are taking this risk. Why are we taking it? Certainly it must not be for the few dollars that these people would spend ashore. I understand that Jamaica, which is in much worse financial conditions than the Cayman Islands, has refused entry to this ship and if they could do it, why did we give them special permission to come to the Cayman Islands? This is certainly not the type of tourism that we want.

I say, Mr. President, that if you or your Cabinet allowed it you should all be dismissed at this point, or you should resign. I would ask at this point - and I am willing to give up the floor on this important debate on the Throne Speech - that you call your Cabinet in session for fifteen minutes so that we can see whether we have the leadership in this country that can deal with the situation, and have the police go out to round these people up and have them put back on board the ship as we did with the refugees in the past, and tell them to leave our shores. I leave it to you for fifteen minutes and I hope this House will support me on this.

MOTION

MR. G. HAIG BODDEN:

Mr. President, I would like to move under Standing Order 24(9)(x) that the House resolve itself into a Committee to deal with this and perhaps the Committee will suggest that the Cabinet issue an Order.

MR. JAMES M. BODDEN:

I second the motion.

MR. PRESIDENT:

I propose to suspend proceedings for about five minutes because I am afraid I need to study Erskine May to determine whether it would be proper and accord with the Standing Order that the Motion be debated. I am afraid I had not been given notice that you intended to raise the point and it is not one in which I have briefed myself nor one with which I am familiar.

MR. JAMES M. BODDEN:

But Mr. President, I do not think this House should waste time in debating this Motion. If it were that I would not be prepared to yield the floor because I have the right to debate the Throne Speech. This is something of grave national importance and I think you should give us five, 10 or 15 minutes recess and call your Cabinet together and come back out and

tell whether or not something is going to be done. To debate this Motion is foolish at this point because by the time everyone has debated it the ship will have been long gone and nothing will have been done.

MR. PRESIDENT:
the Motion.....

But with respect, you seconded

MR. JAMES M. BODDEN:

... a Motion, thinking that you as President of this House, as the leader of Government business, would deem this of national importance and suspend for a few minutes to discuss it with your Cabinet.

MR. PRESIDENT:

What I propose to do is what I said - to suspend proceedings for five minutes while I study Erskine May.

AT 2:28 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:34 P.M.

RULING ON MOTION

MR. PRESIDENT:

Please be seated.

My understanding, having read Erskine May, is that the Standing Order is certainly intended to refer to a procedural motion made immediately after the second reading of a Bill - that the House resolve itself into a Committee - and that it is not intended to mean at large that at any time during any stage of any proceedings, any Member can get up and move without notice that the House resolve itself into Committee to discuss any subject at all. So the First Elected Member for Bodden Town may continue speaking in the debate.

CONTINUATION OF DEBATE ON THE THRONE SPEECH

MR. JAMES M. BODDEN:

Mr. President, in other words you are telling me that you - and you can throw me out of the House today for this one - as the reputed leader of our country, are not prepared to suspend this House for 15 minutes and stand behind a procedural technicality in our Standing Orders to support your view than to do something that may be beneficial to the young people, in particular, of our community. It is not going to affect me personally. I am 56 years old and have been set in my ways a long time, so I am not going to change now. I love the women, but, Mr. President, you do not view this in the way that so many thousands of Caymanians who know about this today do, and you will not try to take action.

We do not need this type of tourism. We do not need that brought to our shores in volume the way it has been done. Having had notice of this and yet allowing it to happen, I say shame on you and your Cabinet. If you are willing to subject our people to this, Mr. President, with all due respect that I have for the Chair, I must tell you that you do not have the goodwill of Caymanians at heart. I am only sorry that this evening you do not have a reservation on that ship.

This is a dark day for Cayman and I am going to have another shot at it when I get to tourism, but before that I am going to put many shots across this building. I am going back, Mr. President, to the annual Police Report of 1986. I am going back to review that garden of Eden, that utopia, that the Honourable First and Third Elected Members of Executive Council, in particular, promised our people.

The Police Report on page four says that it will become necessary to revert to overseas recruitment if the establishment is to be kept to a strength. I object strenuously as a nationalist to this, Mr. President. I am of the opinion that per capita we have as many honest police as any other country. We have as many capable police as any other country.

Mr. President, maybe you should

get down with your Cabinet because I think they are debating whether they should do something about the Aids ship or not.

Mr. President, I believe that we should do as the Unity Team Government did some years ago. We realised that the police had an onerous job. We realised that it was difficult to recruit and that the advancement was not rapid, and we created a bit of a super scale up to the Inspector ranks. Maybe the time has come again to do that if we are going to attract the young people in the community into Police Force. If we were to pay them more money, give them good organised training and some of the benefits that the expatriate officers get - yes, if we do these things, Mr. President, we can change this Report and we can have young people who would be interested in joining the Police Force.

I know that times have changed. I know that what was said of the Caymanians of old - that they sailed the wooden ships with iron men - may not be said of young Caymanians today. That may have changed, but I do not believe that they have changed so much that within the last few years there has been such deterioration to the point that we cannot get suitable youth to fill the positions in our country. I know we are going through the ravages of dope, and thanks to you and your Cabinet, maybe ravages of Aids in a few years. But, Mr. President, we can build a Police Force if we take an interest in the youth.

Dealing with this utopia - on page five - in 1986 the overall number of crimes known to the Police was 2,668 which was 717 more than the 1985 figure of 1,951. We go on to page 10 of the Report, and I am going to compare that to the 1984 Report in just a minute. I think this will show the country where the problems lie with regard to the Police.

During the Unity Team administration we took the view that the Police Force was like the school and medical systems - they are a community problem. One does not look for income from them, but the necessary money is provided to do the jobs that need doing. This was our policy for the eight years that we were in the administration.

In 1984 the country spent on the Police Force \$3,718,639.00. For the same period it took in as income in the different areas that can be traced back to Police Force, \$1,089,483.24, or, Mr. President, about 27 per cent of the money spent on the Police Force came back into the Treasury.

In the year 1985 we see only \$3,954,612.00 spent on the Police Force and we see \$1,280,334.70 coming back in. In 1986 we spent \$3,980,722.00 and got an income of \$2,470,202.44. In other words we are getting back about 66.66 per cent on every dollar that was spent. It is being looked at now as a revenue earner and not as a law enforcement agency of the country. The police are not being provided with the equipment and tools that they need to do the job, and our young people are not being given the incentive to join the Police Force.

MOTION

MR. D. EZZARD MILLER:

Mr. President, on a Point of Order Sir, could I draw your attention to Standing Order 12(1) and maybe we could get the matter of national importance dealt with under that because I believe that the Executive Council Members seem to be talking alot about it, so.....

MR. G. HAIG BODDEN:
second that Motion.

Mr. President, I would like to

MR. PRESIDENT:

My understanding of Standing Order 12(1) is either the Motion has to be made at the end of questions or to be made by a Member of the Government.

MR. W. MCKEEVA BUSH:
questions Sir.

But we have disposed of

MR. G. HAIG BODDEN:
questions.

Yes, Sir, we have finished the

MR. PRESIDENT:

No, no, but it has to be made immediately after the end of questions. That would be my interpretation or that it has to be made by a Member of the

Government. If a Member of the Government wishes to move such a Motion, then that will of course be in order, but I don't think that it is moveable by a private Member.

MR. W. McKEEVA BUSH: Mr. President, what about Standing Order 12(2)(a) - the exceptions.

MOTION FOR ADJOURNMENT

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to move the adjournment of this House under Standing Order 12(1). Sir, to discuss this matter of national importance under Section 12 (1).

MR. JAMES M. BODDEN: It might not need a seconder, but if it does I will second it.

MR. PRESIDENT: I do not think a seconder is needed.

MR. JAMES M. BODDEN: I know my Standing Orders well enough to know that it is not needed, Sir, but I just wanted to voice my support.

MR. PRESIDENT: Well it may save time.... the Honourable Member is moving the adjournment of the House for how long?

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would suggest 15 minutes, Sir.

MR. PRESIDENT: Very well. The question then is the House will now adjourn for 15 minutes. Does any Member wish to speak? Those in favour please say aye. Against, No. I think the ayes have it.

QUESTION PUT: AGREED. AT 2:47 P.M. THE HOUSE ADJOURNED FOR FIFTEEN MINUTES

AT 3:12 P.M. THE HOUSE RECONVENED

MR. PRESIDENT: Please be seated.
I think perhaps I should inform the House that the Honourable Member concerned will be making a statement about this matter tomorrow morning at the appropriate time in accordance with the provisions of Standing Orders and the Order Paper, but I think that Members may wish to know meanwhile that arrangements have been made for the ship to leave as soon as possible and for the police to be alerted meanwhile to prevent any unseemly behaviour.

The Debate can now continue.
The First Elected Member for Bodden Town.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MR. JAMES M. BODDEN: Mr. President, in the past the Honourable Third Elected Member of Executive Council and myself may have had some political differences. We will probably have some again. I have always respected him very much as a gentleman. Today I wish to tell him how much I respect him as a man because, Mr. President, if he had not made the move that he did nothing would have been done at all about this matter. So I thank him from the bottom of my heart.

Before I go on much further, Mr. President, I would like to alert the House that as tomorrow we are dealing with Motions and since this is the winding up of the Throne Speech and I have lost quite a bit of my allotted time, I would hope Members would grant me at least an additional hour or one hour and a half this evening to finish my debate on the Throne Speech. I hope I will not be boycotted on that or that some Standing Order that does not exist will be used against me.

MR. PRESIDENT:

Perhaps in fairness to the Member I should just say that none of the time we have suspended for this afternoon is counted against his four hours, so he had not used very much speaking time and secondly, although it is perfectly true that tomorrow will be Private Members' Motions, the debate could continue on Friday.

MR. JAMES M. BODDEN:

Mr. President, all of us have commitments in life that we have to live with. We have Motions tomorrow and I quite understand that the time has not been taken out of my four hours, but due to a previous business commitment I have to leave the Island and will not be here on Friday, and it is really difficult for me to condense down what I would like to say in just the next hour and fifteen minutes. I wonder whether Members would consider going through to 4:30 without a break to allow me to

MR. PRESIDENT:

I would certainly do that.

MR. JAMES M. BODDEN:

too rough on you then.

Thank you. I will try not to be

Mr. President, continuing with the 1986 Police Report, we find on page 16 that in 1984 we had 1,367 crimes committed. In 1985, 1,951 and in 1986, 2,668. This is a terrific increase. We are becoming a community with too much crime. The number of cases on drugs alone increased from 178 in 1985 to 568 in 1986 - an increase of 319 per cent.

Now Mr. President, I do not know whether any of us may have the answer to these problems, but certainly this affects the well being of the entire community and we cannot allow this to go on. We must come to grips with it even if we have to use a little bit more of the money that the Unity Team Government left behind, but we must come to grips with the problem.

In 1986, again, we heard nothing about corruption. A number of witch-hunts were carried out which proved that the people were talking nonsense. In 1985 we had one case of official corruption. I do not think there were any in 1984. There may have been one - I do not remember exactly what is there. In 1986 we had 15. This is alarming. Under the Misuse of Drugs Law, under a certain category, we had 24 crimes in 1985. There were 165 in 1986. Overall - 1985, 178 cases and 1986, 555.

A lot was said in 1984 about gambling. In 1985 there were four cases under the Gambling Law. In 1986 there were 28 cases. I am going to deal more fully with this when I get to this book.

Under the Banking Laws, in 1985 there were no criminal cases. In 1986 there were 53.

I want to go back and add to my previous statements regarding the police not having adequate funds to carry to out the work that should be done. I am going to give this House the benefit of the 1982 figures which the Government of the day spent on the Police Force - \$2,671,046.00. The income taken in by the Police Department for that year was \$368,222.00. I am bringing out these figures just to show the country at large that the Unity Team administration placed much emphasis on the improvement of the Police Force.

In 1983 we spent \$3,105,533.00. We took in \$374,019.00. In 1984 we spent \$3,718,639.00 and took in \$285,209.00. We were not looking at the Police Force as something to earn income for the country. We used our brains in better areas.

To compare the crimes over that period. In 1981 there was 1,519. In the year 1982, 1,674. It then dropped in 1983 to 1,384 and further dropped in 1984 to 1,367 because at that time we had an able Chief of Police and the Government of the day was coming to grips with the criminal element.

I hope that the people of this country will pay attention to these statistics that I have revealed today because it will show the untruths that some Members of the present Government campaigned on in 1984. In 1984 under the Police Report there were no cases of official corruption. I stated previously the amount for 1986.

I think I have made my point with regard to the Police Force and to the criminal element now existing.

In my opinion we need to expend a lot of energy and money on the Mental Health and a Drug Abuse Programmes that were started under the Unity Team administration. I

hope that the present administration will do their utmost to bring these things to fruition rather than by promising us in every Budget and Throne Speech that certain things are going to be done. The time for promises are finished. We need to know now when, what and where. We do not intend to tolerate any longer the empty promises that we have been getting.

I for one am in favour of laws with stiffer penalties and if we have to adopt similar laws that have been adopted in other countries, then I think we should do so. If the drug trade addicts will not come to reason - and they think they can make easy in the Cayman Islands - I think it is time for us, once again, to warn them that that will not be, and I will support any Motion that is brought to this House to go as far as giving life sentences for drug pushers, in a certain categories, after they have been convicted one or two times for a similar offence. If we have to go that far to help our youngster, then let us do it.

With regard to the users, I am a bit more sympathetic. I think that the present Honourable Member should try to put together a rehabilitation scheme as quickly as possible. I do not think he can measure in dollars and cents as he tried to do in some report that I saw recently where he said it may cost \$5,000 to send someone to Miami for 30 day's treatment - if there were only 12 cases a year it would cost \$60,000 - and if it were done the other way it may cost \$1 million. I say spend the \$1 million and put together a proper scheme because we are going to have more than 12 people a year who will need this treatment. If we only cure one of them and bring them back to a productive life, the \$1 million, in my estimation, is well spent.

I am not supporting the use of drugs in any respect. I stand formally now as I always have against this, but what I am saying is that we can no longer measure the affects of it in dollars and cents. We cannot depend on balancing our budget by fining the ganja user \$500 for smoking a ganja cigarette or \$1,000 for using cocaine. We must help them because that is why crime is escalating in the community today. When people get hooked and do not have money they commit burglaries, thefts and even murder. They will go anything to satisfy that urge.

The Prison population is growing steadily. We are getting a good occupancy in Her Majesty's hotel, and we should not just concern ourselves with the building of more prisons - we have to concern ourselves with having adequate facilities as well as putting together an adequate rehabilitation system that will help these people. A system should be started for the people who are not on drugs to train them in other areas - maybe as carpenters and plumbers for example so at least when they come out of prison they can play a useful part in the community and not have to continue to hang their heads or become beggars. We are not helping the community, we are not helping them as individuals by doing that.

I would like to speak about the increasing size of the Civil Service. Under this administration we have gone wild in filling posts. Every Secretary now has a Secretary. Every office boy has a consultant and it is at the point where Civil Service posts are better than the 17 per cent of the work force. If we add together the other areas such as the Airport, Cayman Airways and so forth, one will find that the Government is now employing roughly 30 per cent of the work force of this country and it is time we came to grips with it.

We have an outmoded Civil Service system. We have an outmoded Public Service system. It is becoming a constant worry to the politicians of this country as to how Government is going to raise the money to continue to pay the large Civil Service salaries, and yet while this is being done we are not trying to train middle-management. There is a vacuum in middle management as there has been for many, many years. We are continuing to perpetuate the whole colonialist system of advancing our people by longevity. If they keep a seat warm for 30 years they can probably get an MBE and a better position. That is an anachronistic system. It has gone out of time. Let us get rid of it. Let us put together guidelines that will enable our people to be promoted on merit - not on time.

It is time for our Caymanians who come home from abroad to have a chance to see where they are going and to hope for a future in the Civil Service. If we made some changes we would not have to worry about importing all the experts, because who can tell one more about their country than the person who is born in it, who has his roots there and who intends to stay. It

would be like me going to London and advising them how to build a nitrogen bomb.

We must pay our people in the Civil Service equal pay. There must be equal opportunity for them. If we were to take the gratuity and housing allowance - which escalates I think to probably close to \$2,000,000 - and all of the benefits together, deal with an efficient Civil Service, and take that money and pool it among our local people they would have a better standard of living and we would have better employees in Government.

I cannot believe that the mentality and the ability of the average Caymanian has deteriorated that much. In the past Caymanians have been able to withstand every adversity and come out on top, and although some of our young kids may have been hooked on drugs I believe that overall they still have that capability if they are given the opportunity. I think we have to give them the challenge and they will rise to that challenge.

We do not need the experts from abroad. We do not need the consultants to tell us what type and colour of toilet paper a toilet needs. We can handle our own affairs, but in order to do this Government has to change its present policy. We must have meaningful talks between Government and the representatives of the Civil Service. We must instil in them better work ethics, but while we instil that we must also give them the promise of a better reward system.

The Public Service Commission should be put on the boat that is leaving in a few minutes - hopefully - and sent away from our shores because, in my opinion, it does as much harm to our country and our Civil Service as that boat would have done to the youth of our country.

Quoting from your Speech as well as quoting from some of the things we see in the press, tourism - which is the mainstay of this country, the main stay for the growth and development - was expected to increase through somebody's midnight dream by 47 per cent this year. Anyone can grasp figures out of the air and make them look good. Anyone can have pipe dreams. If they had looked at this more realistically they would have known that they could have never accomplished this, particular with the infrastructure that they have. This year it will probably amount to an increase of maybe 15 per cent to 20 per cent. That is not a bad increase. I am belittling it. What I am saying is that the figures that they were grasping at were unrealistic.

It is true we have two large hotels that have come onstream and they were probably figuring a 90 per cent occupancy rate for both of those to arrive at the 47 per cent figure. But we must realize that those two hotels are going to be like the other hotels of the past. They are going to do very little to actively promote bringing people in. They are going to fall back on Government as they did for the eight years I was there, and no one could have fought harder with them than I did for eight years trying to get them to assist Government with more effort on their part.

The advertising cost to promote tourism in the last two years has risen nearly 300 per cent from what it was in 1984. Money is being spent now through some advertising genius on televisions, radio and so on. I am not against this type of advertising because I stand for anything that will show the Cayman Islands up in a good light, but I would only give a word of warning that some of these monies are being spent in areas which, in my opinion, do not attract the type of tourism that we would like to attract.

There is one sign that promotes Cayman in Miami - but, again, please do not take me wrong when I state where this sign is because there are very good people in that area, people like ourselves - which is in an area where people cannot afford to come to the Cayman Islands, and that is in Liberty City in Miami. Now what can we expect to get with regard to tourism from that area. Those signs are very expensive and we could have gained much more from if we had been put it in another area. So I am just bringing this out to show that I hope that those who are responsible will pay more attention to the manner in which the money is spent. We cannot depend on some of these advertising geniuses. They are like the geniuses we have to contend with in Executive Council who are half asleep most of the time. They are not leading us in the right direction.

In 1986 tourism figures showed that we were up 14.5 per cent over 1985, but we must not lose sight of that fact, either, that 1985 was down from the figures in 1984.

We apparently have a present

policy which grasps at the lower income bracket people. It promotes people in that income bracket to come to the Cayman Islands. I am not against those people. They should have an opportunity to come here. What I am pointing out is that we should not spend a lot of Government money to promote tourism to bring people here when we have limited hotel beds and everything, and they spend no money. It is true that we probably need to help Eastern to get started on this route, but I do not think we need to help them in that way. This is your peanut-butter sandwich tourist that I am referring to and if anyone doubts that we do not have that peanut-butter sandwich tourist here just go to places like Coconut Plaza where they can buy their hotdogs and hamburgers, and you will see the thriving business that is being conducted in that area, but that is all. One can go to Fosters Food Fare and see them loading up their bags with peanut-butter and sardines. This is not the type of tourism that we need. Wake up.

I would suggest to this House that the time is ripe to go to the United States to open meaningful negotiations to get a policy of pre-clearance for tourist in Grand Cayman. In negotiations that I had with the American authorities a few years ago they promised that when we were around the 200,000 figures they would do such a thing for us; they would station representatives from their country here in Immigration and Customs and pre-clear the planes as they do in Nassau. This would add a lot to our tourism and if the responsible people in Washington are approached I know we can get it, but if we go to the clerks as we have done on other important policy matters we are not going to get anything.

I will compliment the Honourable Member for Tourism at this point for his planned introduction for a Law to regulate the hotels. That is something that should have been done a long time ago. I was negligent in not having it done, although we had done some work in that area. I am hopeful that he will bring it to the House shortly where he will have my full support.

Now another point, Mr. President, is this. It serves no use for us to go all-out to promote tourism if we are not going to train our local people to take these positions. The Unity Team administration was very cognizant of the fact that that should be done and that is why we started the Trade Schools that we did. That is why we put so much emphasis on training school leavers so that they would not be the square pegs in the round holes that some people talk about.

I, Mr. President, feel very strongly about this matter and what is going on with this regard. We have two new hotels that have come onstream. They have employed a lot of people and I feel that six months before they opened their doors they should have been told, as I told them a couple of years ago, that they should be permitted so many work permit holders and the rest should be Caymanian who should be employed and paid six months before the hotels open and trained through the hotel school. This has not been done. There is a certain hotel which I, as a Caymanian, feel very ashamed to go to because the only two Caymanians whom I saw were the two standing guard at the door to open it as one went through the portals of the inner sanctum. These are not the dignified positions that Caymanians should be trained to take. Every other position that I saw was filled by an expatriate. That is not helping the work force. It is going to breed more and more discontent and it is not helping the country at all. Please, for the good of the youth of this country, get back into the training schemes that the Unity Team had started. Do not just scrap them because the Unity Team Government did it and realize that we did it for the good of the country and the good of the people.

Mr. President, I am very sympathetic with the problems that exist in Cayman Brac. It is going to take quite a bit to revive that economy, but I was very shocked to see in your Throne Speech that the only sort of olive branch that was held out to them was the new programming of Radio Cayman which they can now receive much better. You apparently thought that would be an antidote for all their ills. What we need to do, Mr. President, is to put greater emphasis and thrust on promoting tourism for the Lesser Islands. We need to build that terminal to provide employment and to let the people of Cayman Brac see that they are part of the Cayman Islands. We may need to reduce tariffs in certain areas in order to get investment going in that Island. We may need to promote it as a retirement home offering certain retirement benefits to people who retire there, rather than retiring in Grand Cayman. We have to put our heads together. We need to think. We cannot adopt the ostrich

plans of the Honourable First Elected Member of Executive Council because he will never find anything that will work for Cayman Brac. We need to get someone who can think and devise plans to get that economy going.

During the eight years of the administration of the Unity Team, Cayman Brac received a fair and just portion every year. We put programmes together that helped the economy. People who had been working in Grand Cayman were going back to their homes in Cayman Brac because there was work for them. That has changed.

I support Government's present programme for the work on the Bluff Road and Little Cayman and I am pleased to see a new dental clinic is planned, but, Mr. President, this is only a drop in the bucket. We are faced with problems there and before they enlarge and get any bigger bring in your consultants, if you have to, if the geniuses that we have on the Cabinet cannot deal with it. Bring in the consultants - I will support bringing them in this time - and find out what we can do to benefit the people of Cayman Brac. We spent the money in the past to upgrade and prepare their infrastructure and we provided a healthy climate for investment, and the country began to move forward.

I will say in closing on Cayman Brac that I wish there was something that this Government could do to help the people in the Sister Islands. Whatever programme they embark upon they can rest assured that if it is for the betterment of the Sister Islands, I will support it 100 per cent.

I would like, at this point, to touch on the Government Information Service. In the last few months or years since the recruitment of the genius to fill that position, I have seen but very little activity in the papers that really promotes the Government of this country. That was another case of a political crony being paid off, but have your bags packed. Recently I did see - I think it was two full pages - in the newspaper where they were trying to deal with the Housing Development Corporation. That was after two years of sitting idle and two years of thinking that the people of this country had adequate housing and that nothing further needed to be done. The Honourable Member finally woke up from his sleep and decided to get his picture taken by the Government Information officer, my crony, and have a nice story written about it.

The amount that is stated as being spent on mortgages is roughly the amount, I think, that was there before the election. No attempt has been made, I think, other than borrowing money at a higher rate of interest from Caribbean Development Bank. He has not put the pinch on any of the banking associations or financial institutions of this country to buy any more bonds at a low interest rate to help the poor people. More needs to be done in that area. It is something that could be a cancer to this society and it must not be allowed to continue in this manner.

Mr. President, I am going to point out another area where I think something needs to be done and done quickly - you will probably tell me quite quickly that this is your preserve - about the present court and the judges. I do not have the answer for it. We have a new young Attorney General whom I hope is very ambitious and I hope that I will be able to associate with him many years in the Chamber and I congratulate him, but I hope that he will put his head along with yours and try to come up with something that can clear the bottle jam that exists in the present Court system. I do not know whether we need to have another judge or two or maybe two more Courts, but whatever it needs let us deal with it and deal with it shortly.

The time has long past when judges had to waste time writing down everything said. I know that if the Clerk of the Legislative Assembly had to write down everything said in here we would be here years. So it is impossible to think that a judge can write down everything that is said and to expect that it could be recorded for all those years for posterity. Let us change the system. Let us realize that we are living in the twentieth century and not back when the Magna Carta was written.

I am very proud to see that the Law School is progressing well and that we have some students whom I hope will one day take their rightful place in good positions in the community of Grand Cayman. This is one of the solid foundations for the betterment of our country which was laid by the Unity Team Government again. This Government cannot claim they have done anything, except give Cayman Brac better programming on Radio Cayman.

You touched on the surplus in

your speech, Mr. President. The surplus, I think, which exists from the previous administration now stands somewhere around \$5.1 million, including the guarantee for the Tower Building. Thank God it nearly all used up; now the present geniuses in Executive Council will really have to work to find out how they are going to get some back in there. They did a pretty good job of it this last year. In 1986 they took out another \$2.5 million. This year they are borrowing \$8 million they claim and they are going to put back \$2 million of that \$8 million borrowed to try to build up the reserves. That is really good thinking. This is the result of geniuses because that money is probably being borrowed at a higher rate of interest than if it was deposited back into reserves.

The surplus for 1986 was projected to be \$3.3 million. I understand that surplus has nearly been reduced already by \$2 million; so we are not going to have any surplus for 1986 to go into the reserves to build up the reserves of the country.

Our currency, of which I think all Caymanians are very proud, remains a strong currency. I am very pleased to see that, but I am not pleased to see that the entire operating surplus of \$1,330,524.46 was transferred last year to general reserve. Now the entire surplus that existed in the Currency Board has never been used in any year in the past. It only shows the bad financial picture that exists in the present Government.

We have a Five Year Economic Development Plan that it supposed to be coming to this House. I was shocked when I read what this amounted to. Somebody spent a lot of time building up a big document, not really giving any input of anything that is vital to the country. If that is the policy for growth, then God have mercy on us. That is the policy set by the Civil Service. This is what I have always argued against; the policies of Government must be dealt with by the elected people and not set down by the Civil Service.

We have a Bill coming before the House on the ship registration. I, for one, am not in favour of any curtailment of the ship registry. Instead of curtailing we should upgrade. My colleague from Bodden Town and myself have tried since 1972 to have this done. Shipping is our heritage. Why should we take a backward step in the 1987? It is something our young people can associate with. I will admit not as many of them tend to think about a seagoing career these days, but it is still something that I think we should not divorce ourselves from. The United Kingdom has consistently dragged their feet in helping to extend any of the Treaties to us which could help us to upgrade it, and I think it is time for us, as a small country, to say that we are going to upgrade it and that we are going to stand firm, and that they are going to help us. If the United Kingdom is the Mother that it should be it should help this stepchild out here and extend treaties to us so that we can upgrade the ship registry and make something of it. But I will tell you, Mr. President, and the country that I was very alarmed to find out that our ship registration section had been abused by a local prominent would-be politician lawyer when it was used to register and shelter a number of Russian ships. I think for this act the man should hang his head in shame for the jeopardy that may have come to our country by his greed. Judas Iscariot got his thirty pieces of silver and I am sure he got much more. But to think that a Caymanian would steep to do such a thing - and yet he is still kept high places and looked upon as a god. How much further can the people of this country tolerate this type of thing.

Touching on the Hospital, Mr. President. It is high time we had a decent Hospital. I know that we will never get it. Time is short for the present Honourable Member to ever do anything to bring it about because he would have to study it fifty years before he could ever decide whether we are going to build one or not. However, a Hospital is needed and I say, as a Member from this side of the House has already told him, that we do not need anymore experts. We do not need any expert to come here and tell us to use cement block instead of red brick imported from Europe. Let us go ahead and find the money and build a Hospital that can help our people.

I am very proud of the Doctors and Nurses who staff the present Hospital. I think that they do an excellent job under adverse conditions. We do not have to worry about it being there, the present buildings, we can use them to house our experts that we bring in from abroad; our expatriates that work like the Government Information Service Officer - that is the place where

we could put people like that instead of renting condominiums on Seven Mile Beach for them.

If we built a new Hospital we could go into many research areas. We could work with doctors in promoting this as a Plastic Surgery Center. It would make money for us, plus it would give our people the type of facility they need. However, the present Hospital could be used, as I have said, for expatriate housing or it could be used for the Community College.

The Community College is something that I think is very much needed. I probably look on it in a different way than the Honourable Member who is now responsible for it. I think one of the things we also need to do is to work more closely with the International College of the Cayman Islands to upgrade the facilities. Of course I understand he had quite a bit to say about that. I have not bothered to read the transcripts and I was not here when he said it, but I pay no attention to him because I have never heard him say anything that makes sense in the many years that I know him as a Member of this Assembly. I am really sorry he is not here to hear what I have to say.

We are now coming out with the new GCSE examinations. I have to plead ignorance. I really do not know what this means, but I am hoping that it is not a change similar to the Caribbean Council examinations that the Honourable Member became so famous for when he was in office before, and which would have been thrust around the necks of the children of this country for many years if he had had his way then. I hope, and I call on him, to acquaint this House fully with what he intends to do before this system is changed and what the system will entail. As my colleague from Bodden Town says, I know his background with regard to his feelings. I know how he used his political crony, Mrs. Mary Lawrence, to assist him in trying to stop the Middle School project when we started it in the Unity Team administration. I know the devious ways in which he works and I hope that we are not getting something today that will be of great detriment to our children in the years to come.

Career guidance for our youngsters is something that we need to focus a lot of attention on. It has to start at an early age and I hope that he will be doing something about that rather than giving us promises and telling us about somebody being sick. I will compliment him on one programme that apparently has been started and that is the counselling of teenage mothers and potential juvenile delinquents. This is a good start and I hope that he will soften his heart a little bit more in the months to come.

The Sports Complex was mentioned in your address. I support it thoroughly Mr. President. I think it has done a lot for the youngster of the community, but do not forget that was another thing that the Unity Team laid the foundation for.

Our overcrowded school system is becoming something to think about. We have to pay attention to it and it is going to cost money. I look forward to the near future when a new school complex can be built in Bodden Town. That will help Bodden Town to come back to be the capital of the Island as it was once before - well, we will extend the facilities in that area.

I am proud to see that this Government plans to do something about the Museum. A lot of time has elapsed on this. I tried to deal with it for many years, but we could not get an adequate place to put it. We wanted the old Court House which I think is an ideal place for the time being, and I think the Post Office would be the best repository for it for the future. Many of the artifacts that we have were bought from Mr. Ira Thompson. They are really not indicative in one sense of Cayman as such, but they are indicative of the Cayman way of life that existed some years ago. We should try to bring the youngsters of the community together to help in this project because by so doing it would help them survey the past whilst looking for a bright future under this administration.

Agriculture, Mr. President, is another item that has been forgotten by this present administration. The present Honourable Member, I am of the opinion, pays very little attention to anything relating to agriculture. We need to help the people more in this area. We need to give them more counselling and guidance and more financial help. He has boasted of only one thing that he has accomplished in this Portfolio and that is his stray-dogs programme and even then we had to get an expert from England to come over to tell us how to kill them. At least it did give him something

to boast about.

Under the AIDB programme - again a scheme that was set up by the Unity Team Government - at least he has been able to negotiate another loan for \$1.1 million for students and agriculture. I do not know how long it will take to get that money in place. I do not know what strings will be attached, but I hope that he can soon get it and that the people of the country can benefit from it.

We have two new hotels, but again the ground-work for them was laid under the Unity Team Government. We paved the way for the development of those two hotels. I am sorry that we cannot put a second plaque on the hotels like the Airport, then maybe this Government could get the credit for them. But, Mr. President, I would point out one thing that I think could be considered. Some of the hotels are now on the eastern side of the West Bay to George Town road and it is becoming a safety hazard with cars driving at high speeds in opposite directions and people trying to cross the road. You may say it is unsightly, but it is done in many areas of the world. It would be much better for us to allow pedestrian walkways to be built over the present Seven Mile Beach road than to wait until two or three or maybe four tourists get killed in traffic accidents there.

I am very pleased to see that the present administration is going to give consideration to the Civil Aviation Authority of the Cayman Islands Bill that has been circulated. This came about because when the Unity Team Government negotiated with Caribbean Development Bank for the small loan to complete the airport complex it set as one of its guidelines that it be set up under an authority similar to that where it would be self-financing. We agreed to it and I am glad to see that the present administration has seen the sense behind it and is willing to go forward with it. I will be supporting that when it comes before the House because that helped us build what probably is the best, and the best looking, Airport in the West Indies. It is one that Owen Robers, the great pioneer, would be very proud of if he was alive today to see it.

Now, Mr. President, I come to the new Fire Station. The new Fire Station was again part of the airport development plan that was started during the Unity Team administration, and I am very proud that we will be getting to the point where we are able to complete it, but I wonder when? We have been telling the people for two years, I think, that we are going to build a Fire Station, and now it is time that we build it.

Mr. President, I do compliment that department of Government. It has one of the most capable administrators to be found in any place as the head of it. He is a man whom I have been very proud to have worked with in the past.

Now there is talk and plans for a station in West Bay. For goodness sake do not wait until every house in West Bay has burnt down before it is built. I am sure, however, that it cannot be done with the usual \$10 token fee as has been endeavoured in years past. Let us get on with the job. Let us do it and show the people that this administration can do something other than kill stray dogs.

Much has happened in the last few months to effect the viability of Cayman Airways. We now have Eastern Airlines on the same and maybe another airline shortly - Pan Am. I do not understand why this Government elected to give up the moratorium that existed on the Miami route so many months before it was due to expire. They should have let it run to the end and those months should have been spent lobbying and working in Washington trying to get an extension to it instead of hanging their heads in the sand ostrich-like saying that nothing is going to be done so let us give up.

The worst thing about it, Mr. President, is that we not only gave up the moratorium, but I understand that we gave up the parity that existed between the United Kingdom and the United States' airlines under the Bermuda II. If we have done that, then we have really done something that is detrimental to the entire country because whatever the losses are, Cayman Airways is ultimately going to have to be picked up by the Caymanian people. Cayman Airways, like it or not, has to be something that will remain with us if we are going to have the prosperity we hope to have. In giving it up what did we get? Did we get anything more than we got out of the Mutual Legal Assistance Treaty? I am sure we did not.

There is only one person so

far, I think, who has benefited from the Mutual Legal Assistance Treaty and that is the previous Attorney General of this country, who has gotten his reward and has been appointed to sit in the holy of holies as Governor of the Turks and Caicos Islands. So he has gotten his reward; and I am wondering when the Honourable First Elected Member is going to get his BEM medal and whether the Honourable Fourth Elected Member may get his upgraded to, I do not know what, maybe the BBE or something like that - but at least we know that if one does his duty and bends his knees well enough there is something to be earned in the end. I am only sorry that it had to be earned at the expense of myself and my fellow Caymanians.

Cayman Brac exists as an International Airport. That was one of the reasons why the Unity Team Government saw fit to spend the money to upgrade it and so that in negotiations with United States Government we could say the Cayman Islands has two International Airports and not one. We have two Islands that people live in that need to be serviced. Northwest Airlines, Cayman Airways and Air Jamaica are serving Grand Cayman. Eastern must serve Cayman Brac. We would not be tied with the heavy debts that Cayman Airways in the future will be tied with if we had done this. We could have helped the economy of Cayman Brac, but there was no one who was capable of standing up and saying anything. All we could do, as usual, was to shake hands, bow our knees and come away saying, "We did our best."

There is no use telling us about the new additional routes. We must remember that when that additional route was opened at least \$1 million or more was going to be spent to try to build up that route, and with American Airlines, as many as there are in the United States', as soon as it is built up there is another parallel to take away the gravy. There is no moratorium or anything to protect us, so what are we going to get?

Some mention was made in the Throne Speech about us being able to make more charters in the United States. That is ridiculous to say because the charter rights under Bermuda II existed all along. Cayman Airways had the rights for any charter route in the United States. So we did not get anything additional on that. The only thing we have done is to open ourselves up to very strong competition.

We always boast of how proud we are to be a colony of the United Kingdom. Well this is one time then that the United Kingdom should have helped the little stepchild and fought with us instead of doing what they originally did under Bermuda II, putting us in the mess we are in today, when they gave the United States' airlines an open-sky policy for the Caribbean while they got the open-sky policy in favour of the United Kingdom in the Hong Kong area. That is why we are in the mess we are in today. Now they are giving us a bigger insult. They are sending us another Governor who is from Hong Kong with all the systems they have had in existence over there.

Well, there are three new areas to open up in the United States. I hope they will be opened wisely, and I hope that they will be brought to a Committee of the House so that Members may know what is planned before it is done. I hope we will not find that a route is being planned into Plaines, Georgia. That would be a good place for you to go. We could pick up much tourism there and maybe you would be able to meet the wonderful President of the United States, Mr. Jimmy Carter, who did nothing just like this administration. That would be a chance to meet another genius.

I had so much more that I wanted to say, but I am going to condense some of it. I am say to you and to the country today that I support Cayman Airways as I have always done. I have always felt that Cayman Airways is very vital to the economy of this country and I hope that we can face the competition together and that we keep Cayman Airway viable.

In my hand are documents dealing with the Trilander that we recently sold. This is a list of the spare parts that were sold, I understand, for \$20,000. I am not going into any detail on this; I am only asking the Honourable Member to make an investigation into this and report back to us in a private Committee meeting as to what happened, because there was also, in addition to that, a commission paid and I think we should know what amount was paid.

We bought a Shorts aircraft. There is a lot I wanted to say on that, but I am limited on time. However, I will say that we bought an aircraft that I think in time

will prove is not suitable. Further, we paid too much money for it and it has many other problems. However, I think a bigger problem exists with regard to what has been done with the 737. To try to prove one point, they have gone off madly and gotten a 737 that is costing about \$300,000 a month, including staff and this and that, which is about one and half times what we are paying for two 727's, and it cannot perform like the 727. It is costing us a lot of money.

I understand recently that a charter flight had to be cancelled. There were nine pilots with that plane. The two 727's were encountering some mechanical problems and at the last minute it was decided to use the 737. But the 737 could not be used because, although we had nine pilots, they had been drinking and nobody was on standby.

Now there is much more that I could bring out but I do not want to bring it out publicly. I have been blasted in every corner of this country by some of the big people in this present administration with regards to Cayman Airways, but at least I knew what was going on. I am giving words of warning now; let us sit down and sup together to get to the problem. Do not cast us aside as ignoramuses on this side of the House. We know what is going on and we want to know.

The Labour Bill. I can support the Labour Bill in some cases, but not in its present form. It has caused much dissension in our country because it was foolishly drafted. It is something alien to us. The previous Attorney General knew my feelings strongly on the Antigua Labour Code. I had dealt with him on it over several years and dissected it from end to the other. There was nothing but red ink over the copies that I had. It was a disgrace to try to foster that on the people of this country, and I hope that the new Attorney General or someone with get with us and help us put together a labour code that can work for our country. We need a labour code but we do not need it in the form that it was drafted before.

I see thatI have a cutting on this, I would like to say a lot more.... a Director of Trade is being planned. That is a very good move. I support it, but I am asking the Honourable Member not to let the Cabinet kill it with bureaucracy before it gets started and not to appoint political cronies. I would not like to see someone like James Lawrence in this position because he is a political crony.

The Master Ground Transportation Study is due to be brought before us shortly and I hope that no more minor studies will be done on that, but something will be done.

Mr. President, in my hand is a report prepared by the International Bank for reconstruction and development for official use only. This is done through the Caribbean Development Bank as a part of the World Bank. This is an economic memorandum on the Cayman Islands. This book is completely indicative, if anyone has the time to read it, of Government's policy of the past, of the present and of the would-be future. It tells of nearly everything that needs to be known about the Cayman Islands. I am going to read one little section - page 24, section 310 - and this is after it has outlined all the Government policies that are contained in the Five Year Economic Development Plan, the big blue book that has been given to us.

"Over the planning period it will be necessary to find new sources of current revenue and/or to curtail the growth of Government expenditure in order to preserve the status of the Cayman Islands as a tax haven. The use of lotteries mainly for the international markets and using the transient and local populations as a base, may be an acceptable option if accompanied by a campaign to increase public awareness of the cost of providing basic public service."

This is set down as part of the policy of the present Government and it is put out by Caribbean Development Bank, the bible of banking for the Cayman Islands. So this is how we plan to do our capital expenditures for the future.

I understand, Mr. President, that we should also at this session, pay tribute to the Sergeant-at-Arms who I think will be leaving shortly. I think he has done a very good job in his short time with us but I am ashamed that we are letting him go just so that someone can appoint a political crony to the position. I do not think the present holder could ever be

considered a crony for any political group in this country, and that is probably why he is losing, or his contract will not be renewed.

I am glad to see that piped water will be given to George Town in the near future, but I would have liked, as a Member of the Legislative Assembly, to have seen the contract under which this is being done. I think that this is something that should not be done without all Members of the Assembly being able to see the contract.

The sewerage system is proceeding and I am thankful that it is being done. Again, this was a Unity Team job, we caught all hell for it - buying the land and everything else - but now the genius thinks he is going to capitalise on it. He will not capitalise on it because the loan and all the infrastructure was put together during the Unity Team administration.

It is time that we consider a new road into West Bay - one for each direction. I do not think it is wise to try to widen the present road. There is too much traffic and congestion, and we will open ourselves to too many accidents in the future.

The Honourable First Elected Member for West Bay did say - and in his usual manner he tried to be as abusive as possible to many people - something about fixing the roads of those suspected of voting for us, blaming, I think, the Unity Team administration. But I believe more of this is being done under his administration than was ever done in the history of the Cayman Islands lumped together before, because with every little bypath that is topped with a little bit of black oil he has said, "See, I have done it for you". This is what I referred to in my speech a while ago as being a third world insular, socialistic mentality. It is time we changed it.

I did not support the motion for a Speaker of the House because I think we need to go broader than that. The Constitution is really where this rests and, Mr. President, I must tell you today as I have told the people of this country for many years, and will continue to say - I may never see it happen, I am not for independence of my country because I realize the dangers - that I am in favour of constitutional change. Believe me, Mr. President, there are only two Members of this House who have never voiced that opinion and they are my colleagues the Elected Member for East End and the Second Elected Member for Bodden Town because they did not trust the group enough to go in and discuss with them. I took it upon myself to go in, thinking that I could trust them for one time, and I was shocked to hear how much each and everyone of them was in favour of constitutional change and I said, in a limited way, that I agreed with them, that I would join hands with them and I would go on any platform throughout the country with them and tell the people that we have forgotten politics on this issue because we think it is of national importance.

Most of them felt that the constitutional change was needed because of you, but yet at the next Sitting of the House, when this was all secret, they tried to put the blame around my neck. I can take the blame, Mr. President, because I will tell any man in the world what I think of him. I believed in what I was doing. I thought for once I could trust these Members who were elected by the people to do something that would be good for the country. We were agreeing on a change of the constitution similar, or what would have probably been similar to the Virgin Islands and then when they thought they had hung me they tried to put it around my neck. Well, Mr. President, let me tell you, they were more verciferous than I was about a feeling for the change in the constitution, and it was mostly directed against you. So do not believe when you sup and drink with them that you are supping and drinking with angels. Jim Bodden will tell you what he thinks; they will not.

I stand before this House, before my people, before God and everyone else and tell you that I think the time is ripe for the Caymanians to at least handle their local affairs and be responsible because we know we are told we as Caymanians are not going any place, that we might do something wrong, that we can help be corrected and that we cannot run away; but you or anyone else can come and go and do anything with us and when you leave and we have to live with it.

Mr. President, I have no fear or hesitation in saying that under your administration of this Government you have set the country back, constitutionally, 25 years and you have perpetuated a Civil Service role in Government. You

cannot in your Speech draw on the evidence of development visible everywhere. Mr. President that started a long time ago. I have tried very hard to keep respect for you in this House and for the Chair, but it is at certain times, Mr. President, that I cannot agree with the moves that you make and I am man enough to tell you so. I thought that we had evolved a bit from the Civil-Service-type of Government and since you came here we have been pushed back 25 years into an anachronistic system of Government that is not conducive to our people.

I imagine that when your term of office is up, if the present administration is still in place, they will bring you back as an expert or as a consultant. Anyhow, Mr. President, as I have said before, this is my 15th year; my time is just about up as far as this speech, but not my time in life I hope.

I would like to touch on one other item - then I shall be ready to sit down - and that is the proposed North Sound project. I agree there may be problems to be encountered ecologically and I agree that we should probably pay a lot of attention to it.....(INAUDIBLE)....Oh I thought this was something you wanted me to say about you; like Haig, you know.... (LAUGHTER), but Mr. President, in the long term the development of the North Sound has to come. It is the future of this country for development and I have said that for 20 something years. I am not saying that I will support any programme that comes here, but what I am saying is that if a viable programme comes before this House, something that can benefit our people, Jim Bodden will be in favour of it and I will not hide from saying that. I will not be like the Honourable First Elected Member of Executive Council who will support one thing in the back room but in the open will not support it.

Mr. President, there is so much more that I could have said and I am sorry that I had to condense my speech. I hope that my constituents will understand what I have said and that I have not confused them in any manner. I am eternally grateful to the people of Bodden Town for giving me this opportunity to be able to come in here and voice my opinions and to feel that I am helping with the development of my country.

Mr. President, I thank you and I hope, God be willing, that I will live to debate many more of these Throne Speeches.

ADJOURNMENT

HON. THOMAS C JEFFERSON:

Mr. President, I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT:

The Question is that this House do now adjourn until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:32 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., THURSDAY, 19TH FEBRUARY, 1987.

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY
THURSDAY
19TH FEBRUARY, 1987
(NINTH DAY)

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 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

* Apologies received for afternoon absence.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

THURSDAY, 19TH FEBRUARY, 1987

(NINTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

(1) PRIVATE MEMBER'S MOTION NO.2/87
ORDER OF NATIONAL HEROES

(2) PRIVATE MEMBER'S MOTION NO.3/87
HOUSE NUMBERING

(3) PRIVATE MEMBER'S MOTION NO.4/87
AMENDMENT TO THE FIREARMS LAW (REVISED)

(4) PRIVATE MEMBER'S MOTION NO.5/87
A MOTION REQUESTING THIS HONOURABLE LEGISLATIVE ASSEMBLY TO PETITION HER MOST GRACIOUS MAJESTY TO CHANGE THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972 WITH RESPECT TO QUALIFICATIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY AND ELECTORS.

4. GOVERNMENT BUSINESS

1. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

2. BILLS:-

FIRST AND SECOND READINGS

- (1) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (2) THE ELECTIONS (AMENDMENT) BILL, 1987
- (3) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (4) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (5) THE TRAVEL TAX (AMENDMENT) BILL, 1987

SUSPENSION OF STANDING ORDER 46 (1) & (3)

TO BE MOVED BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL TO ENABLE THE FIRST AND SECOND READINGS OF THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987 TO BE TAKEN.

FIRST AND SECOND READINGS

- (6) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

COMMITTEE ON BILLS

- (7) THE INTERPRETATION (AMENDMENT) BILL, 1987
(8) THE ELECTIONS (AMENDMENT) BILL, 1987
(9) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
(10) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
(11) THE TRAVEL TAX (AMENDMENT) BILL, 1987
(12) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

REPORTS ON BILLS

- (13) THE INTERPRETATION (AMENDMENT) BILL, 1987
(14) THE ELECTIONS (AMENDMENT) BILL, 1987
(15) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
(16) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
(17) THE TRAVEL TAX (AMENDMENT) BILL, 1987
(18) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

3. MOTIONS:-

GOVERNMENT MOTION NO.1/87
CINEMATOGRAPHIC AUTHORITY

THURSDAY

19TH FEBRUARY, 1987

10.00 A.M.

MR. PRESIDENT:

Member of Executive Council.

Prayers.

The Honourable Second Elected

PRAYERS

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 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, who 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:

Elected Member of Executive Council.

Please be seated.

Item 2 - Statements, The Second

STATEMENTS BY MEMBERS OF THE GOVERNMENT

M/V "BERMUDA STAR"

HON. W. NORMAN BODDEN:

Mr. President, this statement is being made in connection with the Cruise ship M/V "Burmuda Star" which called at Grand Cayman on Wednesday, 18th February, 1987.

1. This Honourable House must be advised that the procedure adopted for dealing with requests from Cruise Ships wishing to call at Grand Cayman is for the local handling agent to refer any requests to the Director of Tourism who approves or denies the request based on the number of ships scheduled to be in the Port of George Town on the given date.

2. In the case of the "Burmuda Star", the Director was advised by Bodden Shipping Agents on 5th February, 1987 that this ship, on private charter, would be making a call at Grand Cayman on 18th February, 1987 en route from New Orleans. As there were only two other Cruise Ships scheduled for that date, the request was approved. It must be noted that it has never been customary to enquire into the type of passengers.

3. Obviously the times in which we now live demand that a tightening up of the screening of applications be implemented. The Director of Tourism has therefore been instructed that effective

immediately and before any future requests for charter, or one stop calls can be approved, following additional information must be obtained and submitted to the Portfolio of Tourism, Aviation and Trade for consideration.

- (i) The purpose of the trip.
- (ii) Name of the charter group.
- (iii) Name and nationality of the ship.
- (iv) Nationality and number of passengers.
- (v) The itinerary of Cruise.

If, when this information has been obtained, it is apparent to the Portfolio that the nature of the charter or the type of passengers involved makes a visit of the ship undesirable, the Portfolio will instruct the Director of Tourism to deny the request to call at Grand Cayman.

MR. PRESIDENT:

Item 3. Private Members Motion Number 2 of 1987. The Second Elected Member for West Bay.

OTHER BUSINESS
PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO.2/87
ORDER OF NATIONAL HEROES

MR. W. McKEEVA BUSH:

Mr. President, I beg to move Private Members Motion No.2/87:

WHEREAS there is an ever increasing amount of national pride and awareness on the part of the Caymanians;

AND WHEREAS there have been dozens of Caymanians who have made great contributions to the establishment and order of good Government, and for the convenience and improvement of life in general in these Islands;

BE IT RESOLVED THAT this Government do establish an Order of National Heroes;

AND BE IT FURTHER RESOLVED THAT there be proclaimed a National Heroes Day for these Islands.

MR. D. EZZARD MILLER:

Mr. President, I beg to second the motion.

MR. PRESIDENT:

Private Members Motion No.2/87 is duly moved and seconded. I do not propose to read out its terms again, but I invite the mover to speak to his motion now.

MR. W. McKEEVA BUSH:

Mr. President, the motion before the House follows in kind the one which I brought in 1985 to establish a National Sports Award to recognise our youth in a national sense. However, this motion goes a bit further in that if it is accepted it will establish an order of national heroes and a national day in honour of whomever is proclaimed a national hero.

Mr. President, we should all know what an order is. An order is a society patterned on the knightly fraternities, but typically founded by a Sovereign or a National Legislature such as we are for the conferring of an emeritus distinction; hence the Order of National Heroes.

In asking Government to establish this Order, I am not suggesting, Mr. President, that this country discontinue the system that is ours by virtue of fact that we are a dependent territory and part of Her Gracious Majesty's domain; that is the Royal Honours. As long as we are a Crown Colony I know and agree that the main honours bestowed on anyone will be by Her Majesty the Queen; but because of these great honours should we have a sense of inferiority in something we could create, and say 'no' to the creation of it?

Mr. President, goodwill is beyond doubt an excellent lubricant but, Sir, pride and self confidence to me are better driving forces. All I am asking is that by our own statute and regulations passed by this Honourable Legislative Assembly that we set up the wherewithall to be able to proclaim someone of our blood, who gives service above self, a national hero.

It would seem, Mr. President, that some people are mistaken in thinking that I am here today asking Government to proclaim Mr. So-And-So a national hero. This is not the case. I must stress, Sir, this is not the case.

While, Mr. President, we are a country which has been said started 25 to 30 years ago to develop, we do have a long history. We have 155 years of Parliamentary Government alone. The history of the Church goes back, according to our report, to 1831.

Mr. President, many years ago to the shores of these Cayman Islands came the seaman of the Spanish and English navy in search of water and meat. Turtles, Mr. President, were in abundance in those days and afterwards came the settlers to be followed by the turtle fishers, the buccaneers, the slaves and latterly, slaves emancipated from their slavery. These shores, Mr. President, were inhospitable shore in those days and our forefathers had a very tough task in carving out our homeland which we are proud of today.

Food in the form of turtles and fish were plentiful, but land that could be cultivated had to be hewn out of the bush. Portable water supplies had to be searched for. The settlers, we can imagine, were prey to nomadic buccaneers. Stock, poultry and the produce of the land were subject to pilferage and theft. Disease-bearing mosquitoes took their toll of life. Hurricanes did damage to the country - sometimes resulting in the loss of life; thus the pioneers of this country came from rugged material. They were brave men and women with courage and cunning. They blazed their own trails through the wilderness which is now the Cayman Islands.

Mr. President, I pose the question, can we fail them in not trying ever to build up a basic national pride and patriotism? What is so wrong about it? We moved from those early pioneering days, and our fathers and mothers continued in nation building. They had no great agricultural land for which to produce large crops for export. We had no great industries worth billions of dollars as in other countries, but by the sweat of their brows and the courage of their hearts they took to the seas. They braved the weather and made a living for the country from turtles and such things as nurse shark hides. They eked a living for the young country by going into the swamp to bark the mango trees for export. Tired and worn out men and woman alike went into the highland interior to cut thatch to create small industries. Then our fathers and brothers left us with tears in their eyes to go to foreign lands - by sea again, braving the weather, sometimes losing a life - to send back a pay cheque which built homes, fed the families and took care of all the basic necessities of our common lives.

Meanwhile, in the area of Government, the old-style-works helped to keep the peace, order and development of good Government and helped to instil in the minds of our people a sense of respect for law and order.

Mr. President, I speak today of men like Mr. Roddy Watler, Mr. Carl Nixon, Bronson McCreedy Yates, people like Mr. Ernest Panton in blessed memory, Mr. T.W. Farrington in blessed memory; and the if I went through the list in this book this morning it would take me quite a long time to do so.

Teachers, Mr. President, toil to educate the populace to teach us to read and write and only some of us learn just that, but what great men we still made. I speak of teachers like Miss. Genevieve Bodden, Miss. Beulah Smith in blessed memory, Miss. Relie Powery in blessed memory, Mr. Hill, Mr. McLaughlin, Mr. Lee, Mr. Sonny Powery, all of whom helped to shape the future.

Nurses, Mr. President, under adverse conditions helped to keep our people healthy. I name but a few - Miss. Leila Yates, Mrs. Nurse Iciline Smith, Nurse Annie Bush, Nurse Earl Mary Bush, Mrs. Evelyn Wood and scores and scores of others. The Midwives, Mr. President, as we know, tried under adverse conditions and circumstances but produced a healthy little nation.

Under social and religious aspects, Mr. President, the churches played the master role giving birth to many community leaders and today the rich tapestry of christian churches are many that fling wide their gates for salvation to be available to all.

So then, Mr. President, our early ancestors were tempered in the fires of various cultures and races as well. Their first battle was for survival, their second for mastery of their environment, both on land and at sea, and this they did. They had one common aim, like the children of Israel, to establish a home. This common aim was to carve a society throughout the years with a common system of law, stable family relationships and stable Governments. Yet, our people were born out of hardship and frustration, but live with a purpose of strength and courage and vast gift for happiness and life. I will plant them upon their land and they shall no more be pulled up out of their land which I have given them. Surely we can give thanks today for this grand heritage of our forefathers and for their emancipation from bondage for the freedoms which we, as their descendants, now enjoy and for the Christian life and principles which they have promoted.

Mr. President, I have given prominence to these developments this morning as they have inspired and formulated the Caymanian character following those early pioneering days to withstand and adopt towards the dramatic development and changes in the style of living which characterised the past 30 years.

Mr. President, Sir, when it comes to this young Member of this Legislative Assembly, I am a nationalist at heart and I am proud of it. I am at liberty to say to my people, 'have confidence in the future and be proud'. We will need that confidence, Sir, if we are to achieve the slow, steady effort that can alone bring ultimate success in getting our people more entrenched in and to accept that we can have pride in our country and awareness of the deeds of our forefathers and be a nationalist without going into independence.

Being a nationalist, Mr. President, is a matter of pride in one's homeland and pride in things connected to the place of one's birth. Why is it that some people do not want to recognise Beloved Isle Cayman as our national song? Why? Why is it not set down in statute that it is our national song? Why is it that nowhere is it set down in law for a national flower as someone said, or a national bird? We talk about them but we do not have the guts to put them down in law. Why? Are we inferior to any other country? There is nothing stopping us from putting these things down in their rightful place in this country if we dare to and if we want to.

Mr. President, I believe, and as a young leader of the people, it should be instilled in their minds that they must consciously believe in themselves and their own destiny and must do so with helpful pride and with confidence and determination to win equality with any other nationality in this country or otherwise. An equality in terms of humanity that, irrespective of power and wealth, can be measured by the growing values of one's own civilisation and culture.

So, Sir, there should not be in this House any move to stifle what I am trying to accomplish here today. It is said that opportunities lost are never regained. We must not lose any opportunity to preserve our heritage or to maintain our culture. We must not lose any opportunity to give praise, in the highest sense of the word, to our own nationals. Why not?

It is being said, Mr. President, by some Members of this House that we cannot have a national hero because we are a Crown Colony or that we cannot have a national hero because we are still under Great Britain. How ridiculous. Who told them so? You, Sir, Her Majesty the Queen or Prime Minister Thatcher. Or is it again an illustration of small mindedness of a few who are afraid to take the great initiative?

Mr. President, when I decided in 1978 that we should have a National Sports Award there was all sorts of criticism. I brought it to the House; all the Members accepted it, but I have to know yet what is going on about it. That is the kind of treatment one gets in this House. I see nothing tangible for me to say that yes they are doing something about it or that yes we should have a National Sports Award.

Just to digress for a moment, Mr. President, in most countries and Islands young people's hero starts out at a local level, so we in Cayman can do the same thing. In the United States they had Baby Ruth, Joe Lewis and Mohammed Ali, all of whom started getting recognition in their home towns. In England it was cricket; great men like Hutton. In Jamaica it was Hedley. In Barbados Worrel and Walcott. In Brazil, Pele in football. In Trinidad, Remardin and Valentine in cricket. All over the world, Mr. President, recognition started at a local level and we can do the same thing today and why should we not? Why should we not give our young people someone they can be proud of? Why cannot we recognise that we have them and

that we will always have them? Why cannot we recognise that?

Who are our heroes today? I could name a few that our young people, the future generation of this country, talk about all the time. How about J.R. from Dallas, Alexis from Dynasty and Sonny Crocket from Miami Vice? Our young people do not know anything about the late Captain Royal Bodden, a master builder of ships and buildings like the Town Hall next door to the Assembly building that served as a House Chamber for years, the Post Office and the Library to name a few. They also do not know of Mr. Roddy Watler, a burly no-nonsense of a man who headed the Police Force that totalled less than 12 men back in the 1950's. Probably if we had a man like Mr. Roddy today, we would not see the increase in crime and drugs that progress has brought us. Neither do they know about people like Mr. Dias.

Mr. President, I should be grateful if you would make your feelings known to those who may object out of ignorance so that they may support this motion on the grounds of merit instead of blind loyalty to the Crown. I would be pleased if you would do that because some people are under the impression that we have to be a Crown Colony or that we have to be independent before we can recognise one of our own as a national hero.

Mr. President, if an Order is created it could be set up in such a manner that it would have a Chancellor to maintain the records of the Order, to arrange for investitures, to perform generally all the acts of organisation and to do any work along with the Government that would necessarily involve the Order. The Order could have regulations to set up the Order of precedence setting out how the medal is actually worn and, Mr. President, it should be worn, if it was so created, after any medal for knighthood, in that I believe that that is one of the highest medals bestowed by the Queen. However, the medal of national hero should take the precedence over any other decorations.

A national hero would be a very unique person who would have rendered such service to these Islands of the most distinguished nature and an award of this outstanding honour should not be awarded, I feel, on an honorary basis. That would keep out those people like Americans and other nationalities. It should be awarded to Caymanians born here. I know that rings bad to some people, but we could not go to another country and be a national hero.

There is no sound reason in this wide world why this Legislative Assembly should not pass this motion today. It is not going to take one thing away from us, but it is going to aid us in our national development process in building a sense of pride in our homeland.

Looking back on the history of this country, we can be proud. Today we can say this land is our land and this is our home. It is where the bones of our ancestors rest and this is where we shall stay. Breathe there a man with soul so dead who never to himself has said this is my home, my native land?

The years, Mr. President, have forged a fair sense of pride of homeland in these Islands. The move is on. There is a strong nationalist feeling and I do not think it is bad. It is not bad for anyone to have pride in his country. Let us retain and continue to build it. Let us say we thank Thee Lord for our forefathers: we thank Thee Lord for our country.

Mr. President, I doubt whether the motion will go through, but what I have given you here today is a true picture of the history of these Islands and I would hope that the Members of this House would see fit to change their minds and support such a move.

Mr. President, I do not know if you are going to release the Members to vote on their conscience - the Honourable Members of Government that is - but I believe that if you did we would get a change. Thank you Sir.

MR. PRESIDENT:
debate. Does any Member wish to speak?

The motion is now open for

Does any Member wish to speak?

If no Member does wish to speak I

think I put the question. I have been looking up my Standing Orders to see whether.....

MR. D. EZZARD MILLER:

Mr. President, as the seconder of the motion I would have preferred to have heard Government's side of the story or at least the side of those who are objecting to the motion before speaking. However, Mr. President, I am dumbfounded; I am at a loss for words that no one on the Government bench feels that such a motion, to create a national hero in our country, which is going to give recognition to Caymanians, by Caymanians, is even worthy of a single comment. I wonder, Sir, if they are even going to vote.

MR. W. MCKEEVA:

Oh, they are going to vote. We know that.

MR. D. EZZARD MILLER:

Mr. President, I support what the mover of the motion has said. I think it is time that we in Cayman start recognising our own Caymanians for their abilities and for their contributions to the building of this country to what it is today. It is very disheartening, Sir, to sit here after the mover has delivered such a fitting, proper, well constructed speech in which he appealed to the consciences of Government to see that the motion is going to be put to the vote and none of them have the interest to speak to the motion. Is it because they have no sensible rationale on which to base their no-vote? I believe that if they had one they would have been on their feet and given it.

Mr. President, I know that we have honours that are bestowed by the Queen, and for those we are grateful, but you know, Sir, sometimes one has to wonder what the criteria is for those honours - because we see real estate salesmen getting them who are not even Caymanian. I know of a lady, a midwife, in my constituency known to us all as Granny Brown who delivered up to five generations and I, Sir, collected information and asked Government to consider her for the highest award handed down by the Queen and she was ignored. Instead they give to it some real estate salesman.

Mr. President, why is it that Caymanians refuse to acknowledge the abilities and the contributions of their own people? yet one can come here from Timbucktoo, spend a couple of hundred thousand dollars and be treated like royalty.

I, too, Sir, am grateful for the contributions made by the lady towards our Cultural Centre, but how can we tell our young people that the Helen Harquail Cultural Centre is a Caymanian Cultural Centre? Where is the recognition for the Caymanian who suffered and laboured through the production of that culture that someone else's name is going to be written in neon lights all over it?

Mr. President, I am very disappointed in the reaction to this motion this morning by the men whom I voted to Executive Council. I would have not been satisfied to have had them do with this motion what they did with the National Sport's Award - work for it and then put it in file 13 and hear nothing more about it. But at least, Sir, they gave that some recognition. With this one nobody even wants to grunt about it.

The time has come in this country when we have to create the mechanism, the methodology by statutes and regulations where it is necessary and where it is appropriate to recognise our Caymanians, and by so doing encourage others to perform, to give of themselves to their country and to ask not what their country can do for them, but what they can do for their country.

I wonder what will be going through the minds of the young people tonight as they listen to this broadcast, and then watch the Bill Cosby show or Miami Vice afterwards and other television programmes on the weekend, and then see that their Government does not even have the respect. None of the Members of this Assembly, with the exception of the Second Elected Member for West Bay and myself, have the respect, for the people who laboured to build this country, to even get up and address this motion. They do not have to support it, but at least they should have the respect to rationalise their not supporting it.

Mr. President, as I have said, I am extremely disappointed in fellow Members of this Assembly. Of course there is no good in their getting up now because I have raved and ranted and say they were only waiting on me to speak because you were going to put the vote. They had no intention of speaking and anybody who gets up now is only trying to salvage some political mileage out of the it. They should have the guts to stick now with their decision and let you put it to the vote for the country to see, not the metal, but the clay

and the sand - that moves up and down Seven Mile Beach with every Northwester - of which they are made.

Thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Honourable First Elected Member of Executive Council.

HON BENSON O. EBANKS: Yes, Mr. President, only to the extent to say that if one visits the cemetery in West Bay they will see how I honour my heroes.

MR. D. EZZARD MILLER: Yes, Sir, they bury them and then forget about them.

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

MR. G. HAIG BODDEN: Mr. President, the Member for North Side was correct in saying that Government should reply to this motion. It has always been the custom, when a Private Member's Motion has been put before the House, that the Government states its position, its rejection or its acceptance of the motion and that the Government gives its reasons for accepting or rejecting.

I too am disappointed that the Government has not made a statement. I am not supporting the motion. This has been known. I made an announcement in Savannah last night and I believe I did the same thing in Bodden Town last week. I intend to give my reasons for not supporting it, and I think I have a right to disagree.

Ralph Waldo Emerson once said, 'The reward of a thing well done is to have done it.' The reward comes from actually doing the thing, and nothing that can be said or done afterwards can change what the person has done. I would say if any contemporary person should be honoured I think that James Manoaah Bodden, the First Elected Member for Bodden Town, should receive such an honour for the contribution he has made to the development of these Islands over the years he has spent as a Member of the Legislative Assembly. However, I believe that he does not want such an honour. His satisfaction has come from having made a contribution.

One of the greatest American negroes was Buckatee Washington. He fought for the improvement of the negro race in America at a time when not very much had been thought of the negro. Buckatee Washington said that no man who continues to add something to the material, intellectual and moral well-being of the place in which he lives is left long without proper reward. If you do something and you do it well, you make your contribution to the country. Your reward is in making that contribution and it is not necessary to have awards that are superficial or that are bestowed by some organisation.

The Second Elected Member for West Bay mentioned a long list of Caymanians who well deserve praise - people who have been outstanding in their fields, teachers, nurses, and police officers. Many of these people I know personally, but I do not believe any of them are waiting for a national hero award. I think these people, some of them who now slumber quietly in their graves, had the satisfaction of doing something not for reward, but a satisfaction which came from within knowing that their reward would be in heaven or whatever other place they may have gone.

A person once said that it is not in rewards but it is in the strength to strive the blessing lies. We do not want to encourage people to do things for show simply because there may be an award. It has been said that a boy does not have to go to war to become a hero. All he needs to do is to say that he does not like pie when the slices are short on the table. The story behind this is that in little things you can become heroic. In little ways we can become heroes and have our own award.

I do not support the idea of a National Heroes Day, but I congratulate the two Members for making the presentation to the House. This is their conviction. This is their belief. This is what they would like to see and I am not going to criticize them personally for bringing it. I only want to make the point that this person does not agree.

We already have ten public holidays and I do not see the necessity for adding another one. If we have a National Heroes Day I imagine it will eventually become a holiday. Just to name it a National Heroes Day would not be sufficient.

We should appoint and set aside a particular day, if it is designated a National Heroes Day, as a public holiday. I do not think we need anymore public holidays.

I would like to question what would be the criteria or the criterion for deciding on the award? Who is going to write the guidelines for such an award? Are we going to take a vote on 'Open Line'? Are we going to set up yet another Committee to make recommendations on persons who will receive this award. Are we going to present them with plaques, or medals? No, Mr. President, I think the Government has more than it can handle in its many Portfolios today. We do not need to add to the burden of Government simply to congratulate someone. When a person has done something of merit, they get their award or reward or whatever it may be. People call them on the telephone. People go to visit them. People give them recognition and I do not believe in the artificial recognition like the one that is given by the Queen when the MBE's and OBE's are handed out. I do not believe in this nonsense.

If a man has worth, he will be recognised. So I am not supporting this motion, neither am I condemning the two Members who brought it. I think the motion is an expression of their thoughts and Members of the House must treat the motion with respect whether they agree with it or not.

MR. PRESIDENT:
George Town.

The Second Elected Member for

MR. LINFORD A. PIERSON:

Mr. President, it was not my intention to speak on this motion as I had conveyed my feelings to the mover of the motion. However, I am somewhat insulted about the manner in which the seconder referred to all Members of this House. With the derogatory remarks that he continues to make in this House, Mr. President, I view his behaviour as most disgraceful. When he makes reference to Members of this House, I feel that he is talking to people who are in many respects his superior. He acts like a little boy who has had no upbringing, and, Mr. President, I feel that the time is ripe when this Member should start putting a bridle on his tongue.

We have our democratic rights in this House and if we feel that we are not going to support any particular issue before the House, this is our right. We need not be publicly reprimanded by any Member of this House for taking any particular action here. Mr. President I trust that this Member will in future give the respect to other Members of this House that he is so keenly asking us to give to him. It is an insult, Mr. President when he is going to look at Members of our Executive Council and other Members of this House and say that because they do not reply to a matter before this House they are made of clay and that they have no substance.

I would like to remind that Member that I am not sure about him, but I doubt very much that he has anymore substance than I do. I agree that perhaps Executive Council should have replied to this motion even if it was a negative reply. I agree with the Second Elected Member for Bodden Town that they should have answered. But, Mr. President, because other Members of this House did not see fit to support this motion there is no reason for them to be publicly ridiculed.

I doubt very much that if the Member took a census in his district he would be anymore popular than the Member speaking now within the George Town district because my people respect me. They feel I am going a good job for them. I wonder if the Member for North Side has the same sort of support?

Mr. President, I agree with the Second Elected Member for Bodden Town that perhaps some recognition need be given, but I have already conveyed my feelings to the Second Elected Member for West Bay as to the reasons why I could not support this motion. The Member for West Bay knows that I have supported many motions that he has brought to this House. As a matter of fact regarding the motion just passed for a Speaker of the House, which I will not revive debate on, there were only three Members who supported that motion and I was one of those Members because I believed in it. But Mr. President, I do not believe that the country is now ready for accepting the order of national heroes and for putting a day aside for such an order.

Mr. President, I trust that to maintain the dignity of this House the Elected Member for North Side, or any other Member, will realize that we are not just puppets. One just does not turn a screw and say that because an issue is brought to this House we have to support it. If an issue is brought to the House and

Members feel it is worthy of support. It will be supported.

Mr. President, I am getting sick and tired of the outrageous manner of the Member of North Side in issues like this. I trust that he will understand, and I am making a point today, that I am not going to sit in this House and allow it to happen. Any time he gets up here and is out of order, I will be the first one to put him in place. He has had his lot to say about me in this House that I have not even replied to because I treated it with the contempt it deserved. But for the sake of the people I represent I will no longer do this and I want the Member to know that I am not going to sit here and allow him to get away with this disgraceful behaviour.

I do not support this motion, but it is no reflection of my feeling toward the mover or the seconder. I do it because I do not feel that it is right for our country at this time. Why should we be castigated and renegaded by the Elected Member for North Side because we did not feel it necessary or opportune at this time to support the motion.

Mr. President, I trust that in future the Member will behave himself because he is not intimidating anybody. I do not know one Member in this House whom he can intimidate, so I trust that he will behave himself. I realize that the mover of this motion will reply to this, but I trust he knows that I have not directed anything that I have said so far to him.

Mr. President, I am very disappointed at the behaviour of the Elected Member for North Side and I trust that for the dignity and the upholding of the dignity of this House it will discontinue.

Thank you Sir.

MR. PRESIDENT:

I think perhaps before I invite any other Member to speak, it may be timely to take our customary morning break and I will now suspend proceedings for approximately 15 minutes.

AT 11.10 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.35 A.M.

(TAPE 77)

MR. PRESIDENT:

Please be seated.
Continuation of the Debate on
Private Member's Motion No. 2/87. Does any further Member wish to speak?

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.
I would like to make a very short contribution to Private Member's Motion No. 2/87 for the Order of National Heroes. I would like to say at this time, Sir, that I think the intention of both the mover and the seconder of the motion were good. Perhaps they feel that there are many in the Islands who deserve recognition and perhaps this would be a good way in which to do so. However, prior to this morning, it was my intention, and it is still until now, not to really support the motion as it stands because I felt that there were already arrangements in place where persons in the Islands who have contributed, in one way or another to this country, in a very significant way can and should be recognized and that as Members of this House we have the ability to have many of these people so recognized.

Mr. President, personally, I can think of a number of people who have either not been recognized with any award from the Queen or with any local awards. I can think of those who have and I felt that the recognition that was given was not the highest honour which really they deserved. But, again, I am told that where it is felt that an individual in the country had not been recognized to the fullest extent which they should have been, this too can be rectified if perhaps it is thought appropriate by the powers that be.

There are a number of people in our country who have contributed, but I will venture to say that in any discussions which one might have with those individuals - most of whom I am thinking of right now are older people, some of whom have passed on and I have had the opportunity of talking at length with them and often - their real reward was not only in what they did, but to have seen the fruits of their labour in the conduct and in the character and contribution which those persons that they had been able to help were making to the country.

Mr. President, I can think right now and this is close to home because I have known this gentleman all my life, but can I think now of my grandfather who is almost 96 and the many young men for whom he took the time to train in the field of navigation. I can think of the many instances that I am aware of when, without any radio or any knowledge of what had taken place after a hurricane in Mosquito Keys, he and his group went out to search, take food and find. I can think of the many widows and orphans whom my grandfather and grandmother, together, have assisted because his position in those days was such that he had extra that he could give and I heard nothing in return except the satisfaction that they received in being able to do this.

Mr. President, it leads me to believe that not everyone here is looking for a national award, but I will say that the means by which we can accomplish this is already in place and I feel that many of those on the Islands whom we should recognize should be thus recognized. As far as another holiday is concerned I cannot support that. We have as many as I think we can cope with right now and if it is intended that the National Heroes Day would be declared a public holiday, I am not sure; maybe this is not the intention, however, if this is the intention, then I could not support another holiday. And, Mr. President, because the mechanism is already in place where our local people can be recognized, I feel that I cannot support the motion at this time.

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 assure you I will not be like the last speaker. She could not make up her mind as usual which way she was going.

Mr. President, I think the motion has a lot of merit to it and I do not see why it should be ridiculed. It is true that we have had a lot of Caymanians who have contributed to the society and most often they are kicked and used as footballs and receive no credit for anything they do. And we must expect that as long as we have a system such as we have at the present time.

I have heard many people from time to time ask if anyone can tell them why Mr. John Doe got the CBE, OBE or the MBE and so forth. We have these awards, which I would say are alien to us. They are given by the whims and fancies of a very select group and because they either like you or because of this or that a name is put in nomination. One never has to do anything to get it. The only qualification that I know is to occupy a seat and warm it for a long time and then you are assured of one these Royal endowments.

I have much pride in my country, maybe too much, and anything that can be done to further the Cayman Islands for the public and future generations, believe me, I will support. I think it is high time that our young people have something to look up to. I am not trying to create a state where we have nothing but heroes or create anymore holidays, because God knows we have enough of those at the present time, but I am sure that we could find one of the existing holidays that have no merit and use that for National Heroes Day. It would give our people some pride, our young people in particular, maybe something to hope for. I know it does not stand a snowball chance in Hades of going through, but maybe times will change and we will get Members in here who can make up their minds and not talk at the same time out of both sides of their mouths so that we will be able to get enough votes to put this through in the future.

There is one thing I am pretty sure of is that if this Committee were set up your existing Executive Council would not be nominees unless they placed themselves in nomination; so, therefore, if there was nothing else to speak for this Motion than that I would support it.

Mr. President, I wish I had twelve votes. I would cast them all for it this morning. Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? Does the mover wish to exercise his right to reply?

MR. W. MCKEEVA BUSH:

thank you.

Oh yes, Mr. President, certainly,

Mr. President, I will try to keep my reply on the high level in which I introduced the motion. First of all I would like to say what I felt the Elected Member for North Side

was saying. I thought the Member was asking for Government to say something on the motion; not that they should support it. I thought he said that they should get up and give their reasons why they were or were not supporting it. That was my understanding of what he said. Certainly it did get people up after he sat down, but that is my understanding of what he said and other Members have their right to their understandings.

Mr. President, as Members of the Government have not given their reasons for not supporting the motion, it is difficult for me to reply. I wish that they had gotten up and said that the motion is out of order or that it is out of place, but no one gave me that much respect. I consider it a big slap in my face, but that is not the first time that they have slapped in the face. I was even threatened that they would do so, Sir. However, the Honourable First Elected Member of Council did say that he did something for somebody in the cemetery and I know what that was all about and he knows that I agreed with him on that. This is exactly what I am saying, Mr. President - after those people who have done so much great work for this country are put away we tend to forget them. I am of a different opinion. I give my mother flowers today, not when she is gone lying in a casket while I am up here crying crocodile tears.

Mr. President, one Member talked about the many people whom I mentioned and I agree that all those people got their own personal reward and satisfaction for what they did, but what I am now suggesting is a national reward so that people like this may be remembered by our youth. We need people that our young people can emulate and aspire to, and those old people in the past were such people. We had them in the past, we have them today and I believe we will continue to have them. The fact remains that because some Members do not feel that they are going to be recommended as national heroes they cannot have it. Some Members feel that Jim Bodden might be recommended as a national hero, and they cannot have that either. I am not asking, Mr. President, we appoint someone today, but I am asking Government to create the wherewithal and to bestow on someone this high honour in the future.

The Second Member from Bodden Town in his debate asked who is going to establish the criteria. Mr. President, I thought I had given a very good explanation of that. An Order, Mr. President, is something that we would create - if I have to explain again - by our own statutes and regulations; something that Government would have some control over as in any another country. So that is where the criteria would be established.

One of the Members said that the country is not ready for national heroes. Mr. President, when will our country be ready? I am not trying to cry them down for not supporting it. They have their views. This is a democratic country and I have my views, but I am asking when are we going to be ready to be able to endow on someone such a high honour. If we are not ready today we will never be ready and I can guarantee this country that we are not ever going to be ready as long as this kind of mentality reigns.

Mr. President, I could say a lot more about this, but I am trying to keep the debate on the level on which I started, and since they found nothing there to criticize - they knew it was all true what I said - they just cannot find it in their hearts to say yes because McKeeva was bringing the motion.

I would hope, Mr. President, that as on the motion for a Speaker that you will release the three Honourable Official Members in order for us to get a clear understanding of what the political directorate is saying for the country; and I would ask three Honourable Official Members not to vote so that the country can get a clear understanding of which way the political direction will take us.

I wish Members would reconsider. I feel badly when Members do not get up and pay the respect that is due to such a motion, however, that is their way of doing things. That is how they are made up. I will only ask Members to please vote their conscience and I ask you again, Sir, to stress that the three Honourable Official Members do not vote on this motion.

Mr. President, the motion says: "Whereas there is an ever increasing amount of national pride and awareness on the part of Caymanians; And Whereas there have been dozens of Caymanians who have made great contributions to the establishment and order of good Government and for the convenience and improvement of life in general in these Islands; Be It Therefore Resolved that this Government do establish an Order of National Heroes; And Be It Further Resolved that there be proclaimed a National Heroes Day for these

Islands."

Mr. President, I would like to make it clear that I was not asking for a public holiday. As usual my colleague, the Lady Member, is lost and does not know where she is going, but I trust that she will soon find out though. I am asking Members to please vote their conscience.

QUESTION PUT: AYES AND NOES.

MR. W. MCKEEVA BUSH:
President?

May I have a division, Mr.

MR. PRESIDENT:

Certainly.

DIVISION
NO. 3/87

AYES: 3

Mr. W. McKeeva Bush
Mr. James M. Bodden
Mr. D. Ezzard Miller

NOES: 10

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. John B. McLean

ABSTENTIONS: 1

Mr. G. Haig Bodden

MR. PRESIDENT:

I declare the Motion Lost.

PRIVATE MEMBER'S MOTION NO. 2/87 DEFEATED BY MAJORITY

MR. W. MCKEEVA BUSH:

Funny how the Honourable Official Members vote when they want to vote and do not vote when they do not want to vote.

MR. PRESIDENT:

Private Member's Motion No. 3/87. The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 3/87
HOUSE NUMBERING

MR. W. MCKEEVA BUSH:

Collective responsibility heh! I can tell you one thing, they are soon going to fall apart according to the fights they are having.

Mr. President, this motion I know will be passed. The coffee room is a very good place in this Assembly in as much that that is where we learn what is going to happen. It is much like Sunset House where you sit down and hear all the Government business for the day. And I guess I will be told on this motion that Government has had it in mind for a long time.

Anyway, Mr. President, I beg to move the following Motion.

"WHEREAS the Cayman Islands have had a tremendous amount of development over the past 20 years;

AND WHEREAS it is desirable for the continuance, convenience and order of good development to institute house numbering in these Islands;

BE IT THEREFORE RESOLVED THAT this Government, at the earliest convenience, do establish a programme of numbering each house."

MR. D. EZZARD MILLER:
the Motion.

Mr. President, I beg to second

MR. PRESIDENT:

is duly moved and seconded. I invite the Second Elected Member for West Bay to speak to his motion.

Private Member's Motion No.3/87

MR. W. McKEEVA BUSH:

Mr. President, this country has had a tremendous amount of development over the past 20 years, not only in condominiums, hotels and places of business as such, but hundreds of private homes have been built and they are built in places where one would never think to see a house built - off the beaten track as it were. So, in order for someone to be able to know where he is going and to be able to find it without turning left by Aunt Sally's breadfruit tree and on the right by the big birch tree, the numbering of each house will make directions much easier and it is time that we moved to institute such a programme.

I trust that as I have had a little incling of what they will do the Government will maintain their word and support this motion and that I may hear some good reasons coming from them why they support it.

Thank you Sir.

MR. PRESIDENT:

debate. Does any Member wish to speak?

The motion is now open for

Member of Executive Council.

The Honourable Fourth Elected

DEBATE ON PRIVATE MEMBER'S MOTION NO.3/87

HON. VASSEL G. JOHNSON:

sure whose subject this is.....

Mr. President, I am not too

MR. W. McKEEVA BUSH:

As usual. (LAUGHTER)

MR. D. EZZARD MILLER:

Confusion in the camp.

HON. VASSEL G. JOHNSON:

Anyhow it lies between Development and Natural Resources and Communication, Works and District Administration. However, what has happened over the past, Mr. President, is that a Committee has been established to deal with the naming of streets and roads and I presume that it is that Committee that will also deal with numbering.

Mr. President, it is a natural sequence that after naming of roads and streets numbering will follow and this is certainly been in the mind of Government for some time, but the naming is still in process. It has not yet been completed and so one will have to be finalized before the other starts. I know there is a good case for the numbering of streets - that is after the streets have been named - because over the years the Post Office has been stacked high with mail for people who have to go there to find it. A delivery service is not possible because these people live in areas unknown to the Post Office.

Mr. President, the numbering of streets will be undertaken sometime in the future, hopefully not in the too distant future, but I imagine that we will have to find somebody who has a bit of experience in street numbering because we do not want to go about doing something unless it is professionally done and we must be seen to be doing all our services here in somewhat of a professional manner. So, Mr. President, I support the motion because as I have said before it has been something that Government had in mind and will certainly undertake even if this motion had not come to the House.

Thank you Sir.

MR. PRESIDENT:

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

MR. LINFORD A PIERSON:

Mr. President, I rise in support of Private Member's Motion No.3/87 and I wish, Sir, to

congratulate the mover and seconder of the motion for the timeliness of bringing it to the House.

In view, Sir, of the pace of development in Grand Cayman, Government must provide the conveniences and services that will keep pace with this development. Now that our roads are being named it is a logical sequence that houses along those road should also be numbered. The numbering of roads or of houses will not only benefit local residents, but will prove most beneficial and helpful to visitors trying to move around our Island. While the demand for the service is undoubtedly more immediate for Grand Cayman, plans should also be made for providing similar facilities for our Sister Islands in the future.

Again, Mr. President, I congratulate the mover and seconder for the timely manner in which this motion has been brought to this House. I support the Motion, Mr. President.

Thank you.

MR. PRESIDENT:

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

MR. JAMES M. BODDEN:

Well, I can see that the mover of this motion does not have to worry about it passing. No division will be necessary at the end of this debate because I can appreciate the fact that the motion will pass because it is another chance to bring in an expert.

Now if we had not had the possibility of bringing in an expert and employing a half a dozen assistants to help him expert, this motion, like everything else, would not have gone any place. However, happily the Honourable Member in his wisdom has been able to determine that an expert is needed, so we know the motion has passed. There is not much reason to debate it I guess after that.

I am sure that being able to number houses on a street does require a lot of technical education. I am sure, Mr. President, that at the adjournment the House will meet to prepare a Committee to go into the qualifications of this expert and to advise where this expert should be brought from and whether he would have to be a Cambridge graduate or a Harvard graduate, or maybe Oxford even, because it would have to be a place such as that that would, in the Members minds, qualify this person to be brought here. It is like the story I told in the Chamber a year or so ago about the same Honourable Member with the dilemma he had with some of the other experts that had been brought in. Anyhow, I wish the Honourable Member luck with the expert. Now he did say that this would be undertaken in the future. Now I can stand here and envisage, Mr. President, that maybe a hundred years from now somebody may say that we will undertake to do such a thing.....

HON. VASSEL G. JOHNSON:

We leave it for you in 1989.

MR. JAMES M. BODDEN:

I expect to be here longer, thank God, than 1989. I hope that in 2089 you will still be dealing with me.

To say to undertake it in the future is very, very vague and I would ask the Member that when he gets ready to sum up he asks for another amendment to this motion, and that is that we put in a specific time when this undertaking will be undertaken by the Honourable Member. That was really being as vague as anyone could possibly be.

Now, Mr. President, it was said that the natural sequence to the naming of streets would be to number those houses on those streets. Now, I wonder if the Honourable Member would advise the House how long this other Committee has been functioning to name the streets and how many experts and consultants we had to bring in from abroad?

HON. VASSEL G. JOHNSON:

You should know that. That Committee was set up in your administration.

MR. JAMES M. BODDEN:

Well, in that case then it should have been finished and thrown out of the window like everything else you all did with our administration. This motion must really have more merit than I could have ever imagined it had.

Now as the Honourable Member has been quick to jump to his feet on several occasions I will be very

happy to give him the floor one more time if he would advise this Honourable House how many consultants and experts he has brought in at this time to deal with this problem. I will be glad to sit down while you answer.

HON. VASSEL G. JOHNSON:

Ask the Committee that you established to do the numbering because the advice is coming to me from that Committee.

MR. JAMES M. BODDEN:

Well, I am sure that the Members we appointed are no longer there so you should be able to enlighten the House as to how many experts you have brought in from England to do this job for you. This, Mr. President, really tells you how far our country has gone down hill - when we would have to bring in experts to even be capable of numbering the houses on a street, or an expert to tell us what we should name our streets. Much, much more should be accomplished by this Government than what is being accomplished.

Do you know as I first entered the Chamber this morning and looked at this Motion, and this is not belittling the mover or the seconder in any respect, but I thought, first of all, what has happened to our country. There are so many national issues that we should be dealing with in this House, but because we have a Government that is not in touch with the people and that is not doing anything to help our people, then it is possible that something would have to be done - so we bring a motion such as this to try to get them something to be able to boast about. It was like the Throne Speech, Mr. President, and I am very glad to see that I have another chance to begin debating tomorrow.

In the Throne Speech the only thing that you could give to the people of Cayman Brac to hold on to was the improved airwaves of Radio Cayman, and the only thing Executive Council could have you boast about for them was the success of the stray dog programme where another pile of experts were brought in to tell us how to kill the few dogs that were down in the dump in the back of dog city.

Anyhow, I was really trying to keep the debate open in the hope that I could touch some of the Members to start them debating. However, Mr. President, we do have important issues in our country that need to be dealt with and as this has now become an important issue I propose that this work be undertaken by June of this year. That will leave about 17 months for this administration to complete their job. And I am sure that it will take at least that time because they will first have to crank up the Government Information Officer - put a fuse under him - and come out with a nice story to tell the public. The Honourable Member will have to sit and appoint a committee that will take six months and then we will have another six months while he decides to choose the names because he will have to write them out and strike them off and write them out again; and then he will have to call on the experts to advise him that what he has struck out is correct - and it will take Mr. Walker and the other assistants quite some time to walk to the Glasshouse to get this done.

So, therefore, I move that this be undertaken commencing in June of this year. Hopefully it will be completed by election time in 1988, and then this Government would have one more important subject to add to the improved airwaves of Radio Cayman and the killing on the Stray Dog Programme. This would be their third accomplishment for the four years in Government.

Therefore, Mr. President, I propose that we put an amendment to this motion asking that this work will commence by June of this year and that will give the Government Information Officer a few months to put out a bulletin to advise the people what is taking place.

I support the motion, Mr. President.

MR. PRESIDENT:

Does any further Member wish to speak? Does the mover wish to exercise his right of reply?

MR. D. EZZARD MILLER:

Mr. President, as the seconder of the motion I would like to thank Government for accepting the motion. I would also like to thank them for their support, but I, too, am not satisfied with 'sometime in the future'. So maybe we could amend the motion to say that it should be done or at least that it be begun in a specified period because some streets are already

named and certainly we could start numbering the houses and other establishments on streets that are already named.

I can see the necessity for the caution because some of the street signs have to be moved around because the Public Works Department in their wisdom have located them in the wrong place. The Queen's Highway is exactly 40 feet long and that is the width of Frank Sound Road. So I can understand the Honourable Member's caution, but I doubt that we would need an expert to count 1,2,3,4,5,6 down the road. Maybe we need an expert to determine which end of the street we need to start counting, but that should certainly cut down on the time of the use of expert if he only has to find out which end of the street we are going to start.

I am happy that Government sees fit in their wisdom to accept the motion. I am also delighted to hear that this could lead to the actually delivery of mail because we all know of the long list of persons waiting for a Post Office Box, not only in George Town, but in other districts as well. So if we could get home delivery of mail I am sure the people of this country would be delighted.

Mr. President, it goes without saying that I support the Motion.

MR. PRESIDENT: If no other Member wishes to speak I invite the mover to exercise his right of reply if he wishes.

MR. W. McKEEVA BUSH: Mr. President, I would also like to thank Government for their support. I suppose that the Honourable Fourth Elected Member of Executive Council this time is speaking for the whole of Government, and I guess I am correct in saying that they are going to vote for this motion. I hope I am not mistaken. One does not know where Executive Council is going these days with the exception of the Honourable Second Elected Member.

There was a suggestion, Mr. President, to amend the motion, but I feel strong about this and I doubt, knowing Government as I do from my few years of association with them, that they are going to accept a time frame. I know the fights that I have gotten into with them on different motions I have brought in and they are not willing to be tied down. Therefore, I am going to leave the House vote on this as they see fit.

HON. VASSEL G. JOHNSON: A Wise move.

MR. W. McKEEVA BUSH: I know you good enough now?
(LAUGHTER)

I am going to ask Members to vote on this so that they cannot say that they did not pass this one; so they cannot say that they did not make this a promise; so that they cannot say that it is down according to the House and so that they cannot get away from it.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: May I have a division, Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
NO. 4/87

AYES: 13

- Hon. Thomas C. Jefferson
- Hon. Richard W Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeava Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. D. Ezzard Miller
- Mr. John B. McLean

ABSTENTIONS: 1

- Mr. James M. Bodden

MR. PRESIDENT:

I declare the motion carried.

PRIVATE MEMBER'S MOTION NO. 3/87 PASSED BY MAJORITY.

MR. PRESIDENT:
4/87.

Private Member's Motion No.

PRIVATE MEMBER'S MOTION NO.4/87
AMENDMENT TO THE FIREARMS LAW (REVISED)

MR. W. McKEEVA BUSH:

Mr. President, I beg to move Private Member's Motion No.4/87. The Motion is the same in substance as that put to the House before and I do not now propose see that it is necessary for me to read the whole of this motion in that it is such a lengthy motion.

MR. PRESIDENT:

I think I had better look up Standing Orders to see if they require you to read it. There is also the question of whether, from the point of view of the listening public, it needs reading. I think it might confuse the public in fact.

MR. W. McKEEVA BUSH:

Mr. President, I am much afraid that if I read this motion, the public is going to be much.....

MR. PRESIDENT:

With that, I agree.

MR. McKEEVA BUSH:

.....because of the type of the motion it is.

MR. PRESIDENT:

I cannot find anything off hand in Standing Orders that specifically states that you are obliged to read the whole terms of the motion and so subject to the views of the House I would think it would suffice, since the Motion has been circulated to all Members, to allow you to take it as read. Unless any Member wishes to object to that course on this particular occasion I think we could follow it.

Very well then, there is no need for you to read it all out, but the motion must be seconded before we go any further.

MR. D. EZZARD MILLER:

Mr. President, I beg to second the Private Member's Motion No.4/87.

MR. PRESIDENT:

The Deputy Clerk was just consulted me about what should be done in relation to Hansard and I expressed the view that subject to the wishes of the House, although the tape will not record the full wording of the Motion because it has not been read out, yet, nevertheless, the full wording of the Motion should be incorporated in Hansard. I think that would be the wish of the House, it seems to be the sensible arrangement.

So the Motion has been duly moved and seconded and is open for Debate if the Member wishes to speak to it.

"PRIVATE MEMBER'S MOTION NO.4/87
AMENDMENT TO THE FIREARMS LAW (REVISED)
(LAW 17 OF 1964)

WHEREAS there have been numerous complaints regarding the licensing of firearms:

BE IT RESOLVED that the Firearms Law (Revised) (Law 17 of 1964) be amended as follows:

(a) by substituting the following for clause 2 -

"Amendment 2. Section 2 of the Firearms Law (Revised), of s.2. in this Law referred to as the principal

Law. is amended by substituting the following for the definition of "appropriate authority" in subsection (1) -

"appropriate authority" means the Firearms Licensing Authority established by subsection (1) of section 30;"

- (b) by re-numbering clause 2 as clause 3 and by deleting "Firearms Law (Revised), in this Law referred to as the" from the first two lines thereof;
- (c) by re-numbering clauses 3 to 10 (inclusive) respectively as clauses 4 to 11 (inclusive);
- (d) by inserting the following new clause immediately after newly-numbered clause 11 -

"Amendment 12. Section 21 of the principal Law is amended by substituting "section 29 and subsection (3) of section 30" for "section 29" in the second line of subsection (1).";

- (e) by inserting the following new clause immediately after newly-inserted clause 12 -

"Amendment 13. Section 22 of the principal Law is amended by substituting "it" for "him" in the second line of subsection (1).";

- (f) by inserting the following new clause immediately after newly-inserted clause 13 -

"Amendment 14. Section 25 of the principal Law is amended by deleting the second and third lines subsection (3).";

- (g) by re-numbering clause 11 as clause 15 and by inserting the following two new paragraphs immediately after the first line -

"(a) "it" for "he" in the second line of subsection (2); and
(b) "it" for "he" in the first line of the paragraph (a) of subsection (2);",

and by re-lettering existing paragraphs (a), (b) and (c) as paragraphs (c), (d) and (e) respectively;

- (h) by re-numbering clause 12 as clause 16 and by inserting the following five new paragraphs immediately after the first line-

"(a) substituting "its" for "his" in the second line of subsection (1);
(b) substituting "it" for "he" in the second line of subsection (2);
(c) substituting "it" for "he" in the second line of subsection (3);
(d) substituting "it" for "he" in paragraph (a) of subsection (3);
(e) substituting "it" for "him" in the first line of paragraph (b) of subsection (3);",

and by re-lettering existing paragraphs (a) to (e) (inclusive) respectively as paragraphs (f) to (j) (inclusive);

- (i) by inserting the following new clause immediately after newly-numbered clause 16 -

"Amendment 17. Section 29 of the principal Law is amended by deleting the second line of subsection (6).";

- (j) by inserting the following new clause immediately after newly-inserted clause 17 -

"Substitution 19. Section 30 of the principal Law is of s.30 substituted by the following-

"Appropriate authority. 30.(1) There is hereby established the Firearms Licensing Authority which is the appropriate authority for the grant, amendment or revocation of any licence or permit.

(2) The appropriate authority shall consist of a chairman who shall be a public officer and five other members, two of whom shall be public officers and three of whom shall be persons who are not public officers, all of which members shall be appointed by the Governor to hold office, unless the appointment is sooner terminated, for a period of one year and shall be eligible for reappointment.

(3) In the exercise of its functions and powers the appropriate authority shall comply with any general or special directions given to it by the Governor."."; and

(k) by re-numbering clauses 13 to 16 (inclusive) respectively as clauses 19 to 22 (inclusive).".

MR. W. McKEEVA BUSH:

Mr. President, the Whereas and

Resolved sections of the motion read:

"WHEREAS there have been numerous complaints regarding the licensing of Firearms;

BE IT RESOLVED THAT the Firearms Law (Revised) (Law 17 of 1964) be amended.....".

The motion is of the same substance as the amendment that was defeated by Government when I brought it to the House last year in November. What I am asking Government to do is to establish a Board which I contend would make the licensing of firearms more democratic.

The position that we now have is that the Commissioner of Police, or the Deputy Commissioner of Police, is the sole authority to license guns in this country. Of course, we know that this is a form of internal security and both external and internal security are a direct responsibility of His Excellency the Governor. However, I maintain, Sir, that this would take nothing away from the Governor because the Governor would appoint, under the Law, a Civil Servant to be the Chairman and two other Civil Servants and three other Members of the private sector to be a part of the Board.

The new section that I am asking be put into the Law says exactly that.

The new section which is really the relevant part of this motion deals exactly with the appointment of the appropriate authority. So as all Members can see this Law would take nothing away from the Governor's responsibility, but the whole fact of the matter is that the situation existing today, Mr. President, is just not good enough. There are business people who have had general licences and they are now finding themselves restricted, according to the information I have.

Now, Mr. President, I want to find out what good a firearm is to you in your house if you have a farm or a place of business separate and apart from your house? What

good is a firearm to business people who make deposits to banks, but who have to keep their firearms at home? What we must bear in mind above all things is the fact that, (1) there is a high increase in crime of burglary; and (2) there are already too many unlicensed guns on the street and what protection do we law abiding citizens have against all these firearms, that we all know, are on the streets.

Now, Mr. President, I do not want anyone to be mistaken about what I am trying to say or do. I am not asking that we give every dog and his cat a gun. All I am asking is that we create the Board to enable the whole licensing process to be a democratic one - so that through the Board the whole licensing process can be handled in a more fair and just manner.

I do not want to hear any foolishness from any Member of this House about us having a fair and just manner now. It is not fair and everyone of us knows what has gone on with the licensing of firearms. People in this country who have had firearms for years are being given the runaround - decent, honest, law abiding citizens. It is just not fair what has gone on.

Now so far, Mr. President, I trust that I have made my point clear about the Governor's responsibility. Any man, if he has any sense at all, who wants to be fair in using his sense will see that the creation of this Board will not take away one thing from the Governor in his responsibility for external and internal security. If we create this Board, we are not digressing from the norm of other dependent territories - and even if we had to, there is nothing to say that we should.

Once, and I have always maintained this, Mr. President, we find a situation that is good and workable here, and we need to do something, we do it. On the other hand if there is something that we do not want to do, but because it is protocol, we must do it. That should never be our attitude. We have a unique country and I am really sick and tired of being told about protocol this, and protocol the next thing. I have never heard in my life more about protocol and what the norm is in other territories. I find that when it suits the Government to say that something is not right in this country because they do not do it in other countries, they say it. It is like the State Funeral we should have had for the late Mr. Ernest Panton. That is what I am talking about, that sort of thing. We should do away with it. Why should we have to follow every little footstep that is made 15,000 miles away from here? We have a situation and we should do something about it. So I do not want to hear any foolishness about the Commissioner of Police or the next man. Let us do something to help the situation that we are facing - and it is serious.

Thank you.

MR. PRESIDENT:

I think perhaps before the debate on this it may be sensible that we take our lunch break, so I will suspend proceedings until approximately 2:15 p.m.

AT 12:42 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT:

Please be seated.

Private Member's Motion No. 4/87

is now open for debate. Does any Member wish to speak? The Honourable Third Official Member of Executive Council.

DEBATE ON PRIVATE MEMBER'S MOTION NO. 4/87

HON. J. LEMUEL HURLSTON:

Mr. President, I am happy that between November 1986 and now the mover of this motion seems not to have turned up any new evidence in support of what he had proposed at that time. It is therefore not difficult for me, on behalf of the Government Bench, to defend the reasons for not being in a position to support the motion.

The House has been told, Sir, that the present policy is an unfair one and that it is not right for the sole responsibility for licensing to be wholly vested in any one individual. We have been told that businessmen who have, for many years in the past, had general licences are now having those licences restricted.

The motion, Mr. President, does not, once again, address the main issues that were raised when the matter was last debated. It has not addressed the situation in relation to the Lesser Islands. It has not addressed the situation in relation to emergencies and the not infrequent need to have instant revocation and handing-over of firearms; and it has not really addressed and brought to the attention of the public the fact that the existing legislation makes provision for dissatisfied persons to file an Appeal against the decision of the present licensing authority.

It may be of some help, Sir, if I should explain that the existing practice of the licensing authority in the Cayman Islands is similar to that which is practiced in most jurisdictions elsewhere and that is that the responsibility for law and order, in relation to firearms, is generally vested in the Police.

The Royal Cayman Islands Police have a combined significant number of years of professional experience in dealing with these matters and it would seem that we would have to justify, much more than we have done to date, the reasons for changing the present procedures.

I believe, Sir, that what prompted the Mover back in November and again on this occasion to raise this matter is perhaps the same reason that has prompted a number of other Honourable Members to raise this matter from time to time as it relates to what is perceived to be a form of discrimination, victimisation and unfair practices within the existing licensing policy. I should explain, Sir, that the policy itself has not changed, but certain procedures for renewing licenses have been fine-tuned and refined and it is in this process of fine-tuning that a number of licensees have seemingly been aggravated and aggrieved.

It has been the policy in the Cayman Islands, Sir, to issue firearms' licences in two basic categories - a general licence being the first category and a restricted licence being the second. The majority of licences issued in this country many years ago fell into the general licence category and that general licence is an open licence that permits the holder to take his firearm whenever and wherever he wished within the jurisdiction. A restricted licence on the other hand authorises the holder to have possession and use of a firearm within a restricted context, and it is the application of this context of restriction that a certain amount of agitation has now arisen.

I had explained on the previous occasion, Sir, that within the present licensing authority there is a growing sophistication and formalisation of the policy of reviewing premises, of reviewing applicants and of reviewing applications with a view to streamlining our ability to regulate on an intelligent basis the total market of firearms in the country.

During this process of refinement, the licensing authority, at the beginning of each year for the past two years, has been in the process of going back in the records as far as possible to the original applications filed with them and reviewing the purpose for which the application was first made; and wherever possible, upon renewal of such licences, those licences are restricted to the use for which the applicant in the original application stated as his need for the licence.

It is similar, Mr. President, to applying for a driver's licence. We have a variety of category of drivers' licences and we submit ourselves and our applications for a licence depending upon what we want it for. If we want a licence to drive a motor car we apply for a licence for a motor car. If we wish a licence to drive heavy equipment we apply for a licence to enable us to be able to drive heavy equipment. And so it is with a firearm - persons made application and stated on the application the purpose for which they wished to have the licence and on the basis of the information contained in the records, wherever possible, the licensing authority restricts such licences to those purposes. It is in this process, Sir, that evidently a number of persons have become offended and hence the allegations of unfair practices, victimisation, discrimination, etc.

One thing that has been brought to the attention of the licensing authority, that the authority is prepared to reconsider, is the question of restricting the licences to a particular hour of the day. This complaint has been mainly felt in the farming communities where the 8.00 o'clock p.m. curfew seems to somehow present some difficulties for farmers who have to travel long distances to have access to their farm lands. So, for the Elected Member for East End who spoke about victimisation and confusion in his

contribution to the Throne Speech, Sir, perhaps I could offer a bit of consolation by saying that the licensing authority is in the process, at this moment, of reviewing this 8.00 o'clock p.m. curfew. In relation though, Sir, please let me strike a word of caution to those licences that are being used for genuine farming purposes.

We have a situation in our developing society, Mr. President, where people tend to resist change as a matter of course and these changes in relation to the firearms licensing is just another example where one meets resistance. Let me assure this Honourable House, Sir, that at no time in the past, nor at the present time, nor will there be in the future any form of victimisation or discrimination by the licensing authority in relation to this matter.

I appreciate that the intention of establishing an authority of the kind proposed in the motion, Sir, would appear, at first glance, to be far more democratic and far more controllable as we understand the functions of Boards and Committees in the public sector context, and it would seem as if having an authority with the membership as suggested would present the ability to better be able to screen applications to deal with granting of licences, to deal with issuing of permits and also to deal with the revocation of those licences. But, Mr. President, we have some practical problems because this authority would have to delegate some of its functions to officers who would present themselves at the scenes of crimes and which officers would, of necessity, have to exercise some form of jurisdiction where firearms' regulations are concerned. And so the authority itself cannot fulfil every single obligation, as it would appear is intended, and the authority cannot present itself at every location and on every occasion where the revocation of a licence might become necessary.

Also, Mr. President, we know from experiences elsewhere what the establishment of Committees and Boards tend to do. We heard the word scandal used in the debate in relation to other matters, Sir, and I would venture to suggest that we have to be careful that we do not in this instance contemplate setting up another authority that could lead to something that might resemble a scandal.

We also know too, Sir, that there is a tendency in establishing these authorities and Boards, there is a tendency and a temptation sometimes to make allegations of political favouritism in the appointments and the Civil Servants who are appointed sometimes might put themselves into positions of being heavily leaned upon, and I think it would be wise to lead ourselves away from that situation when it comes to the enforcement of law and order in our community with respect to something as lethal and potentially dangerous as firearms.

As I said, Sir, the existing licensing authority has among it a considerable number of years of professional experience - experience that ordinary Civil Servants are unable to bring to bear on this subject - and from that prospective, Sir, we would be best advised to leave things as they are.

With those few words, Sir, the Government cannot support the motion.

MR. PRESIDENT:

The Second Elected Member for West Bay...I am so sorry, for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I fully support the motion before the House. I believe this motion would not have come if the Members had been satisfied that the licensing process had been working well. I believe that the two Members who brought it received, from members of the public, many queries on the licensing of guns.

I personally have received many representations, not only from the people of my district, but from other constituencies. I had one visit on a Sunday morning where a man who brought copies of gun licences that had been issued over many years complained that when he had taken in his licence to have it renewed this year he simply was given him an acknowledgment and he did not know on the day that he came to me whether he would get the licence or not. So there has been a communication gap between the licensing authority and the people seeking licences.

Abraham Lincoln once said that no man is good enough to govern another without that other person's consent. No man is strong enough to govern without the consent of the person being governed. This simply means that the Government cannot

pass a strict law nor enforce a strict policy unless the public believes that that law or that policy is fair. If people want guns, people will have guns, despite the law.

We can examine the situation in Jamaica where they passed a strict gun law. They set up a gun Court with severe penalties and found out later that the Government's policies had been wrong, and that violence involving guns continued despite the law.

The Honourable Third Official Member mentioned that there has been no change in policy - God help us if there had been! I fully believe there has been not only been a change in policy, but a change in directives handed down to the Commissioner of Police and I hold Executive Council responsible for the change. We know that the Chief of Police is responsible for the control of guns, but I do not see a new Commissioner of Police taking upon himself the restrictions without the support of the Executive Council. If he has done so, I would think it was time for Executive Council to write new regulations, as they have the power under the law, and to give new directives. If the policy was fair, people would abide by it.

The people who seek guns in these Islands fall into three categories; those people who are mostly farmers or sportsmen who have hunted rabbits and birds for the protection of their farms and to provide food for their people. The other category would be those people who feel the need for a gun to protect their businesses or their personal property - businessmen who have to move in the night with large quantities of cash; and the third category are the members of the Gun Club. It is my understanding that if one wants a gun licence one only has to say that one is a member of the Gun Club. One does not have to prove it. One does not have to produce any membership card. One only has to say that he is a member of the Gun Club, state how many weapons he wants and can be given a licence for six, eight, ten, one, or whatever number he can afford to buy and own.

This policy is wrong, because we are discriminating against the honest, law abiding citizen. There has been no problem that I know of concerning people with licensed guns. The problem has been with the unlicensed guns. If a gun is licensed and somebody is shot there are ballistic experts who can determine whether a particular bullet was fired from a particular gun. They can tell us when the gun was last fired and if it turned out that the bullet had come from a snub-nosed .38 Smith and Western gun the Police would know who owned that particular gun, and with their computers and records it would not take an expert detective to trace the gun.

This motion will not pass since the Government has announced that it will vote against it. But even if the motion does not pass it will have served its purpose if it awakens the Government to the fact that they cannot be autocratic and get away with it. It will serve its purpose if it can bring about a review of the licensing policy adopted by the Government, because I am not accepting that the Commissioner of Police alone is responsible for the licensing policy.

I have seen several of the new licences that have been issued. I have seen the restrictions put on some of them. I remember a man showing me a licence written on it that the gun must be confined to his own land, and naturally, if he owned the plantation many miles away and wanted to hunt rabbits it would be physically impossible to do so since he could not remove the gun from his house to his plantation without travelling over somebody else's land.

I saw a licence where the use was restricted to 8.00 p.m. Of course it was the language that is so badly used that it could be assumed that it would be quite all right to use it after 12.00 a.m. in the night. So he would have to put up his gun at 8.00 p.m., but he could break it out at 1.00 a.m. It could not be used after 8.00 p.m., but probably could be used, if the language was strictly interpreted, after 12.00 a.m.

Then there was the very strange case where, despite the restrictions on it, the man was given both a general and a restricted licence as the licensing officer had not struck off one or the other. So the person asked me what he should do and I said that he should hide that licence because it could well become a collectors item. And he is walking around with a licence that can be either general or restricted whichever way he wants to use it.

I fully support this motion because its presence in this House today is an indication that the Government has again gone wrong in one of its weird policy decisions. If it means setting up an authority to bring sense into the licensing policy, I, too, will support that motion. If, however, the Government after listening to the debate can construct a reasonable policy and hammer out reasonable directives to the Commissioner of Police, and, if he in turn can act in a reasonable manner, the need for the licensing authority would disappear. But until such time as we get an indication from the Government that it is willing to act in a reasonable manner I will stand by my conviction, that the present policies are unreasonable and should be changed, and will support the motion.

I congratulate the Members who have brought it. I am sorry I was not here at its introduction and so do not know what comments were made by the Second Elected Member for West Bay who moved it. He has been accused of not addressing certain problems, but in fairness to the him I must say that when he brings a motion he seems to do a considerable amount of research. This is commendable and although I do not always support all of his motions I must say that this one can be supported with alacrity because this motion is an indication that an injustice is being done to the honest citizens of this country - and if we continue with our present policy we will find that no honest citizen will have a licence for a gun and all the guns will be unlicensed and in the hands of the criminal element who will not even bother to apply.

If the policy is too strict, Government will defeat the very act they are trying to carry out. I know that if I were the Commissioner of Police I would like to see the situation where there were no guns at all in the Cayman Islands. But, there is a big difference between the ideal situation and the practical situation. I dare say today that we have fewer shotguns in the Cayman Islands than we had when I was a boy because it is my recollection that nearly every farmer in those days owned a shotgun. So it has been traditional for Caymanians to own guns and there has been no serious increase in crime due to licensed guns.

We want a Firearms Law that is reasonable. We want a law that the public will respect. We must endeavour at all times to satisfy the public. I dare say that if Government were to announce that they would give a licence to anybody who applied we would not see a big rush to get licences because many of our people are afraid of guns and many of them do not want them in their homes, but there are many people who have lived with guns from the time they were children and they have grown up with a responsibility. They know the dangers. They have been taught from infancy that they must not play with a loaded gun and if they handle a gun the first thing they should do is to find out whether it is loaded or not.

What is the situation when the criminal knows that there is no gun in the House? Will this not encourage him to break into it more quickly. If he is kept in a state where he does not know whether he will meet a shotgun blast in the night, he will keep away from the house.

I will relate one personal incident. I do so simply to illustrate the point because I do not want the use of that gun. During the time when I was on Executive Council my life was threatened by a person who believed that I was responsible for the police work. This person had been involved in drugs. He put a contract on my head and offered a man \$5,000 to shoot me. I saw Commissioner Stowers and he loaned me a useful gun - a .38 snub-nosed Smith and Western with bullets as big as one's thumb (LAUGHTER). I carried that gun with me day and night for about three months. Since the new election, a police officer called on me and took the gun away. He said, "We see that you have been loaned a gun," -- it was written in the book, it was all documented -- "and we must have it back.", and the gun was taken away from me.

Now, if this was done to me whom I consider to be, even if I have to boast, one of the leading citizens in this country, what will they do to lesser people? I still have a gun which I have had for many years. It is a .22 Barreta - it is really a toy - and one could not stop a man with it. I suppose for speaking about this the police will not take it (LAUGHTER).... but they came and took away the gun. They did not give me any choice - they took the gun - and I am not mentioning this because I hope I will never need it again, but the person of whom I speak was a foreign national. He has been deported or has been made a prohibited

immigrant and I trust he will not come back. However, honest citizens are in danger of their lives.

If one looks at the Police Report on crime which was Tabled in this House it can be seen that of the three highest categories of crimes committed two were burglaries and thefts - and burglary is a crime where a person breaks and enters into private property - which means that last year many homes were broken into. I mentioned in my debate on the Throne Speech that the Magistrate had told the Rotary Club that, of the drug offenders coming before him, at least 50 percent admit that they steal to satisfy their drug habit or to support the drug habit; and it is my belief that responsible citizens in this country could be threatened by people crazed and wanting money for drugs. In the middle of the night one could well have somebody coming into his home with a gun demanding money. And I believe that a man has a right to defend himself and his home and I think that if any man breaks into anybody's house in the middle of the night, the owner of that property should defend himself and he should use as much force as is necessary - if it means killing the intruder, kill him. So, we do not want to encourage a situation where the responsible citizen is left in the hands of the criminal element. It is true that we are told that the police will protect us, but no matter how many policemen we have they cannot help if somebody knocks on one's door in the middle of the night.

The Government must change its policy. I know that there is a danger in handguns. The United States is today suffering because it has had too liberal a policy with regard to the use of handguns. One can walk into a store in the United States and purchase a gun quite easily, in fact almost as easily as one can buy a stick of chewing gum. A gun can be ordered by mail in the United States quite easily, but Americans have always been a people from the days of the old West who are not afraid to live by the gun. I am not advocating so liberal a policy, but I believe that anyone who needs a gun and who wants a gun, providing that person is a responsible, honest citizen, that person should have the right to have a licensed gun and should be held responsible for its use and held responsible for its care and safekeeping.

The slipshod policy of this Government will avail nothing. We will breed a new type of criminal - the honest person who has become a criminal because of an unjust law. If people have a law that they cannot bear they will break it.

A lot was said against this motion with regard to the difficulties of the committee or the authority, to the problems of revocation and I could spend probably another hour if I cared to deal with those matters; but today I am not concerned with the mere technicalities. I want to confine my debate, as one Member said, to keep it on a high level and deal with the principle. The principle of the tight-fisted control is wrong and Government must change it.

MR. PRESIDENT:

Does any other Member wish to speak? Sorry, I noted you wish to speak and you caught my eye. I was simply going to ask whether you would prefer that we took the break before you spoke? I should otherwise expect to take it within ten minutes or. So if you were going to speak for less than that you could complete your speech in the time. If you want to speak for longer you may prefer to defer starting.

MR. D. EZZARD MILLER:

I speak from notes, Sir. I may be ten minutes, fifteen or maybe twenty minutes, Sir. It is probably better to take the break now.

MR. PRESIDENT:

Very well.
In that case I will suspend proceedings for about fifteen minutes.

AT 3:11 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:27 P.M.

MR. PRESIDENT:

Please be seated.
The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I rise to

support Private Member's Motion No.4/87 which basically calls for the establishment of an authority for the licensing of guns.

Once again, Mr. President, I am sorry to hear that Government is not going to accept the motion nor to entertain, pro or con, our arguments because it is obvious that they make up their minds before they hear the rationale as to why these motions have been brought.

The Honourable Third Official Member in speaking on behalf of the Government bench quite correctly stated and repeatedly emphasised that the police, that is the Chief of Police and the Deputy who now do the licensing of guns have many year's experience in the handling of guns. But, Mr. President, I am of the opinion that that is only half the weight that should be given to any decision concerning whether or not anyone should be given a gun licence. I feel that the other half that I submit is knowledge of the person who is applying for the gun licence and knowledge of the traditional use of guns in the Cayman Islands is sadly lacking in those people, or at least in the way guns have been licensed in 1987.

Mr. President there are many people in my constituency who have had gun licences for many, many years. In instances the guns were handed down from their fathers and they used the guns to protect their plantations and to hunt on other people's plantations. Mr. President, I enjoy a rabbit stew as much as any man and I had a general licence for a .12 gauge shotgun which I used to use to hunt rabbits on our families property and on other people's property from whom I had permission. Often people say that rabbits are destroying their provisions and so if one wanted a rabbit one would go and shoot one if it was feeding at some place.

Now, when I handed in my licence to have it renewed this time it was renewed as a restricted licence to home and family lands for hunting and not to be used on the streets after 8.00 p.m. I, like many other citizens in this country and in my constituency, have problems with that kind of a restriction because some of our family lands are completely surrounded by other people's property and although some people may say that because I have some connections with a helicopter I could get dropped on to my land without breaking the law. But I would be breaking another law because the helicopter cannot land on that land. Furthermore, some of that land is located in places of an hour's walk from any road. Rabbits often feed as everyone knows on the tide, and if we have sunlight until 6:30 or 7:00 o'clock when I am down in white mud, for instance, hunting rabbits I am going to have difficulty getting my gun back in my house in Little Spot by 8:00 o'clock.

Mr. President, I was told rightly or wrongly by the Chief of Police that these new directives from Executive Council were going to reduce the number of general licences and that Executive Council was supporting him fully in the matter. If any of these honest citizens who had general licences had any inference of the law, or if there was any reason to restrict the licence or if Government was to take a decision and say that no more general licences were going to be issued I could understand that. But why go against the traditions of Cayman and not inform these people. There was no press release and neither was there any attempt to communicate to the public what Government's rationale was, if there was one, to change people's licences from general to restricted. And Mr. President, I am not altogether certain, I hope that it is not the case, but it is my understanding that a few people have been allowed to retain general licences. Now I hope that that is not the case, because in that case this little poem would have to apply: It is not what you know, but who. It is not only who, but what they are willing to do for you. Why should they do it? because they know you; because you are around; because you are good publicly - not quietly. When one is close to the seat of power it rubs off like lint, so take a few specks and put it on your sleeve for all to see that you are one of them.

Familiarity will always breed promotions. If, as I was told by the Chief of Police, that Executive Council had taken a decision to reduce the number of general licences then they should have decided to remove them all.

Mr. President I do not accept the Honourable Third Official Member's submission that no new evidence has been put forward here today than was put forward in November when the amendment was filed for the law as it was being amended at that time. To the contrary, Sir, I believe that these licences are evidence of exactly what we were complaining about in November when we filed the amendment to create an authority to licence guns.

Mr. President, I heard of one peculiar incident from a constituent member of mine who is a courier of large sums of money at weekends for a big firm in town. He used to take his gun along when carrying large sums of money. He had a general licence for his gun, but when he renewed it in 1987 it was restricted. He came to my office. I called the Chief of Police and attempted to explain the particular circumstances surrounding the case. The Chief of Police may have listened to some of what I was saying, but he maintained that no one should carry a gun when taking funds to the bank and that this man was not entitled to have a gun with him. So, I asked the Chief of Police if he would be prepared to have the police provide an escort for this man because of the particular circumstances and the large quantities of money involved. Now, the Chief of Police assured me that would be done. We made arrangements for this gentleman to call the police from the store at 11:00 'clock at night when he was leaving. The Chief of Police assured us that the police would provide an escort. The gentleman and his boss called the police. They waited an hour and the police did not show up. They went to the bank, came back and the police had still not shown up. I called the Chief of Police the very next day and asked what had happened. He said that he was not sure at that point but that he would investigate and get back to me. Approximately four weeks later I am still waiting to get that call. The reason that gentleman was employed by the establishment was because he had a general licence and was prepared to take it with him when going to the bank, and because the police had stated in the past that under no circumstances were they going to provide courier services.

A lot has been made about this authority not being able to be at the scene of a crime to revoke a licence, etcetera, etcetera. But, Mr. President, that can be handled just like the Caymanian Protection Board. The Board does not walk around in masks and apprehend people. They have enforcement officers to do it, and certainly the Law can be amended.

We have a new brilliant Attorney General and I am sure that he can find a way to provide for a Police Officer to revoke or to take someone's gun at the scene of a crime, or as the necessity arose, without having to get the authority out of bed and dressed to go down and have a board meeting to find out whether the man's licence can be taken. That is not the issue. That can be dealt with under other sections and areas of the Law. The issue here is the democratic principle. And I believe that the authority can combine knowledge of people in this country, knowledge of the traditional use of guns in this country and experience and knowledge about guns to make more democratic decisions about a gun licence than one person.

The Honourable Third Official Member said that this whole procedure was brought about by Government attempting to fine-tune the Law. In that fine-tuning process, Sir, they took out some integral parts of the engine and I think it is going to be very difficult to get it running smoothly again because the people have lost the respect and confidence in the process. There are law abiding citizens in this country who feel they have been unjustly victimised for reasons that they cannot comprehend, and it is going to be very difficult to restore that respect and confidence in any one person even if we now create an authority to issue licences.

I agree fully Sir with the Second Elected Member for Bodden Town that we cannot enforce a law in this country that the people do not accept, and the majority of law abiding citizens in this country do not accept these new directives about gun licensing. It is obvious that the people are unhappy with it. They are not accepting it and all we are going to do is make criminals out of people who previously were good law abiding leading citizens in this community. It is unfair to the citizens because it is an unnecessary step. If the police or anybody in Government can put forward a series of events that demonstrate that farmers and law abiding citizens in this country - who have had for years and years and years general licences for .12 gauge shotguns for hunting, whether it be for their plantations or other people's - have done something wrong and where they deserve to be treated like criminals, I will support it.

Mr. President, when Government makes these kinds of decisions it has to give cognisance to the traditional practices of this country otherwise the people are not going to accept it. As the Second Elected Member for Bodden Town suggested this could lead to the situation where the only people in this country who have guns are criminals who are not worried about

licences. What we are doing is victimising law abiding, honest citizens who have traditionally lived this way of life because of what they believe the criminal element might do.

Mr. President, I believe that the citizens of this country have a right to protect themselves and I told this to the Chief of Police. He did not agree with me. He told me so, but he has his opinion. I believe that the only thing this change in policy is going to do is to increase the number, the quantity, the calibre and the size of unlicensed guns in this country. My personal opinion is that anybody who pushes anti-gun legislation is a traitor and should be treated as such.

I support the motion.

MR. PRESIDENT:
Member of Executive Council.

The Honourable First Elected

HON. BENSON O. EBANKS:

Mr. President, politics makes for strange bedfellows, Sir, (LAUGHTER) and as regards the poem I assure the Member that cannot apply to me.

I do not own a firearm. I will never have a firearm, if I can help it, because I do not believe that I am trained to use it. I believe that a firearm in the hands of an untrained person is almost as dangerous as the right to speak given to some people. (LAUGHTER)

Now, Mr. President, I would like to elaborate a bit on what the Honourable Third Official Member said. I am not going to go into the technical aspects of the Law, but I believe that he would welcome some elaboration on one or two points that he made and, in fact, one important one which he pointed out to me that he neglected to make altogether.

Maybe at the commencement of my deliberation, Mr. President, I should say that with reference to the statement that is purported to have been made by the Commissioner of Police, the statement is denied by the Commissioner and my understanding is that what he said was, in words to the effect, that in respect of the particular licence application, the subject of the discussion, his decision was firm and he pointed out the right of the applicant to appeal his decision.

Mr. President, as a result of constituency representation which we received, we held informal talks with the Commissioner of Police and the Deputy Commissioner and as was said by the Honourable Third Official Member they readily understood the sensitivity of some of the forms of restriction which had been placed or that was being placed on licences and that they were prepared to consider varying the existing restrictions which had been placed, particularly, on licences for hunting or protection of farms.

For example, Mr. President, I believe that the system that was being applied was that people were being asked to state the property on which they would be hunting, or in other instances it said that it was restricted to family property. I believe that the authority, in considering the varying of this restriction, will be amenable to accepting the change of that wording to something which would say: "restricted to hunting on property where permission of the landowner has been granted".

It is just as dangerous, Mr. President, for people to enter other persons' properties without permission as it is inconvenient to persons not being able to use the property to shoot; because if a person has not given permission for his land to be used for shooting he would not be expecting hunters to be there and could end up being shot innocently.

The 8.00 p.m. curfew, too, Mr. President, I understand will be reviewed and the thought behind that was to ensure that guns were not being carried indiscriminately around the place. However, when it was pointed out that the sun sets at different times, very late sometimes, of the year - after seven o'clock in many instances - the eight o'clock curfew was unreasonable. This was readily admitted and I believe that they will probably copy from the Motor Vehicle Law a suitable time after which the gun should not be on the street or in the person's possession in public. As Members will realise, for example, the Motor Vehicle Law does not state that car lights must be turned on at 6:00 or 6:30. It says that they must be on half an hour after sunset. Whatever the decided time would be, after sunset, when the police would not want guns in general areas and whether it is considered expedient to say one and a half or two hours, I believe that they will be content to name that time in the same way that the Motor Vehicle Law requires vehicles to have

lights on one half hours after sunset.

Reference has also been made, Mr. President, to the licensing of firearms for persons to accompany large amounts of cash from some of the stores that stay open late to the bank. It is my information that the only gun - and that was a handgun - that had been licensed for that purpose has been renewed, unchanged, this year. Now I gather that during the course of actually taking the cash to the bank, some security guards who had been hired on the premises began taking along their shotguns, for which they had no licence, and when they did apply they were denied because a shotgun is not regarded as an appropriate weapon or firearm for a guard whilst accompanying cash to a bank at night. The licence of the handgun for this purpose was renewed.

Mr. President, I want to make it abundantly clear that the statement attributed to the Commissioner of Police has been denied. I want to make it abundantly clear that that includes the reference to Executive Council having issued new directives.

Thank you, Sir.

MR. PRESIDENT:

Does any other Member wish to speak? Does the mover of the motion wish to exercise his right to reply?

MR. W. MCKEEVA BUSH:

Members who supported the motion.

Mr. President, I thank those

The Honourable Third Official Member raised quite a few matters and I realise that Government is not accepting the motion. I do not think, however, that they have given any reasonable excuse not to. It is just one of those things and I think the Honourable Member was a little bit too big for his breeches saying that this cannot be done. A lot has been said mind you.

The Honourable Member in his reply said that I introduced no new evidence to convince them that this Board should be created. Mr. President, I do not see how much more evidence I could create. All the evidence that is needed is there. People have not been treated fairly and Government knows this. We just heard the Honourable First Elected Member of Executive Council deny something that the Commissioner of Police was purported to have said. I think there is enough evidence if they honestly want to support a Board. Even if I brought a basket-full of evidence, it would never change their minds. Again it is likened to them saying that they cannot do something because the Governor is in charge. All that, the Honourable First Elected Member talks about, 'babbling' could have been stopped short with those few words: 'The Governor is in charge, it is not done anywhere else, therefore this colony is not going to do it.'. That is all they needed to say and this motion could have been dispensed with a long time ago, but I do not intend to get to hot with them this afternoon.

The Honourable Third Official Member asked whether the Lesser Islands needs were going to be addressed. He said that the motion did not address the needs of the Lesser Islands. Mr. President, I do not see how the Honourable Member of Government could say that. Section 30 of the Firearms Law (Revised) states:

"(1) The appropriate authority for the grant, amendment or revocation of any Gunsmith's Licence shall be the Governor.

(2) The appropriate authority in Grand Cayman for the grant, amendment or revocation of any Firearm Import Permit, or Firearm Export Permit, or Firearm User's (Special) Permit shall be the Commissioner and the appropriate authority in the Lesser Islands shall be the District Commissioner.

(3) The appropriate authority in Grand Cayman for the grant, amendment or revocation of any Firearm User's Licence shall be the Commissioner and the appropriate authority in the Lesser Island shall be the District Commissioner.

(4) The appropriate authority in Grand Cayman for the grant, amendment or revocation of any permit not specified in subsections (1) to (3) shall be the Commissioner and in the Lesser Islands the District Commissioner."

Mr. President, this is the

section that I am asking be removed. The proposed new section states:

"(1) There is hereby established the Firearms Licensing Authority which is the appropriate authority for the grant, amendment or revocation of any licence or permit.

(2) The appropriate authority shall consist of a Chairman who shall be a public officer and five other members, two of whom shall be public officers and three of whom shall be persons who are not public officers, all of which members shall be appointed by the Governor to hold office, unless the appointment is sooner terminated, for a period of one year and shall be eligible for reappointment.

(3) In the exercise of its functions and powers the appropriate authority shall comply with any general or special directions given to it by the Governor."

So, Mr. President, the Honourable Member could have answered this himself if he had read the motion because the Governor is the person who makes the appointment - and what would stop the Governor from appointing the District Commissioner as a member of the Board?, and the Board will then deal with the applications for permits from the Lesser Islands. I do not think that his argument, in relation to the needs of the Lesser Islands not being addressed in my motion, has any substance whatsoever. I think that the Honourable Member missed the boat deliberately or that he did not read the motion, or that he did not take the motion and relate it to the Law. Do not play with the Elected Members of Executive Council d'ya hear! - they can get you lost more than that.

The other point the Honourable Member made was that whoever is denied a licence can appeal. Now - appeal to whom? When a licence is turned down and one goes to the present licensing authority they say it is not they who changed the policy but Executive Council who took the decision not to renew licences in their former category. Then one goes to Executive Council and hear just what the Honourable First Elected Member of Executive Council just said. I mean, where would anybody be? People would be running up and down in a stupor! I had this happen to me with the licensing of taxes. I went to one authority and was told: 'Look boy, I cannot help you - you know this is what Executive Council says.'. Then when you go to Members of Council they say: 'Look, we did not say this, this is what the Member is supposed to do and he should tell you so.'.

Where does a Member of Government stand in cases like this when constituents come to him? Besides that, Mr. President, there is what is known as appealing from Caesar to Caesar. I understand the Honourable Third Official Member, Mr. President. He and I are not going to get into an argument. I know who is directing whom. But one thing that I must take umbrage to is the part where he interjected - I do not see how he related it, however - about the reference to a scandal of the increase in crime in the country. Mr. President, I can only believe that he was referring to my debate on the Throne Speech when I said that it was a scandal in the country, a scandal in the Government and a scandal on previous Governments for the increase in crime. I stand by that, Mr. President. I will not change my mind on it. I do not see how it related to this unless they are talking about all those unlicensed, illegal firearms in the country that we hear about.

I am going to give way to the Government bench so that one Honourable Member can get up and tell me and inform this country what they are doing about all these illegal firearms. I would like to be told about them. We all hear about it and every Member has complained about it.

MR. PRESIDENT:
speech, because....

Has the Member finished his

MR. W. MCKEEVA BUSH:

have not finished my speech, Sir. (LAUGHTER) I was giving way to Government to inform us what they are doing about the use of all these firearms coming into the country.

No Mr. President, you know I

MR. D. EZZARD MILLER:
about that.

They are obviously not worried

MR. W. MCKEEVA BUSH:

It seems that they are not worried about it. They are worried about the man with the shotgun who has been shooting rabbits for the last 25 to 30 years. Mr. President, that is what I call a misguided policy. I do not see the Honourable Member's reference to the scandal that I talked about, but I would like them to do something about the crime rate.

Now, Mr. President, the other point the Honourable Member made was about the expertise of the present authority. Again, that is very simple. For the sake of continuity the Commissioner or his Deputy could be the Chairman. The democratic part is that there would be other members who would, as in any committee, be able to express their views and cast a vote so that we can abide by the democratic process. So why this talk about not being able to do it because the expertise of the present authority has no bearing on this motion. The whole thing that Members are missing, deliberately or because either because they are blind, is that the Governor's prerogative is there and he will be the one to appoint the Board and to say who will go on it. I have that much respect for the Governor. I think I know him well enough that he ought to know who is good or bad in this country today.

All this talk about giving people firearms has no place in this debate. I cannot see why the Honourable First Elected Member of Executive Council said that giving a person to right to a firearm is almost, mind you, almost as dangerous as giving someone the right to speak. I did not know that there was any plan to take away the right of anybody to speak. These are the sort of red herrings, Mr. President, that are drawn across in debate when I bring a motion to the House and it is done so that same Member can go to his constituency to get along with those little people whom he knows do not support me and say, 'What an idiot that McKeeva Bush is, eh!'. He has the knack of happily doing that. But that statement the Honourable Member made, like many others, will hound him to eternity.

The motion is lost. There is, however, only one other observation I have. It seems funny, extra funny how Executive Council seems to know a lot about the details of the policy and the changing of it that they said they did not have anything to do with in the first place. It seems awfully funny that they seem to know so much about it.

Anyway, Mr. President, the democratic process will be put in motion and will decide the fate of this motion. I would beg them though I think I would ask the Honourable Second Official Member to take the Firearms Law No. 17 of 1964 and really go through it because it does need some straightening up.

Thank you Sir.

MR. PRESIDENT:

I will put the question.

QUESTION PUT: AYES AND NOES

MR. W. MCKEEVA BUSH:
President.

May we have a division, Mr.

MR. PRESIDENT:

Certainly.

DIVISION
NO. 5/87

AYES: 3

Mr. W. McKeeva Bush
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

NOES: 9

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
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

MR. PRESIDENT:

I declare the motion was not

passed.

MR. W. McKEEVA BUSH:

Lost then.

MR. PRESIDENT:

Lost. (LAUGHTER)

PRIVATE MEMBER'S MOTION NO.4/87 DEFEATED BY MAJORITY

MR. W. McKEEVA BUSH:

Politics does make strange bedfellows, Mr. President. We will see that in a minute.

MR. PRESIDENT:

I am sure the Member will not expect me to comment on his bedfellows. (LAUGHTER)

MR. W. McKEEVA BUSH:

Not mine, Sir, politics.

MR. PRESIDENT:

Your political or other bedfellows. (LAUGHTER)

I think I had better call on the Honourable First Elected Member of Executive Council to move his motion before this discussion gets any more complicated.

MR. W. McKEEVA BUSH:

Yes, I would agree with you, Sir.

AMENDMENT

PRIVATE MEMBER'S MOTION NO.5/87

A MOTION REQUESTING THIS HONOURABLE LEGISLATIVE ASSEMBLY TO PETITION HER MOST GRACIOUS MAJESTY TO CHANGE THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972 WITH RESPECT TO QUALIFICATIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY AND ELECTORS

HON. BENSON O. EBANKS:

Mr. President, in moving Private Member's Motion No.5./87 I would like to call your attention, Sir, to Standing Order 24(7), and that is that I have in fact circulated an amended version of the motion. In as much that it does not materially change the substance of the original motion that was circulated, I think I need your signification that it is in order to proceed with the amended motion.

MR. PRESIDENT:

This is quite right. The Member did approach me in accordance with the procedure laid down in Standing Order 24(7) and sought to vary the terms of his motion. In my view the variation that he wished to make did not significantly alter the terms of the motion. I asked that he arrange for copies of the motion, as amended, to be circulated to all Members and my understand is that it has been done. It is therefore in order for him to move the amended version of the motion.

HON. BENSON O. EBANKS:

Mr. President, I therefore would like to move Private Member's Motion No.5/87 in its amended form.

MR. LINFORD A. PIERSON:

Mr. President, I second the motion.

MR. PRESIDENT:

Private Member's Motion No.5/87 has been duly moved in its amended form, and seconded. Perhaps I can just check - was it the Honourable First Elected Member's intention to read out the terms of the motion, or, as with the earlier motion today, to avoid doing that in view of its length?

HON. BENSON O. EBANKS:

Mr. President, I intended to read the motion, Sir

MR. PRESIDENT:

Very well.

HON. BENSON O. EBANKS:

..... because I would like it

to be fully understood what we are doing and I will be dealing with it section by section as I go through my presentation.

MR. PRESIDENT:

I make it that we have about eight or nine minutes left today. I think probably it will take at least that long to read the motion. Perhaps the Honourable Member would like to do that. We will let him do that, but his speech on it would have to be deferred to another day I think. Would that be convenient?

HON. BENSON O. EBANKS:

That is fine with me, Sir. I am ready to carry on if I have time, but, whatever.

The motion, Mr. President, is a motion requesting this Honourable Legislative Assembly to petition Her Most Gracious Majesty to change the Cayman Islands' Constitution Order 1972 with respect to qualifications of Members of the Legislative Assembly and Electors thereto. The body of the motion, Mr. President, reads:

"WHEREAS for many years Caymanians long established in the Islands have feared that they would become at a political disadvantage in relation to immigrants and Caymanians who had been living abroad for many years and who would return to the Islands attracted by its increased prosperity;

AND WHEREAS it is now projected that native-born Caymanians will be outnumbered by immigrants by approximately the year 1990;

AND WHEREAS it is felt that unless steps are taken to control those persons who can be elected to the Legislative Assembly of the Cayman Islands and those who can vote in elections therefor it will lead to social instability and unrest;

NOW THEREFORE BE IT RESOLVED THAT this Honourable Legislative Assembly humbly petitions Her Most Gracious Majesty that the Cayman Islands (Constitution) Order, 1972 be amended in respect of the qualifications as a Member of the Legislative Assembly and as an elector in substantially the following terms, that:

(1) Section 18 be deleted and replaced by a new section 18 reading as follows:

"Qualifications for elected membership. 18.(1) Subject to the provisions of the next following section, a person shall be qualified to be elected as a Member of the Legislative Assembly if, and shall not be qualified to be so elected unless -

- (a) he possesses Caymanian status; and
- (b) he has attained the age of 21 years; and
- (c) he is, at the date of his nomination for election, domiciled and resident in the Islands; and
- (d) he is a qualified citizen; and either
- (e) he was born in the Islands, or was born outside the Islands in the circumstances mentioned in subsection (2)(b) of this section, has resided in the Islands for a period of not less than seven years immediately preceding the date of his nomination for election and, subject to subsections (3) and (4), the number of days on which he was absent from the Islands in that period does not exceed 400; or
- (f) he was born outside the Islands, has resided in the Islands for a period or periods totalling not less than fifteen years out of the twenty years immediately preceding the date of his nomination for election and in the seven years immediately preceding the date of his nomination has not been absent from the Islands for more than a

(2) For the purposes of subsection 1(d)..."

..... and, Mr. President, for clarity that is the definition of a qualified citizen.....

..."of this section, a qualified citizen is a British Dependent Territories Citizen by reason of his connection with the Cayman Islands, who either -

- (a) at the date of his nomination for election possesses no other citizenship and has taken no steps to claim any other citizenship for which he may be eligible; or
- (b) was born outside the Islands, has or had at least one parent or grandparent who was born in the Islands and possesses Caymanian status (or if deceased would if alive have possessed Caymanian status at the date of nomination for election), and who at the date of his nomination for election possesses no other citizenship save for any right he may have to some other citizenship by virtue of his birth outside the Islands.

(3) For the purposes of ascertaining whether a person has been absent from the Islands for the purposes of subsection (1)(e) any period of absence by reason of the following shall be disregarded -

- (a) attendance as a pupil at any educational establishment;
- (b) attendance as a patient at any hospital, clinic or other medical institution;
- (c) employment as a seaman aboard an ocean-going vessel; or
- (d) employment as a crew member on any aircraft.

(4) In the case of a person referred to in paragraph (e) of subsection (1), the requirement that he shall not have been absent from the Islands for more than 400 days in the period of seven years immediately preceding his nomination for election, shall not apply if that person was, on the day immediately preceding the appointed day, qualified to be elected as a Member of the Legislative Assembly."

(2) Section 20(3)(c) be deleted and the following be substituted therefor:

"20(3)(c) If he ceases to be a British Dependent Territories Citizen by reason of his connection with the Islands or he ceases to possess Caymanian status;"

(3) Section 25 be deleted and replaced by a new section 25 as follows:

"Qualifications of electors. 25. Subject to the provisions of the next following section, a person shall be entitled to be registered as an elector in one electoral district only but he shall not

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY
FRIDAY
20TH FEBRUARY, 1987
(TENTH DAY)

PRESENT:-

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN	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 THIRD ELECTORAL DISTRICT OF GEORGE 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

APOLOGIES

CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

* Absent in the morning.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

FRIDAY, 20TH FEBRUARY, 1987

(TENTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. GOVERNMENT BUSINESS

1. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH.

2. BILLS:-

FIRST AND SECOND READINGS

- (1) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (2) THE ELECTIONS (AMENDMENT) BILL, 1987
- (3) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (4) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (5) THE TRAVEL TAX (AMENDMENT) BILL, 1987

SUSPENSION OF STANDING ORDER 46 (1) AND (2)

TO BE MOVED BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL TO ENABLE THE FIRST AND SECOND READINGS OF THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987 TO BE TAKEN.

FIRST AND SECOND READINGS

- (6) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

COMMITTEE ON BILLS

- (7) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (8) THE ELECTIONS (AMENDMENT) BILL, 1987
- (9) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (10) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (11) THE TRAVEL TAX (AMENDMENT) BILL, 1987
- (12) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

REPORTS ON BILLS

- (13) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (14) THE ELECTIONS (AMENDMENT) BILL, 1987
- (15) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (16) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (17) THE TRAVEL TAX (AMENDMENT) BILL, 1987
- (18) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

3. MOTIONS:-

GOVERNMENT MOTION NO.1/87
CINEMATOGRAPHIC AUTHORITY

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

COMMENCEMENT OF DEBATE

ON

AMENDED PRIVATE MEMBER'S MOTION NO.5/87
A MOTION REQUESTING THIS HONOURABLE LEGISLATIVE
ASSEMBLY TO PETITION HER MOST GRACIOUS MAJESTY TO
CHANGE THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972
WITH RESPECT TO QUALIFICATIONS OF MEMBERS OF THE
LEGISLATIVE ASSEMBLY AND ELECTORS.

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FRIDAY

20TH FEBRUARY, 1987

10:04 A.M.

MR. PRESIDENT:

Member of Executive Council.

Prayers.

The Honourable Third Elected

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 Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

Name's sake, Amen.

together.

All this we ask for Thy great
Let us say the Lords Prayer
Our Father, who 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.

ANNOUNCEMENT BY THE PRESIDENT

Before continuing with the business listed on today's Order Paper, I have two brief announcements to make. The first is by way of an explanation from myself to the House, because inadvertently, it seems to me on reflection, that I made a mistake the day before yesterday in a procedure that was followed after the Honourable Third Elected Member of Executive Council had moved the adjournment under paragraph 1. of Standing Order 12. On re-reading my Standing Orders more carefully, and referring to Erskine May, it is clear that when an adjournment of that kind is moved, the purpose is to enable the House to discuss a matter of urgent definite public importance; not to enable the House to adjourn and proceedings to come to a temporary halt. What should have happened the other day was, that we should have suspended proceedings. My purpose in mentioning this now is simply that I would not want it to be on record that I had allowed an adjournment to be moved under that Standing Order, and for the House to go out and discuss something privately, rather than for a debate to take place, and for people to say in the future, "well, that was a precedent because it had been allowed by a former Presiding Officer, and therefore it must have been what is in accordance with our Standing Orders".

I would like to apologise to the House for failing to spot the point myself at the time, but to make clear that the procedure we then followed ought not to be followed in future. It is perfectly proper to move a motion for the

adjournment in terms of Standing Order 12, under the precise terms of that Standing Order, but what follows is a debate in the House, not an immediate adjournment. That was the first point I wanted to make.

The second was, that I have myself, a commitment which will require me to leave at about midday today. I have asked the Honourable First Official Member if he will be kind enough to take over temporarily as Presiding Officer. In the event that it chanced that at the time, or during the period he was presiding, which probably would be three quarters of an hour or so before the lunch break, we were to come to the Merchant Shipping Registry Bill which is Item 2.9, then, he would ask the leave of the House to defer that Bill and to take another one first.

Government Business.

Continuation of the Debate on the Throne Speech. Unless any further Member wishes to speak, I shall invite the mover to reply.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

HON. THOMAS C. JEFFERSON:

Mr. President, although at this end of the Chamber sit the Officials of this Honourable House, I feel it appropriate to publicly congratulate the Honourable Richard Ground on being appointed as our Attorney General. In the years that I have known him, Sir, I have found him to be professional, capable of performing the duties of that high office, and I have no doubt that the public will come to this same conclusion of his ability, in a short time if they have not done so already.

I also offer my congratulations to Mrs. Georgette Myrie as our Clerk of the Legislative Assembly. She is well known to me as an efficient and capable officer, and I am sure we are all pleased to have her amongst us.

Mr. President, one of the common threads of concern of all Honourable Members is the increase in drug related criminal activity. I believe that all of us, that is, every one on the Cayman Islands, must take a stand against drugs and offer every assistance to the Police Department in apprehending these offenders. But in order to accomplish this to its fullest potential, the Police must ensure that information given to them is kept confidential, and made public only when the case is prosecuted through the Courts, and then only, if necessary, to obtain a conviction. I feel that we need to take that stand now, and move forward in a comprehensive approach utilizing Social Services and the Education Department to educate the public with assistance from the Churches and Service Clubs, that is, Rotary, Lions, Kiwanis and all the other groups available. It would be helpful in my view, to get more children involved in sporting activities, by providing games that challenge them and keep them out of mischief.

I have had the privilege to serve in this Honourable House for five years, and I must say that the behaviour and the decorum of some Members is now of great concern to me. When they are spoken to about it, sometimes the reply is "I know my Standing Orders and I know how far I can go". I sometimes think that the Legislative Assembly Immunities, Powers and Privileges Law should not protect those Members in this House who take advantage of this and ridicule the good names of innocent people. By innocent people I mean, Mr. President, those who cannot stand in this House and defend themselves. For example, I refer to the staff and Board of Cayman Airways, and also the Public Service Commission members.

We have heard members of the Public Service Commission attacked over the appointment of a new Sergeant-at-Arms, with inference that he was picked as a political crony. Mr. President, the members of the Public Service Commission are persons of integrity and are well respected in these Islands. I believe that the Civil Service will be a better career for Caymanians, if those members continue to serve on that Committee. Their services, Mr. President, to this country are for all intents and purposes, free, except that they receive CI\$25.00 a meeting to pay for travel expenses to and from their district and to meetings. Another Member attacked them on the way in which they promote people in the Service, indicating that seniority should not be the criteria. For the Members' information Mr. President, let me read for him what Public Service Commission Regulation No. 19, which lays down the law for the selection and promotion, says about it, and I quote Mr. President:

"In considering the claims of persons in the public service for promotion, ability, efficiency, experience, merit, qualifications and seniority shall be taken into account."

Members should read the 1985 Public Service Commission Regulations Mr. President. Seniority is only one element, as we have all heard, and in recent times, my understanding of it is, that merit is taken into account more heavily than any seniority. Seniority is only used Mr. President, as I have experienced, when you have two officers who are to be considered for a post, and their ability appears to be the same, their efficiency appears to be the same and their experience is of a similar length, and on merit it is difficult to say which is the better. Then you have in my mind, no alternative but to favour the person who has been performing in that way over the other. But Mr. President, some of us know what this is all about. Sometimes when people cannot get their way with certain things they make all sorts of remarks.

There was another point moving on from that Mr. President, onto trying to answer some of the other points that were raised, points which are of concern to some Members.

The Member for East End raised a point about the Broadcasting Station. I have taken the time Mr. President, to examine it with the staff of the Broadcasting Station. From my investigation, I can say honestly, that that broadcast or that interview which they wanted broadcasted was stopped or not put on by a decision of the staff at Radio Cayman. Their view was that since they had played segments of the tape of the proceedings in the Legislature, that that was sufficient. Now, I am not saying that the Members will agree with that. But, the decision was taken by the senior editorial staff of Radio Cayman, and not by any Member of Government.

The Member raised another point in relation to the Police. He is aware of 'a policeman' who, it seems, has been passed by in respect of promotion in preference to younger persons. I know, Mr. President, that this can happen. The Police have given considerable assistance and encouragement to serving officers, by providing opportunities for the promotion of those officers. But, in the attempt to train people, and I do not know which policeman the Member is talking about, but we all know that sometimes you need to have some criteria for promotion, and unless the person meets that criteria, promoting him is not in the best interests of the efficient running of the Police Force. This, Mr. President, I am sure the Member will agree with in general, because I do not know the person of whom he is talking.

Moving on a little further Mr. President. There were comments about the Mutual Legal Assistance Treaty, and what has it done for...I hope I am not misquoting anyone Mr. President, if I am I ask them please to correct me...what the signing of the Mutual Legal Assistance Treaty has done to Cayman. The inference is, that it has ruined us Mr. President, but I really do not know where this information is coming from. Every little piece of information that I can find does not lead anyone to those conclusions. I have talked to bankers, to trust people, to lawyers, to accountants, to people in company management, to people in real estate, to people in insurance and the only thing I have heard as a reply Mr. President, "we have never been busier". Never in these Islands have we ever been busier. So the Mutual Legal Assistance Treaty must be helping us somehow Mr. President.

Even just looking at a few facts on the financial industry; we signed the Treaty, to the best of my recollection, on the 3rd July, 1986. So we have had a little look to see what has happened since June of 1986. There are 'B' Banks that have upgraded their licences to a category 'A' licence, which allows them not only to do offshore business, but onshore business. And, sometimes when you are dealing with an offshore transaction, a little bit of it could be related to the domestic side. In addition, they want to move forward in their organization and upgrade it.

We have about four or five banks now Mr. President, and we are not talking about private banks, we are talking about well known internationally reputable banks which are in the process, one I can say for sure is, of moving their operation from New York City to Grand Cayman. This is what the Mutual Legal Assistance Treaty is doing for us Mr. President, and anybody who looks around in the Compass will find that Banco de Portuguese Atlantico is advertising for staff. That is one of the banks I am mentioning, I will not go on to mention the others Mr. President, because we do not know what lies in the future. But, they are talking

about coming to Cayman. When they start advertising for staff, I will tell you, it looks as if it is going to happen. The number of international banks who have requested licences from the Cayman Islands Government since June 1986, is 18. And, since June 1986, banks licensed in the Cayman Islands have increased their working capital, perhaps it is not working capital but it is an increase in their capital funds, by \$200 million. They could not be concerned that the Mutual Legal Assistance Treaty was going to hurt them if they are putting their money here Mr. President.

The Mutual Legal Assistance Treaty - we will still monitor it; we will see what effect it has, but we are over six months now Mr. President, since we enacted the legislation, it is not ratified yet, but we know it will be, it is only a matter of time. The experience so far is that it has had, if you want to make a decision about it, a favourable impact on the Cayman Islands' financial centre of operations. Mr. President, I have been talking to the Director of Lands and Survey, and only the other day, he told me that in January 1987 he has collected more stamp duty in that month than we have ever done in any comparable month if you go back a hundred years. Over \$800,000 Mr. President in one month, and we say the Mutual Legal Assistance Treaty is hampering us. If they are going to hamper us in that way Mr. President let them continue, I like it. Bring the money on, Government can use it. The Members on the other side are always asking for a little bit more money to do things. Bring the money, the Financial Secretary will take it. But remember what the Mutual Legal Assistance Treaty is for, we do not need any criminal money, just the good ones.

Mr. President, so much was said about the 1986 accounts, the 1987 Estimates, the surplus, public debt and to top it all off, I could not believe my ears, the Second Elected Member for Bodden Town said that "the Economic Development Plan is a joke". All these matters fall under my responsibility Mr. President, and therefore I will have to answer him, because the public may be in the position of the motorist who was being told by the professor that something was wrong with his car. The conversation goes back and forth between the professor and the motorist. The professor said to him, "I say, your tubular air container has lost most of its rotundity", and the motorist says, "Says which?" The professor speaks up again, "The cylindrical apparatus which supports your vehicle is no longer inflated." The poor motorist says "I beg your pardon?" The professor comes back with another one, "The elastic fabric surrounding the circular frame which successive revolutions bears you onward in space has failed to retain its pristine roundness." A little boy had to come to the motorist's aid, he said, "Hey mister, you have a flat tire."

Well I am going to try to play the role of the little boy and to simplify for the public what, if anything, is wrong with any of the items mentioned earlier. But before I do, let me say Mr. President, I am not angry at the Second Elected Member from Bodden Town, and maybe a little rhyme will help us all to make a similar resolution. I will read it for the benefit of Members Mr. President:

"A little less impatience with those we deem too slow
A little less arrogance, because of all we know
A little more humility, seeing our worth is slight
We are such trivial candles compared to stars at night
A little more forgiving and swifter to be kind
A little more desirous the words of praise to find
The word of praise to utter and make a heart rejoice."

Mr. President, I know that the Honourable Members of this House have a keen interest in knowing how financially, the year 1986 ended. And it was for this reason that I gave preliminary unaudited figures, although I warned some of them that year-end figures can be misleading if not treated as they are stated to be. That is, Mr. President, "Preliminary Unaudited Figures." It only gives you an indication of how the year might finally end, but it can change up or down by a half a million to a million dollars, depending on a number of year-end adjustments which have to be made. The first figure was \$2.9 million; the most recent figure produced by the Treasury was \$2.2 million. In my opinion Mr. President, the final figure will be near to \$2.2 million. Mr. President, Honourable Members, what are we trying to achieve by playing with figures? Can anyone tell me of another country in the world which is likely to finish 1986 with a \$2.0 million surplus? We should thank God Mr. President, that we have the Heads of Departments

that we do. They, nor I, are perfect, but which one of us is perfect? The last one who was, we the people crucified him.

I explained to the Member when I gave him the answer to this question last Friday, why the surplus position is now less than the revised 1986 position which we prepared about five months ago. Mr. President, I think that I had better read it again: "According to the figures provided by the Treasury, as at the 11th January, 1987 the unaudited closing balance of Government's surplus on the books for the year ended 31st December, 1986 amounts to \$2,248,132.77. Honourable Members will immediately become aware that this figure falls short of the projected surplus of \$3,319,939, by a sum of \$1,071,806". And I went on to say Mr. President, "that the factors contributing to this difference, based on a analysis of trends of recent years, and especially the pattern of collections from January through December of 1986, the aggregate revenue was revised at \$65,887,873. However the actual position as reported by the Treasury showed total collections as being \$65,185,768 resulting in a difference of \$702,105 below the revised limit". I went on to comment, "On this marginal shortfall between the actual and revised revenue figures, Honourable Members are aware that even with the best of estimates, the end result will always differ from any predetermined position. In this regard, allowance has often been made for a three percent variation between the actual and the revised figures. The end result in this instance however, is approximately one percent, which if looked at positively", which I always like to do, "could be regarded as reasonable".

And, on the expenditure side Mr. President, "The revised position through 31st December was estimated as \$61,444,387.00 while the actual position as reported by the Treasury through 31st December showed total spending at \$61,803,000.88 an excess of \$358,701 over the revised limit". I went on to say that Honourable Members, "would have observed that the total derived from these differences, on the revenue side \$702,105 and on the expenditure side \$358,701 closely approximate the overall difference between the actual and the revised surplus realised". That figure I gave you earlier, \$1,071,806; "further analysis on the expenditure difference between the actual and the revised expenditure of \$199,879.00 or approximately \$200,000 of this sum resulted from the Government being called upon to make a pecuniary settlement which was not provided for in the revised figures, as it was not foreseen that an agreement leading to such a settlement would have been reached before the end of the year".

At a meeting of Finance Committee on the 18th December, where the Honourable Member took much time in talking about it, Honourable Members were appraised of the circumstances leading to the settlement. The remaining excess of expenditure, that is, the difference between \$200,000 and \$358,701 or approximately \$159,000, is largely due to the carrying out of various adjustments to the final accounts by the Treasury.

Now Mr. President, the reason why you call Finance Committee is to approve supplementary expenditure; is to abide by doing a particular year. The agreement which Government has made over the recommendations of the Public Accounts Committee, some of those approvals Mr. President, given in December were for the writing off to expenditure of advanced accounts. So, Mr. President, we were moving forward to stay within the agreed guidelines of the Public Accounts Committee, and, we will do it again because we agreed that the accounting situation in any year, should reflect as closely as possible, any financial activity of that year.

The Honourable Second Elected Member for Boddan Town is very much aware that during the presentation of any annual Budget to this Honourable House, a revised estimate of the proceeding year's position is always used as a basis for deriving the projected end of the year surplus or deficit position. In areas where the revised figures for the proceeding year, together with the projected expenditure for the end of that year, are observed as being in excess of the voted allocation, the figures, as revised, are incorporated into the Estimates. The following of this approach therefore means that subsequent to the budget presentation, the approval of Finance Committee must be sought to cover those areas of excesses in expenditure, arising from the differences between the revised and originally approved Budget.

This approach therefore accounts for those items which were submitted for the approval of Finance Committee on 18th December, and for which, the only exception being, the making of a pecuniary settlement for approximately

\$200,000. Further, as the revised figures are used in the determination of the surplus or deficit for any given year, this means that any variation between the revised and actual position when known, will either have a positive or negative affect on any such surplus or deficit as projected. It therefore becomes obvious that the excess in expenditure of \$358,701 and shortfall in revenue of \$702,105 are the areas which accounted for the \$1,071,806 less than the projected surplus. If the total of the items dealt with on the 18th December by Finance Committee were not provided for as a part of the budgeted figure, as suggested by the Honourable Member, the end result when combined with the proceeding shortfall of \$1,071,806 in the surplus position, would have resulted in a net surplus of approximately \$1.1 million, and not \$2.25 million as reported by the Treasury for the year ended 31st December, 1986.

So Mr. President, the remarks which the Member made, and I am reading it from the newspaper as I was not in the Chamber at the time, that the 1987 position is likely to end with a \$4.0 million deficit, is really stretching my imagination. I cannot see it, but he is a better speaker than I am Mr. President, I give him full marks for that, but I believe that my mathematics is a little bit better than his too, so we are about even.

The Member has also said that the borrowings are used to present a surplus position. But Mr. President, any person who examines the 1986 Estimates, will see that on page 23., Revenue Sub-Heads 69-005 and 007 which show total receipts from borrowings of \$8,454,000 and, on page 144., Sub-Heads 42 and 43 which show the expenditure side; the total expenditure is \$8,454,000. So, we spend on paper every penny we borrowed. Therefore, the borrowings have no affect on the 1986 surplus. No affect whatsoever. The bottom line has not changed it is as if I gave you a hundred dollars and then I turn around and took it from you.

In 1987 those same sub-heads, 42 and 43 the Expenditure side, found on page 147, total expenditure is \$7,702,432 and the Revenue side, Sub-Heads 69-005 and 007, on page 22., show total receipts for borrowing of \$7,702,432. Again, the borrowings have no affect on the 1987 estimated surplus. So, Mr. President, I do not believe the Member is right in some of the things he has said, and I hope the public too, understand that he went off the rails a little bit.

The Member also, Mr. President, and I am not sure that I have any notes on this, but I know he also said that the Economic Development Plan is a joke. He said the Plan indicates a five-year period from 1986 to 1990, and 1986 is a closed issue, and so is 1987, so he does not see how the Plan is going to affect it. But, Mr. President, I have the Plan with me this morning, and, to examine it we go to the respective summary, there we will see Mr. President, if you look at the amount of expenditure for the year 1986, you will find that it corresponds very well with the 1986 Budget. You will find there that Transport has a figure in the Economic Plan for 1986 of \$2.5 million, and all we need to do Mr. President, is go to the 1986 Estimates and look on page 69 and continue to look under Sub-Head 08-043 and it says, 'Subsidy, Cayman Airways \$2.5 million'.

Also in 1986, Mr. President, in the Draft Estimates it has a sum of \$400,000 for Housing. It is Civil Service Housing Mr. President; Civil Service Mortgages found on page 70 of the 1986 Estimates, Sub-Head 019-003, 'Civil Service Mortgage Loan'.

But this Plan Mr. President, I am not saying it is perfect, I told everybody that it was a draft, I wanted your input, that is why we brought it here. And, as I said when the Member for North Side was moving the motion, it was one of the best things we decided to do, but you always need the political will, Government Officials cannot do it on their own. This Plan took almost eighteen months to prepare, so I am not going to spend eighteen months in bringing a Plan forward when the political will is not there and I have wasted one and a half years of my life.

Further, Mr. President, I am looking at, and it took me some time to find it, but I know it was there - the Draft Economic Development Plan, Table 1, Total Cost of Projects. I have dealt with the Air Transport sum in 1986 which is chapter 2.4, I have dealt with chapter 2.11, Housing, and let me now tell you about chapter 2.3 - Airports. I am going through this Mr. President, because the Member's inference is that there is no relation between the 1986 Estimates and the Draft Plan, and I just want to prove to him, to his full satisfaction, that there is. The 1986

Airports sum in the Draft Economic Plan is a sum of \$1,691,285, and if he goes to the back of his 1986 Estimates on page 147, he will find a sum under 042-003 for Airport Development of \$1.9 million. So it is evident, that we budgeted to do more in 1986 than we even had in the Draft Economic Plan.

On Water and Sewerage Mr. President, chapter 2.8 of the Draft Economic Plan, I call the Member's attention to page 147 of the 1986 Estimates again, Sub-Head 042-004 Water and Sewerage \$2,914,000, a little bit less than we planned for in the Economic Development Plan, but, \$30,000 will not make that much difference when you are dealing with those kinds of figures. And, just to continue for a little bit longer Mr. President, if he goes to the 1987 Estimates under Air Transport, chapter 2.4 the allocation in the Summary of Projects in the Draft Economic Plan for 1987 is \$1,050,000. I will lead him now to page 66. of the 1987 Estimates, Sub-Head 008-043 - Subsidy, Cayman Airways, this is in the 1987 Estimates \$1,050,000. Then, let us look at Airports again Mr. President for 1987, and see how the Economic Plan compares to the 1987 Budget. In the 1987 Estimates on page 149; Airport Development \$743,465, on page 150; Sub-Head 042, \$1,115,029, a total sum of roughly \$1.9 million. Then we look at the 1987 figure in the Draft Economic Development Plan, it is roughly \$1.9 million.

Water and Sewerage is \$5,132,264 in the Economic Plan for 1987; in the Estimates for 1987 it is \$4,731,359. The Plan is intended to be a guide Mr. President, and you can only do what the country can afford. The projects that cannot be funded in one year, will be deferred to another year, on the basis of this Honourable House having given priority to the projects it wishes to do in each year. That is why we are in Finance Committee dealing with the Appropriation Law, and going through the Estimates. I think there has been enough on that Mr. President. I am sure he knows now that there is some relation between the 1986 and the 1987 figures in the Draft Economic Plan, and also in the 1987 Budget. But I am sure he knew it already Mr. President, I did say he was a good talker.

MR. G. HAIG BODDEN:

No, Mr. President, what I said was that we have not yet passed the Plan, so how can it relate to expenditure which has already taken place, that was the point I made.

HON. THOMAS C. JEFFERSON:

I think I have just told you how. We were using it as a guide when we were preparing the 1986 and 1987 Estimates. But I know Mr. President, everybody is itching to debate this Five-year Economic Development Plan, and if it is the last thing I do, Mr. President, with their assistance, I will bring it here on April 27th and let us have a go. I am not worried about it Mr. President, I am not worried at all. I know I am going to hear some wicked things, but, I have heard them before too. Just remember though, Mr. President, if you give a punch, the punch might come back!

Mr. President, I am just about finished with the winding up of the Throne Speech, but, before I sit Mr. President, I wanted to say to the Sergeant-at-Arms how grateful we are for his assistance. I took it personally, it was a favour to me that he agreed to do the job, when I found myself in a pinch. I am sure Mr. President, that his services here, will be long remembered for the way in which he has conducted himself and of his pleasant personality. I wish him well and hope that some day I can be of some assistance to him, as he was to me.

Thank you Mr. President.

MR. PRESIDENT:

Just to remind Honourable Members, and to remind myself indeed, the motion before the House is:

BE IT RESOLVED that this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for his Gracious Address delivered on Friday, 6th February, 1987.

QUESTION PUT: AYES.

MR. W. MCKEEVA BUSH:
President.

Can I have a division Mr.

MR. PRESIDENT:

Of course.

DIVISION
NO. 6/87

AYES: 9

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. D. Ezzard Miller

ABSTENTIONS: 2

Mr. G. Haig Bodden
Mr. John B. McLean

MR. PRESIDENT:

I declare the motion carried.

AGREED BY MAJORITY: THAT THIS HONOURABLE HOUSE DO RECORD ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR HIS GRACIOUS THRONE SPEECH DELIVERED ON FRIDAY, 6TH FEBRUARY, 1987.

MR. PRESIDENT:

I think we might make a start on the Bills before we take the customary morning break, so we go to Item 2.2. on the Agenda, the first of the Bills.

BILLS

THE INTERPRETATION (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE INTERPRETATION (AMENDMENT) BILL, 1987.

MR. PRESIDENT:

The Bill entitled a Bill for a Law to amend the Interpretation Law is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE INTERPRETATION (AMENDMENT) BILL, 1987.

HON. RICHARD W. GROUND:

Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Interpretation Law.

Mr. President, this is a short Bill which adds a new Section, Section 51(a) to the Interpretation Law. It is intended to meet an anomalous position that has arisen due to a large number of laws which have been enacted over the years, which create statutory posts. Many of these posts now are embraced in, what can colloquially can be called, the Civil Service; that is that they are offices of emolument in the Public Service, and they are generally staffed by Public Officers. In other words, people holding offices of emolument in the Public Service. Nevertheless Mr. President, many of these laws provide alternative means for the appointment of such Officers so that generally, nowadays, there has to be two appointments; the first by His Excellency under the Public Service Commission Law to the Civil Service office, to the public office that is, and the second, an appointment under the Statute.

Mr. President this is an unnecessarily complicated process, it is one where the second appointment under the Statute may on occasion be omitted, which can give rise to problems, and it is one which this Bill is intended to amend and simplify, and do away with.

Mr. President, for the information of the Members, there are, as I have said, a large number of such offices now created by Statute, and just so they may understand what the Bill deals with, some examples are, and these are just examples and they are not intended to be a comprehensive list. The Development and Planning Law which sets up the office of Director of Planning, and that is now an office in the Civil Service, The Banks and Trust Companies Regulation Law, which sets up the office of the Inspector of Banks, The Insurance Law which sets up the office of

Superintendent of Insurance, and then there are other laws such as the Prisons Law which has the Director of Prisons, and also provides for the appointment of Prison Officers, The Customs Law, which sets up the office of Collector of Customs, and also provides under the law for the appointment of Customs Officers. Mr. President, these and many others will be caught by the Court and dealt with by the proposed amendment to the Interpretation Law.

With that introduction Mr. President, if I might just read the amendment:

"Appointment to
Statutory Public
Office

Notwithstanding the provisions of this or of any Law where provision is made in a law for a public officer to be appointment to an office under that law, which involves the exercise of functions, powers or duties pursuant to any law or regulations, and where no such appointment of such person has been made under that law prior to the date when an appointment was made to such public office, the person appointed to such public office shall for the purposes of any such law or regulations be deemed to have been appointed under that law on that date."

In other words Mr. President, the Public Officer appointed by His Excellency, under the Public Service Commission Law is deemed to have been properly appointed under whatever other law sets up and creates the statutory post.

In my submission to the House, this is beneficial, it will avoid a lot of potential problems in the future, and it is a Bill which I commend to the House.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Interpretation Law be given a Second Reading. The motion is open for debate. The Second Elected Member for Bodden Town.

QUESTION PUT: DEBATE ENSUED:

MR. G. HAIG BODDEN:

Mr. President, I rise to object to this Bill, it seems to be an innocent Bill, but it is not. It is, in effect, retroactive legislation. I take my stand against retroactive legislation which seems to have become a way of life with the new Government, since 1984. They seem to be passing and have passed several pieces of legislation which are retroactive, and this seems strange because we have heard from the public platforms during the 1984 campaign, that there would be no more retroactive legislation. They said that Governments in the past had sinned by having passed retroactive legislation, and now they have made it their way of life. At every sitting we are contending with retroactive and retrospective legislation as well.

The portion of the Bill which reads "be deemed to have been appointed under that law on the date when he was appointed to such public office," seems to me to make this Bill retroactive. Why can the Government not leave well enough alone. Whatever may have happened with these appointments in the past, happened. If the Government was simply putting in a Bill to make provision for appointments from today onwards, I would support it. But no, they must carry out their actions just to show the public that they will not keep their word! just to show the public that now that they have been elected, they can do as they please and do not have to consult the public on any matter, do not have to keep any campaign promise, but they can now do as the cat did when he fell into the barrel of liquor; he told the rat, "If you will be kind enough to pull me out of this I will see that you will not be eaten". So, the unwary rat pulled the cat out of the barrel, and as soon as the cat had dried off he made advances to the rat. And when the rat reminded him of what he had said, he said, "Brother, I said that when I was in my liquors", and I believe they are now treating their campaign promises of no retroactive legislation, as words spoken when they were in their liquors.

So, Mr. President, I will not support any form of retroactive legislation, and will vote against this Bill.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to reply?

HON. RICHARD W. GROUND: Mr. President, I would just like to deal very briefly with the point of retroactivity. Strictly, retroactive legislation is something which reaches back in time before the law and seeks to change the law which used to apply to a situation. This law does not do that, and is not intended to do that.

Now the Honourable Member has pointed out the deeming provision which could have the affect of deeming a public officer who had been appointed before the law, to have been satutorily appointed under whatever law we are dealing with after the coming into effect of that. It is just possible Mr. President, to construe that as retroactive, the criticism may have had some bite if examples had been brought forward of officers to which this would apply. No such examples have been brought forward Mr. President. This law is certainly intended to apply to the future, and it is not, in my submission, an example of the Government or of anybody, seeking to tinker with the past, and it is tinkering with the past which is the vice of retroactive legislation.

MR. PRESIDENT: The motion is that a Bill entitled a Bill for a law to amend the Interpretation Law be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I declare the motion carried, and I will now suspend proceedings for approximately fifteen minutes.

AGREED BY MAJORITY: THE INTERPRETATION (AMENDMENT) BILL, 1987 GIVEN A SECOND READING.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:36 A.M.

MR. PRESIDENT: Please be seated.
Bills, First Reading. Item 2.2.(2).

THE ELECTIONS (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE ELECTIONS (AMENDMENT) BILL, 1987.

MR. PRESIDENT: The Bill entitled a Bill for a law to amend the Elections Law 1983, is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE ELECTIONS (AMENDMENT) BILL, 1987.

HON. J. LEMUEL HURLSTON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a law to amend the Elections Law, 1983.

This amending Bill Mr. President, contains a number of unconnected amendments arising out of the recommendations of the Select Committee of this Honourable House, appointed by the Legislative Assembly, to consider amendments that have arisen as a result of the experience encountered following the 1984 General Election.

Being a 1983 Law, the 1984 General Election was the first opportunity to have experienced the provisions of that Law, and a number of recommendations have been made as a result of those experiences, in order to better serve the purpose for which the law is intended.

Turning to the Bill itself Sir, the first proposed amendment is to Section 2. dealing with the interpretation and definitions, and the proposed amendment is to stipulate that an Election Agent shall be a registered voter in the

constituency where he is an Agent.

Clause 3. of the Bill provides for the appointment of a Deputy Supervisor of Elections.

Clause 4. of the Bill provides for the establishment of a Registering Office where persons may register as voters.

Clause 6. provides for a further by-election in a constituency where, at the time of a General Election there have been less candidates than seats, and also to alter the latest date for the withdrawal of a candidate, from three to ten clear days before the date of the holding of the pole.

Clause 12. of the Bill proposes an amendment to enable postal voting by persons who will be outside the Islands on polling day, and,

Clause 13. seeks to clarify that a postal ballot may be returned either by hand or by post for the issue of a replacement ballot in substitution for spoilt ballots.

These unconnected amendments Mr. President, should tidy up the legislation under which our General Elections are held, and should provide the necessary proper guidelines for the smooth and efficient conduct of Elections.

Much discussion took place in the Committee on this subject, the Committee which was under the Chairmanship of the Honourable Second Official Member. Perhaps one or two controversial items may have been considered, and may not have been mentioned in the final Bill that was recommended. I do not care to deal with any of those subjects Sir, because I was not a member of the Committee at the time. I leave it to any Honourable Member who wishes to raise those issues to do so during the course of the debate.

I unhesitatingly commend this Bill to the Honourable Members, Mr. President.

MR. PRESIDENT:

entitled a Bill for a Law to amend the Elections Law, 1983 be given a Second Reading, and the motion is open for debate. The Second Elected Member for Bodden Town.

QUESTION PROPOSED: DEBATE ENSUED:

MR. G. HAIG BODDEN:

Mr. President, I have to object to this Bill. I cannot think what has gotten into the new Government, because it seems unreasonable for them to continually change the Election Law; to continually change the Standing Orders of the Legislative Assembly; and to continually change the Constitution. Why are they tampering with these three instruments so often?

Since 1984 they have amended the Standing Orders, the classic example was where they changed a matter relating to questions, and then had to come back and change it again. Why are they continually tampering with these documents? Is there some fear that they might be at some disadvantage at the next Election, and they hope to tailor-make the law to suit specific individuals?

They cannot really be serious about one of the amendments proposed in this Bill, and that is the one that would stipulate that an Election Agent shall be a registered voter in the constituency where he is an Agent. They cannot be serious about that because this stipulation is not required of the candidate. A candidate need not be a registered voter in the district in which he is elected. Why are they putting this imposition on the candidate's Agent?

During the last Election, I was not a registered voter in the Bodden Town District. I cast my vote in George Town. Why is it that the candidate's Agent must be registered in the district where he acts as Agent? Why this restriction on the rights and freedoms of the individual? Is it because they are afraid that when 1988 comes, that I will take Mr. Truman Bodden, who will be a registered voter in George Town, up to Bodden Town to be one of my Agents, and oversee the Election on my behalf, is this the reason? But remember, if you prevent my doing this, it could also affect other people. Our Election Law has stood the test of time, and there have been many instances where the candidate did not live in the district, we have several examples.

The Honourable Third Elected Member of Executive Council lives in George Town, but ably represents Cayman Brac. In fact, probably does a better job than if he lived in Cayman Brac, because he is here in George Town where all the action

and the decisions take place. I understand that there were times in the past when the late Dr. Roy McTaggart and Mr. Burns Rutty who both lived in Grand Cayman represented Cayman Brac. If the candidate is allowed to live in one district and be a candidate in a different district, why is it that the candidate's Agent cannot do the same thing? What is the reason behind it? The Member introducing the Bill, has not mentioned any single reason why this should be so, and in the lack of such a statement, I can only assume that this is a part of the continuing programme of the present Government, to limit and take away the rights and freedoms of the individual.

Another area in which they are tampering with the established custom, in the hope of influencing the next election, is by setting up a registered office where persons may register. We have had a system of registration which has worked well in the past, why are we changing it? Under the old system, a Registering Officer would physically visit the homes and put down the names of people to be registered. In addition to that, the person to be registered, the voter, could contact the Registering Officer if the Registering Officer had missed him out. Also, there was a provision for a revision of the list where anyone who had been left out could get his name put down. Now with the change in the system, what can happen is that some people who have been used to the system whereby somebody called on the person for the purpose of registration, may unwittingly still await that visit, and may find that he has failed because he had neglected to go to the registering office. So, why this change? Is it to confuse the public, and to make matters worse?

We see another change with regard to the deposit which can be refunded when a candidate withdraws from the Election. Under the law which had existed, if a candidate withdrew from an Election, he could get his deposit back once his withdrawal had been made known three clear days before the holding of the poll. Now they are changing those three days to ten clear days, and ten clear days are a lot of days, because we do not count the first day and we do not count the last day, so that in total, we are really talking about twelve days. So, if the Election is to be held on the 15th of the month, a person would have to make known his decision, a total of 12 days counting the last day and the first day, plus the ten clear days.

Here again I question, what is the purpose for putting this burden upon the candidate who may want to withdraw, or putting this burden which did not exist before? We know they have, as the Jews had, their paid mourners in the past. We know they have their paid political candidates who are set up in districts to catch a few votes. We had some of them in Bodden Town the last election, paid political candidates, just catching a handful of votes with no hope of ever being elected, in the hope that these few stray votes would influence the Election. Is this change being brought about because the Government wants to determine very early in the election process, a whole two weeks before polling day, who the true candidates are? What a ridiculous situation!

We already know that the paid political mourners will withdraw just in time to get their deposits back. But there are also other reasons for withdrawal. Sometimes there is a genuine reason, the candidate may die, in which case I imagine the deposit will be refunded to his estate, or, the candidate may become terminally ill, or, may have some sudden disease come upon him, some illness, which on his doctor's advice, he may be told to live a less strenuous life. There are a lot of other circumstances; the candidate's spouse may die, his/her father may die and the candidate would have to take over the family business, some change in occupation may prevent the candidate from going through with the Election; pressures might be put on him by his employer. There are varied reasons, and I think the reason why there was that three-day limit was in order to allow the maximum refund for the candidate, who at the last minute had to quit the Election. The fact that the paid political mourners benefit from it, should not influence our decision in this matter. So, why are we making these silly and stupid changes? Just because some Member gets up and says this is what I would like to see, this might be all right in some other laws, but not in our Constitution; not in our Standing Orders; not in our Election Law.

And, of all the wishful thinking, they have made a provision for a by-election in case there are not sufficient candidates for the seats. That will be the day in Cayman when you cannot find two people in Bodden Town at a General Election to contest the Election; that will be the day in Cayman. Last Election we had nine candidates for the two seats, and the last

count I have had, for 1988, we will have 11. So, we do not need to fear that a situation will ever arise where you will not have two candidates for Bodden Town, two for Cayman Brac, three for West Bay, three for George Town, one for North Side and one for East End. Why make this additional provision? Why bring all these trivial things into the law, is it just a change for change sake?

There are some other changes which are cosmetic in nature, and I have no argument with them. But because they are incidental to the Bill, I will have to vote them down when I vote down the principal parts.

There is the provision for the appointment of a Deputy Supervisor, one more person to be on the payroll. What are we thinking about? A General Election is held every four years, and the practice had been in the past to appoint a Supervisor at the time of the Election, and I see no need for the Deputy.

So far, 90 percent of the Government's time in Executive Council and the Legislative Assembly has been taken up with things that really do not matter; things of no consequence, and the important issues are ignored and neglected, simply because the slate is cumbered with trivia.

We hear stories coming out of the Courts this week where young boys are being fined \$1,500 and their boats confiscated for catching a couple of conchs, and the serious crime goes unnoticed.

We are here today discussing frivolities, when the economy of Cayman Brac is in a shambles, and the homosexuals storm our shores. What is wrong with this Government? Why does it not pull up its britches and attend to the important matters; leave the urgent matters alone and deal with important matters.

In closing Mr. President, I must say that it is really alarming to see how lightly this new Government is treating the sacred matters such as our Constitution, our Elections Law and the Standing Orders of this House. And how, every time we meet there is some motion to change one of these documents. What is the purpose?

AT 12:00 NOON THE HONOURABLE FIRST OFFICIAL MEMBER PRESIDED

MR. PRESIDENT: Does any other Member wish to speak? The Honourable First Elected Member of Council.

HON. BENSON D. EBANKS: Yes Mr. President. This is not the only time that the Second Elected Member for Bodden Town has outdone himself again in his rhetoric, because as the Member well knows, the reason for this amendment being before the House is because the Elections Law 1983, (Law 36 of 1983), which his Government was responsible for preparing and passing through this House, and which governed the Elections in 1984 was a shambles.

MR. G. HAIG BODDEN: These sections were copied from your Law in 1969, tell the truth.

HON. BENSON D. EBANKS: No Mr. President, the public knows that when the Elections were held in 1984 they were posted in conspicuous places over each Polling Station, a number of what I think the then Government called 'errata' to correct the mistakes which were made in this law. They had the sections of the law referred to the wrong forms, and the forms referred to the wrong section of the law, and numerous other irregularities existed in the law. And, it was as a result of those irregularities, mistakes and omissions from the law which, as a result of that, is why a Committee was established to go through the law, clean up those irregularities, omissions and the rest of it, and look at any other matters which might have been brought to light during the course of the 1984 Elections.

The motion was in fact moved by the Honourable First Official Member, and it was moved as a result of a memorandum dated 31st January 1985, by the Governor, addressed to all Members of the Legislative Assembly and the Supervisor of Elections, inviting them to make comments for the amendments to the Elections Law in the light of the experience of the 1984 Elections. In other words Mr. President, it had been abundantly and clearly demonstrated that the Elections Law 1983 was a flawed law, and as I have said, all these notices had to be put all over the Polling

Stations, and each candidate had to explain it to his agents, and all of this, and make amendments in handwriting within the Elections Law by which we were being governed. It had never happened before, so he cannot put it on any law that went before, and I invite the Member to examine the two Bills, and he will see that they bear no resemblance at all.

Not only is he misguided in how this came about, but he is at a loss when he talks about appointing somebody to go and represent him in Bodden Town on Election Day, because "Election Agent" bears no reference in the law to a Polling Agent or Accounting Agent who are the persons who will be present on Election Day. The Election Agent refers to the person who can attend in the absence of the candidate at the posting of postal ballots, and since the reasons why postal ballots are being sent can be questioned, there is no person better than a person living in the district in which those ballots are being sent out, to be there to know that the circumstances which have been stated, are in fact correct.

Now the purpose of this Motion Mr. President, is not to gerrymander anything. What it is designed to do is to prevent applications made on behalf of people who are quite able, well and willing to come to the Polling Station on Election Day, having a request sent in often, unknown to them, for a postal ballot, so that somebody else can get the market. Now, it will put a stop to that. When I say put a stop to it, it will ensure that the likelihood of that happening is less, and certainly, Mr. President, the Member should not object to that type of improvement within the electoral system.

The question of the registering office does not do away with the system of still going and collecting names. What it facilitates is that if a person knows that he is not going to be at home when the registering officer comes around, and Members very well know that these tasks are usually undertaken by full-time Civil Servants, and they usually do the registrations in late evening or early night. So, if someone knows that registration is going on in his district, that is, his area of the district, he knows he is not likely to be there when the registering officer comes, he can go to the office established and have his name put on the register. He has to have the same qualifications and the rest of it as would have been required had the registering officer come to his house. So there is no opportunity here for skulduggery. What it is, is a facility to the voters to make sure that everybody who wants to get on the register, has an opportunity to do so, it is an improvement to the system. And as I have said Mr. President, this was not done out of any desire to change laws and spend unnecessary time. And further more Mr. President, if the Member feels as strongly as he does about this amendment, he could have attended the Committee Meetings and registered his protest there, or sent letters of representation to the Committee. But as is the habit, the three Members of the Unity Team, the fragments of the Unity Team, boycott every committee which is set up, and then the holler when the Committee reports, or the Committee's recommendations are put into effect.

MR. G. HAIG BODDEN:

Because you will not even let us discuss anything in the Committee. You move closure motions to stop us, and we do not come back.

HON. BENSON D. EBANKS:

Everybody knows that it is difficult to keep your mouth shut. You could not do that if you rammed a baseball down in it, you will always get your point in. You will get an opportunity to talk if you come to the Committee. But what you would not get an opportunity to do is to railroad any of your rejected and worn out ideas which have not stood the test of time on the Committee. The Committee will make up its mind, based on all the facts before it at the time.

Mr. President, I do not intend to belabor this motion. In fact, I did not intend to speak on it. But I just wanted to make it clear that Executive Council does not enjoy having to clean up the mess left by the last Government, but we would be negligent in our duty if we did not do so. Maybe the Member could help the process some, if he were to attend the Committee Meetings and tell us why such and such a thing was done or why it was not done, and we might get through the matter quicker rather than longer, searching for the motives as to why certain things were done. We would enjoy spending more time in our offices, pushing the many plans and whatever we have to do there to get it accomplished, rather than having to sit down and undertake clean-up-messes like this one.

But it is a mess that was left by the last Government, and we have to clean it up.

We have added one or two provisions which we think improve the electoral system. I do not mind the Member debating that, that is fair game, but do not come talking about the Government tampering with the Constitution, and the Standing Orders and the rest of it. I will deal with the Constitutional change that is proposed, when I get to it. I am not going to dwell on it now. I am dealing now with the Elections Law, and I want everyone to understand that why this motion is here is because as they will remember, in the 1984 Elections, you could barely see the wall for the amount of paper that had to be posted around the place to correct the serious anomalies and omissions - sins of omissions and sins of commission - in this law, this 1983 law. That is what we are clearing up.

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 the Bill to make certain amendments to the Elections Law, 1983.

I support these amendments because the majority of them are necessary. They are necessary to remove evils which were discovered during the electoral process in 1984.

I support the fact that the Election Agent under the law, should come from the constituency, and should be a registered voter in that area, because I feel, that such a person can better perform the function that he is asked to do under the law, and better serve the candidate who he is representing, if he comes from the area, knows the area and knows the people. I do not subscribe Sir, that these amendments are little insidious tampering exercises designed to confuse the people. I believe Sir, that these are necessary to expedite matters, and to remove anomalies in the law to make the 1988 Election operate more smoothly.

And, I believe it is the duty of Government whether it is tampering, as one Member has said, with the Standing Orders, with the Constitution, with the Election Law, I do not subscribe Sir, that these are sacred documents like the Ten Commandments handed down to Moses on a mountain, that cannot and do not contain any anomalies. We are a developing country, and there will be times when changes are going to have to be made. And it is the responsibility, and it is incumbent upon us as members; it is the responsibility of the sitting Government at the time, and it is the responsibility of Members to support such changes which are necessary, to expedite the administration and development of our country.

Now Mr. President, I support the increasing from three days to ten days, for the withdrawal of candidates. Firstly, it should allow for the reprinting of ballots. A great deal was made by one Speaker of 'paid political mourners', or political candidates or whatever. But if they can withdraw three days before an election and still get back their money that they put up, and their name still appears on the ballot paper on Election Day, then they have achieved what they set out to do, if that was their purpose in drawing off votes from other candidates, to allow a minority to elect a candidate in any constituency. Because if their names are on the ballot, those people who will have supported them will have a chance to vote for them. But the ten days will give time for the Election Authority to reprint ballots, if necessary, to remove these people who have withdrawn. The only ones we cannot get to of course, will be those who have gone out on postal ballots.

But here again Sir, it is a necessary amendment. It is quite simple and quite possible for someone who receives a postal ballot to inadvertently spoil it, and it certainly is unfair under the 1983 law that that person could not under any circumstances get another ballot. Whereas, those people who walk to the polls to vote could spoil a ballot, go and get it, return to the officer and get another one, and have the opportunity to vote. Whereas those people on the postal ballot system who had the same entitlement to vote as that person, did not have that opportunity under the 1983 law, and I think it is a necessary and an important amendment to the law.

Mr. President, the new provision in the law for a by-election where there are not enough

candidates, is not as frivolous or entirely unnecessary as some people might believe, because Sir, in 1972 the unopposed candidate from my constituency beat the clock by five minutes. Otherwise that constituency would have been without a representative for four years, because there was no provision to have a by-election, because no one was nominated under the law. So I think it is necessary to put it in to the law.

Again Sir, the spoilt ballot situation and why it is necessary to have the ten days - if new ballots are reprinted, which as I have said before is quite possible, those people who had voted by postal ballot for those candidates who had withdrawn, that would then be a spoilt ballot, and they could get a new ballot which does not contain the name of those Jewish mourners, or political paid candidates, or whatever, and I think that is fair game.

Now Mr. President, I have to be consistent, as usual, and say that I am disappointed that the Committee once again, did not adopt my recommendation for single-member constituencies. But I will carry on the fight, because I feel that that represents the single greatest threat to the electoral process in this country. Those are my personal convictions, and in this case, as usual, I abide by the majority vote, but it will be brought back for them to face again. And as I gather ammunition and information, I will continue to bring it back. Maybe one of these days, like the doctor at the hospital for 24 hours, we will be successful.

Mr. President, it was absolutely necessary to correct the forms which were incorrectly referred to in the law; to correct incorrect references to the incorrect forms, etcetera. And I support the amendments before the Election Law, but as I have said, I am disappointed that it does not contain an amendment to create single-member constituencies in Bodden Town, George Town, West Bay and Cayman Brac, but I can promise Members to carry on the fight for that Sir.

I support the Bill.

MR. PRESIDENT:
West Bay.

The Second Elected Member for

MR. W. MCKEEVA BUSH:

Mr. President, the Bill before the House is very short, and I had no intention, really, of speaking on the Bill. However, because of the remarks made by the Member for Bodden Town, and the fact that I was part of the Committee on the Elections Law, I feel that I should make a short statement at least of my support for the amendments.

The Elections Law, a representation of the people's law is actually what it is, is a very important one and one, yes, that our people hold sacred. However, when there are necessary changes, we must not fail to make those changes, and I have stressed this, not only about our Elections Law, but any other law that we find. If we find a situation that we need to change, we change it if it suits our country.

I remember in the last Election Mr. President, I was threatened to be put in prison because of the same postal ballot situation, and it was all because of a big misunderstanding by an election agent who was not from my constituency. And although it was in the law that he could have been from elsewhere, I took great exception to him being there. That particular agent who could not vote in West Bay, caused more disturbance at the Election, than at any other election in West Bay, or in the history of elections. He held up the process at that particular time, when they thought they had a chance to lock me up and get me out of the elections. And because he was a lawyer he felt he knew more than we did. When it came to the count, he held us up, and maybe we should have gone further. Maybe we should go further and say that people who are going to be involved in the elections, should be from their district, and know something about the law. Because, obviously he did not know one thing about the Elections Law. It got to a point Mr. President, where the Returning Officer had to threaten him with removal, for disturbing the election count.

The amendment relating to the ten days withdrawal notice, I support this one hundred per cent. When a person under the old system, withdraws, his name is left on the ballot, and maybe other Members have stressed this, but I think it is worth mentioning, and not only the postal voters, but other people as well, come in and place their vote for that candidate. It happened in

the 1980 Election. We have a very prominent man who withdrew from the Election, and he received 13 votes. The Honourable First Elected Member of Council won by 19. So you can see how detrimental it can be - how it can influence an election under the present system with the withdrawn candidate's name still being on the ballot.

We have had instances where the candidate was the nominator and the nominator was the candidate under the old law, and I have yet to determine whether that was the law, or whether it was the ignorance of the candidates, but no one challenged it. It was in an Election which I lost in 1980, and I think it happened in 1976. So, the changes the Government has made are very necessary. I know that our people hold the Election Law, the electoral process as sacred, and that is why we went to our people with this amendment before it came to the House. We took it, it was explained and the people agreed, that is, those people at the meeting. So I give it one hundred percent support. I think the Government has done the right thing in this instance.

Thank you Sir.

MR. PRESIDENT:

Does any other Member wish to speak? In that case, does the mover wish to exercise his right to reply?

HON. J. LEMUEL HURLSTON:

Mr. President, only to say many thanks to the Members for their contributions to the debate on this piece of important amending legislation. The quality of the debate served to highlight some of the fears that were being experienced with regard to the provisions of the 1983 law, and I think the debate has elucidated that rights and freedoms of individuals, are indeed being preserved and extended, and are not intended in any way to be limiting.

Thank you very much Sir.

MR. PRESIDENT:

The motion is that a Bill entitled a Bill for a law to amend the Elections Law, 1983 be given a Second Reading.

QUESTION PUT: AYES

MR. W. MCKEEVA BUSH:
President?

Can I have a division Mr.

MR. PRESIDENT:

Certainly.

DIVISION
NO. 7/87

AYES: 10

Hon Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. D. Ezzard Miller
Mr. John B. McLean

AGREED: THE ELECTIONS (AMENDMENT) BILL, 1987 GIVEN A SECOND READING.

MR. PRESIDENT:

The motion is carried.

It is about time for the lunch hour break. Unless you deem otherwise, I suggest we suspend now until 2:15 PM.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

(THE HONOURABLE FIRST OFFICIAL MEMBER PRESIDING)

MR. PRESIDENT:

Please be seated.

Bills, Item 2(4), The Civil Aviation Authority of the Cayman Islands Bill, 1987.

THE CIVIL AVIATION AUTHORITY OF
THE CAYMAN ISLANDS BILL, 1987

FIRST READING

CLERK: THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL,
1987.

MR. PRESIDENT: The Bill is deemed to have been
read a first time and is ordered to be set down for Second Reading.

SECOND READING

CLERK: THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL,
1987.

HON. W. NORMAN BODDEN: Mr. President, I move the
Second Reading of a Bill entitled a Bill for a law to establish the
Civil Aviation Authority of the Cayman Islands, and for the regulation
of aviation matters and for all purposes connected therewith and
incidental thereto.

As stated in the Memorandum of
Objects and Reasons, this Bill seeks to establish the Civil Aviation
Authority of the Cayman Islands, and to regulate aviation matters in
the Islands generally.

Provision is sought to be made
for the proposed Authority to take over the responsibilities of the
Cayman Islands Corporation, and for that Corporation to be dissolved.
Provision is also sought to be made for the repeal of the Airports
Regulation Law (Revised), and the Cayman Islands Corporation Law
(Revised), and for the saving of all existing subsidiary legislation
made under those laws.

Mr. President, at the time
Government borrowed money from the Caribbean Development Bank to help
finance the construction of the new Owen Roberts Airport Terminal. A
condition of the loan was that an independent statutory body should be
established to handle the financing, along similar lines to the Port
Authority. The terminal at Owen Roberts has been in operation for
some time now, and so it is necessary and timely that the Civil
Aviation Authority be established. Besides the commitment to the
Caribbean Development Bank on the loan side, it is a sensible
arrangement for at least a semi-autonomous body to be given
responsibility for the running of our airports, receiving the revenue
generated by airport operations, paying the expenses incurred and
controlling the budget, with a view to hopefully showing a profit, or
at least breaking even at the end of the day.

As we all know, the Port
Authority has worked quite well, and it is expected that the Civil
Aviation Authority will perform equally as well. With the growth and
expansion of Civil Aviation, in keeping with increased tourism
developments, the Civil Aviation Authority will additionally lend
itself to a smoother and more practical means of airport operations.

The Bill in section 3(2) sets
out the composition of the Authority, which shall consist of a
Chairman, who shall have a casting vote, but not an original vote; who
will be appointed by the Governor in Council, and who does not
necessarily have to be the Member responsible for the subject, the
Chairman plus a Deputy Chairman and seven other members, three of whom
shall be public officers. It is my view that this provides a proper
balance, and affords the Authority the benefit of input and advice
from top level and experienced public officers, plus, it allows
contributions from members of the private sector to be made. The
frequency of meetings is also laid down in the law, where it is stated
that at least six meetings must be held annually. The Director of
Civil Aviation will also be the Director of the Authority.

The functions of the Authority
are set out in subsection 4, and these are:-

- * to deal with aircraft registration, certification and
inspection
- * air safety
- * air traffic control
- * certification of aircraft operators, and
- * the licensing of air crews, and the licensing of
airports.

Also, the Authority is responsible for the general management and control of airports. It will have responsibility for the enforcement of this law, and any United Kingdom Law dealing with Civil Aviation matters which are applicable to the Cayman Islands.

Provision is also made for start-up funds to be provided to the Authority, by approval of the Governor-in-Council, and certified by the Honourable Financial Secretary, which funds are of course to be repaid to Government.

The proper financial procedures are laid down for the timely handling and accounting of revenue and expenditure, with involvement of the Financial Secretary, which I support and believe to be a very workable arrangement.

Herein in Section 7(2)(a), specific responsibility is given the Authority for repayment to the Government, of all sums which have been borrowed by the Government for airport purposes, and the repayment of which is outstanding at the commencement of this Law, in addition to the other financial obligations of the Authority which must be paid out of revenue earned. Mr. President, here I would like to draw Members' attention to the fact that in the green copy, that subsection 3 of section 7, due to a printer's error has been omitted, but it was actually included in the white copy which was previously circulated to Members. That subsection (3) reads:

"The Authority may, with the approval of the Financial Secretary, invest its reserve funds at interest."

Mr. President I have also given notice of a Committee Stage amendment which has also been circulated to Members, which seeks for the Bill to be amended by the deletion of sub-clauses (4), (5) and (6), and the renumbering of sub-clauses (7) and (8), as numbers (4) and (5). This deletion is necessary because the provision to raise loans, or otherwise borrowing powers are in fact provided for in section 12 of the Bill. Therefore, subsections (4), (5) and (6) of section 7 are unnecessary as this would be a duplication.

With regards to staffing for the Authority, this Bill provides for public officers to be seconded from Government to the Authority. This arrangement preserves the rights and benefits of officers, and allows for the established machinery in Government to continue to deal with staff-related matters, recruitment, disciplinary action and what have you. Any advances, grants and guarantees provided the Authority by Government, must have the approval of the Legislative Assembly. The Authority must also have in place a proper accounting system, which must be kept to the satisfaction of the Financial Secretary. Annually, the Authority's audited financial statements, together with its operating report, must be laid on the Table of this Honourable House.

Section 23 establishes the procedure for dealing with persons contravening the law. Disciplinary action must be taken as necessary, in order to ensure the effective control and good management of the airports and surrounding areas.

Additionally Mr. President, Regulations may be made by the Governor in Council, covering a wide range of functions of the Authority, such as prescribing fees, and imposing fines and so on.

Mr. President, this Bill embodies into one piece of legislation, the Airport Regulations Law and the Cayman Islands Corporation Law, which are therefore being repealed. It introduces no substantially new nor controversial provisions. In fact, most of the provisions in this Bill were borrowed either from the Port Authority Law, or the two laws which I have just mentioned, being the Airport Regulations Law and the Cayman Islands Corporation Law. This Law is necessary, it is equitable, reasonable and timely, and with those brief remarks, I would recommend this Bill to the House, and ask Members for their support.

Thank you.

THE PRESIDENT PRESIDING

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a law to establish the Civil Aviation Authority of the Cayman Islands, and for the regulation of aviation matters, and for all purposes connected therewith and incidental thereto, be given a Second Reading.

The motion is open for debate.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, the Bill before the House is a necessary one, but it is hard for me to understand how the Member had the courage to speak on it.

A few short years ago, we passed in Cayman Brac a Housing Authority Bill on similar lines as this one. A Bill that was modeled on the Port Authority Law, upon which this Bill is modeled, and he, together with another Member of Executive Council went to great lengths to complain about that Bill. I took the time to research the Hansards, but as it is ancient history, I will not go into it, although I know my friend the First Elected Member of Executive Council cannot help going back into antiquity, because he is buried in the past, and therefore cannot function in the present.

The Bill has one really bad provision, in that it shifts the onus of proof from the prosecution to the person prosecuted. Section 24, dealing with the presumption of venue, it says:

"Where an offence is alleged to have taken place at an airport it shall be deemed so to have taken place unless the contrary is proved."

This section is totally against English law, it is totally against the British system. It has always been that when a person was accused of an offence, the prosecution would have to prove the person's guilt. The Government is reversing this situation in this law, and I understand the fine distinction where being at the Airport is really not a crime, but will certainly be one of the ingredients necessary to prove the crime for which the person is being charged.

I do not know why this Government continues to revert to the Napoleonic system of law, rather than the English or Anglo Saxon system.

We recall this Government putting forward a Bill quite recently, making changes in the Drugs Law; shifting the presumption of guilt. I guess this is just because the Honourable First Elected Member of Executive Council, when he passed the Cayman Protection Law as far back as 1972, which law came into effect in 1973, in one section of it he shifted the onus of proof with regard to Gainful Occupation Licences, so that when a person comes before the Court, charged with having worked unlawfully for reward, the onus of proof is shifted and the person has to prove that he was not working for a reward, instead of the prosecution proving that the person had worked for reward. So, it is something that explains why he gradually goes back into antiquity as the Member from North Side mentioned a couple of days ago, and as I am mentioning now, it seems to be a common trait of character. I certainly would like to see this provision removed from the Bill, because how in the world can somebody prove that he was not at the airport? So the onus of proof is shifted by this section from the prosecution to the offender, and because it is very important, I shall read it again:

"Where an offence is alleged to have taken place at an airport it shall be deemed so to have taken place unless the contrary is proved."

One of the defences against a crime at the airport may well have been that the person was not at the airport, but it seems that that defence has been removed, because the person would have to prove that he was not at the airport, rather than the prosecution proving that he was.

The Authority also seems to have been given unlimited power in the borrowing of funds. Section 12, mentioned by the Member who introduced the Bill, gives unlimited powers to the Authority. It says:

"The Authority may borrow sums required by them for meeting any of their obligations or discharging any of their functions."

Of course, this is subject only to the approval of the Executive Council. I would rather see the approval for large sums of money being subject to Finance Committee,

or the Legislative Assembly, than merely to Executive Council which is the body that will appoint the Authority. I believe this was one of the sections that makes the Honourable First Elected Member of Executive Council feel guilty, because he had objected strenuously to the unlimited powers that were contained in the Housing Authority Bill. Under this law Executive Council is given the power to impose penalties not exceeding two years imprisonment and fines not exceeding \$5,000. Now, I objected sometime ago when the Executive Council was given similar powers under the Marine Conservation Law, to impose penalties of \$5,000 for very trivial offences. And under the Airport Regulations they were also given powers to impose penalties of up to \$5,000 for very trivial offences. I believe if a person dropped a chewing gum paper at the airport, the person could be fined \$5,000 for such trivial offence. I objected strenuously to it at the time; the person could also be sent to prison for two years.

The same thing applies to the Marine Conservation Law. Recently I have received calls from people who feel that they have been mistreated in the Courts, because very heavy fines have been imposed with regard to the taking of conchs. I agree with these people, because I never supported the Law in the first place. I thought at the time the penalties were too high, and the result is that I hear about young boys being fined \$1,000, their boats being confiscated, and yesterday I heard of another person being fined \$1,500 maybe for catching one conch or two above the prescribed amounts, or for other similar offences. But it is not the Court to be blamed, the blame lies with the Members of this House who have given to Executive Council the power to prescribe these harsh laws for crimes which are not in the category of hard-core felonies. I know they are offences, most of them are simple misdemeanors and should not bear these harsh penalties.

The Government has been unreasonable, and here again in the Bill before us, the Executive Council has been given the power to prescribe penalties up to \$5,000 for simple offences, and imprisonment for up to two years. I imagine a simple offence would be like my going up there and taking down that second baptismal plate which they put up after the airport had been opened. Now I know that an airport must be secure, and I know that certain offences could be committed at an airport that would require very harsh penalties. For example, anyone obstructing a plane when it was landing or taking off; anyone engaged in any act - hijacking of a plane. There are very serious crimes that could be committed at an airport, which would really need to be punished with harsh penalties.

But in this law Executive Council has been given the power to impose these heavy fines and heavy sentences under section 27(g) which says, "that the Governor may make regulations for the imposition in respect of a contravention of the regulations of a fine not exceeding \$5,000 or imprisonment for a term not exceeding two years, or both such fine and imprisonment". It has been shown by the regulations made by the Government in recent years, that they will not hesitate to impose very harsh penalties for petty offences, and I trust that for once the Members on this side of the House will vote to limit the free hand which has been given under this law, and that only certain offences would be subject to these harsh penalties.

I remember sometime ago the Interpretation Law, I think, was amended so that there would be a blanket provision for the making of regulations and the imposing of severe penalties. Several laws have been brought in which had prescribed penalties, and amended in such a way, that the Executive Council can have a free reign of imposing unwarranted sentences and abnormally high fines.

The airport will be put under an Authority. I think the Caribbean Development Bank will be happy, they have always wanted this. But there is one other matter that we must consider. This law turns over to the Authority which it has created, Government's largest single asset. The lands which are vested in this Authority by this law comprise an excess of 300 acres. I did not total all the little parcels, but I noticed that in Grand Cayman one parcel 20C 46 is 227 acres and a parcel in Cayman Brac 93C 70 is 59.7 acres. And in addition to those two large parcels, there are another seven parcels in Cayman Brac and another five parcels in Cayman that will also be vested in the Authority. This is why I complained at the beginning of my speech, that we were giving unlimited powers to the Authority, because Government's largest and most valuable asset is at stake.

There is nothing to prevent the

Civil Aviation Authority from using these lands for their purposes, to the detriment of this country. They are empowered to take out mortgages. If we look simply at section 7(5) we see that they can:

- "(a) create, issue, sell or negotiate debentures and other securities;
- (b) Redeem, fund or convert its existing liabilities; and
- (c) Do all things necessary for the accomplishment of paragraphs (a) and (b)."

And in section 12. referred to by the Member they are also given borrowing powers, subject only to the approval of the Governor-in-Council. And because that approval is given by the same Body which will appoint the members, I think the approval control is almost useless, and I would like to see this changed, because our Executive Council has shown that with the exception of one or two Members, they do not have the courage to stand up and be counted. Men not having the courage to stand up when the occasion demands it.

If it had not been for the Honourable Third Elected Member of Council, the Member for Communications and Works, who had the courage to stand up against tremendous odds from his cronies, and move that suspension motion, we would have been swamped with homosexuals, we might still be having a floor show from the homosexuals!

So, I think we are here dealing with a sensitive issue, far more important than the matter which was difficult to resolve this week. If we allow this large asset to be encumbered beyond our ability to redeem it, this would be a severe blow to the Government, and would perhaps wreck Government's ability to borrow in the future. And, it is not only the 300 acres of land which will be vested in the Authority. It is also that magnificent terminal which is unique in the history of airports, as being the only one to have a second baptism; one by the person who was responsible for it, and one by those who would like to tread in his footsteps, but also, future assets such as the new terminal to be built in Cayman Brac, will one day become the property of the Authority. I am not satisfied that our present Executive Council can take a decision. We found here this week that in a simple motion seeking the appointment of an Order of National Heroes, we could not get them to make a decision, and I will not add to that the other ludicrous matter of homosexuality.

The Bill follows the model of the Port Authority, and we must give praise to the late Mr. Berkeley Bush who was the Member responsible at the time the Port was built, and who was responsible in this House many years ago, for the passage of the Port Authority Law which has become the precedent for this Bill. We also must not forget the part played by the Cayman Islands Corporation, the body which ran the airport over the years. We have come a long way in aviation.

In my short lifetime I can remember the days when we had no airport, I can remember when the airport was built, because I quarried many a load of rock and was glad to sell them for its construction. I remember when the first plane landed. I remember when we moved into the jet age, and the first jet landed, and was also present during our Administration when the concorde landed, and was also present when the jet carrying Her Majesty the Queen landed. I have been at the airport on many memorable occasions when the late Sir Alexander Bustamante visited Cayman, and the day Caymanians stood up and chased away the Cubans. So, we have come a long way; like Virginia Slims, we have come a long way baby!

We must be grateful to those people who made aviation what it is. We remember Mr. Norman Bodden who was the Manager of Cayman Airways, and of LACSA before that, and those pioneers of the aviation industry. I must also credit my colleague from Bodden Town, Mr. Jim Bodden as the father of modern aviation, and dare say, if it had not been for him, we would not have the beautiful terminal which is there now. Although the Member for North Side often complains that we have outgrown that terminal, I think he does not truly believe that. He knows that that terminal will serve for many years to come, and we do not need a John F. Kennedy Airport nor a Miami International for this Island.

So, the Bill before the House will serve to consolidate the day-to-day running, the day-to-day operation; the Bill before the House will establish a creature of law

which never existed before, although he may have evolved from the Cayman Islands Corporation. I think we should be proud of this, but at the same time, I expect the Member when he makes his closing remarks will have, by that time, consulted with his fellow Members of Executive Council, and will have, if he is smart enough, obtained their permission to change the sections which are obnoxious.

Thank you, Sir.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I support a Bill for a law to establish the Civil Aviation Authority of the Cayman Islands, and for the regulation of the aviation matters and for all purposes connected therewith and incidental thereto.

Mr. President, this Bill clearly defines the functions and the responsibilities of the Authority, and like the Second Elected Member for Bodden Town, I would like to give credit to the members of the Civil Aviation Authority which this Authority will replace. But Sir, not for the one that was established under their administration, because there are no minutes of any meetings, or of anything ever held by those people, that was a one man one show operation. The Member is quite correct that I have often complained that the magnificent, beautiful airport has outlived its usefulness, and not even Sir, the second baptismal that he often refers to, could extend its usefulness, and if he disbelieves me, I would like him to tell me where in that terminal on the departure side we are going to find space to put Pan Am Airways when they come in March, if they want space in the terminal, we are talking about this terminal now. We will see that the one in Cayman Brac, when it is built, has the potential for expansion, unlike this one.

Mr. President, as I was saying, for many years the Authority had not met, that will not be possible without contravening this law, because this law clearly says in section 3(6) that the Authority shall meet at least six times in every calendar year.

Mr. President, there is also a subtle, but what I believe is an important change in the constitution of the Board which you will appoint for this Authority, in that, unlike the Water Authority and the Port Authority, it does not appoint the Member responsible as the Chairman. I have always advocated that serving politicians should not be Chairmen of Government Boards, and I think that is a step in the right direction. There are many people in the private sector with many years of experience and expertise, who can be called upon to chair these important Boards.

Again Sir, another important aspect of this legislation which seems to give the Second Elected Member for Bodden Town some concern, is the financial aspect. But here again, unlike the Water Authority and the Port Authority, it is clearly defined in here what the procedures are. It does not give the Authority unlimited, unbridled power to borrow money for anything under the sun. This Authority cannot borrow money to buy a car for its Chairman. Before taking any action under the financial procedures, the Authority shall publish in the Gazette a prospectus showing (a) the amount and particulars of the proposed loan, (b) the rate or rates of interest that are to be paid, (c) the classes of persons who may subscribe, (d) the proposed applications of the amount raised, and (e) provisions for repayment of the loan. Under section 7 it further clearly and specifically defines the purposes and the reasons for which money can be borrowed. So I am not concerned about the Authority abusing its powers to borrow. And even section 12 that the Member complained about, says:

"Subject to subsection (2), the Authority may borrow sums required by them for meeting any of their obligations or discharging any of their functions."

But it clearly says that it is subject to subsection (2), and subsection (2) which the Member did not refer to, says:

"The power of the Authority to borrow shall be exercisable only with the approval of the Governor, as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected. An approval given in any respect for the purposes of this subsection may be

either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions."

As regards to the accounting procedure, as I have said, it has not followed in the footsteps of the Water Authority, or the Port Authority. This law makes it quite clear under section 16:

"It is the duty of the Authority so to exercise and perform its functions so as to secure that their revenues are sufficient to meet all the sums properly chargeable to their revenue account (including, without prejudice to the generality of that expression, provisions in respect of their obligations under section 14 and 15), taking one year with another."

Section 17 Sir, says:

"Accounts and Audit:

(1) The Authority shall keep proper accounts of all its transactions to the satisfaction of the Financial Secretary and in a form which shall conform with the best commercial standards and such accounts shall be made up to the 31st day of December of each year and shall submit with vouchers to the Auditor General to be audited, who shall report thereon to the Authority and the Financial Secretary.

(2) The Auditor General shall be entitled at all reasonable times, and on the directions of the Governor, to examine such accounts and vouchers."

It goes further Sir, it says again, which is not in the Housing Authority, the Water Authority nor the Port Authority Law:

"The Authority shall within one month of its receipt of the Auditor General's Report prepare a report of its activities during the period to which the Auditor General's report relates; and both such reports together with the audited accounts, shall thereupon be laid on the table of the Legislative Assembly."

So Mr. President, this law is not given a carte blanche to any Board to operate Sir. That Board has to report its performance as well as deliver its audited accounts to this Legislative Assembly, and as long as the present Member, the Second Elected Member of Council is responsible for it, I have no fear of it because we are all quite aware of the improvements and the timeliness with which the accounts of Cayman Airways, for which he is also responsible, are now laid on the Table of this Honourable House. If he could clean that mess up and deliver the accounts here, I believe he can start from scratch in this situation, and deliver the accounts and the reports timely and properly.

And, the Second Elected Member for Bodden Town stated that if somebody dropped a piece of chewing gum paper at the Airport they could be fined \$5,000. I do not think that falls under the auspices of this law Sir, I think it falls under the Liquor Law, and the fine would be \$500. So we have to be careful how we digress and cross over laws, before we misinform the public.

Mr. President, my experience tells me that there are few offences which are committed within the confines of an airport, which could be categorized as being petty.

Now, I do not have any great concern because Government is going to vest what may be considered one of its largest land assets in the hands of this Authority, because as I have pointed out, I believe the safeguards are built in to this law to assure that those assets are going to be handled properly. But Sir, there is also the other side of the balance sheet, where they are also handing over the liabilities to this Authority for that property. This Authority is going to have to maintain that wonderful, magnificent airport, you know those two wasted cedar Swiss chalet-type roofs where you have to spend a tremendous amount of money hiring people to crawl up on scaffolding to scratch the masses of cobwebs off, and if you leave it too long, you will have to tie a rope on to the man, because the cobweb will keep him up, and you will not get him back down. So there is some liability involved in these assets.

So Mr. President, I really have no reservations in supporting this law. I think the law sets new precedents in public authorities, which I am happy to see and which I hope in the near future, Government will see fit to amend the Water Authority, Housing Authority, Port Authority laws, to provide these same safeguards in terms of the accountability of the finances, etcetera. So I have no hesitation in supporting this Bill Mr. President.

Thank you.

MR. PRESIDENT:

Before inviting any other Member to speak, I think I will suspend proceedings for approximately fifteen minutes.

AT 3:18 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:40 P.M.

MR. PRESIDENT:

Please be seated.

Continuation of the Second Reading Debate on the Civil Aviation Authority Bill. The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, I wish to commend the Member on his presentation of the Bill which is before us. I fully understand the necessity of the Bill, and I feel that it is timely.

This is an area which I feel must be properly regulated, and as far as I am concerned, this Bill seeks to do so. There are several areas which need proper control, and I consider that this is one and the Port is the other. I can see nothing wrong with Government's property being placed in the control of the Authority. In the past it has been vested in the Corporation. Furthermore, I am also satisfied that this Bill, if passed into law, offers the necessary safeguards.

The Member has clearly explained the reasons for the Bill. He has cleared up a query which I had on the Bill. It is my hope and trust that the Civil Aviation Authority will work as well, or even better than the Port. However Mr. President, I am confident that with its able Director, things will continue to run smoothly, and I am sure that proper judgement will be used.

I support the Bill before us.

MR. PRESIDENT:

Member of Executive Council.

The Honourable Fourth Elected

HON. VASSEL G. JOHNSON:

Mr. President, it is a foregone conclusion that when I rise in my set, I would support the Bill, being a Member of Government.

I first of all want to say that it seems as though the Election campaign for 1988 has been going on very strongly in here, in this meeting. It seems as though it pleases the Second Elected Member for Bodden Town to always speak about the Marine Parks. He seems to have a very special liking for that particular institution. Mr. President he is complaining that the Court is making harsh fines on individuals, for breaching the regulations.

I would like to say in this Honourable House Mr. President, that the Marine Park when it was proposed back in 1985, was taken through the length and breadth of these Islands; not only Grand Cayman, but also Cayman Brac and Little Cayman, where Marine Parks have been established. And, it was through a mandate of the people, that the regulation introducing Marine Parks was finally accepted by Government. The fines imposed under the law were well known to one and all. And Mr. President, if the court is not going to exercise its authority and its duty to properly deal with those who breach the law, then enforcement will be of no avail. The Government is spending money to appoint a Marine Parks Inspector because the people have been so interested in ensuring that the Marine Parks arrangement is a successful venture of this Government, that they are watching very carefully to see whether Government is going to properly enforce those regulations.

I have heard comments from

various residents on the Island, making comments about the Marine Parks, its effectiveness and its usefulness and I dare say if anyone goes public and says to the residents of these Islands that the Marine Parks are not a useful system, I am afraid that they will be told otherwise. We are going to administer those regulations, enforce them, and ensure that the Marine Parks serve their usefulness in these Islands.

Mr. President, looking at the Bill which we are now examining, I would like to say that when the airport was first constructed in 1955, this Government raised a loan from the Commonwealth Development Corporation of the United Kingdom to build that airport, and it was a requirement of the loan arrangement that the Government establish a law to administer Civil Aviation. That law as we know it, is the Cayman Islands Corporation Law.

In those days the Corporation was not a financially independent institution, for its revenue could never support or match its overhead costs. The Commonwealth Development Corporation was not very demanding in insisting that the Corporation takes on the entire operation of Civil Aviation, and so Mr. President, it was decided that the Corporation would administer the technical side of the operation, and that the financial and staffing side of it would be dealt with under a department of Government which we know as the Civil Aviation Department.

In recent times when Government had to approach the Caribbean Development Bank for a loan to construct the Air Control Tower and Terminal building, that loan agreement required that Civil Aviation be administered by a Corporation, in the same way as the Port Authority and other Corporations which have come into being since that time. Mr. President, it was therefore a foregone conclusion at the time of the terminal building loan negotiations, that this new law was necessary and it would need to be brought into effect at the earliest possible time. So, what is presented here today Sir, is a piece of legislation to which this Government had already been committed.

Many of the provisions of this law Mr. President, have been borrowed from the Port Authority Law, because the two operations will have much in common. And so if there is any area of it which seems extraordinary, perhaps we could refer to the Port Authority Law, but I will leave the details of it for the Honourable Member presenting the Bill to comment upon further. Mr. President, this Bill as I have said before, was committed to by this Government and with the understanding that it be introduced at the earliest possible opportunity, I think the time is proper for it to come into effect, and I therefore support it to its fullest extent.

Thank you, Sir.

MR. PRESIDENT:
Member of Executive Council.

The Honourable First Elected

HON. BENSON D. FRANKS:

Mr. President, I did not intend to speak on this Bill Sir, because I am sure the Member piloting the Bill is competent to deal with the issues raised. Nevertheless, I believe that I will save the Second Elected Member for Bodden Town's voice if I say what I am going to say, now, because I am sure he is going to come with the same contribution when the Community College Bill is to be discussed. So I think I will save his voice and the Assembly's time if I say what I have to say, now.

Now, the Second Elected Member for Bodden Town said that I was so engrossed in the past that I was unable to cope with the present. And of course he said that since the Housing Development Corporation Law was history, he would not go into it. But Sir, there is an old saying which says that the person who does not learn from history is doomed to repeat mistakes that have been made, and I am going to give the Member a little history lesson because I have the Housing Development Corporation Law 1981 in my hand.

I can also go back into the past Mr. President, with confidence, because anything that I said in 1981 I can say today. I have never made a contribution on any matter before the House, based on the expediency of the time, it has always been a principled debate. It is a fact that I opposed vehemently, many of the provisions of the Housing Development Corporation Bill when it was presented in 1981, and I am not going to go into all of the reasons why I opposed it, I am just going to highlight a few, and those provisions are not to be found in the Bill creating the Airport Authority which we are debating.

I should also mention Mr. President, before getting into it, that the Member also said that from 1971 when I introduced the Caymanian Protection Law, I had included in that a reversal of the onus of proof. For the benefit of Members and himself, I would say that he is referring to the fact that if the onus is on the person caught performing a duty for which a wage or a remuneration would normally be expected to be paid, to prove that he was not in fact being paid. I am sure that the Second Elected Member for West Bay is glad that that provision is in there, because in the pursuit of representing the working class in our district, he was accused once of hiding in a grape bushes to see whether a particular couple were in fact working at an establishment on West Bay Beach without a permit. The daughter of the couple who was the Manager of the Complex, came to me to complain bitterly, saying that the couple were not being paid. I asked if they were working, and was told that now and again they painted a couple of rooms. I said "well you are contravening the law", and I explained the implications and I believe she left the Second Elected Member alone when she saw him in the grape bushes the next time, and she kept her parents indoors.

Now Mr. President, to the Housing Development Corporation Law, I want to show some of the unreasonable provisions which were in it. Section 7(3) of that law Mr. President gave the Member, that is, the Member responsible for Housing, the Authority to order the Chairman to call a special meeting of the Housing Development Corporation. If one goes on then to subsection (4) you will see that the Member had the right to designate who would be Chairman of the meeting, and we go on to the most obnoxious of all provisions in that Bill, section 12 provides that:

"The Corporation shall, at such salary and upon such terms and conditions of service as it may determine and with the prior approval of the Governor appoint a General Manager."

And it goes on to state in subsection (2) the functions of the General Manager. And, if you go to subsection (3) you will find that in the event of the absence of the General Manager, and no time limit of absence is stated within the law or within this section:

"The Corporation may by instrument in writing and with the prior approval of the Member, appoint any person to act as General Manager during the period of such absence upon such terms and conditions as the Corporation may determine."

You see Sir, that would have meant that the Member could have effectively appointed the Acting General Manager at a salary to be determined by the Member, and that the person could have acted for the full life of the Housing Corporation. That I opposed in 1981, and if anybody brings it back in another Bill, I will oppose it now, I will.

If you check Section 17 of the Housing Development Corporation Law, the functions of the Corporation, you will find that they could do anything from being a contractor to building roads, build and maintain public gardens and amenities, and so on down the line. We also found that any material imported by the Corporation is free of customs import duty. I regarded that as unfair competition to other contractors in the Island, and I maintain it is so even today, and I would suggest that this Bill, the Housing Development Corporation Law is the next step which this Government will have to take to clean up. I know the Member for Bodden Town will say it is wasting time, but Mr. President, we cannot live with this type of obnoxious legislation on our books, not this Government.

Section 21 of the Housing Development Corporation Law says:

"The Corporation shall establish a Reserve Fund which shall be dealt with and applied in accordance with any direction which may from time to time be given to the Corporation by the Member."

You will find Mr. President, that the Bill before the House has no such obnoxious power in the Member.

Section 23 says that the Corporation will keep accounts, they were to be audited by qualified

accountants appointed by the Corporation. This Bill before the House makes provision for the accounts of the Airport Authority to be audited by the Auditor General under the provisions of the Public Audit Law, and of course, that gives the right to the Auditor General to go in at any unspecified time and with your direction Mr. President, make a surprise audit. Nothing like this is provided for in the Housing Development Corporation Law. Of course the report from the Auditor was to be sent to the Member and not the Financial Secretary, as is the case with the law before us. And it did say that the Member would have to lay the accounts on the Table of the Legislative Assembly with due despatch. But we know from experience that in the case of Cayman Airways, 'due despatch' means in due course, and that for the whole four years or whatever that the same Member was Chairman of Cayman Airways, every time we asked about the accounts we were told 'due course', 'due course'. So we would have expected to get basically the same thing in the case of the Housing Development Corporation.

And Mr. President, again, the Member is worried about the assets of Government being put into the Airport Authority to be administered by the Authority, and with the safeguards which the Member will explain, are in there. The Member should take a history lesson, read the Housing Development Corporation Bill, and look at what they could do under section 26. The Member would direct what to do with the lands and building, the property of the Housing Development Corporation. The same thing applied to the Reserve Fund, the Member directed how to invest it. So I opposed it in 1981, and I oppose any such powers being given to one individual, today. In the case of the Bill before us of course, as the Member will point out, the Reserve Fund is handled by the Governor in Council.

Now, I do not know why the Member continues to try to draw red herrings across the trail. He mentioned that this Executive Council is incapable of making decisions, because we would not, according to him, make a decision on the motion a few days ago called the National Heroes Motion. I think what the Member was trying to say was that Members did not get up and speak. But that was a decision Mr. President, and I think no Member in Government declined to vote on the motion, their votes were recorded, that is a decision.

Now Mr. President, I too was disturbed about the boat load of homosexuals who visited the Island on Tuesday or whenever it was. I made some enquiries as to how they got here, and why they came here, and I have been reliably informed by my research team that the steamship companies in the States were at a loss to understand what the Unity Team Government Members and their cronies were talking about, when they were complaining that Cayman was not getting enough tourists. They had a meeting, and they said that Cayman is doing better than the competition, they are out performing the competition, what else can these people need? What will satisfy them? I understand some bright spark said that maybe a boat load of homosexuals will satisfy their complaints, and that is as I understand it, why they came, and I understand too that there was a welcoming committee on the dock, ready to welcome them with open arms. But, because they were disappointed in the quality and quantity, they complained to the Member who came in and raised all the smoke that afternoon, and that is how it got onto the floor of the House. But that is my understanding of how they got here, and why they came.

Thank you Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak? Then I invite the mover to reply.

HON. W. NORMAN BODDEN:

Mr. President, I would like to thank all Honourable Members who spoke on the Bill to establish a Civil Aviation Authority, and thank those who gave it their strong support.

The Second Elected Member for Bodden Town raised several points which I have to clarify, and made some comments which I would like to address. He started off by saying that he did not understand how I could have the courage to bring such a Bill to the House, when in 1981 I did not support the Housing Corporation Law. This is correct Mr. President, I did not support the law at that time, and my objection was as I recall, that that Bill when it became law would have given very wide ranging and almost unlimited powers to the Member. I think it is not a fair comparison to compare the Bill now before this House with the Housing Corporation

Bill at that time.

The Member expressed concern on section 24 of the Bill which he claims shifts the onus of proof. This is a bit technical for me because I am not a lawyer, and I do not profess to have a lot of legal ability. So, I consulted the Honourable Attorney General on this section, since it did give me some concern as well. His advice plus the research on section 24 tells me that this provision is not new, nor unique, because a similar provision is contained in the Port Authority Law which was passed in 1976. So we did not bring in anything new to shift the onus of proof. The purpose of such a provision as I understand it, does appear to relieve the prosecution of proving that an offence was committed within an airport, this is correct. But the reason behind this is that in the ordinary run-of-the-mill cases, possibly involving traffic or parking violations on the roads of the airport, for example, that strict proof of the fact that the land was part of an airport is likely to be very onerous, totally unnecessary and very time consuming. So this is the reasoning behind that, and I feel that there is every reason why that section should remain there.

The Member next dealt with borrowing powers, where it states in the Bill that only with the approval of the Governor in Council, and he expressed worry and concern about large sums being borrowed and that it would be with the approval of the Legislative Assembly. He also went on to point out the section dealing with mortgages and so on. I am sure that he remembers in my presentation that I did say subsections (4), (5) and (6) of 7. would be amended and removed from the Bill because of the duplication with section 12. The provision for borrowing is to be approved by the Governor in Council, and neither is this new nor unique to the Civil Aviation Authority. It is the same as in the Port Authority Law, as in the Water Authority Law and similarly it is in the Cayman Islands Corporation Law, which this Bill when it becomes law will replace, and which allowed or permitted borrowings with the approval of the Governor in Council. It is felt that to remove this and put it so that approval must be obtained from the Legislative Assembly, that this would undoubtedly hamper the day-to-day operations of the Authority. If it was necessary to do this in the Port Authority, or the Water Authority Law then I think a precedent has been set, and we have found something that is practical and I think it should be retained.

The Member next dealt with section 27(g) which deals with the power to make regulations where Executive Council can make regulations, and expressed again, concern over the \$5,000 or two-years or both, which can be levied for violations. This section, here again, comes directly from the existing Airport Regulations Law. The Regulations covers the access to the airport, and the safety and well being of persons, and the care of property connected with the undertakings of the Authority. And there may, as the Member admitted, come a time when a regulation imposing such a large penalty is appropriate. He mentioned as I did, when this was brought before the House about two years ago, that there are very serious crimes for violations that can occur, such as hijacking an aircraft, or stealing an aircraft, or even arson and it is the intention that this provision would only be applied to very serious offences.

It is important to note here the breach of regulations would not automatically attract this penalty. Most of the Airport Regulations which we would propose to also adopt, have a special penalty for their breaches which is much lower. For example, under the Airport Regulations Law which was brought into effect in 1985, there is nothing about dropping chewing gum paper on the airport here but the fine for the driving or placing of a vehicle carelessly or dangerously is \$25.00. Failure by the driver of a vehicle to report to a constable or to the person in charge of the airport, any accident, \$30.00. There are simple penalties, very low penalties that are already in effect, which we would propose to use in the future. So, the \$5,000 and two years, or both, would be applied to very serious offences.

Mr. President, the Second Elected Member for Bodden Town also dealt with the section dealing with the vesting of lands; the turning over to the authority of Government's largest single asset. This is the same power that was vested in the Cayman Islands Corporation from the very beginning, and that has never, ever been abused. I do not believe that there is a single case that can be pointed out where there has been any intentional abuse of the Cayman Islands Corporation's power. And, he

went on to say that there is nothing to prevent the Civil Aviation Authority from using lands for their purposes, to the detriment of the country. He also pointed out the valuable assets that the Civil Aviation Authority would be responsible for, that is, the new terminal at Owen Roberts, the terminal in Cayman Brac, and he went on and made what I would consider, several frivolous remarks which I really will not deal with, about two baptisms and that kind of rubbish. But, the Second Elected Member went to great pains in his usual clever manner, and, while there were remarks which should be treated with the contempt they deserve, his inference that Executive Council is incapable of appointing a strong, efficient Authority to which the valuable assets that were held by the Cayman Islands Corporation can be transferred, and capably administered, is totally ridiculous.

The way he went about phrasing his words and approached it, this was the inference that he was making, that Executive Council is incapable of conducting their affairs in a very high and professional manner. Of all the things that he has said Sir, I can treat them with the contempt that they deserve, but not this one. Because I can challenge any Member in this House, or any member of the public to prove otherwise, than that the Members of this present Executive Council can stand scrutiny in their private lives, in their family and home and in the successful operation of their personal businesses. We can stand examination, and I can challenge any man to prove otherwise. As an Executive Council, we are more than worthy of any power or authority entrusted to all Honourable Members of Executive Council. We were elected by the people; we were elected by Members of this House to Executive Council, and we are fit, willing and able to perform the duties entrusted to us in this high office, and I resent any Member who tries to infer differently.

In closing Sir, once again I would like to thank Members for their contributions and support.
Thank you, Sir.

MR. PRESIDENT:

The question before the House is that a Bill entitled a Bill for a law to establish the Civil Aviation Authority of the Cayman Islands, and for the regulation of aviation matters, and for all purposes connected herewith and incidental thereto, be given a Second Reading.

QUESTION PUT: AYES

MR. W. MCKEEVA BUSH:
President.

Can I have a division Mr.

MR. PRESIDENT:

Certainly.

DIVISION
NO. 8/87

AYES: 12

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Mr. G. Haig Bodden
Mr. D. Ezzard Miller
Mr. John B. McLean

AGREED: THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS, BILL, 1987 GIVEN A SECOND READING.

MR. PRESIDENT:

I declare the motion carried. Am I right in understanding that the third Bill on the Order Paper, Item 2.2 (3) we have not done a First or Second Reading as yet, it got placed back?

HON. THOMAS C. JEFFERSON:
the Registry of Shipping has....

Yes Sir, the Bill dealing with

MR. PRESIDENT:

I think there might just be

time for the First Reading of that before the normal hour for the adjournment.

THE MERCHANT SHIPPING (REGISTRY) BILL, 1987

FIRST READING

CLERK: THE MERCHANT SHIPPING (REGISTRY) BILL, 1987.

MR. PRESIDENT: The Bill entitled a Bill for a law to confer certain powers on the Governor in Council in respect of the Registry relating to ships, is deemed to have been read a First Time, and is set down for Second Reading.

By my watch it is twenty eight minutes past four, and probably it may be convenient for the House, and in particular for the Member, who is moving the Second Reading if rather than trying to start the Second Reading now, we move the adjournment, but I am in the hands of the House.

HON. THOMAS C. JEFFERSON: I would move the adjournment Sir.

MR. PRESIDENT: If you would like to do that, and then Members can vote.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until 10.00 am. on Monday morning, 23rd February.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 am. on Monday 23rd February. I will put the question.

QUESTION PUT: AGREED. AT 4:29 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY, 23RD FEBRUARY, 1987.

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

MONDAY
23RD FEBRUARY, 1987
(ELEVENTH DAY)

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 VASSEZ 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 JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

* Absent

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

MONDAY, 23RD FEBRUARY, 1987

(ELEVENTH DAY)

1. PRAYERS

TO BE READ BY THE ELECTED MEMBER FOR NORTH SIDE.

2. GOVERNMENT BUSINESS

(1) BILLS:-

FIRST AND SECOND READINGS

(1) THE TRAVEL TAX (AMENDMENT) BILL, 1987

SECOND READING

(2) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987

SUSPENSION OF STANDING ORDER 46 (1) AND (2)

TO BE MOVED BY THE HONOURABLE FIRST ELECTED MEMBER OF
EXECUTIVE COUNCIL TO ENABLE THE FIRST AND SECOND READINGS
OF THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987
TO BE TAKEN.

FIRST AND SECOND READINGS

(3) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS
BILL, 1987

COMMITTEE ON BILLS

- (4) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (5) THE ELECTIONS (AMENDMENT) BILL, 1987
- (6) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (7) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN
ISLANDS BILL, 1987
- (8) THE TRAVEL TAX (AMENDMENT) BILL, 1987
- (9) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS
BILL, 1987

REPORTS ON BILLS

- (10) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (11) THE ELECTIONS (AMENDMENT) BILL, 1987
- (12) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (13) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN
ISLANDS BILL, 1987
- (14) THE TRAVEL TAX (AMENDMENT) BILL, 1987
- (15) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS
BILL, 1987

THIRD READINGS

- (16) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (17) THE ELECTIONS (AMENDMENT) BILL, 1987
- (18) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (19) THE TRAVEL TAX (AMENDMENT) BILL, 1987

(2) MOTIONS:-

GOVERNMENT MOTION NO. 1/87
CINEMATOGRAPHIC AUTHORITY

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

COMMENCEMENT OF DEBATE

ON

AMENDED PRIVATE MEMBER'S MOTION NO.5/87
A MOTION REQUESTING THIS HONOURABLE
LEGISLATIVE ASSEMBLY TO PETITION HER
MOST GRACIOUS MAJESTY TO CHANGE THE
CAYMAN ISLANDS (CONSTITUTION) ORDER,
1972 WITH RESPECT TO QUALIFICATIONS
OF MEMBERS OF THE LEGISLATIVE ASSEMBLY
AND ELECTORS.

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MONDAY

23RD FEBRUARY, 1987

10:05 A.M.

MR. PRESIDENT:

Side.

Prayers.

The Elected Member for North

PRAVERS

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 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, who 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:

Bills. First Reading.

Please be seated.

Item 2. Government Business.

GOVERNMENT BUSINESS
BILLS

THE TRAVEL TAX (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1987

MR. PRESIDENT:

A Bill entitled a Bill for a Law to amend the Travel Tax Law, 1976 is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1987

HON. THOMAS C. JEFFERSON:

Mr. President, I move the Second Reading of a Bill entitled a Bill for a law to amend the Travel Tax Law, 1976.

This major part of this Bill is simply to deal with the establishment of the Civil Aviation Authority.

At the present time the travel tax is payable to the Collector of Taxes who in essence is the Financial Secretary, and this amendment to the travel tax is to allow travel tax that is collected at the airport to be turned over to the Civil Aviation Authority. I think that part of the Bill is straight forward and needs no further elaboration.

Members have received, however, a Committee Stage Amendment to this Bill. It is Government's intention to increase the cruise ship travel tax from CI\$3.20 to CI\$5.00 effective 1st January, 1988. The cruise ship programme and their selling of rooms on board the ships is normally planned 9 months or so in advance. Therefore, we want to put this amendment now to enable them to deal with the additional cruise ship tax of CI\$1.80.

The reason for all of this, Mr. President, is that at the present time the Port Authority and this Government are considering the installation of mooring buoys for cruise ships in selected places in the Cayman Islands so as to preserve the reefs in line with the thinking on conservation.

The additional travel tax of CI\$1.80 will be used to help repay the loan that is going to be required for the purchase of cruise ship buoys. At the present time the buoys and the installation thereof, together with the anchors and chains, are likely to cost in the range of US\$650,000 and, Mr. President, CI\$1.80 is a nominal fee to pay for the mooring of a ship that is worth millions of dollars. The cruise ships are not going to pay it anyway. We know they are going to pass it on to the passenger and I do not foresee CI\$1.80 causing a passenger to make a major decision not to come to the Cayman Islands. It is peanuts.

Mr. President, I recommend this Bill to Honourable Members.

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 for debate. The Second Elected Member for Bodden Town.

QUESTION PROPOSED: DEBATE ENSUED:

MR. G. HAIG BODDEN:

Mr. President, I oppose this Bill, particularly the section which increases the travel tax on cruise ship passengers.

The Honourable Member has put up a case which would make one believe that it is a small matter. He spoke about an increase of CI\$1.80 per passenger, but that increase is more than a 50 per cent increase because the original tax had been CI\$3.20. So it is a substantial increase and furthermore it brings the total tax up to CI\$5.00.

Furthermore, I do not like the way the tax was brought in and I will deal with that later, but let me finish on the increase. The tax now becomes CI\$5.00 and if a cruise ship brings in 1,000 passengers per week those passengers would pay CI\$5,000; and if they came in for 50 weeks of the year, CI\$25,000 would actually be collected from one ship. So it is not peanuts, it is a substantial figure.

I have said that I do not like the way the tax has been brought in. The Bill before the House had been circulated to make certain amendments as the Honourable Member explained in connection with the passage of the Civil Aviation Law. Executive Council, however, seems to have had an afterthought and said that they should never miss this opportunity of increasing taxes since their business is to raise taxes. So an amendment was circulated to us quite recently - and this was why I was fumbling with the figures in it because I have not had time to really examine this increase. It has been done in such a hurried manner just like all the other tax increases and all the other legislation that has come to this House since 1984. The Government does not seem to know what it wants to do and if it does put forward anything, before it reaches the Member an amendment is underway and there is never time to discuss any matter - and if you do discuss it you can bet it will be changed by morning.

For example, last week I discussed a constitutional change and before the newspaper could print it this morning we received amendments which substantially change what I told the members of my constituency.

So, this type of legislation is not good enough. Government should sit down and decide what it wants

to do, publish it and then give sufficient time for the matter to be digested before they deal with it.

There have been many complaints about this Island becoming expensive for tourists and the Government, since 1984, has taken many steps which make the situation worse. This Bill is another example of their policy to squeeze the tourist, or in fact to squeeze anyone who is helping the economy of this country.

I can understand that certain changes were necessary in this Law since we will now have the airport run by the new Authority that we have created. This Bill seeks to make another substantial change in that the revenue from the travel tax will no longer go to Government, but will go to the Civil Aviation Authority. I disagree with this because it will mean that when we are making up the 1988 Estimates, Government will just be short of the revenue from this source and so to balance its budget I imagine Government will have to seek new ways of finding additional revenue. So Government, having depressed the economy so that our standard lines of revenue are not yielding sufficient funds, should not at this time be cutting out of our revenue this particular item.

The Bill before the House, if passed, will come into operation with the exception of, I believe, the sections relating to the revenue, so that the cruise tax will not be collected until 1st January, 1988. And if I have read it correctly, the revenue from the travel tax will not go the Civil Aviation Authority until 1st January, 1988. The Honourable Member I think, has explained the reason for this, but what bothers me is that only three months ago Government put forward its Budget with the bold announcement that there were no tax increases. And despite the fact that the tax will not be increased until 1st January, 1988 they have already broken their promise of no tax increases because they are making the tax increase today, or whenever this Bill is passed, despite the fact that it will not be operational until 1st January, 1988.

Like the collateral for the Tower Loan, the only reason why they did not spend it was because it had been fixed to the Tower Loan. The only reason why they are not collecting this is because the cruise ship lines need to build this into their rate schedules and so would not be able to collect it until after they have published new rate sheets for their cruise packages. So the Government is doing no favour. Even if they pass the Bill, the cruise ships would not be able to collect the tax unless they were to change their rates during the middle of the year. So, I am disappointed in this Bill and disappointed that the Government has used this opportunity to impose yet another tax.

MR. PRESIDENT:
Does any other Member wish to speak? The Member for North Side.

MR. D. EZZARD MILLER:
Mr. President, I wish to support a Bill for a Law to Amend the Travel Tax Law, 1976.

This is in keeping, or necessary, with the new Civil Aviation Authority that we created last week and that Authority has to have this source of revenue in order to meet the expenses that it will incur. But Mr. President, I am a bit perturbed, if I understood the Honourable Member moving the Bill correctly, in that the section of the Bill which seeks to increase the travel tax to tourist ship passengers is necessary because we are going to install mooring buoys. I would be happier, Sir, if this cost for the installation of mooring buoys was done, in what I believe to be a more common practice in international shipping, by charging the ship a fee, whether it is based on tonnage or per passenger, for berthing at the buoy rather than as a travel tax. I am not claiming that in this case the ship would not again pass the expenses on to the passenger, but I think it is more appropriate that a berthing fee be charged to tie up to the buoys than simply increasing the travel tax to offset it.

With those few words I support the Bill.

MR. PRESIDENT:
Does any other Member wish to speak? Does the mover wish to reply?

HON. THOMAS C. JEFFERSON:
Yes Mr. President.
Firstly to thank those Members who spoke and for their comments, but perhaps to thank those who did not speak more than those who did!

I think, Mr. President, that the Financial Secretary has to take full blame for the Committee Stage Amendment and not other Council Members because to tell the truth, which I like to do, it was approved by Council quite some time ago. What actually happened was that we mistakenly thought we had sent it down and the wrong draft was printed as the Green Bill. So if it was anybody's fault it was mine and I take full blame for it.

Mr. President, we have heard that if 1,000 passengers each pay \$5.00 for every visit, each visit will cost \$5,000. Well, that may be true, but look at it and analyse it and it still arrives at the fact that the person paying the bill only pays a \$1.80 increase. That is not going to turn anybody off, at least I do not think so. We are not squeezing it, Mr. President. For example in Bermuda they charge a \$20.00 cruise ship tax - \$20.00 per person. So we are not squeezing anything. We are trying to use the funds from cruise ship operations to assist in establishing a safer way for the cruise ships to stay in the George Town harbour and at the same time not further damage the ocean floor.

I think perhaps I need to go over this Bill again because the first part of it which was printed in the Green copy deals with the legal and administrative function of giving to the Civil Aviation Authority, whenever it is established fully, the travel tax that is paid by tourists departing Owen Roberts Airport and Gerrard Smith Airport as well.

The second part of the Bill deals with the cruise ship traffic and that will not go to the Civil Aviation Authority, it will go only to the Treasury Department. The reason for this is that Government was requested to assist the Port Authority in establishing these buoys. It is a lot of money for the Port Authority to come up with, approximately US\$650,000. Our view was that we should increase the cruise ship tax to help pay for it. If it was collected as a berthing fee it would not accrue to the Government, but it would accrue to the Port Authority and I think it would be much more cumbersome to collect, and troublesome. I always like to keep things simple, Mr. President. The simplest way we can do it the better and the more chance there is of collecting it on a timely basis and of my estimates being closer to the actual sum.

I believe I have covered the points, Mr. President, thank you very much.

MR. PRESIDENT:

The motion is that a Bill entitled a Bill for a Law to Amend the Travel Tax Law, 1976, be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:
President?

May I have a division, Mr.

MR. PRESIDENT:

Of course.

DIVISION
NO. 9/87

AYES: 11

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Huriston
- Hon. Benson D. 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
- Mr. D. Ezzard Miller

NOES: 1

- Mr. G. Haig Bodden

ABSTENTIONS: 1

- Mr. John B. McLean

AGREED BY MAJORITY: THE TRAVEL TAX (AMENDMENT) BILL, 1987 GIVEN A

SECOND READING

MR. PRESIDENT:

I declare the motion carried.
Bills. Second Reading. Item

2(2).

THE MERCHANT SHIPPING (REGISTRY) BILL, 1987

SECOND READING

CLERK: THE MERCHANT SHIPPING (REGISTRY) BILL, 1987

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to move the Second Reading of a Bill for a Law to Confer Certain Powers on the Governor in Council in Respect of the Registry Relating to Shipping.

I do not believe that there has been more advice given to this Government on a subject than the registry of shipping. In my research, going back to 1976 and 1977, a man by the name of Raul Colin Vaux came here and gave some advice in July of 1977, on whether or not an exempted company satisfied the requirements of a particular section of the Merchant Shipping Act, 1894, to own a British ship. His report was about 30 pages long and even today some lawyers believe he is right while others disagree with his advice.

By December of 1977, Mr. President, a Mr. White came here to give advice on the possibility of having the International Convention of Load Lines 1966, and the Safety of Life at Sea, 1960 and 1974, extended by the United Kingdom Government as an existing signatory to the Cayman Islands' Administration, which is a British Dependency under the Crown, and to estimate the possible cost to the Administration of providing this facility. Government acted on the Report and His Excellency the Governor in those days, Mr. Thomas Russell, wrote to the Foreign and Commonwealth Office on the establishment of a full scale ships' register, along the lines of Bermuda and Hong Kong, provided that the Cayman Islands would financially support the establishment of a registry fully geared to cope with an expanded operation; and provided that the necessary legislative requirements could be identified and executed.

Mr. President the Foreign and Commonwealth Office's reply was quite positive. It said that the Department of Trade expressed a willingness to assist our Government to achieve its objectives and said they would do all they could to help. They went on to point out the problems as they saw them; the problem areas and the task ahead to accomplish Cayman's objective.

Later in 1979, Government obtained the advice of a Mr. G.V.C. Young, OBE, the First Legislative Draftsman in the Isle of Man, who was recommended by the British Government to draft the necessary subsidiary legislation to establish a full registry of shipping. In my research of the Cayman Islands' registry of shipping problem, I found a piece of FCO correspondence marked in my file if I could take a minute to find it anyway, what it said was that as the Cayman Islands were moving forward to establish and to have the Safety of Life at Sea Conventions extended to it ... and this correspondence, I am sorry, Mr. President it is not FCO, it came from the British Embassy in Washington ... said that the United States had spoken to the authority in Washington and the Coast Guard and said that the pressure was now off the Cayman Islands and that they were turning their eyes elsewhere.

Almost eight years later the same kind of situation, but not necessarily identical, has occurred where the Coast Guard is involved and we are starting to have problems again with the United States' Coast Guard. I wonder if it is not caused by the fact that we have not done anything about improving the registry and making it reputable in the eyes of all concerned.

In 1983, Mr. President, a Mr. Duec advised us on the shipping registry and what he thought should be the way in which the Cayman Islands should proceed. We had meetings of the Standing Finance Committee on it and the decision of the Committee at the time was that we should restrict the register and should not deal with ships any larger than 500 tons. Then, in order to carry out this exercise I met, on a visit to London, with those

responsible in the Department of Transport, mainly the marine section, and they were quite helpful and cooperative; and may I make it crystal clear that whatever we do here the legislation dealing with the registry of shipping cannot come into effect until the United Kingdom Government makes an Order in Council. So I hope we do not make too much noise and go in a different direction because I believe we will have some difficulty on our hands.

This legislation, Mr. President - coming now more fully to the Bill - we brought forward a Bill in, I think, May of last year. We took the First Reading and subject to representations from the private sector we did not go any further. This Bill is not exactly like that one because it does not restrict the future of the registry in any way. And those Members who have seen the Committee Stage Amendment that was circulated on the 16th, is the result of meetings which I had with the private sector to gain their input. This was the method of dealing with this Bill President, and it was Council's decision that I should do so. The Bill gives the Registrar of Companies the authority to refuse to register ships. At the moment he has no authority whatsoever. If someone can find a section in the Merchant Shipping Act of 1984 that gives the Registrar any power to refuse to register a ship, I would be the most surprised person.

We have to clean up our act. We were talking just last week about drugs in the Cayman Islands and the increase in drug-related criminal activity. We passed our Mutual Legal Assistance Treaty legislation in September of last year and today we are here trying to get Members' agreement to do something about our shipping registry.

Mr. President, I just want to read for Members' information the kinds of problems that are cropping up on a daily basis with the registry. I will give you the name of the ship, the gross tonnage and I will give you the embarrassing incident.

* A ship by the name of Byrding 499.48 tons.
No certificate, coupling shaft not guarded, engine and exhaust pipe in bad condition. That is a ship that is on our register.

* The Bini 631.68 tons.
Seized by soldiers in Ghana.

* The Big Orange 3,442 tons.
Seized in Singapore with the Bank of Nova Scotia.

* Benardo Strozzi 22,000 tons.
Contravention of 1972 Collision Regulations.

It is a long list Mr. President, there are at least 50 ships here.

* Misterioso seized by US Coast Guard in Key West.

* Morazan 2,300 tons.
Seized in Barbados for non payment of fees.

* Line Island Trader 101 tons.
Seized by the US Coast Guard with drugs.

* And we all remember the Lago Izabal 1,139 tons.
Seized by the US Coast Guard with drugs.

There are all sorts of variations of infringement and embarrassing situations. On one occasion I wrote to one of the Officers about a ship that was seized in Hawaii. The Registrar of Shipping could not get a response out of them. Three months later they still could not tell him anything about it and I wrote to them and said that this was really not good enough. I was admonished, Mr. President. They said that I was accusing them unjustly and that what I was saying was unjustified. But what I said was that those are the kinds of situations that not only embarrass the Cayman Islands, but also the United Kingdom Government that is getting all the pressure from, what people call, UNCTAD.

We have to clean up our act. We get up in the House and boast about Cayman and its seamen saying that they are the best in the world. We did not lose too many seamen Mr. President, and I think it is our responsibility to make sure that some other country does not lose their seamen because the Registrar of Shipping does not have the authority to refuse to register a ship, which he believes is unsafe or that has a detrimental effect on merchant shipping. That is what the Bill, together with the Committee Stage Amendment states. I will read clause 3 together with the Committee Stage Amendment so that the full effect can be known:

"3. Notwithstanding the provisions of Part 1 of the Act
....."

... and the Act in this case means the Merchant Shipping Act of 1894 of the United Kingdom.

"..... relating to the registration of ships, the Registrar may refuse to register any ship in respect of which an application for registration has been received, unless he is satisfied that:

- (a) every share in the ship is owned by a company formed and registered under the Companies Law or by an existing company as defined in subsection (1) of section 2 of that Law; and
- (b) having regard to the safety of the ship and to the safety, health and welfare or otherwise of the persons employed or engaged in any capacity on board the ship, it is not detrimental to the interests of the Islands or of international merchant shipping for the registration of the ship to be transferred to the port of George Town."

I believe that is showing responsibility with regard to the shipping register, Mr. President, and that clause, together with the Committee Stage Amendment which I propose to move, is structured along the same lines as the Isle of Man legislation; and most of us know that in the last year the Isle of Man Shipping Register has been the one which has been growing, and growing substantially. It grew more than any other register in the world according to my information and if I am wrong I hope someone will correct me.

Under clause 4, Mr. President, the power is given to the Governor in Council to direct that the Registrar -

" ... remove any ship which is on the register maintained by him under that Part, and in respect of which, having regard to the safety of the ship and to the safety, health and welfare of the persons employed
...."

- those seamen we talk about -

"... or engaged in any capacity on board the ship, or to the possibility that the ship is being used for criminal purposes, the Governor is satisfied it is detrimental to the interests of the Islands or of international merchant shipping for the ship to be registered at the port of George Town."

That power, Mr. President, is exercised where there is a case of which we are not satisfied meets the criteria set out in clause 4 - and we will direct the Registrar to remove it from the register.

The Committee Stage Amendment, Mr. President, proposes to delete clause 5 which deals with the prescription of classes of ships and we propose to delete it mainly because it is our intention, when hopefully this Bill is passed, to request some time from the responsible persons in the Department of Trade dealing with shipping matters, and for a team of Government officials and others if the United Kingdom will allow us, to visit London to sit down with them and talk about our shipping registry with a view to upgrading it - but with a view also of not restricting it.

I do not mind spending a little

money in having a marine section established in this Government and to employ marine surveyors, if that is what is required for the United Kingdom Government to extend the Safety of Life at Sea Conventions to this country. I am speak for myself, Mr. President. Those words are mine, mine alone, and nobody else's. I believe it is justified for us to now seek to establish a register that can withstand any kind of scrutiny by any organization whether it is UNCTAD, the United Kingdom, the United States' Coast Guard or anybody else. I do not like being on the defensive, Mr. President, it makes me uncomfortable. My attitude is offence all the time - take the offence and do something about our shipping registry. One cannot wait to be told what to do. Do not wait for people to say that something is wrong with it. We must open your eyes and see for ourselves.

Clause 6 of the Bill, Mr. President, is similar to clause 3 which I read earlier. The Committee Stage Amendment proposes to amend clause 6. I will read it for the benefit of Members and the listening public:

"Notwithstanding section 53 of the Act, an application made for the transfer of the registration of a ship to which that Act applies from any port of registry outside of the Islands to the port of George Town, shall not be granted by the Registrar, unless he is satisfied that:

- (a) every share in the ship is owned by a company formed and registered under the Companies Law or by an existing company as defined in subsection (1) of section 2 of that Law; and
- (b) having regard to the safety of the ship and to the safety, health and welfare or otherwise of the persons employed or engaged in any capacity on board the ship, it is not detrimental to the interests of the Islands or of international merchant shipping for the registration of the ship to be transferred to the port of George Town."

That basically is all that this short Bill is attempting to establish; that is to give the Registrar of Shipping the authority to refuse, under certain conditions, and to also give the Registrar the authority to refuse a ship to transfer from some registry to the Cayman Islands, under certain conditions which I read out; and under clause 4 to give the authority to the Governor to direct that the ship be removed from the registry.

I think it is a good system of cheques and balances, Mr. President. If the Registrar makes a mistake and registers a ship which he should not have registered, the Governor has the authority to tell him to remove it. The Governor in Council has that authority. It could be that when he registers a ship he does not have all the information that he should have had when registering the ship. He might have the certificates and everything except that one piece of paper which might have caused him to refuse to register the ship.

Mr. President, I am no shipping expert. I am only a layman at this. I spent a couple of years as a seaman, so I have a layman's understanding of what sea life is all about. But, I believe that our fathers and forefathers would turn over in their graves if they knew that we would not take a stand to improve the unsatisfactory position with regard to our shipping registry.

I thank you Mr. President.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to Confer Certain Powers on the Governor in Council in respect of the Registry Relating to Ships, be read a Second Time.

The motion is open for debate.

The Elected member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I find myself this morning in somewhat the same position in that of which the Second Elected Member for Bodden Town complained of earlier. I had intended to oppose this Bill very vociferously in the form in which it was originally circulated. I still have some reservations even though the amendments, that are to be moved in Committee stage, drastically and substantially change the original Bill that was circulated. Happily,

Sir, it does change it for the better.

The Honourable mover in his opening remarks gave a long list of those persons who had given advice on the subject of ship registration in the Cayman Islands and most of that advice appeared to have been positive, but maybe he was in the position regarding ship registry, when he received that advice, as he was in the Economic Plan in that although he personally appeared to have had the administrative will to improve the ship registry he did not have the political will to do so. I hope that he has the political will to do so now. He certainly knows that he has my support to make the Cayman Islands' ship registry something that this country can be proud of and not ashamed of.

Mr. President, what concerns me is that this Bill may have an adverse publicity affect on the good companies that register ships in the Cayman Islands, in that they may fear that their ships can be removed by the Registrar of Companies and I am not altogether certain that the Bill in its present form is going to achieve what the mover, and certainly I, would like to see done - and that is to prevent the ships that are giving us a bad name from getting on the register in the first place.

I do not believe it is going to do us much good, if, after a boat has been seized in Florida or some other place for contravening some international shipping law, or for ganja or anything else, to then remove the ship as we will have already suffered the embarrassment. What I would liked to have seen presented to this House this morning Sir, was a much more comprehensive Bill and, from the mover's presentation, it seems as if the advice is there to bring such a Bill. But he has not been getting his full political support to bring the Bill, I am going to try and convince those who may have been dubious or doubtful that ship registration can be clean and respectable, and it can be profitable in the Cayman Islands. Hopefully, the Honourable Member will then have the full political support that he needs to bring this Bill.

A lot of the advice or answers that I have been given in the past about ship registration in the Cayman Islands by the Government, and the reasons why it could not work here, etcetera, does not appear to jive with the advice of the experts as outlined by the Honourable mover of the Bill this morning. I have been told that we could not set up a registry here because it would not make any money. I noticed, however, that last year that we made over \$200,000 without proper legislation or a proper ship registry. So, Mr. President, I started to dig around to see if I could find some answers for myself. Another reason I was given was that England would not support a full ship's registry in the Cayman Islands. I believe that I have also found the reason for that, and I will give that reason as I go along.

Mr. President, I have always been convinced that ship registration could work in the Cayman Islands and in listening to the Honourable mover of this Bill this morning, and to the number of experts and in view of the many years that this Government has been spending money and exercising its mind on ship registration, I still believe that the country would have been better served today if we were discussing comprehensive legislation to put this Bill in place. I think, Sir, that this Bill should be withheld and maybe we could have that comprehensive legislation in April, because while I agree fully with the Honourable mover of the Bill that we certainly want to clean up the windows of our ship registry, we do not want to knock down the walls of the house while we are trying to clean or repair a few broken panes.

I was heartened to hear that the United Kingdom Government was prepared to extend to us SOLAS, Safety of Life at Sea, etcetera, if we wanted it, because I have been told in the past that they were not prepared to do that and that we could not have a proper ship registry because we were a Crown Colony, while the Isle of Man and Bermuda and countries with similar constitutional positions as ours have full ship registers. I agree with the Honourable mover that the Isle of Man is the fastest growing full ship registry in the world today. Those countries are making money from ship registration, so there is no reason why the Cayman Islands should not do so.

Mr. President, the legislation can be like the Isle Of Man's which is very short, brief and sweet and contains only four clauses coupled with directives from the Harbour Board. Or we can go to the Bermuda Merchant Shipping Act, 1979 which is very comprehensive and has 82 clauses; or we can go even further, but maybe I will be told that we cannot go this far, because the

Bahamas is an independent country, but their shipping legislation, Sir, covers almost every possibility, and has 288 clauses. I believe, however, that somewhere within the bounds of these respective legislations we can find a medium that is suitable and applicable to the Cayman Islands because of any of the advantages that these three countries - the Isle of Man, Bermuda and the Bahamas - can boast of having over other territories which have full ship registration, I believe the Cayman Islands can boast of them too. I believe we are certainly as expedient in our bureaucratic system and probably more expedient than most of these countries. We have as good financial services, we have better communication services, and I will continue to say, Sir, that we have superior seamen.

Mr. President, in trying to determine, as I have been informed, as to why England was discouraging us from opening a full ship registry, I believe I found it in the Nautical Magazine, Volume 234 No.2, August 1985. This contains an article on foreign registry of British shipping increasing. And it states:

"Something like a quarter of British owned shipping is now registered outside the United Kingdom, and the proportion is rising, said Mr. Brian Shaw, Chairman and Managing Director of Furness Whitty Group to the General Council of British Shipping in his inaugural address as President, at its annual meeting."

And Mr. Shaw goes on to say, and I quote:

"Mr. Shaw said that at least in defence there now appears to be some realization that British shipping mattered. On March 19th, 1985, I assume, in the House of Commons, the British Prime Minister said in answer to a question from Sir Edward du Cann ..." - (and I quote the Prime Minister's answer) "... 'I can recognize that it is of strategic importance to have a good British merchant fleet of considerable size'."

And I believe, Sir, that that may be some of the reasons why the Cayman Islands may have been discouraged in the past from opening a full registry. And I believe that that statement is going to make the job of the mover of this Bill and his delegation which he hopes to take to England of getting the Order in Council to bring it into effect, more difficult.

MR. PRESIDENT: Would it be a convenient moment for the Member to pause in his speech at this point, so that we can take our morning break? In that case I will suspend proceedings for approximately 15 minutes.

AT 11:19 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:42 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
Second Reading debate on the Registry of Shipping Bill. The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, before we took the break I quoted a statement made by the British Prime Minister in Parliament. In order that people do not become confused by what I was saying, I am fully aware that her statement referred to their need to have access to the ships in time of war because there is another article in this same magazine that concerns Government studying future ship requirements, and it states:

"The choice for the Government is whether they want a fleet in being, earning its keep and available in the Navy's elegant phrase 'to be stuffed' ships taken up from trade, or whether they prefer to rely, as our American cousins partially do, on a reserve of idle ships costing money and rusting quietly in the backwaters."

When I said that the Honourable mover of this Bill and his delegation would have to face Britain's opposition to the creation of ship registries in places like the Cayman Islands with obvious advantages, I firmly believe that that is going to be the greatest obstacle because even the labour unions and shipping unions in Britain are coming out against the creation of these ship registries and therefore are going to put pressure on the politicians not to grant us permission. But I think, or I hope he will be successful.

Secondly, Mr. President, I have been told repeatedly over the past two years that there was no money to be made from shipping registration and that if we tried to set it up the bureaucracy to administer the ship registry was going to be so great that any revenue which might be derived from a ship registry would be gobbled up by this enforcement bureaucracy, and that we might wind up having to subsidise it.

That does not appear to be true from what I have found in doing some research on the subject. As I said earlier I have been told that the Isle of Man has one Inspector who is a retired British certified sea captain and we all know that we have plenty of fully qualified retired and, even still active, sea captains in the Cayman Islands. I expect someone will jump up and say that Caymanians may only have a Liberian licence and that it is not as good as a British licence, but I have seen evidence in some of these magazines, Sir, that shows that that is not so because in one article, in particular, which unfortunately I did not mark because I did not feel that I would have to deal with it, it states that when someone gets a British license it is good for life and that one never has to go back and do an examination, or update it or anything else. Holding a Liberian licence means that you have to be reexamined every five years and one has to produce proof that he has been sailing, etcetera, or he will lose his license. And Britain, in that article, is now attempting to introduce the same type of system in British shipping and they were being advised by the Liberian Examining Council on how best to do it. So I think that the Caymanians who have their Liberian licenses are qualified to do the job.

Mr. President, getting back to the revenue/expense side of it. I was told that the cost of annual inspections would be prohibitive. That is not so. The cost of these inspections are passed right on to the ship owners. The Bahamas Gazette on the 23rd December, No.51, clearly outlines all the inspection fees and they are charged to the shipping companies who own the ships. Initial survey \$200; periodical survey \$100; periodical inspection \$50.00; \$100 for safety inspections and they charge for sea worthy inspections and record searches. So we would not be doing anything unnatural in ship registration if we did, as the Honourable mover suggested in earlier debates, pass the cost of this administration on to the shipping companies. Just as we do with our cars - we pay a registration fee for the automobiles we drive on the road and when we get them inspected Government does not inspect them free of charge; and if we fail the inspection we have to go back and pay the inspection fee. It is the same under the Bahamian Shipping Registry. If they fail one item on the inspection list, for example a boiler was leaking and they have to send an inspector back, they charge them for it.

If we got these international conventions extended to us I do not believe that it would be necessary for us to have a Caymanian representative in every port in the world. Some of these other organizations could do these inspections for us and bill us for them. So I do not think, as I have been told, that it is a case of bureaucracy whereby we will have to employ 2,000 people and have them stationed in every port all over the world in case a ship happens to come into port and needs an annual inspection. We have, as I have said, good communications and we can transport people from the Cayman Islands fairly rapidly, and we will know where the ships are going and which ports they are going to be in when they need their annual inspections. So I believe it can be handled, and I believe it can be handled at a reasonable cost.

Mr. President, we in the Cayman Islands, if we use our present fee structure, should make a lot of money on the ship registry because the Registrar of Companies told me that presently we charge a registration fee of \$290 up to 1,500 tons and \$420 above that. Added to that is a tonnage fee of 30 cents per ton up to 1,000 tons, and 10 cents a ton after that - the minimum being \$60.00.

Under the Bermuda Shipping

Registration and Tonnage Fees Act, 1976, Sir, the registration fee not exceeding 15 tons is \$350; annual tonnage fees - \$200; exceeding 15 tons - \$350-\$500. If the ship is owned by a person other than a corporate body and does not exceed 15 tons it is \$75.00; exceeding 15 tons it is \$150. Other ships are 25 cents per ton subject to a minimum fee of \$500, plus an annual tonnage fee of 10 cents per ton subject to a minimum fee of \$200. So there is room to increase the Cayman Islands' ship registry fees and if we can make \$200,000 on fees that we charge now, we should be able to make even more money. So I believe that the revenue is there, Sir.

Another thing I have been told during the last two years about shipping registration in the Cayman Islands is that it was an exercise in futility and a waste of time because shipping and ship registration is on the decline. That is not so, Mr. President. A small country like Vanuatu, which I believe was formerly the New Hebrides, was one of the first open registers to offer lower fees to help owners combat the effects of the shipping recession. The register is now 5 years old and in October it was announced that the number of ships had risen to 133, which amounted to 355,000 gross tons. The largest ship on the register was a 130,000 ton tanker. Their Parliament is debating a new Shipping Register Law, part of which is concerned with updating mortgage arrangements to include revolving and multi-currency mortgages and schemes to match facilities offered by other open registries. That was reported in the Nautical Magazine of December 1986.

In the Caribbean Shipping Magazine of November 1985, there was an article entitled 'Ship Registry - Curacao Offering Advantages. Curacao enjoys excellent telecommunications with the rest of the world, as well as good airline connections with the United States, South America and Europe. There are a number of international banks and reputable accounting firms established on the Island - partly because of the high service standards and partly because of special tax provision and various treaties, a large number of offshore investment, holding finance royalty, real estate and shipping companies have been established in the Netherlands Antilles, and especially in Curacao.' There is nothing here of which the Cayman Islands does not have better.

It goes on to state the registration costs in Curacao. It costs between US\$1,500 and \$3,500 to register an ocean-going vessel. This all-embracing category includes yachts, barges, submersible, offshore rigs, etcetera, as well as other standard ocean going vessels.

In the same magazine we find another article 'Bahamas Open Registry - a New Dimension in Sailing. In 1976 the Bahamas took a giant step in assuming a dominant position in ship registration. It was then that the Merchant Shipping Act of 1976 was enacted, which proves a comprehensive plan for the registration and regulation of ships under the Bahamian flag. Since beginning this service the amount of tonnage registered is over 4 million tons, including 19 United States owned ships.' And it goes on to say that one of the reasons why the Bahamian flag is virtually trouble free for foreign-owned vessels; the practice of setting up a Bahamian Corporation is not necessary, and ships can be registered in New York, London or the Bahamas. A stipulation permits provisional registry when there is not the time for the international transfer of documentation.

Some other reasons that make the Bahamas an attractive choice for registration include the fact that Bahamian laws do not encroach on a ship owner's style of operating his business. They do not impose minimum wage standards and nationality rules for officers and ratings serving on board foreign ships. They do not impose profits or other taxes apart from the registration and annual fees, or legislate the recognition of trade unions on foreign owned ships. The economy of the Bahamas is based primarily on tourism, banking and insurance. The emphasis is on the service industry. Here again, Mr. President, they do not have anything that we cannot boast that we have as well, or better.

On the same page 'The Bermuda Register - State of Growth. Bermuda's Shipping Register was, in mid September, nearing the 900,000 gross ton mark with three new additions over the past two months. The local registry dipped to 450,000 tons in 1982, but it has subsequently been rebuilt.'

So, Mr. President, in all of this I cannot find where the Government got its evidence in the past that ship's registration was on the decline and that it was a waste of time.

In that same magazine under the News Brief section is the caption 'Bermudan Rise'. This is a very interesting piece of information because it states that '...the addition of five new ships boosted the Bermudan Shipping Registry to over 1.6 million gross tons as of September. A 1,613,601 gross tonnage registration ship. The register is now at its highest level since 1980.' And this is the interesting part, Sir, '...in another move affecting a Caribbean registry, a Norwegian owner, Leigh Hougal, transferred three bulk-container vessels to the Caymanian flag. The three 1,660 container bulk carriers were previously under the Norwegian flag and the move has been made as part of a financial reorganization.

This is what I was talking about when I said that the danger in this Bill, as I see it, is that we might frighten people like this away who can bring good, legitimate ships to our ship registry. We should not take the approach of simply giving the Registrar authority to remove ships, but should instead bring to the House a comprehensive Bill clearly defining the areas and reasons why and where the Registrar may remove a ship from the registry. By doing this, as I said earlier, we will be closing the gate before the horse gets out. We should set the standards in the legislation at a level whereby we would not get the ships that are causing an embarrassment to the Cayman Islands and whereby, as this Bill purports to do, we may be remove those ships from the register. I believe our objective should be to keep them off the registry in the first place, and this Bill does not do that, Sir.

Now, Mr. President, the only article other than that already mentioned on the Norwegian ships that were transferred to the Cayman Islands in the Caribbean Shipping Magazine of May 1985 about shipping in the Caribbean, the only article in this about the Cayman Islands is entitled "Cayman Islands - Fastest Growing Financial Community". So we have all the things, as I have said, that the Bermudans and the Bahamians might brag about, or offer as a service to other ships. Further proof, Sir, that ship registration and the shipping business is not on the decline as I have been told is also found in this nautical magazine of August 1985. "Ellerman's Registering Ships in the Isle of Man":

"Ellerman Lines are registering six ships in the Isle of Man.

Hong Kong Shipping Registry.

Hong Kong has established an independent Shipping Registry, but is endeavouring to ensure it will not become another flag of convenience. Owners of ships in the Registry will be limited to companies incorporated in Hong Kong, or persons with the right to live there. More than 1,500 ships, totally 55 million tons gross are owned by Hong Kong Companies."

I have not found any evidence of any great decline which would make any effort that we might make to establish a proper ship registry in the Cayman Islands, worthless.

Now Mr. President, I read in the Compass a few days ago, where the Honourable First Elected Member of Executive Council said that he would be leading a delegation to London, and he would get it for the Cayman Islands. Correction Sir, he says that he did not say he was leading it. Anyway the Member referred to a delegation, whether he was going to be part ... and I know he likes to be leader, Sir, that is why I assumed he was going to be leading it. Anyway he is going to be a part of a delegation which is going to London to get us this ship registry. And I think he said in that that he was going to get for the Cayman Islands a better arrangement than the Isle of Man has. I hope so, Sir, because what the Isle of Man has is pretty good, and I would be quite satisfied, and I think the people of this country would be if that delegation comes back with a ship registry for the Cayman Islands that is better than that of the Isle of Man.

In this magazine again it says:

"Good Progress - The Shipping Register.

When the Manx Government's acceptance of the SOLAS Convention comes into force on July 1st, the Isle of Man will have a fully independent shipping register. This will be administered by the Island's Harbour Board, which has already the professional staff for surveys,

engaged and working on ships which have already been submitted for registration. We are having a steady stream of enquiries which is what we want, as this means our surveyors are not overloaded. Throughout the negotiations for setting up the Registry, we have worked closely with the British Government and the Register is being set up with their approval, said Board Secretary Mr. Harold Moore. It has always been stressed that the Register will not be used as another flag of convenience, and is backed up by a modern code of maritime law which will be strictly enforced. Ship owners will benefit from Manx taxation levels, although they will have to have an operating office on the Island, as Manx registered ships are for taxation purposes Manx territory crews will also benefit when sailing Manx registered ships."

So the only thing that I see that could be added to this which would make it better than the Isle of Man would be what I have always advocated, in that, ships registering here should carry a Caymanian crew where possible, and where available. And if he can come back with it in addition to that which the Isle of Man has, in that ships registered in the Cayman Islands will give qualified Caymanians first right of refusal for crewing the ship, I believe that he will have done something for the out-of-work seamen in the Cayman Islands today.

Now, I believe that enough evidence is here to show that ship registration can be beneficial to the country, and that it can be established fairly easily, and with the help of the international associations and authorities it can be administered fairly easily.

So, Mr. President, that is why I feel that this Bill should not be before the Assembly. This Bill should be withheld, and we should draft comprehensive legislation which can be brought to this Assembly to be enacted into law. As I said earlier, I support the right for the Registrar to remove ships from the registry of the Cayman Islands which are an embarrassment to us, which do not have the proper safety equipment, whether there are Caymanian seamen or other nationals on board. But the approach that I would prefer to see is that we do that by establishing the criteria for registration at a much higher level, and not by removing them after they have gotten themselves into trouble.

This Bill, Sir, really only protects the Registrar, it cannot remove ships that are owned by Caymanian companies, and that gives me some cause for concern, because you can have boats that break laws or whatever, and are owned by Caymanians or Caymanian companies. I will leave the determination of this to the experts, but I believe that there is a ship which sails into our harbour at least once a week that is contravening load lines rule. She has a triangle on her side, not a circle with a line through it. And I believe that if it were investigated further, who knows, maybe the tonnage at which the ship is registered in the Cayman Islands is at the lower of the two tonnages which it allows, and Government might be deprived of some revenue. But I am not an expert on shipping or on the legal maritime law, but I believe it is food for thought for the Government. They can all go down to the dock next week and watch for the ship to come in, and see whether she is contravening the load lines or not. And they can get somebody to tell them what the difference is between a triangle painted on the ship's side and a circle with a line through it.

But, Mr. President, my concern with this piece of legislation is that we may, in fact, get more adverse publicity because of the unlimited powers given to the Registrar to remove ships. If this Bill clearly defined and was very specific as to what reasons ships could be removed from the registry, I would be more inclined to support it. But I still feel Sir, that the approach that I could support much more would be to draft the proper comprehensive legislation and bring it to this Legislature. I think the evidence as put forward this morning by the mover of the Bill clearly says that most of the experts agree that it could be done, and he even indicated that there was cooperation offered from the British, which is the first time I have heard of it, but I am glad to hear it. I would be much happier supporting a Bill for comprehensive legislation for the Cayman Islands, because we have lived with this problem for many years, and I do not believe it that should take us another six years to draft the legislation, or to know

whether we are going to get England to agree to extend the various conventions to us or not, and I think we should determine that before we pass such legislation. If they can be extended to us, then we should draft the comprehensive legislation and clean up our act in that way.

I cannot support this Bill, because I do not agree with the way it is trying to achieve its objective, and I think the country would be better served to enact comprehensive ship registration.

Thank you, Sir.

MR. PRESIDENT:
George Town.

The Second Elected Member for

MR. LINFORD A. PIERSON:

Mr. President, in my usual objective manner, I would take this opportunity to thank the former speaker, the Member for North Side, for what, I think, was a very level headed contribution on this Bill. I think, Sir, that I could have stood here and said I fully endorsed what he has said, and then sit down, because he has expressed the sentiments of what I wish to say.

I would, however, congratulate the mover of this Bill, the Honourable First Official Member, for the strong support he has given to the Bill, even though I feel that in its present form it is woefully inadequate, and from the Committee Stage Amendment to this Bill which he has subsequently circulated to Members, I believe my view in this respect is fully justified.

I feel that this Bill should be withdrawn, and that further study should be given to this matter, when it is possible after having received as much input as possible, that this matter is treated in a very comprehensive manner, and resubmitted to the House.

I personally have received offers from some of the big shipping magnates from Greece and other areas, and I believe that the Greeks are some of the leaders in shipping, and that they would be more than happy at their own expense, to assist any Committee here in deliberations leading to comprehensive legislation for shipping in the Cayman Islands.

Mr. President, this Bill is totally different from that which is being circulated in the amendment. This alone highlights the rush and the ad hoc, piecemeal manner in which this Bill has been prepared. This Bill in its present form, is a Bill for a law to confer certain powers on the Governor in Council, in respect of the registry relating to ships. Yet, Mr. President, in the first amendment to this Bill it is found that even the heading was unnecessary, because the amendment in clause 3 is substituting "the Registrar may" for "Governor may direct the Registrar to". So it points out that sufficient thought was not given in preparing what is considered a most important piece of legislation. I am not here to decry the Member for bringing this, because I believe that he did it with all good intentions. But regardless of the good intention, and the emotional situation behind these intentions, I feel that the interests of the Cayman Islands are paramount, and as the Member for North Side has said, if we have lived with the situation for so many years, and if we are going to correct it, it should indeed be done in a proper manner.

From what I see in the original Bill before us, it severely restricts the powers of the Registrar of ships, and increases the power of the Governor under the Law. Now we have an amendment which changes all of it. What I am suggesting, Mr. President, is that it is somewhat confusing not only to Members but also to members of the public when we have a situation like this occurring. And it would not hurt the Government bench, or indeed this country, if more time was given to further looking into this matter. The Member himself has mentioned that a delegation will be going to England. Now I wonder how much study and deliberation has been given to this matter, to prepare these Members for what would have to be meaningful discussions in England, for us to get the type of registry we need in the Cayman Islands.

In my view, Mr. President, the Bill in its present form would seem to be, excluding the proposed amendments, a retrograde step in the smooth and sensible development of the Cayman Islands. Shipping registration for the Cayman Islands can indeed be a boom to our economy, but handling legislation in this manner is not right. It is not in the best interests of the Cayman Islands. I cannot see the need for this big rush. The Honourable

Member alluded to the success of the Mutual Legal Assistance Treaty, which I do not plan to debate, but I would remind the Member that we are yet to see any tangible form of success of this Bill. I contend that with or without the Treaty, we would still be experiencing the same upsurge in our economy because it is as a result of a worldwide upsurge in the economy, and the world knows that when other countries catch a cold, we are already sneezing in the Cayman Islands. So it is nothing that we have done which has produced the upsurge in our economy which we are now experiencing. As a matter of fact, the Treaty has not yet been ratified by the United States Congress.

I feel Sir, that rather than reducing the functions of the ships registry, it would seem to me that a wiser course to take at this time would be to appoint a committee to fully study the advantages and disadvantages of a Ships Registry, rather than trying to form a Bill here to present to the House, taking it to a bunch of lawyers and other people, and then having them say "no you went wrong in this clause, let us amend it so it can be better presented to the House". This is not right, Mr. President, we need to be spending more serious time and thought on matters of this magnitude. We certainly need much more comprehensive legislation, and I would have thought that Government would have been wise to have waited until they return, or at least until they have had time to sit down and discuss this with people who are professionals in the field. It would be of interest to see who will comprise the committee that will go to England to discuss shipping registration with experts in England.

The Member alluded to several people who had visited the Cayman Islands in 1983, a Mr. Collin Vaux, a Mr. White, a Mr. Young in 1979 and of course, Mr. Dusec, or Duec whatever the pronunciation of his name is, in 1983. But, Mr. President, even though Finance Committee may have sat with Mr. Duec, it would appear to me from the minutes which I have read that his advice was completely ignored. In 1983, Mr. Duec of the United Kingdom Department of Transport Marine Section visited the Cayman Islands and discussed the future of the Cayman Islands registry of shipping. It would be most helpful to me and perhaps other Members of this House if his report was made available to us, so that we could satisfy ourselves of the advantages and disadvantages of expanding or reducing the functions of the Registry of Shipping.

Mr. President, if we are going to bring experts to the Cayman Islands, we need to pay due regard to the reports they make. It is no use if a bunch of people get together with no particular expertise on the subject, decide that they are going to ignore the recommendations, or in effect ignoring the recommendations that are made by experts. It is a waste of money and time to bring these people if we are going to do this. Mr. Duec had informed the Cayman Islands Government that the United Kingdom wished the Cayman Islands to make a decision whether or not to adopt a registry for all types of ships, all ships under 500 tons, or ships over 500 tons, and this would be subject to the maintenance or setting up of a Marine Administration Division for the Cayman Islands.

A proposal whereby a central computerized registry would be established for shipping in the United Kingdom for the United Kingdom and the Dependent Territories met with some opposition, that is, in the United Kingdom. But we were told that further study was being given to this. And I am sure, Mr. President, that had our Government pursued this matter, we would not now be trying to push what is in my opinion an ad hoc piecemeal Bill which will just touch the fringes of the problems before us. As far as I am aware, the Cayman Islands is still awaiting information from Mr. Duec which would allow a decision on what type of register should be operated here. Perhaps the mover of the Bill will advise whether such information has yet been received, and if so, whether that report can be made available to Members of this Honourable House. Perhaps, as has happened in the past because of lack of communication to Members, my views may have been overcome by events. Mr. President I hope that this is not the case because such an important report should have been made available to Members of this House.

As far back as September 1983, Mr. Duec informed our Government that the United Kingdom was anxious that all Shipping Registry under the British flag have the same safety standards, and conform to the same conventions. It was noted at the time that our Registry of Shipping lacked many of the criteria stipulated. However, sufficient time has to date elapsed to enable us to correct whatever weaknesses we may have had in that respect.

We have been told that in order

to operate a full registry, similar to that of the United Kingdom and the Isle of Man, we would be expected to adopt all United Kingdom regulations for safety and control of shipping in the Cayman Islands. Also that the cost to operate a full registry would be substantial. However, against this, Mr. President the overhead cost must also be considered against the possible revenue that would be derived by the Cayman Islands. Also, of similar consideration, are the employment opportunities which would be open to people living in the Cayman Islands, and indeed to all residents of the Cayman Islands. This would include some of the top people in the marine industry in the world today that we find right here in the Cayman Islands, but because these people cannot find jobs available, they are still forced to go and sail on American ships wherever this is possible. This is becoming more and more of a problem for our seamen, to even find jobs on American ships these days.

I do not feel that anyone should attempt to ignore or discount the inherent obligations involved in the development of a full, or even a limited registry in the Cayman Islands. And this is why on one hand I welcome the idea of a delegation going to England. But my concern is that the delegation going to England should be better briefed before going there, and expecting to come back with a registry that is superior to that of the Isle of Man. And I hope Mr. President, that the mover of the Bill will assure us that he has all the ammunition necessary for this trip.

During Mr. Duec's meetings in the Cayman Islands, Government officials cited a number of cases in the operation of our registry that needed improvement. The mover of the Bill also today gave us a list of some of the problems we have had with our shipping in the Cayman Islands. But, the points highlighted by the Member, or the mover of this Bill really only highlight the need for us to establish a very good standard; the need for us to ensure that we have comprehensive legislation; the need for us to spend more time in studying this matter. It is not a simple matter, Mr. President, it is a serious matter. And I trust that the member will not take this lightly, which I am sure he will not, and that this Bill will be withdrawn at the end of the day.

I believe even Bermuda had a problem with their registry. Their registry was almost closed down on account of the number of refugees, I think they were Vietnamese, picked up at sea. So in my support of expanding our registry, or at least looking into the pros and cons of doing so, I am mindful of the problems which other countries have experienced, and indeed some of the problems that we in the Cayman Islands have experienced in this respect.

Mr. President, it is my understanding that Bermuda and some of our other competitors are considering expanding their Shipping Registries. And while I am not suggesting that we need necessarily follow these countries in all that they do, I nonetheless feel that it might be in our best interests to further examine the full feasibility and viability of expanding our own registry, rather than trying to restrict it in any way. If we are to restrict our registry Mr. President, then let it be after we have given the matter a lot of serious thought, and after we have attempted to bring comprehensive legislation, governing a Registry for the Cayman Islands.

It would seem, Sir, that by restricting our Registry at this time that we are pushing good business away, we are discouraging good business that could be coming to the Cayman Islands. This type of legislation that we have here could have the effect of running people, good people who we would normally want to register in the Cayman Islands. But Mr. President, if there was comprehensive legislation on this matter, there would be very little ground for misunderstanding or ambiguity.

Mr. President, we have been told that our new Governor will be coming from Hong Kong, and in view of the experience that places like Hong Kong have had with ship registration, perhaps we should be asking him if he could also assist us in giving some advice, or ensuring that we get some expertise in this matter. He would at least have ideas as to the channels through which we could request relevant information from that country. As I have said, this should not be very difficult, especially in view of the position which he held in that country.

Quite frankly we have to take the decision to improve and expand our Registry or to discontinue it. This is why it is a very important decision, and we cannot stand here even though we might be fully convinced that what we are doing is

correct. This is no reason why other Members of the House should feel that they have to support it at this present time. I am supportive of comprehensive legislation; I am supportive of doing whatever is needed to establish a proper registry for the Cayman Islands. But Mr. President, what we have before us now is woefully inadequate for that purpose. My position is to examine the feasibility of expanding our own Ships Registry along the lines suggested by Mr. Duec, and other experts that we have had here. Accordingly, I could not, in my best judgement, and this is with due respect to the mover, a gentleman for whom I have a lot of respect - I cannot at this time support the Bill before the House in its present form. We would be doing an injustice, not only to the Ships Registry or the development of the Registry, but we would be doing an injustice to the smooth and efficient development of the economy of the Cayman Islands.

Mr. President, I cannot support the Bill before the House in its present form.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? The Honourable Fourth Elected Member.

HON. VASSEL G. JOHNSON: Mr. President, this seems to be a convenient time to take the luncheon adjournment Sir.

MR. PRESIDENT: Well, I was just establishing first whether any other Member wished to speak during the debate.

HON. VASSEL G. JOHNSON: Yes, I....

MR. PRESIDENT: You do wish to? I was not sure whether you were getting up simply to suggest that we took the break, or to ask to speak. If you would prefer that we took the break before you started speaking, that is quite acceptable I think.

HON. VASSEL G. JOHNSON: Yes.

MR. PRESIDENT: Very well. In that case I will suspend proceedings until approximately 2:15 p.m.

AT 12:37 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Please be seated.
Resumption of the Second Reading Debate on the Merchant Shipping Registry Bill. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I rise to support the Bill for a Law to confer certain powers on the Governor in Council, in respect of the Registry relating to ships.

This Bill, in my view, is a very simple one, it is a provision to strengthen the Cayman Ships Registry. It is really not a Bill to establish an international port of registry in the Cayman Islands, because that is a completely different exercise, and the mover of the Bill explained this morning that that move will follow the end of this meeting of the Legislative Assembly.

There has been quite a lot said about the Bill, and a lot said of the reason why it should not be introduced at this particular time. Mr. President this is not a Bill to convert what Cayman was always termed in the past "a flag of convenience registry", but the time is coming when we want to establish a registry on a better standard. And as I said a while ago, that exercise will follow.

Our ship registration in the Cayman Islands is controlled by the United Kingdom. It is controlled under the British Merchant Shipping Act, and so whatever facility we establish in these islands, whatever additional standard we want to apply, or whatever additional provisions we want to introduce, they have to be with the consent of the British Government, and I am sure that that fact was clearly made by the Honourable Member moving the Bill. And so Mr. President, whatever we wish to achieve in ship registration, whether it is the simple amendment of this Bill which is

going forward, or to establish a Ship Registry of acceptable standard, we must depend on the British Government to provide it, we can only request it.

This Government has for many years in the past made brave attempts at improving the Cayman registry. A strong attempt was made at this between the years 1977 and the present time. The British Government was consulted on many occasions about allowing the Cayman Islands to establish a proper Ship Registry of acceptable standard, and the purpose for this was that especially in years gone by, the economy of this country was very meagre, and it was the hope of Legislators that the British Government would see fit to allow the Cayman Islands to establish an acceptable port of registry which could be a supplementation to the income of this country, by providing another facet of the economy. But Mr. President, this has been a very difficult task, the British Government in examining our case said that the Safety Conventions, Load Line Convention, Crewing of Ship Convention and all the other conventions had to be given serious consideration. They said that because of their association with the European Economic Community that in establishing a new port of registry within the Commonwealth, and especially in Dependent Territories, that they would also have to bear in mind the views and comments of their associates from the EEC countries.

The Government did not rest on this, it continued to probe and investigate the possibility of improving its Ship Registry. It even sent its Registrar of Shipping for an attachment to the Board of Trade in London at one time, in order that he might become qualified to administer a Ships Registry of a more acceptable standard. The Government did all that was possible at that time to put the proposal forward, and for acceptance by the British Government.

In 1979/1980 because of our insistence, the British Government sent an advisor here to examine our case. The advisor was dealing with the Isle of Man at the time, and thought it was a useful exercise for the Cayman Islands to be included. The advisor prepared and structured the draft legislation which would establish in these Islands the ship registration we were hoping to achieve. I think that draft legislation still lies on the table somewhere in the Board of Trade, no move was made to implement it.

As time went on, and I am speaking of the days of the early 80's, ships within the Commonwealth faced quite a lot of problems. Someone mentioned this morning the case of the Bermudan registered ship which picked up a load of South Vietnamese refugees and carried them into an English port, hoping that the British Government would relieve the ship of these refugees, since refugees are considered an international problem to countries. But, Mr. President, the British Government would not. The British Government said that your ship is Bermudan registered and therefore you should take your refugees to Bermuda. Fortunately enough, the Canadian Government relieved that ship of those refugees.

There were other cases similar to that afterwards, and by these incidents the Cayman Government was seeing more and more every day, that ship registration was not altogether a simple exercise, or a simple operation. What crowned it was the exodus of Cubans to Florida. I think it was in early 1980, the case of the Mariel boatlift, when a large number of Cubans were taken into the United States. One of those boats in the exercise was a Cayman-registered boat, and the question was asked at that time, what if the United States Government refused to allow any of those ships to land those refugees in Florida? And the answer was that those ships would have to take the refugees to the country of registration. If that ship had been refused landing in Florida, Mr. President, we would have had a lot of Cuban prisoners and sick people to contend with. What we would do with them would have been another matter.

And so at that stage the question of ship registration became almost something of the past, forgotten. And it is only in recent times that the matter has become alive again, and simply because in the years that the matter was placed in some abeyance, the Isle of Man was able to achieve what it set out to do some time ago, and that is to introduce themselves to the system of ship registration. I understand according to the mover and other reports that came to this Government, that the Isle of Man is doing well today, that the British Government supports that ship registry, and in fact it is probably one of the fastest growing

registries in the world today. Well, my view is that if the British Government could relax its attitude towards the Isle of Man, although the Isle of Man is very near to Britain and can be considered part of the British Isles, then it goes without saying, that we should make our attempt again to see whether the Cayman Islands cannot be considered as an acceptable port of registry.

Mr. President, the Bill before us is quite simple, it is a very short Bill, and it says in plain language what is being requested. One of the provisions, section 3, provides for the refusal to register a ship. I dare say that any system or any institution which is being structured, and to be put on good solid grounds, must have some flexibility by law to control the growth and development of that registry.

In the case of banks registered in these Islands, if the law controlling banks and trust companies was not geared to control the type of banks that we admit into these Islands, I dare say that we would not today be able to boast of our banking system in these Islands, and that goes for many other things. The control which is being introduced in this Bill in the registration of ships here is no less than that which is provided in the Banks and Trust Companies Regulation Law. But I heard Members who spoke here this morning talk about the type of registry which we should be building in these Islands, something that we can be proud of. Well Mr. President, if we have ships on our Registry, or we have an application here to register a ship which is Cuban, which is Communist, which is trading in drugs, which is involved in criminal activities and we have no authority under the law to say "no we cannot register you", or if we find them there, to remove them from the registry, I mean what kind of registry are you talking about now? We might as well not have one.

We have heard cries recently, all crocodile tears, but nevertheless, of Communist ships on our registry. Well if that became a fact, Mr. President, and we have denied that, but if this was a fact and a reality, would it not be good if the Government had a lever within its laws, to remove those ships from the registry?

A lot was said here about comprehensive legislation. Well, I am not too sure what was meant by comprehensive legislation, but let me say that any legislation that is to be introduced to establish a proper Ship Registry in these Islands must also carry these provisions, otherwise you might as well not structure a ship registry here. And in any case Mr. President, any amendment of this nature must have the blessing of the British Government, and I am sure that the honourable mover of the Bill will tell you that too. It cannot come into operation, in fact, I think he said so this morning. It cannot come into operation until it has been given approval in Council in the United Kingdom.

We, the Government, believe that these amendments will vastly improve the ship registration system of these Islands, and we have no hesitation in supporting this Bill that is being presented here, Mr. President. I, for one, have no problem in supporting it. I think it is a good Bill.

I know that we will have opposition to everything that is introduced here, some of it pure politics. But I am not going to get myself involved in politics at this stage. Other things that were said here this morning too about the economy and so on, I will leave that for another time, when I start my election campaign!

MR. W. McKEEVA BUSH:

(INAUDIBLE)

HON. VASSEL G. JOHNSON:

I knew that would bring a lot of reaction Mr. President....(LAUGHTER)....Everybody is smiling over that.

MR. W. McKEEVA BUSH:

(INAUDIBLE)

MR. PRESIDENT:

Order! Order!

HON. VASSEL G. JOHNSON:

Mr. President, I support this Bill. Thank you, Sir.

Mr. President, I support this

MR. PRESIDENT:

Does any other Member wish to speak? The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I rise to oppose

the Bill in its present form.

I have always been of the opinion that a proper ships registry can work, and can make money for this country. I have always been of the opinion that we could make enough money to cut down any further need for taxation on our people.

Mr. President, it is noteworthy that the Member for North Side has always advocated and has insisted that a full ships registry could work, and the facts and the statistics which he produced in this House today bears him out, as does the information which the mover unveiled today, going back as far as 1976. I agree with the Member for North Side that the problem seems to be that the mover had the administrative ability, and the recommendations to set up a Registry, but not the political support. The Member for North Side has certainly done his homework, as we always do when we feel strongly about a subject which could benefit our people. He has done his homework, and I must say I agree with him, I cannot support the Bill because I am most concerned that we can run away good business, and only remove the bad ships after they have already done the damage. It is in a sense what I have been saying about drugs, we are catching some users, but we are not stopping them from using the drugs. In this case we will take off the bad ships which get caught, and that is because the Bill does not spell out the criteria to ensure that only good ships get on the register, which a proper ship registry would do. So we are not in fact cleaning up our act. All these many years we have been used, as far as I am concerned, by the British registry as a flag of convenience.

I am glad to hear that some Members of Council will be going to London to discuss this ship registration business, and I trust that the Mother Country will look favourably on us as they have done with other colonies, and give us a proper ship registry. I agree with the Member for North Side's objective for the delegation, that is that the ship must carry a Caymanian crew where they are available. I hope when this is set up that this will be a stipulation.

Mr. President, the Honourable Fourth Elected Member of Executive Council gave us a long history on boat lifts and refugees, but I think he bore out what we have been saying. He said that even though we could not refuse to register any ships, in the case of the example he gave, we would have had to pay the consequences, by taking the Mariel boat refugees. So this only confirms what we have said all along. We need a proper Ship Registry which sets the criteria, I emphasized the refusal. I trust that the delegation will be successful in its objectives, but the Bill before us cannot help us, I do not think. I am not convinced anyway, and I am not going to support it at this time.

MR. PRESIDENT:

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

MR. G. HAIG BODDEN:

Mr. President, as the debate goes on, it becomes more and more increasingly difficult for anyone to support this Bill. This Bill is a clear example of the present Government's inability to put forward a cohesive policy, to put forward a Bill in which they truly believe, and to put forward anything that is not subject to the whims and fancies of special interest groups.

The history of this Bill has been outlined by the mover. He mentioned that a Bill on shipping registration had been brought to this House some time ago, it had gone through the First Reading. There had been strong representation from the private sector, and so the Bill had to be buried. I would not want to say smuggled out of this Assembly - but was quietly and stealthily withdrawn by a simple withdrawal motion.

Among the papers for this meeting we received a Bill entitled 'a Bill for a Law to confer certain powers on the Governor in Council, in respect of the registry relating to ships'. No sooner had this Bill become public, that the special interest groups again got hold of the Executive Council, and compelled them to change it. We received an amendment which has substantially changed the Bill with which we are dealing. Later on I will compare the Bill which is on the agenda with the amendment which almost entirely supersedes it.

The history of shipping has been a long one in this country. Caymanians have been associated with the sea for as far back as history records. The motto "He Hath Founded It Upon The Seas" had been well thought out, and it was only

natural that it should become a part of our Coat of Arms. It seems to be the wish of all people that these Islands could develop into a port for the registration of ships. Attempts have been made in the past, but so far we have really not seen a good registry emerge. However what we have seen is that Government's revenue from ships has increased substantially over the last ten years.

If we go back ten years we will find that the income from ships registration was very small indeed. But in recent times the income is of some significance. In 1985 we collected \$127,504 from ships registration. One year later this figure had doubled. The revised figure for 1986 was \$250,000 from ships registration, and this was perhaps a significant increase. In our estimates for 1987 we have projected that the Government will receive in revenue from ships registration the sum of \$300,000. So, the revenue has been moving up, and I dare to say if there had not been a public outcry, the Executive Council would have had the Government's coffers full with the income from the Russian ships, because they had collected from a few, and we hear stories of lots of money that would have been flown in from the Russian ships, and I do not know if this new amendment has anything to do with the Russian ships, but the story of that will never be told.

The Bill which we had received sought to empower the Governor to direct the Registrar to refuse to register any ship, that was clause 3 of the Bill. For whatever purpose unknown to us, as it has not been explained by the mover, the amendment which has been given to us makes a substantial change in that they have passed the buck from themselves to the Registrar. And they say that the Registrar will not register a ship now if he is satisfied that:

"(a) every share in the ship is owned by a company formed and registered under the Companies Law or by an existing company as defined in subsection (1) of section 2 of that Law."

Although clause 4 still gives the Governor in Council the authority to remove any ship which is on the register. So there has been a substantial change brought about by the amendment to the Bill, which is to amend the Law. In the original Bill it read:

"Notwithstanding the provisions of Part 1 of the Act relating to the registration of ships, the Governor may direct the Registrar to refuse to register any ship in respect of which an application for registration has been received."

And that has been changed to read by the amendment that:

"Notwithstanding the provisions of Part 1 of the Act relating to the registration of ships, the Registrar may refuse to register any ship in respect of which an application for registration has been received unless he is satisfied" with certain things.

So, while the Bill which came to us was unlimited in its right of refusal, the amended version has now limited the refusal, and limited it in two ways. Under section 3 the Registrar has to be satisfied that:

"(a) every share in the ship is owned by a company formed and registered under the Companies Law or by an existing company as defined in subsection (1) of section 2 of that Law; and

(b) having regard to the safety of the ship and to the safety, health and welfare or otherwise of the persons employed or engaged in any capacity on board the ship, it is not detrimental to the interests of the Island or of international merchant shipping for the ship to be registered at the port of George Town."

These restrictions are put on to the transfer of the registry in clause 6, so that where the original Bill said that the transfer would not be granted except with the approval of the Governor, there seems to be some limitation. And

I believe the Government does not know what it wants to do with this Bill, because the Member gave us many incidents where ships had been found with dope, and all these different offences committed by the ships. But the amendments which they are making here are not going to stop this. As the Member for North Side pointed out, these amendments will simply deal with the matter after the act has been committed, and after we have become embarrassed by the exposure. If we look at the matter of the transfer, the Registrar has to be satisfied that the ship is owned by a company formed and registered under our Companies Law, but does that really help us? The fact that the ship is owned and registered does not help us, if the beneficial owners are drug dealers, or the Mafia.

In clause 3 we have the same thing, where it had said that the "Governor may direct the Registrar". It now reads "the Registrar may". But whether the direction comes from Executive Council, or whether the Registrar acts in his discretion, does not in any way, help the problems which we have. I believe that what the Member for North Side was trying to get across, or my impression of it was that we need to spell out in great detail what ships we will register. We have to have our own criteria as to what we will accept and then go on to set out how we will deal with these ships, if they are to be later removed from the registry. So, while we make these pure cosmetic changes with who will take the blame and who will carry out the dirty work, it does not in essence change the type of registry, it does not change the substance of the Bill, it only shifts the onus from Executive Council to the Registrar. So neither does the change in clause 3 change from Governor in Council to the Registrar, nor the change in section 6 dealing with the transfer, neither one of these changes really substantially makes the Bill any better.

This Bill is a stopgap motion of the worst kind I have ever seen, because it does not plug the leak, and it does not do what the two Honourable Members of Government who have spoken so far claim that it will do. It may do what the other two Members will say, because we know there will be a difference of opinion, since there is no longer any respect for collective responsibility.

Governments in the past have failed to establish a proper Ships Registry. But what the present Government is doing today is to destroy forever the chance of any future Government or even the present Government establishing a registry. They are out to wreck the registration of ships. If this Bill is passed, it is bound to have a bad effect on shipping. I know to be registered by a company, the company may have to be registered here ... but I do not see any outside investor putting his ships on our registry. And I do not see any individual unless he is a local person who has nowhere to go, if this Bill passes.

The Member had the courage some time ago to withdraw the other Bill dealing with shipping. And I must say it was done without any calls from the Members of the Legislative Assembly. Here today, several Members who spoke before me, have made the call for the withdrawal of this Bill. And I trust, being the good man that he is, he will make the application to withdraw this Bill when he comes to wind up.

We know that despite the occasional nod from the British Government, that they are against these Islands developing a Ships Registry, they are afraid of us. They are afraid that if we do so, we will hurt the Isle of Man. They are afraid that if we do so, we will hurt their own registry in the United Kingdom. They are afraid that the special little godchild Bermuda will also be hurt. So they do not want us to develop a Ships Registry, and they make it seem that it is an insurmountable task.

I can recall a long time ago when the Honourable Fourth Elected Member of Executive Council was the Financial Secretary, that at one Finance Committee, we actually approved monies to pay technical people if the Ships Registry had become a reality. Substantial sums were approved, I did not look them up, but if one cares to research it, one will find that the Finance Committee actually voted funds to pay for some of the technical people we would have needed had we gone ahead with the Ships Registry.

We were told of the difficulties of extending the Safety of Life at Sea Convention to Cayman. A difficulty which did not arise with the Isle of Man, with Hong Kong nor Bermuda. We were told of the difficulties to be encountered if they extended the load line certificates to us. And all the while all the United Kingdom was saying was that they did not

want us to have a registry, but they were too polite to tell us so. They even used the UNCTAD Convention. The report from the United Nations Committee on Trade and Development was given as an excuse at one time for not going through with the registry, and the irony of that was that the UNCTAD Report was aimed at Great Britain. The United Nations Committee which was spurred on by developed countries like France and some of the other Common Market countries, were trying to get rid of the British registry, or at least have a share of it for themselves, and this is why they worked out the formula which would be adopted, that a ship should not be registered in any country unless the ship had a direct economic link with the country. And by a direct economic link, they meant that the ship must be owned by the nationals of the country, or the ship must be used in trade to and from that country. In other words, they were trying to fix it so that the United Kingdom itself could not register any foreign ships which did not have economic links with Britain, and Britain was smart enough to do unto us what they were having done unto them by telling us that we would have to await the outcome of the UNCTAD Agreement.

So, stumbling blocks have been put in the way, and if we adopt this Bill today the British Government will smile from ear to ear because I believe we will close forever the chapter on Ships Registration in these Islands. So, while as I believe two of the Government Members have already said, there have been in the past, a few positive indications from the Foreign and Commonwealth Office, I believe the Member for North Side was right when he surmises that the delegation going to London will not have an easy task. They are not eagerly awaiting our arrival for negotiations on this matter.

One Member saw this Bill as an improvement on shipping. But I am glad for his own sake that he did not elaborate on that statement, because we would have had to laugh. This is no improvement, this is the destruction of shipping.

Another Member said that this Bill would strengthen our shipping register - no such thing, it will destroy our registry.

This morning we passed a Bill to squeeze a little bit more travel tax out of the tourists who are coming here. If we can develop it, we have a gold mine in shipping. The last research I did on this matter, I found that countries such as Panama and other countries are deriving large incomes, one of them as much as \$25 million a year from the registration of ships. And while it may be difficult for us to get the British Government to allow us to set up a Ships Registry, and to extend to us the sections of the Merchant Shipping Act which are necessary, to extend to us the SOLAS Convention, and to allow us to issue all the proper inspection certificates and loadline certificates, we must not give up because despite the fact that not very much has been achieved in the past, we are still in the game, and as long as we are in the game there is a chance of winning. So, we must not close it today, and although three Members of Executive Council have already spoken on this Bill, we are coming up close to coffee time, and perhaps instead of drinking coffee, they could have a meeting in which they could knock their heads together and come back in and withdraw this Bill.

Now Mr. President, I will turn to the Bill and its amendments, and will try to deal with it.

MR. PRESIDENT: If the Member is continuing for some further period, perhaps it would be convenient now if we broke. I thought you were nearing the end of your speech, but I see I am mistaken.

MR. G. HAIG BODDEN: No Sir, I am barely starting.

MR. PRESIDENT: Well, let me give you a pause for breath. I will suspend proceedings for approximately fifteen minutes.

AT 3:27 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:44 P.M.

MR. PRESIDENT: Please be seated.
Resumption of the Second Reading Debate on the Registry of Shipping Bill. The Second Elected

Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, the amendment to the Bill before us has let Executive Council, like Pilate, wash its hands of the Bill, in that, in clause 3 Executive Council will not refuse to register ships. I do not know if the Russian ships have anything to do with it, but the onus will now be on the Registrar. Also in clause 6 of the Bill which will become clause 5 because of the amendment, the onus will be on the Registrar to decide, and not on the Governor as originally planned. Also clause 5 of the original Bill has been deleted, and here again this takes Executive Council from having any responsibility for gazetting prescribed classes of ships.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Mr. President, thank you.

I rise in support of a Bill for a Law to confer certain powers on the Governor in Council, in respect of the registry relating to ships.

Mr. President, the mover of the Bill has very ably put forward his case behind the purpose of this Bill being brought to the House. In the process of doing so, he has pointed out the many instances wherein ships registered in the Cayman Islands have for one reason or another been seized in foreign ports. Although I have no intention of speaking at length on this particular Bill, I would like each of us to ask ourselves whether we can sit back and see our Islands used as a port of registry for ships, ships that are nothing but deathtraps, junk and tools of criminal activities.

I see this Bill as appropriate, timely and I feel that Members of this House should do all that is possible to assist in its early passage. Not only was the Mutual Legal Assistance Treaty meant to clean up our act, and clear our good name, but I see this Bill, and I feel that it must be seen in this light, to be yet another step in ensuring that we maintain an unblemished reputation which we have to guard carefully.

I feel that it is of paramount importance that we be seen in the eyes of the international investor and indeed in the eyes of the entire international community, as being a country whose business dealings in all aspects can withstand any scrutiny whatsoever. This Bill in my view, Mr. President, is yet another major step being taken to ensure that these Islands stand on a firm financial footing, and in order to do that we must maintain a clean reputation.

In looking over this Bill and in listening to previous speakers, some of the points raised have not come to my attention at all. One of those points which I would like to make mention of here is that the Registrar of Shipping does have the ability, the capacity to refuse to register a ship. I see no place here in this Bill where there is anything to prevent him from registering a ship once he is satisfied that it is not the type of ship which should be registered in these Islands. It goes on to state the reasons why he may refuse such registration. Not only can he register it and then remove it, it clearly states here that he can refuse to register it in the first instance.

Then it goes on to say that if, having registered the ship, he finds that (1) the safety of the ship is in question, or (2) the safety, health and welfare of the persons employed, or engaged in any capacity on the ship, is jeopardized, or even if there is a possibility, and I would like to stress that word "possibility, he does not even have to get concrete evidence that the ship is used in drugs - but if there is any indication whatsoever, he, in his discretion may refuse, or terminate the registration of such ship. In addition, the Governor may at any time, once he is satisfied that registration of this ship would be detrimental to the Islands, or even to international merchant shipping, this registration can be terminated or refused.

Mr. President, in supporting this, Bill I wish to state that it is my sincere hope that the delegation, whomever the delegation might consist of, in going to the United Kingdom, I feel that they will be going there suitably equipped, well briefed and with the tools which are necessary to return here with legislation for the registration of ships, which will not only be better than what we have now, but will probably be as good, if not better, than is available anywhere.

Mr. President, I support the Bill, I have no problems with it. I see it as another step in the right direction - what more can I say? Except that I think it is timely, it is necessary and I congratulate the mover of the Bill in his fine presentation, and I give it my wholehearted support.

Thank you.

MR. PRESIDENT:
Member of Executive Council.

The Honourable First Elected

HON. BENSON O. EBANKS:

Mr. President, I really did not intend to speak on this Bill. I thought the mover had done an excellent job in presenting it, and I know he will do an equally good job in summing up. But, since we have been all around the mulberry bush with this simple amendment, I thought I should voice my support, in case anyone should interpret my silence as not being fully in favour of the amendment.

I can understand why the Second Elected Member for Bodden Town would oppose this Bill, and would be upset at the fact that it appears that Government is on the verge of a breakthrough in getting an improved and extended ship registry.

From 1972 in the manifesto of ... I do not know if they call themselves Help then or Unity ... this is where they were going to get their money from to finance all the grandiose schemes they were promising, and up to this point they have not been able to do anything about it, or at least until they went out of office.

Now Mr. President, we have heard a lot about fighting drugs and so on, the other day, and the increase in drug-related crimes in the country. What was not highlighted in that debate, and I would like to highlight here, is that many of the crimes, particularly the drug crimes, were in fact committed not by Caymanians, but by foreign nationals, particularly coming in on ships or vessels.

In the Caymanian Compass of Tuesday, 10th February, there was a headline - 'Caymanian Registered yacht seized in Florida'. And if anyone has taken the time to read that article, they will have seen that there was a definite connection between that boat and the one which the local police apprehended and seized, also loaded with ganja.

Without the provisions which we are seeking to put into this Law, there would be no way of removing that ship from the register, except by sale, which I am sure will take place once the United States Government has put it up for auction. I understand that they make sure that no boat is sold to persons of character that would use it again for the drug trade.

Mr. President, regardless of what has been said about the Mutual Legal Assistance Treaty, it has polished up the image of the Cayman Islands in the international arena. The Financial Secretary in his winding up debate on the Throne Speech certainly gave statistics to show that it has had a positive effect on our financial industry.

One Member said that if the amendment which the mover of the Bill has given notice of, passes through the Committee Stage, it would make nonsense of the Bill. But Mr. President, I would like to draw your attention and that of the Member and other Members of the House to Standing Order 52(11), and when one checks that Standing Order it will be seen that the mover was quite right in not attempting to move an amendment to the title of the law, because it will show that suborder (11) of Order 52 says:

"If any amendment to the title of a bill is made necessary by an amendment to that bill, it shall be made at the conclusion of the proceedings detailed above, etcetera."

and it is obvious that it would have been a waste of time to even serve notice of that, unless the amendments of which he had given notice, were successfully carried through the House, and our Standing Orders make provision for changing the title, if and when the amendment is carried.

As I have said earlier, Mr. President, the Unity Team or Help or whatever they called themselves in those days, laid great store in 1972 to increasing the Ship Registry to finance their grandiose schemes. But I accept that the Second Elected Member for Bodden Town is a good student, he is a good

debater, and I know that if his colleagues had suggested a means of improving the Ship Registry in Cayman, he would have been able to remember and say what steps they had taken to correct, or to improve the situation which existed. The true position is that, that government was at sea when it came to ship registration.

We heard during the last Session about Russian ships being registered in the Cayman Islands, Mr. President that is a total impossibility. Now a ship which has been built in Russia, or any other country can be registered on our register, but, only and not unless it has been purchased by a British citizen, or a British company, including a company registered in the Cayman Islands. A British ship must be owned by a British entity.

The other thing that I would like to make clear, Mr. President, is that the Caymanian Ship Registry as we call it, and I think it is important that we understand that the Caymanian legislation to which we are referring in this Bill is called the Merchant Shipping Registry Law, 1987. The law which governs that law is the Merchant Shipping Act, 1894, with amendments, of the United Kingdom. The point I am making is that our Registry could be termed basically a sub-registry of the United Kingdom. The final resting place for all registration of ships done in the Cayman Islands is at Cardiff in the United Kingdom. So, that a ship registered in the Cayman Islands is to all intents and purposes a British ship.

This brings me then to the argument which one speaker put forward, as to why the United Kingdom was not anxious for the Cayman Islands to increase its Ship Registry, was because they did not want to deplete the British Ship Registry. But they have access in time of war to any ship registered here, unless in the negotiations which go on, provision is made, that is, the negotiation is about to take place and arrangements are made to circumvent that procedure. And why I mentioned the circumvention of it, Mr. President, is because one Member mentioned the Bahamas, and read an article which said that American ships were registered in the Bahamas.

Now Mr. President, it is possible to register an American ship in the Cayman Islands under one condition only, and that is the system known as 'double registration'. Now, we do not yet have that facility, but that is one of the facilities which we hope to get in our negotiations with the British Government. In other words, it is possible to have a ship owned and registered in the United States, time-chartered to a Caymanian registered company, and it is possible with proper amendments to the Shipping Registry to have that ship placed on the Caymanian Registry for the duration of that time charter. That is the only way an American ship can be registered in any colony of any metropolitan country. In the case of the Bahamas, they are an independent country and of course, they have no use for ships in case of war. If it were a lobster boat they could probably make use of it. So they have boldly stated in their legislation as I understand it, that American ships, or any ship, or an American ship registered in the Bahamas would revert to American ownership in the event of America going to war.

So I want to make it abundantly clear, and for the benefit of the Member who had some concern, that the team going to the United Kingdom would be properly briefed. I can give that Member the assurance that the team will be properly briefed, we will know what we are going about, and we will not have to turn back from New York, and come home and say that we did not go because we were not properly briefed. We will know the purpose of our mission, and we will know what we want to accomplish.

The amendment, in my opinion, is a necessary one, and quite acceptable. I mentioned the drug yacht seized in Florida, and registered in Cayman. There was a time when it would have been simple enough to try to eliminate the registration of yachts, believing that we would eliminate the drug carriers. But as has been demonstrated by the mover, by quoting the size of the ships which have been involved recently in the narcotics trade, it is obvious that you could not attempt to control the ship by saying that you are not going to register a ship of a certain size. Only last week the United States Coast Guard, I understand, brought two twenty foot containers into this port which it had salvaged from a boat, which I understood sank. I am not sure that it did not have some assistance in sinking. Nevertheless, it showed that it could not have been a little pleasure yacht that those twenty foot containers were on.

So, the Bill gives the

Registrar the power to refuse to register ships that are not owned by companies in the Cayman Islands, and also if the boat is in poor condition and is a risk to those who sail it, and others who sail the oceans. The same provision applies to the power to refuse transfer, and of course, similarly, to remove the ship.

Now Mr. President, we are going to the United Kingdom to say to them that we want to increase the amount of shipping on our Registry, we do not want a flag of convenience Registry, we want a proper Registry and one of the highest standard in all respects. And I would pose the question as to what better evidence and proof could we submit to the United Kingdom that we mean what we say, than by passing this legislation today. This is positive proof that we are not seeking to register drug trafficking boats or rust buckets, junk, that our ships will be of the highest standard, both in quality and in terms of the ownership. If for no other reason, Mr. President, this Bill in its present form as amended, should commend itself to Members of this House, and they should support it. As the mover and other speakers have said, and I have highlighted this by pointing out that we are talking here about amending the Cayman Merchant Shipping Registry Law, but which is in fact, controlled by the Merchant Shipping Act, 1894, of the United Kingdom, and it will be impossible for us to sit down and draft comprehensive legislation until we know what the United Kingdom is prepared to countenance in such a law, hence our mission to the United Kingdom.

We are not going to put any money into the Budget to pay for salaries for experts until we know what experts we have to hire. Neither are we prepared to draft legislation until we have sat around the table and negotiated with the United Kingdom. I believe that this is the way to go. We are showing the United Kingdom and the world that we do not intend to run a convenience registry, and while I do not like to mention other sovereign countries in my debates in this House in a derogatory fashion, I would hasten to say that the ships under Panamanian Registry are not our objective. There are too many good ships from good registries waiting to transfer to the Cayman Islands when and if we can establish a reputable register. I submit that the route we are going will be telling the world that we want a reputable register, and I have no fear, Mr. President, that with the undertaking of this Government, that this is the purpose of this Bill. No ships presently on our register will run. Why would they run Mr. President? If they were a couple of drug yachts that were registered in the past, happy riddance to bad rubbish. But I am satisfied that any reputable ship on our register and their owners, will be glad to see that at last in the Cayman Islands, they understand what is meant by a reputable register, and that we are prepared to go for it.

I thank you Mr. President, and I support this Bill one hundred per cent.

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.

As I listen to the debate, Mr. President, the majority of what I have heard seems to point in this direction, that because the government did not bring forward comprehensive legislation to this House, some Members cannot support the Bill presently before us.

One Member, if not others, even went on to say that this Bill is the destruction of the shipping register, perhaps Mr. President, just like the narcotics agreement was with the destruction of this country. But what do they mean by comprehensive legislation on shipping? The only thing that I can imagine is that back in 1979 when I was the acting Financial Secretary, we had a man whom I referred to in moving the bill, a Mr. Young, who told us - and we were looking at the SOLAS Convention in those days too - who told us that we needed to draft 15 different laws plus two orders. Maybe that is what is intended when they talk about comprehensive legislation. But any legislation that we are successful in passing also needs the United Kingdom's blessing, because as indicated by an earlier speaker, it forms part of the British Merchant Shipping Act of 1894. I went far enough to understand what will happen, Mr. President. And just for their benefit, let me read for them what this Order in Council will say:

"MERCHANT SHIPPING

CONFIRMATION OF LEGISLATION, CAYMAN ISLANDS ORDER, 1987.

Made..... 1987
Laid before Parliament..... 1987
coming into force.....day..... 1987

At the Court at Buckingham Palace, this....day.....1987.

Present

The Queen's Most Excellent Majesty in Council

Her Majesty in pursuance of section 735 subsection 1 of the Merchant Shipping Act of 1894(a) is pleased by, and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

This Order may be cited as the Merchant Shipping Confirmation of Legislation Cayman Islands Order, 1987 and come into force on.....day.....1987.

The Law enacted by the Legislature of the Cayman Islands which may be cited as the Merchant Shipping Registry Law, 1987 is hereby confirmed."

That is the process, Mr. President. And certainly, we cannot draft comprehensive legislation without talking to the British Government. But on one hand they say one thing and on the other they say the other. It sounds like an economist, on the one hand he has one thing and on the other he does not have it. Maybe we need a few here!

Mr. President, one could get the impression that what some of the Members are saying is do nothing, leave it as it is. You could form that opinion rightly or wrongly, you could form it. My attitude on Government's is quite different, let us do something about it. Let us put forward, even if they call it an ad hoc Bill, I call it the first bite of the cherry, if we can use that term. We know that comprehensive legislation has to come, and we believe that we will be in a better position to put it forward after the discussions take place with the United Kingdom Government, which we referred to in moving the Bill, and to which the Honourable First Elected Member of Council also referred.

But just to give some more information, Mr. President, clause 3 which deals with the refusal to register a ship is almost identical to the wording of the Isle of Man legislation. If that is the case, how is it going to frighten anybody away? And let me tell them why we made this Committee Stage amendment Mr. President. It was our intention from the very beginning, even when we recommended this Bill to Council, that before we came to the House, I would meet with Members of the private sector to take their input. And whatever their input was, assuming that it was reasonable as it usually is, a Committee Stage amendment would be made, and that is the reason for the Committee Stage amendment. We thought it was more practical to say that the refusal to register should be carried out by the registrar of companies, otherwise a person wanting to register a ship might have to wait for a week, if the Governor in Council is going to deal with it.

One member said it was "passing the buck". It is not passing the buck, Mr. President, to the Registrar. The Registrar has been dealing with the registration of ships ever since he has been in office, and he knows what is required by the British Registrar of Ships, in the Department of Transport, Marine Section. There is no need to pass any buck, just give him the duty which he has always been doing, but give him the legislation which he can use when he believes he should not register a ship, and he has nothing to fall back on, and he gets pressed by lawyers and owners of ships. One Member asked "how is this Bill going to help you if the ship is owned by a drug trafficker or the Mafia?" He should have read clause 4 a little bit better. It says that the Governor in Council can direct the Registrar to remove the ship from the register.

I know that what I have in front of me here, this Bill, the only thing it will do to the Cayman Islands is to make it look a bit more respectable in the eyes of everyone, and if I can accomplish it with this ad hoc piece of legislation, Mr. President, I will go home and sleep well tonight. Thank you very much.

MR. PRESIDENT: The question is that a Bill for a Law to confer certain powers on the Governor in Council in respect to the Registry relating to ships be given a Second Reading.

QUESTION PUT: AYES AND NOES

HON. BENSON D. EBANKS: President? Could we have a division Mr.

MR. PRESIDENT: Certainly.

DIVISION
NO. 10/87

AYES: 8

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett

NOES: 3

Mr. Linford A. Pierson
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

AGREED BY MAJORITY: THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
GIVEN A SECOND READING.

MR. PRESIDENT: I declare the motion carried. I make it about twenty eight minutes past four, and subject to the views of the House, I would think it is probably sensible to adjourn, rather than to embark for about two minutes on a new piece of business. I do not know, I am afraid I have not sounded Members about this. Really there is only one more Second Reading, and there is one Motion to debate, which we might be able to complete tomorrow. I do not know whether Members would wish to sit late tomorrow if necessary to complete them, or whether they would prefer to spill over to Wednesday if necessary, but maybe Members could confer amongst themselves a little. It is simply that I know it is very inconvenient and hard on Members if they are not forewarned if the House is going to sit at late, and I am not suggesting that it should. I am giving Members an opportunity to consider the matter themselves.

MR. G. HAIG BODDEN: Mr. President, I would say the motion for tomorrow, the Constitutional Motion will probably require a full scale debate and may take a couple of days.

MR. PRESIDENT: Well it may indeed, perhaps we had better see how things develop, it could develop into quite a long debate, I quite understand.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: I move the adjournment of this Honourable House until ten o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until ten o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:30 P.M., THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., TUESDAY, 24TH FEBRUARY, 1987

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

TUESDAY
24TH FEBRUARY, 1987
(TWELFTH DAY)

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

* Absent

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TUESDAY

24TH FEBRUARY, 1987

10:08 A.M.

MR. PRESIDENT:

Member.

Prayers.

The Honourable Second Official

PRAYERS

HON. RICHARD W. GROUND:

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 Name's sake, Amen.

Our Father, who 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:

Reports. The Honourable First Official Member.

Please be seated.

Presentation of Papers and

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE

(Meetings held 30th January and 10th February, 1987)

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee.

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:

Mr. President, the Committee held two meetings, one on Friday, 30th January and the other on Tuesday, 10th February, to consider Business Papers 1-10 which were circulated to Members prior to, and during the course of this State Opening Meeting. The Committee agreed that the report which has just been laid on the table should form their report for the February meeting.

Thank you Mr. President.

MR. PRESIDENT:

Bills. First Readings.

Thank you.

Item 3: Government Business.

GOVERNMENT BUSINESS

BILLS

THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS
BILL, 1987

FIRST READING

CLERK: THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987.

MR. PRESIDENT: The Bill entitled a Bill for a Law to establish the Community College of the Cayman Islands, and for all purposes connected therewith and incidental thereto is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987.

HON. BENSON D. EBANKS: Mr. President, I beg to move the Second Reading of a Bill shortly entitled the Community College of the Cayman Islands Law, 1987.

The Memorandum of Objects and Reasons of this Bill states:

"This Bill seeks to establish an educational institution to be known as the Community College of the Cayman Islands and to make provision for the control and administration thereof."

Mr. President, there has been in existence in the Cayman Islands since 1975 an educational institution known as the Community College. At its inception, the Community College was undertaken under the direction of the Department of Education. It used the facilities of the Cayman Islands High School, and its teachers were drawn from amongst the teachers of the Cayman Islands High School's staff in the main. It was started mainly as an adult educational facility, aimed at those adults who, for one reason or another, had missed out on their CSE, GCE 'O' Levels and 'A' Levels, or even for those persons who desired to gain additional subjects in those areas, or improve the grades which they may have already attained in those examinations. Classes such as typing and shorthand were also offered, to enable those adults already in employment to improve their skills or to achieve skills not already possessed. It was designed as a pilot project to establish the acceptance or otherwise of the concept of adult education in the Cayman Islands, and it was the intention to expand it into a technical and vocational as well as an academic institution.

From the outset, Mr. President, the numbers attending the College made it abundantly clear that acceptance by the population was guaranteed. In 1977 or 1978, for reasons best known to the Government of the day, instead of expanding the Community College as originally envisaged, additional institutions of adult education such as the Navigation School, the Hotel Training School and the Building and Trade School were established under the aegis of the Portfolio of Tourism, Aviation and Trade. From as early as December 1983, a consultation was carried out on the question of the provision of adult education in the Islands, including vocational and technical subjects, as an independent institution to incorporate the programmes being carried out by the Community College and those vocational/technical subjects under the aegis of the Portfolio of Tourism, Aviation and Trade. As far as can be determined, no action was taken on those recommendations.

Upon the change of Government in November 1984, the vocational and technical subjects formerly carried out under the Portfolio of Tourism, Aviation and Trade were transferred to the Portfolio of Health, Education and Social Services. And all of these fragmented efforts were incorporated under the aegis of the Community College, with a Director in charge.

In 1985/86 steps were taken with the assistance of an Advisor made available to us under the auspices of the Commonwealth Fund for Technical Cooperation, to establish the Community College of the Cayman Islands as a separate

and autonomous institution of post-secondary, technical and vocational education.

The Bill now before this Honourable House seeks to establish such an institution.

Clause 3 of the Bill deals with the establishment of the body corporate called the Community College of the Cayman Islands.

Subsection (2) of section 3 states that the government, management and control of the College shall be vested in the Board of Governors of the College.

Subsection (3) of section 3 deals with the composition and appointment of the Board of Governors. It reads:

"The Board shall consist of the Principal, who shall be a member ex-officio, and the following other members to be appointed by the Governor:" (meaning the Governor in Council)

- "(a) the Financial Secretary or his nominee;
- (b) a representative of the Member" (meaning the Member for Health, Education and Social Services).
- "(c) four members selected from lists to be obtained from bodies representing financial, industrial, commercial or other institutions and from professional organizations;
- (d) if the Governor considers it desirable, not more than two members, called honorary members, from outside the Islands who have in the opinion of the Governor appropriate academic qualifications or experience (such two members not being entitled to a vote at meetings of the Board); and
- (e) two other members,

all such members mentioned in paragraphs (a) to (e) inclusive to be appointed for three years subject to section (14)" (which deals with how a member other than a Government Member may resign from the Board).

"A member shall be eligible for re-appointment. The Governor shall fill any vacancy which arose in the Board."

Other sections of this section, that is, section 3, deal with other aspects of appointment to the Board, and the Board's functions. For example, subsection (4) states that:

"The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member."

Subsection (5) says:

"The Governor shall appoint one of the members listed in paragraph (c) or (e) of subsection (3) to be the chairman of the Board, and another to be deputy chairman."

That means, Mr. President, that the Chairman and Deputy Chairman of the Board of Governors will come from the four members selected from the bodies which I mentioned earlier, or the two other members mentioned in (e).

Subsection (6) gives the Governor power to:

"... appoint a person to be a temporary member, to act for a member whom he is satisfied is incapacitated by reason of illness, absence from the Islands or other sufficient cause from performing the duties of his office, during such incapacity. A temporary member appointed under this subsection shall, while he acts as such, be deemed for all purposes to be a member of the Board."

Mr. President, I do not think it is necessary to read the other subsections. They deal specifically

with the functioning of the Board.

Section 4 of the Bill deals with the functions of the College, and are standard provisions in similar institutions.

Section 5 of the Bill deals with the remuneration of members of the Board:

"The College shall pay to each member, in respect of his office as such, such, if any, remuneration and allowances as the Governor may determine and to the chairman, in respect of his office as such, such, if any, remuneration and allowances (in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member) as may be so determined."

In other words, Mr. President, this clause is standard, for example, as members of the Planning Board, the Protection Board or any other Board functioning under other similar laws within Government.

Section 6 provides for the granting of loans by Government for the start up of the College, and reads:

"The Government may, with the approval of the Standing Finance Committee of the Legislative Assembly, lend the College such sum as the Financial Secretary may certify is required to enable the College to commence its functions, to be repaid by the College at such times and by such methods as the Financial Secretary may, with the approval of the said Standing Finance Committee, determine."

Section 7 of the Bill deals with the requirement for the Board to balance the revenue and expenditure of the College in connection with the management and its operations, and states:

"It shall be the duty of the Board to exercise and perform its functions so as to ensure that, taking one year with another, its revenues are sufficient to meet all sums properly chargeable to the College, including, without prejudice to the generality of that expression, provisions in respect of any general directions under section 15."

Mr. President, Section 15 enables "the Member, after consultation with the Board, to give general directions as to the policy to be followed by the Board concerning the function of the College". But it specifically excludes directions in respect of "the appointment, termination of appointment, promotion or discipline of members of the staff, and the admission, evaluation, discipline, academic promotion, certification or award of particular students". The one exception, Mr. President, is that the appointment and dismissal of the Principal shall not be made by the Board before consultation with the member.

Section 8 makes provision for public officers to be seconded to the service of the College, and determines the general terms and conditions under which such secondments may take place. The Governor, in the exercise of his own deliberate judgement and subject to such conditions as he may impose, may approve the secondment of any public officer for service with the College."

Subsection (2) of 8 states:

"Any public officer seconded under subsection (1) shall, in relation to salary, pension, gratuity and the like and to other rights and to discipline, be treated as if he was not so seconded."

Members, Mr. President, will have received a Committee Stage Amendment circulated by myself for this clause which will make it abundantly clear that where the Governor is used in this section of the Law, it is the Governor and not the Governor in Executive Council. And the subsection dealing with public officers seconded, makes it abundantly clear that no civil servant shall be at a disadvantage in respect of his salary and pension, and all the other rights, when he is serving at the Community College.

Section 9 is a standard clause which waives liability of members of the Board in respect of acts carried out in the functions of their duty in good faith.

Section 10 of the Bill deals with loans, grants and guarantees which may be made to the College from time to time, and states:

- "(1) The Government may make loans and grants to the College out of such sums and on such conditions as may be approved by the Legislative Assembly.
- (2) With the approval of the Legislative Assembly, the Financial Secretary may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and of interest on any authorized borrowings of the College made otherwise than by way of loan under subsection (1).
- (3) Where the Financial Secretary is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under the provisions of this section, he shall, with the prior approval of the Standing Finance Committee of the Legislative Assembly, direct the repayment out of the revenue of the Islands of the amount in respect of which there has been such default."

Section 11 deals with the accounting procedures adopted and followed by the Board of the College, and makes provision for the tabling of the audited accounts and report thereon in the Legislative Assembly.

I do not propose to go into that matter in detail, Mr. President, other than to say that this section conforms to the finance and audit provisions of Government which I understand are in legal form, and which Bill will come into operation sometime at the beginning of March.

Section 12 makes provision for the establishment and management of a reserve fund of the College, and I should read this in detail, Sir, for the benefit of Members, and I am taking pains to read certain sections of the Bill which I consider important because although the Bill has been circulated to Members for a long time, it was not gazetted until the 18th or 19th February. So maybe the public has not been made fully conversant with the provisions.

I imagine it will be a long time, except through the generosity of some benefactor, before the College has a reserve fund, but nevertheless we are making provision for it. And section 12 which deals with this states:

- "(1) The College shall maintain a reserve fund to meet future anticipated liabilities and commitments in respect of its obligations under this Law.
- (2) The management of the reserve fund, the sums to be carried from time to time on the credit thereof, and the application thereof, shall be as the Board may determine:

Provided that -

- (a) no part of the reserve fund shall be applied otherwise than for the functions of the College; and
- (b) the power of the Member to give general directions to the Board shall extend to the giving of directions as to any matter relating to the establishment or management of the reserve fund, the carrying of funds on the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character."

Section 13 of the Bill deals with the powers of the Board, and I think I will read this Mr. President:

- "(1) The Board shall have the following powers -

- (a) subject to any direction under section 15" (and that is the section I quoted a while ago, where the Member responsible for Education has limited power to give directions to the Board) "to control and exercise general supervision of the affairs, functions, purposes, policy and property of the College;
- (b) to admit and provide for the welfare, academic progress and discipline of students;
- (c) subject to the provisions of subsection (1) of section 16, to appoint such academic, administrative and other staff as appears to the Board to be necessary, on such terms and conditions (including salary, allowances and other remuneration, promotion and discipline) as the Board may determine."

Again, Mr. President, the exception there referred to in 16 is where the Board must refer to the Member in relation to the Principal of the College only.

Continuing with the powers of the Board, Mr. President. They have power to:

- "(d) to determine courses of study and admission standards;
- (e) to conduct examinations and make rules for maintaining academic integrity;
- (f) to award diplomas, certificates, and other academic distinctions;
- (g) to award and administer bursaries and scholarships tenable at the College or elsewhere;
- (h) to receive on behalf of the College, donations, grants or other moneys;
- (i) to make rules for the remuneration of staff and other members of the College;
- (j) to create or abolish such departments or academic programmes within the College as the Board may consider necessary or expedient;
- (k) to enter into agreements or arrangements on behalf of the College with other institutions of further or higher education for the provision of instruction, or the granting of degrees, diplomas, certificates and other distinctions; and
- (l) to make rules for furthering the work and interests of the College.

(2) Subject to the approval of the Member, the Board shall have the power to -

- (a) acquire and dispose of real property;
- (b) fix fees; and
- (c) determine the annual budget for the College."

Section 14 requires that the Board shall submit to the Member an annual Report on the work of the College.

Mr. President, this Report is in addition to the Report which must accompany the audited accounts of the College, and in fact it is the principle management tool which the Member will have at his disposal.

I have mentioned section 15 already, Mr. President, where the Member has limited powers to give directions to the Board, of a general nature.

Section 16 deals with the appointment and functions of the Principal of the College, and it reads:

- "(1) There shall be a Principal of the College who shall be appointed by the Board with the prior approval of the Member.
- (2) The Principal shall be the head of the College and shall have the following functions -

- (a) to supervise the academic work of the College;
- (b) to supervise and direct the academic, administrative and other staff of the College;
- (c) to present to the Board an annual Report on the work of the College; and
- (d) to perform such other duties as may be assigned or delegated by the Board.

(3) Disciplinary action may not be taken against the Principal by the Board except with the prior approval of the Member.

(4) In the temporary absence of the Principal, and in the absence or in the case of non-appointment of a Deputy Principal, the Board shall appoint a senior member of the academic staff of the College to act as Principal:

Provided that such an acting appointment shall not exceed six months without the prior approval of the Member."

Section 17, Mr. President, deals with the appointment and duties of the Deputy Principal:

"The Board may appoint a Deputy Principal who shall act for the Principal in his absence, and who shall have such other duties as may be assigned by the Board or by the Principal."

Section 18 deals with the vesting of Government property presently existing, or existing in the future in the College, and I will read that section Mr. President:

"(1) Subject to the approval of the Governor, there is vested in the College all such equipment and other goods the property of the Government used for the purposes of or in connection with post-secondary or adult education prior or up to the date of commencement of this Law, which shall be recorded in an inventory prepared at the direction of the Financial Secretary and approved by the Board and entered as assets in the accounts of the College.

(2) Subject to the approval of the Governor, all land with the buildings and works thereon and all equipment and other goods, the property of the Government, which at any time after the commencement of this Law may be considered necessary by the Board for carrying out the functions of the College shall vest in the College."

This provision Mr. President, is found in the Bill, to enable Government in the event that it finds that it has buildings and land suitable for the College's use as opposed to building new buildings, or buying additional land, to enable the Government to transfer that land or buildings, or both into the name of the College.

Section 19 of the Law deals with the appointment and responsibilities of an Administrative and Academic Committee of the College which it is permitted to appoint, and subsection (1) says:

"There shall be an Administrative and Academic Committee of the College, established in accordance with the provisions of the Schedule to this Law.

(2) The Administrative and Academic Committee shall have responsibility for considering, approving, or submitting for approval by the Board (as required), recommendations on all matters pertaining to the functioning of the College, including -

- (a) curriculum policy, development and implementation;
- (b) appointment, promotion and discipline of staff;
- (c) admission and discipline of students;

- (d) examinations and certification;
- (e) award of bursaries and scholarships;
- (f) planning, budgeting and other financial matters;
and
- (g) such other matters as may be referred to it by the Board or by the Principal."

Section 20 of the Law, Mr. President, is another standard clause which gives the Governor in Council power to make regulations in respect of the better carrying out of the functions of this Bill, the Board and College, and I will read it. Section 20 says:

"The Governor, on the recommendation of the Board, may make regulations for the better carrying out of its duties and powers under this Law, and may (without prejudice to the generality of the foregoing words) by such regulations provided for all or any of the following purposes -

- (a) the safety or well-being of persons and the care of property connected with the undertakings of the College;
- (b) the regulation of commercial transactions (including trading) in or upon any premises the property of the College; and
- (c) any other matter which may appear to the Governor to be necessary or expedient for the purposes of giving due effect to the provisions of this Law."

The Schedule to the Law which is the constitution and procedure of the Administrative and Academic Committees, established under Section 19(1) of the Bill, reads:

1. The Administrative and Academic Committee shall comprise the following -
 - (a) the Principal as Chairman;
 - (b) the Deputy Principal;
 - (c) two members of the Board, as determined by the Board;
 - (d) the Heads of Departments;
 - (e) the Co-ordinator of Extension Services;
 - (f) the Faculty member elected by the Faculty; and
 - (g) a student representative elected by students, subject to the provisions of paragraph 2.
2. The Principal may require the student representative on the Committee to withdraw, when matters pertaining to examinations are to be considered.
3. The Committee may also include such senior members of the academic or administrative staff as the Board may decide.
4. The Committee may invite other members of the College or persons outside the College, to attend its meetings on an ad hoc or regular basis, for the purpose of giving advice to the Committee on matters within their competence, provided that such persons shall not have the right to vote in the proceedings of the Committee.
5. The powers of the Committee shall be not be affected by any vacancy in their number.
6. A quorum of the Committee shall be not less than one-half of the total number of its members.
7. The Principal shall assign a member of the administrative or academic staff of the College to be secretary of the Committee.
8. Subject to the provisions of this Schedule, the Committee shall have the power to make rules to regulate its own procedure and the conduct of its

meetings."

Those, Mr. President, are the main provisions within this Law. I think I can safely say that this Bill has been the most widely discussed and commented upon document, by all relevant departments of Government ever to come before this House. It will be seen that the corporation will be allowed to function as autonomously as possible, with very little, if any, interference or direction from the Member or anyone else except the requirement that certain returns necessary to ensure that the Member, Government and this Legislative Assembly can account for and verify the proper functioning of the corporation in the areas where the Member, Government and this Legislature are responsible to the general public.

Mr. President I am confident that this Bill, when passed into Law, will become the model for all future statutory corporations formed by Government. It is a good Bill, and I unreservedly recommend its acceptance by Members of this Honourable Legislative Assembly.

I thank you Mr. President.

MR. PRESIDENT:

entitled a Bill for a Law to establish the Community College of the Cayman Islands for all purposes connected therewith and incidental thereto be given a Second Reading.

The question is that a Bill

entitled a Bill for a Law to establish the Community College of the Cayman Islands for all purposes connected therewith and incidental thereto be given a Second Reading.

The motion is open for debate.

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

support of the Bill before the House. The Member moving the Bill certainly gave us a full rundown, and some of the questions I had on the Bill have been answered satisfactorily. So I will speak briefly on a few areas.

Mr. President, I rise in support of the Bill before the House. The Member moving the Bill certainly gave us a full rundown, and some of the questions I had on the Bill have been answered satisfactorily. So I will speak briefly on a few areas.

Mr. President, no one can doubt that money spent on the development of the College is money spent in the best interests of the future of this country. The future of this country hinges on several things. However, of one thing we can be certain, absolutely certain, and it is that this country's future depends greatly, and I would stress "greatly", on the height to which it takes its educational level. More and more of our success depends upon the courses and programmes which the College should offer, and I am trusting, will offer.

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The technical aspect we realize is seriously needed, and it is something that I have been pushing for ever since I got involved in public life. I know I sometimes get criticized for speaking passionately on subjects, and am told that I am not offering any solutions, and I have not made any suggestions, well, if you search the Hansards of the House, you will see that I have stressed quite often the need for the revamping, and I have posed questions in the House, concerning this College. This country is in need of plumbers, carpenters, refrigeration technicians electrical people and Mr. President, these are the kinds of courses I am trusting will be successful in the College. I will say with all humility and sincerity that we have to start encouraging our young children to consider taking the kind of courses which I mentioned. There is no disrespect in being a plumber or an electrician, these are services which this country needs.

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I have stressed the need, as I have said, for these courses, in this House, and it is because I realize that we have to import, and depend to a great extent on outside help in these areas. There is much attention paid to the academic side of education in this country, and I will call our young people's attention to the opportunities, which also exist for technical and technological careers, and would hope that the old prejudiced idea that academic education is in every respect superior and more desirable, that that idea will soon fade away. I trust that our young people will seize all opportunities that are offered to qualify in technical subjects.

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This Bill, Mr. President, is for setting up an educational institution and I am hoping one day to see this country in a position where we are able to train our own teachers, we are now training our own lawyers, and the next step is to train our own teachers. I believe it can be done and it must be done for the reasons I have stated before in this House, and there is no need for me to elaborate on today.

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There is one area which I would

question, and I know that there was a situation where a person attending the College some few years back, who went overseas for further training on the course he was taking, but was unable to obtain credit. I am trusting that section 13(1)(k) which says:

"to enter into agreements or arrangements on behalf of the College with other institutions of further or higher education for the provision of instruction, or the granting of degrees, diplomas, certificates and other distinctions;"

And I am trusting that this section and also section 4(1)(d) which also talks about the functions of the College, which says:

"to enter into association or affiliation with universities, colleges and other relevant institutions within or outside the Islands for the fulfillment of its functions."

So I am trusting that the area which I have just mentioned will be taken care of in those sections.

What I am talking about, Mr. President, is a person who might study at the College for one year, on a course, let us say in Economics, and my question is, would it be possible for that one year to be credited to his time if he went to the United States to attend a College, doing the same course of Economics?

Mr. President, while I am dealing with this Bill, I believe it is a good time for me to say that I think that the Government should state its position with regard to the International College of the Cayman Islands, whether it is recognized by Government, or not. But some official statement should be made as to Government's position on its functioning as a viable educational facility in this country.

There is one other observation, and I trust that it will be explained. In section 8(1) and (2) it says, talking about the secondment of public officers, that:

"(1) The Governor, in the exercise of his own deliberate judgment and subject to such conditions as he may impose, may approve the secondment of any public officer for service with the College.

(2) Any public officer seconded under subsection (1) shall, in relation to salary, pension, gratuity and the like and to other rights and to discipline, be treated as if he was not so seconded."

Now, Mr. President, when I put this section together with section 15, it says in talking about general directions:

"The Member, after consultation with the Board, may give such general directions as to the policy to be followed by the Board concerning the functioning of the College:

Provided that such directions shall not apply to -
(a) subject to subsection (1) of section 16, the appointment, termination of appointment, promotion or discipline of members of the staff?"

And, when you put those two together with section 16(1), (2) and (3), which deal with the Principal, it says:

"(1) There shall be a Principal of the College who shall be appointed by the Board with the prior approval of the Member."

Now, that is misleading to me because section 15 talks about the Member, after consultation with the Board may give such general directions as to the policy. And section 16 is talking about the appointment of the Principal. Section 16 subsection (2) says:

"The Principal shall be the head of the College and shall have the following functions -

- (a) to supervise the academic work of the College;
- (b) to supervise and direct the academic, administrative and other staff of the College;
- (c) to present to the Board an annual Report on the work of the College; and
- (d) to perform such other duties as may be assigned or delegated by the Board."

Now subsection (3) of 16 is the part which I need to have explained to me. Subsection (3) of 16 says:

"Disciplinary action may not be taken against the principal by the Board except with the prior approval of the Member."

That is, the Member for Education. The Bill does not say to what extent discipline is applied. And in relation to these sections, it is a bit confusing. Section 8 deals with the secondment of public officers, and we know that all public officers are hired by the Public Service Commission, and the Public Service Commission performs other disciplinary functions also. So as I have said, there is still not in my mind, a clear idea as to where the authority of the Member for Education and the Board ends, and where the Public Service Authority commences in respect of any disciplinary action with regard to the Principal. If I am reading it correctly, and the Member has some authority over disciplinary matters as to the Principal, who is on secondment from the Public Service, then there seems to be a serious anomaly in the Bill. The member would be opening himself to something which our system of Government does not allow. And as I have said, the Bill does not say to what extent disciplinary action is applied.

I am quite certain that whoever drew up the Public Service Regulations never at any time contemplated that a statutory body was going to be charged along with the political directorate with disciplinary control over any member of the civil service. Control over the service, as I understand it, is vested solely in the Public Service Commission which is essentially independent and not subject to anybody's control. These sections are, as far as I am concerned, stating dualities of system and I believe it to be a bad thing.

The amendment to the Law, tabled by the Member, substantiates what I am saying concerning the appointment of the Principal by the Board, in consultation with the Member, and any disciplinary action which might be taken against the Principal.

I have criticized other Bills, specifically one other Bill brought by the previous Government, with similar stipulations. And I cannot in good conscience condone such action by this Government, or any other Government that I probably would have some say in. I trust Mr. President, that this can be explained to me, and I am not told that I am an idiot because I am asking about it.

Section 11(6). Before I go to that Mr. President, I would say that I have been satisfied with the Public Service Commission, and that we have people of high integrity in that Public Service Commission, people whom I have respected all my life. I have not found anything yet where I can say I need to criticize them on, and if I did, you would have heard about it, and the country would have heard about it, because I would have said something on the floor of the House.

Section 11(6) deals with the accounts, bookkeeping and reporting, and subsection (6) specifically says:

"The report of the Board together with a copy of the certified statements and the Auditor General's report, if any, shall be laid by the Member on the table of the Legislative Assembly as soon as practicable after he receives it."

Well, Mr. President, this is something that I cannot agree with, because "as soon as practicable" could mean from here to eternity if somebody wanted it to be so. And I have often heard in this House, this thing about "due course". When I was in the gallery I never did agree with it, it is not good for the country. Something must be stated to say "when" and a period as soon as practicable is not satisfactory to me. I would prefer to change it

to "next meeting".

The Bill, with these few exceptions which I have mentioned, is needed, and I support it.

Mr. President, as I have said, these are the things that are not clear to me, and I trust that you will not hear that I was babbling, or that I am an idiot, or some other derogatory remark, because I question certain things.

Thank you, Mr. President.

MR. PRESIDENT:

I think perhaps this may be a convenient moment to take our customary morning break, and I will therefore suspend proceedings for approximately fifteen minutes.

AT 11:11 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:36 A.M.

MR. PRESIDENT:

Please be seated.

Continuation of the Second Reading Debate on the Community College of the Cayman Islands Bill.

Does any Member wish to speak?

No Member wishes to speak, I shall invite the mover to exercise his right of reply if he wishes. Does the mover wish to exercise it?

HON. BENSON D. EBANKS:

Mr. President, as the Financial Secretary did yesterday, I would like to thank the Member who spoke, and I would also like to thank those who did not speak!

I think the Member who spoke, raised some very interesting points, and it is probably because of the uniqueness of the situation which is why certain things did not fall into their logical sequence.

But, starting with the reference to his pride in the establishment of the College, I would just like to put on record, Mr. President, that he, along with myself had the establishment of a much needed college of post-secondary education for the improvement of the skills of our youth and adults as item 6 on the manifesto on which we ran in 1984. And of course the Third Member for West Bay as well. Probably that was one of the things that enabled us to have such a success at the polls.

I can assure the Member that technical subjects will be well covered within the College. I think there are two points which need elaborating on, and he quite rightly picked the right sections of the Bill. Section 4 which allows the College to enter into affiliation with academic institutions abroad, is designed for specifically the reason that he identified. That is, to enable the courses at the College to be given recognition by those institutions. In fact, it is not inconceivable that the College in its early days will be able to issue certificates, diplomas or even degrees maybe from other academic institutions. That is also why, Mr. President, the composition of the Board makes provision for at least two academics from outside the Islands, who are considered to have suitable qualifications to sit on the Board.

Already the college is working towards offering courses which have international recognition. For example, Members will have read in the paper where recently, the College, even in its present state before it is properly constituted under this Law, has entered into an arrangement with the Educational Institute of the American Hotel and Motel Association, so that in future students receiving a certificate from the college will have an endorsement by that institute, or a certificate will be issued by that institute itself.

We certainly will be striving for excellence in the College. And I believe that with the able assistance we have had from our consultant, and the interest and drive from the present Director, the college can look forward to a bright future.

As regards the past, with someone having studied there, and not being able to get accreditation from a United States College, maybe the individual did not apply to the right College, because while I would not expect the Ivy League Colleges in the United States to accept the subjects, or the time spent at the Community College, I know of other colleges which might have accepted it, even though we are still an unknown quantity. Because I am reminded of the Caymanian who made application to a

college in the United States, and the application had on it High School attended, and he had not been to a High School, but he gave the name of a gentleman who used to barber under a grape-tree, and he said "Mr. So and So's High School", and he got that accepted.

On the question of accreditation Mr. President, that is the name of the game. The College has to strive to set examinations that have recognized standards. For example, in typing, shorthand and that type of thing, pupils sit the City and Guilds Examinations. The College has been and will be teaching subjects which lead to the qualification of the Institute of Bankers and so on.

The question that seems to have raised some concern is the question of discipline of the staff. I can best explain that I believe, Mr. President, if I say that in considering this matter, we have to start out with the premise, or the acceptance that the staff of the College will normally not be civil servants. And, if we start with that premise, we will see where the rest of it fits in.

For example, section 8 together with the Committee Stage Amendment which I have circulated, will make it clear that the secondment of public officers to the service of the college is the prerogative of His Excellency the Governor, and that those public officers will remain for all intents and purposes a civil servant, even though they are seconded to the College. It is not envisaged that persons will be seconded to the College as public servants for long periods. And certainly, if the person is doing a good job, and he enjoys his position at the College, he would be invited to make up his mind whether he wanted to join the College, or remain a civil servant, in which case, I am afraid, that might even mean the parting of the ways, or if he continued, well, he would not in some respects, have what I would term the academic freedom which other members of staff would enjoy.

By this I mean, this being a post-secondary College and under a Board, normally for example, a civil servant is prohibited from writing letters to the paper. We would find in an academic setting of the standard we hope this College will reach, that we might have for example, an economist on the staff, who might care to express himself on some matter of public importance, or probably even publish a thesis on something within the local newspaper that might become a bit controversial. But this is something that one expects to find in the atmosphere of institutions of learning such as this will be. And this is where the thin line would come between a public servant and a regular employee of the College. So, the provision is here to allow as much academic freedom as is possible. In fact, as I said in my closing statement at the opening, the Bill places on the College and its Board, only such restrictions as could not reasonably be left out when this Legislature and the Member will have to answer to the public for things such as the Budget and other sensitive things such as the fees charged, and so on.

On the question of the laying of the Auditor General's Report on the table of this House, Mr. President, I did not read this section in detail, and I will point out why the words "as soon as practicable after he receives it", is placed after "shall be laid by the Member on the Table of the Legislative Assembly". I believe that that gives the greatest flexibility to the speed with which the Member is required to lay the Report, and I would have no serious objection, or reservation if a time limit was placed here which was commensurate with the other timetable which is laid out in that section. But, to place a time limit there might delay the laying of the Report, or encourage the delaying of the Report rather than speeding it up. And maybe I could go through section 11 which deals with the accounts, the audit and the laying on the table, and then it would become more clear why this language was accepted.

Subsection (1) of 11 states:

- "(1) The Board shall keep such books and records of account and in such form and manner as the Financial Secretary may direct.
- (2) Within the period of four months after the 31st day of December of each year the Board shall prepare and submit to the Auditor General in respect of that year -
 - (a) a statement of assets and liabilities of the

- College as at the close of the year;
- (b) a statement of revenue and expenditure by the College during the year; and
 - (c) such other statements as may be specified by the Financial Secretary.

- (3) On receipt of the statements referred to in subsection (2), the Auditor General shall examine and audit the statements and shall certify the statements to such report, if any, which he may think fit.
- (4) the Auditor General shall, within a period of seven months after the close of the year to which they relate, return to the Board the certified statements together with his report, if any.
- (5) On receipt from the Auditor General of the certified statements and his report, if any, the Board shall prepare and submit to the Member and to the Financial Secretary a report of the Financial activities of the College during the year to which the certified statements relate, which report shall include a copy of the certified statements and of the Auditor General's report, if any.
- (6) The report of the Board together with a copy of the certified statements and the Auditor General's report, if any, shall be laid by the Member on the table of the Legislative Assembly as soon as practicable after he receives it."

So, Mr. President, why that phrase was used was because I could see that within seven months of the end of the year, the Auditor General would have sent his Report, and then the Board would submit their Report which is basically similar to a Government Minute, on the Auditor General's statement and report to the Financial Secretary and the Member, and that is what will be laid on the table as soon as is practicable after it is received. The idea being, that if we said "the next meeting", it would mean that if the Member received the Report the day before a meeting commenced, the Member would be obligated to lay the Report and what is equivalent of the Government Minute on the table without having had an opportunity to study the report in consultation with the Financial Secretary, in the event that there might be an irregularity or recommendations for improvement on it. If such was the case, where it had to be laid without the benefit of consultation and study, it would mean that Members would have the right, as they had with the Police Report which was laid during the course of this meeting, to get up and debate the Report, without the Member or the Financial Secretary having had the opportunity to consult, or even get explanations which they may need from the Board, to intelligently debate the Report once it is laid on the table. So this is why it says "as soon as practicable", because with the meetings being four a year, if we put "next meeting" or a specific time it could, as I have said, pose problems.

I can assure this House that I believe that this language is acceptable and workable, since the Report goes to the Financial Secretary and to the Member. The Financial Secretary would have consulted with the Assembly on certain matters, for example the start-up money, loans or whatever. So the Assembly is not in the dark on the operations of the College, and certainly would have the right to prod. And since timetables are laid down for the preparation of the accounts and for the Auditor General's Report, I do not think that the Member would be able to give the answer in due course. I think it is a naturally flowing process, and Members can be assured that this certainly, as I have said, meets the requirements of the audit and accounting procedures within Government.

Mr. President, I would like to thank all Members for their support, either verbally or by their silence, and I submit the Bill to the vote.

MR. PRESIDENT:

The motion is that a Bill entitled a Bill for a law to establish the Community College of the Cayman Islands, for all purposes connected therewith and incidental thereto, be given a Second Reading.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH:
President?

Can I have a division Mr.

MR. PRESIDENT:

Certainly.

DIVISION
NO. 11/87

AYES: 13

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson D. 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
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

AGREED: THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987 GIVEN A SECOND READING.

MR. PRESIDENT:

I declare the motion carried.
The House will now go into

Committee to study a Bill entitled the Interpretation (Amendment) Bill and other Bills.

COMMITTEE ON BILLS

MR. CHAIRMAN:

Please be seated.

The first of the Bills referred to the Committee is a Bill for a Law to amend the Interpretation Law.

The House is now in Committee.

Committee is a Bill for a Law

But before I invite the Clerk to start taking action in respect of it, perhaps I could just check that it will be the wish of the Committee that in accordance with our usual practice, we invite the Honourable Second Official Member to make any necessary corrections of printing errors and the like, even though the attention of the Committee is not specifically drawn to them, and that he is therefore empowered to take action, and we are not obliged to take note of them as we go through the Bill.

There is one Bill to which we will come later where in the printed version, a whole clause has been missed out, and I think probably that should be mentioned specifically when the time comes. The clause was in the white copy of the Bill that was circulated to Members in advance, but it got missed out by the printer. So it is not that particular, rather major error that I think we should authorize the Honourable Second Official Member to deal with, but it is all the minor ones, and I am sure there must be a number.

So, may I take it that that is in accordance with the Committee's wishes? If nobody dissents I think I will assume that is so, and we can proceed.

THE INTERPRETATION (AMENDMENT) BILL, 1987

COMMITTEE THEREON

CLERK:

Clause 1. Short title.

MR. CHAIRMAN:

The question is that the Short Title do stand part of the Bill. Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: Clause 2. Insertion of new section 51(A) in Chapter 70.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, as I mentioned in my debate on the Second Reading, I am against any Bill that even remotely smells of establishing retroactive legislation, and I object to clause 2 and will certainly vote against it.

MR. CHAIRMAN: I am sorry for that delay, I thought the Clerks had a point to make about this particular Bill, that I might need to bring to the notice of the Committee, but in fact it relates to another Bill, there was a misunderstanding.

Does any other Member wish to speak? In that case I will put the question. The question to remind the Committee, is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY. CLAUSE 2 PASSED.

CLERK: A Bill for a Law to amend the Interpretation Law, Chapter 70.

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED BY MAJORITY. TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: The second Bill on the Order Paper is a Bill for a Law to amend the Elections Law.

THE ELECTIONS (AMENDMENT) BILL, 1987

COMMITTEE THEREON

CLERK: Clause 1. Short title.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: Clause 2. Amendment of section 2.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill. Unless any Member wishes to speak I will put that question.

MR. G. HAIG BODDEN: Mr. Chairman, I would like to see the Election Law remain as it was with regard to this clause. The Bill will change the Law to make the election agent be a voter in the district in which he is an election agent, and as it is not a requirement for the candidate to be a voter in the electoral district in which he stands, I can see no reason at all for it. The candidate I feel, has the responsibility for appointing a suitable agent. If he fails to do this, it is his hard luck, and I view this as a further restriction on the freedoms of the individual, where a registered voter, if he happens to live in another district, perhaps he may just have moved there, does not have the right any more to serve as an agent for a candidate that may desire his services. So, I am really against this, and will certainly vote against this clause.

MR. CHAIRMAN: Does any other Member wish to speak?

HON. BENSON O. EBANKS: Only to say Mr. Chairman, that I think that this provision, as I understand the Law, the election agent comes in as I have said during the debate, primarily at the despatch of postal ballots. It is not the agent whom you appoint on polling day, as such, or at the counting. And the fact that the candidate need not be from the electoral district in which he is

running. The requirement only is that he be nominated by two voters in that district. It makes it all the more reasonable why the agent should be from the district in which the candidate is nominated. In my years in politics, I cannot remember one instance in which an agent actually attended at these despatches of postal ballots, and so on, and the revision of the list, it has always been the candidate. But it could be useful if the candidate happens to be from outside that district, to have someone from the district who knows the people who are claiming to be registered, or attempting to remove people from the register, or is attending the despatch of postal ballots.

MR. G. HAIG BODDEN:

Mr. Chairman, I think the Honourable Member who has just spoken has actually defeated clause 2 of this Bill, because it is a fact and it has been the practice that wherever possible, the candidate himself would be present at the issuing of the postal ballots, and would normally only use an agent if he, the candidate, could not be present. So, if the candidate is present, and need not be a registered voter, why should that requirement be put on an agent whom the candidate has appointed? And I thank the Honourable Member for supporting my argument.

HON. BENSON O. EBANKS:

Mr. Chairman, I am afraid if the Member understood me to be supporting him, he is totally incorrect on that.

MR. G. HAIG BODDEN:

I only know what you said, I do not know what you had in the recesses of your mind.

MR. CHAIRMAN:

I am sure he was having a good try, but perhaps it would be proper that I should remind the Committee that this Bill is not strictly a Government measure at all, it results from a Select Committee of the whole House which reported ... now I have not refreshed my memory, but I do not recall a minority report. I think it was a unanimous report by the whole House, and this Bill reflects faithfully the precise detail of what that Committee recommended.

MR. G. HAIG BODDEN:

In which case, Mr. Chairman, may I humbly request that you release the Members of Executive Council from their collective responsibility, so that they may vote their consciences on this Bill. I think this has been done in election matters.

MR. CHAIRMAN:

I had always intended that they should vote according ... it is not a Government measure as such, and I do not think that an Elections Law should be a Government measure, I think it would be quite wrong. It ought to be something that reflects the wishes of the whole House, so that it can be seen to be impartial, and not something that is in favour of the Government of the day. I had not ever supposed that Members of the Executive Council would be bound by collective responsibility. But I had supposed that since this Bill reflected the recommendations of a Select Committee of the whole House, it was reasonable to assume that Members would support it. Anyway, may I put the question on clause 2?

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:
division please?

Mr. Chairman, may I have a

MR. CHAIRMAN:

Certainly.

DIVISION
NO. 12/87

AYES: 12

NOES: 1

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeever Bush
- Mrs. Daphne L. Orrett

Mr. G. Haig Bodden

Mr. Linford A. Pierson
Mr. D. Ezzard Miller
Mr. John B. McLean

MR. PRESIDENT: I declare the motion carried,
and Clause 2 stands part of the Bill.

QUESTION PUT: CLAUSE 2 PASSED BY MAJORITY

CLERK: Clause 3. Insertion of new
section 3(A).

MR. CHAIRMAN: The question is that clause 3
do stand part of the Bill. Unless any Member wishes to speak I will
put that question.

MR. G. HAIG BODDEN: Mr. Chairman, I am sorry, I was
a little slow. I would just like the records to show my disagreement
with the appointment of a Deputy Supervisor.

MR. CHAIRMAN: Unless any other Member wishes
to speak, I will put that question.

QUESTION PUT: CLAUSE 3 PASSED BY MAJORITY

CLERK: Clause 4. Amendment of section
11.

MR. CHAIRMAN: The question is that clause 4
do stand part of the Bill. Unless any Member wishes to speak, I will
put that question.

QUESTION PUT: AGREED BY MAJORITY. CLAUSE 4 PASSED

CLERK: Clause 5. Amendment of section
12.

MR. CHAIRMAN: The question is that Clause 5
do stand part of the Bill. Unless any Member wishes to speak, I will
put that question.

QUESTION PUT: AGREED. CLAUSE 5 PASSED

CLERK: Clause 6. Amendment of section
18.

MR. CHAIRMAN: The question is that clause 6
do stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, as this clause
seems to be in three parts, I wonder if you would put the question on
the parts separately, because I am objecting to (b), the substitution
of ten for three. That is the number of days for withdrawal when
monies can be refunded for the deposit.

MR. CHAIRMAN: I am just looking it up. I am
not sure there is provision to do that. I think what you would have
had to do, unless you can draw my attention to a provision that
enables me to split up the question in the way you have suggested, I
think what you would have had to do was move an amendment to the
clause to strike out the part to which you disagree.

MR. G. HAIG BODDEN: Well, Mr. Chairman, the (b)
section to which I refer is very important, because it is reducing the
person's right to his refund, by making it so that he must drop out
ten clear days before, rather than three. It is very important
because once ten clear days have gone by, if there are only nine clear
days left before the elections, if the candidate became ill or had to
leave for some other very important reason, he would lose his deposit,
and the deposit is now a substantial sum of money, it is \$1,000 and
will probably increase as the years go by. Ten clear days, as I
mentioned in my debate, is actually twelve days because you do not
count the first day and you do not count the last day. So actually
you are putting the candidate at a grave disadvantage, and if I have
to vote against the whole clause to prevent this amendment from going
through, I certainly will, but I think it is a matter that Members

should reconsider, it has always worked well in the past, and today we have moved in to an age where everything can be done more quickly. I think we should leave the three clear days rather than change them to ten.

MR. CHAIRMAN:

Does any other Member wish to speak?

HON. BENSON O. EBANKS:

Mr. President, I am not sure whether that is an amendment or a proposed amendment, or whether the Member is just making a comment on the clause.

MR. CHAIRMAN:

I took it he was making a comment. If the Committee were to agree, having looked at Standing Orders, it would, I suppose, be possible for me to put the question on subclause (a) of clause 6 and subclause (b) and subclause (c) separately, so that a vote could be recorded against one particular part. But I am concerned about doing that, that if we start to do that and what amount to amendments get made as a result. It may mean that the amendments make nonsense of the wording of the Bill, because they will not have been proposed as specific amendments. I really think it would be better if people do want to object to part, but not the whole of a particular clause, that they should move amendments that make clear exactly what it is they wish done. Now I was not given an amendment, and the Member has not given me notice, but I think he has made clear to the Committee what his views are, that he is, as I understand it, silence denoting consent, he is not objecting to subclauses (a) and (c), but he is objecting to subclause (b) and would vote against the whole clause if necessary, and I think perhaps we had better leave it at that.

MR. W. McKEEVA BUSH:

Mr. Chairman ...

HON. BENSON O. EBANKS:

In that case ...

MR. CHAIRMAN:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. Chairman, I agree with the Bill, and particularly this section, and for the record I would state again my reason for agreeing.

In the three day period if a candidate wanted to withdraw, his name would end up on the ballot on Election Day. If we pass it in substitution for ten, he has every chance that his name will come off the ballot paper, and Mr. Chairman, my reason behind this in giving this longer period of time is that there is confusion on Election Day, and the confusion of having the name of the candidate on the ballot paper can influence, and Mr. Chairman, has influenced an election in this country already. It influenced the election of the Honourable First Elected Member of Council in 1980 when his opponent had 19 votes less than he had, and the candidate who withdrew had 13 absentee votes alone. He then had on the open vote twenty plus votes, I believe, but the Member might disagree with me, if that vote had not gone to the candidate who had withdrawn, he might not have been in the House in 1980. The Member might take the opposite side, but I believe that the candidate's opponent would have beaten him, by very few votes, but would have beaten him. So, it does cause some confusion on Election Day, and that is why I support this. His name would be off the ballot.

MR. CHAIRMAN:

The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. Chairman, while I agree with the Member agreeing with the provision, I would disagree with his conclusion. I think I would have won by a bigger margin ... (LAUGHTER) ... but be that as it may.

The thing I think that should be remembered here is that we are making provision for a person, being an absent voter, to get another ballot, the same as a person who spoils a ballot at the voting station, not in this clause Mr. Chairman, but in the Bill. There is provision within this Bill for an absent voter to get another ballot as well. And in fact, if a voter has voted for someone who is not a candidate, he has spoilt his ballot. The Member is quite right, in the case of the absent ballot, he would have spoilt the ballot. Even those persons voting at the

station, if a withdrawn candidate's name still appears on the ballot paper, and persons unintentionally, because very often, Mr. Chairman, people are encouraged to vote say for candidates 1, 4 and 5 and they get those numbers stuck in their craniums, and that is what they do when they go into the booth. It has happened, that persons who have withdrawn at the last minute have had their name remain on the ballot paper and have collected votes during the course of the Election. So I think the ten days provides for the ballot being reprinted. In the case of an absent or a postal ballot, the person can get a new ballot, and it removes the confusion from the process at the polling station.

To take the point made by the Second Elected Member for Bodden Town, regardless of what time is here, whether it was one clear day, two clear days, three clear days or whatever, the occurrences which he mentioned could take place within any of those times. But what the ten days does, is to give time to reprint ballots where one or more nominated persons in the district have decided that they are not going to run. I think it can only lend itself to a fairer and more properly run Election. So I support that amendment in the Bill, Mr. Chairman.

MR. LINFORD A. PIERSON:

Mr. Chairman,

MR. CHAIRMAN:

You support the Bill as it stands I think, yes. Yes, the Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

I am not going to discuss the reasons why this amendment is being made, as was suggested or alluded to. I do support the amendment, I think it is a good amendment. I feel that candidates should not be allowed such short periods to change their minds, whereby they could influence election results.

The point I would like to make, Mr. Chairman, is regarding the procedure on a clause or clauses where there is more than one section to the clause, such as in the particular clause before us, clause 6, which deals with three new subsections. It would seem that the procedure, or Section 51 of the Standing Orders on Procedure in Committee on Bills contemplates that there would be the possibility of amendment to subsections or sections of the clause, or part thereof. So, in this particular instance I see no precedent here or procedure, because there is no particular definition as to the meaning of a clause. I see no reason why the subsections could not be dealt with separately, because we could be considering that the subsection is a part thereof of the clause, and there is nothing to say that it cannot be done. So I do not think that it would be out of order for this time, or in future if a clause is made up of more than one section, that the sections be dealt with separately; there seems to be nothing specifically mentioned on that point.

MRS. DAPHNE L. ORRETT:

Mr. Chairman, I agree with this clause, in fact my own feeling on it is that ten days should be a minimum. Ten days is sufficient time of course if the ballots need to be reprinted. But as in the case of absentee voters, even ten days is hardly enough time to get a new ballot to cross overseas and back again, unless we are going to use courier despatch services, so I can see ten days certainly being a minimum amount of time allotted, and I support the clause as it stands.

MR. LINFORD PIERSON:

Mr. Chairman, on the point I raised, I wonder if the Honourable Second Official Member could give his view on this, because I think it is important enough, that it be ...

MR. CHAIRMAN:

Perhaps I could reiterate what I said before. My reading of Standing Order 51(1) is that it would be possible to do as you suggest, because 51(1) says:

"When a bill is under consideration in Committee the Clerk shall, unless the committee decides to have the bill read in any other manner, call the several clauses in order ..." (and so on).

So the Committee could, I think, decide to have it read in another matter. I was saying that it seems to me that there is a danger that you could find that if you tried to split up a clause and take one part, and then another part, and then another part. And if one part, when you did it like that,

got voted against, and the others got voted for, you might find that what resulted did not altogether make sense. If you vote against a whole clause I do not think there is a danger of the Bill not making sense. But it may be that my fear is misplaced, maybe the Honourable Second Official Member will tell me that really he does not foresee that kind of danger ...

MR. LINFORD A. PIERSON: If I may say before you speak with him, that subsection (3) of Standing Order 51, I think, contemplates that:

"In the case of uncontested clauses, the question may be put not on each clause separately, but on a group of clauses."

It does contemplate that there is this possibility that there will be contested clauses, or part thereof. So, in that case there should be no reason why the part thereof could not be dealt with.

HON. BENSON D. EBANKS: Mr. Chairman ...

MR. CHAIRMAN: I do not honestly think that 51(3) is relevant.

HON. BENSON D. EBANKS: Mr. Chairman, I rather think Sir, that your initial ruling or interpretation of section 51 is the correct ruling. If you go down subsections (2) and (3) of section 51, these substantiate your ruling, because they do not refer to subclauses, they refer to clauses. I think the decision which the Committee could make relates to having more than one clause read, and voting on more than one clause which has happened before. But I have never in my experience seen a clause voted on by subclause, unless there has been a substantive amendment proposed to a subclause.

MR. LINFORD A. PIERSON: Mr. Chairman, my point is that in the absence of the full definition of a clause, it would seem that the subparts of a clause form an integral part of it, so the subsections to the clause would form a part of the clause, and this is why I am asking our legal advisor here if he could just clarify ...

MR. CHAIRMAN: I think what I would soonest do, if this would commend itself to the Committee, rather than try and reach a final conclusion today, is to have an opportunity to reflect on the matter, and perhaps even write to the Overseas Office in the House of Commons to find out whether it ever is the practice to split up clauses when considering a Bill.

As I said earlier, I do not interpret Standing Order 51 paragraph (1) as ruling out the possibility, but I am a little nervous of introducing the practice, and I would rather get considered advice, perhaps from Westminster, before I invited the Committee to reach a conclusion about the matter, I think it would be wiser.

MR. G. HAIG BODDEN: Mr. Chairman, I would like to point out that this clause 6, in it we are inserting three new subsections which are not only new, but are entirely different, and it could well be that a Member would agree with subsection (a) but not subsection (b) or subsection (c) and apart from (a) there are also (b) and (c) which are not related to (a) at all.

MR. CHAIRMAN: But I did make earlier the point that any Member who wished, had the option of moving an amendment in the ordinary way to strike out a particular part of the clause, and that would achieve the precise objective that you are after.

MR. G. HAIG BODDEN: I would just like to say Sir, that I still feel that three days is sufficient for printing the ballots because if the Election were held say on a Friday, the candidate withdrawing would have to give his withdrawal notice on Monday, and it would leave three clear days in which to do the printing, and in this new age, certainly, three days from Monday to Friday should be sufficient time to print a few ballots.

MR. CHAIRMAN: Well, if I may I will on the

one hand give an undertaking to explore the matter for the future as to whether it would be appropriate or unwise to consider clauses subclause by subclause rather than one at a time. But meanwhile I will put the question on clause 6.

MR. W. McKEEVA BUSH: Mr. Chairman, before you do that, I do not know whether it would help or not, but in the debate on the Parliamentary Pensions I mentioned a similar desire, and afterwards you told me that it was not practicable to do it, and so I had to support the whole clause of which I was complaining. Now I do not know whether that sets a precedent or not by you, but I put the information before the House as a reminder to you, which is why I am telling you this.

MR. CHAIRMAN: Well I must confess I am not regarding it as a precedent because I had totally forgotten the incident.

MR. W. McKEEVA BUSH: I thought you would say that Sir.

MR. CHAIRMAN: But at least it does suggest that I have been consistent does it not?

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: May I have a division please.

MR. CHAIRMAN: Of course you may.

DIVISION
NO. 13/87

AYES: 12

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. G. Haig Bodden

MR. CHAIRMAN: I declare the motion carried, and clause 6 stands part of the Bill.

CLAUSE 6 PASSED BY MAJORITY

CLERK: Clause 7. Amendment of section 19.

MR. CHAIRMAN: The question is that clause 7 do stand part of the Bill. Unless any Member wishes to speak I will put that question.

HON. BENSON D. EBANKS: I believe that the Second Elected Member for Bodden Town wants to object to that, Sir!

MR. CHAIRMAN: I think you are putting words into his mouth, I am not sure. I do not think I am going to allow one Member to voice another's objections on his behalf. So I will put the question.

QUESTION PUT: AGREED. CLAUSE 7 PASSED

CLERK: Clause 8. Amendment of section 23.

MR. CHAIRMAN: The question is that clause 8 do stand part of the Bill. Unless any Member wishes to speak I will put that question.

CLERK: Clause 9. Amendment of section 27.

MR. CHAIRMAN: The question is that clause 9 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 PASSED

CLERK: Clause 10. Amendment of section 34.

MR. CHAIRMAN: The question is that clause 10 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 10 PASSED

CLERK: Clause 11. Amendment of section 35.

MR. CHAIRMAN: The question is that clause 11 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 11 PASSED

CLERK: Clause 12. Amendment of section 39.

MR. CHAIRMAN: The question is that clause 12 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 12 PASSED

CLERK: Clause 13. Insertion of new section 40(A).

HON. BENSON O. EBANKS: Mr. Chairman I ...

MR. CHAIRMAN: I think you must ...

HON. BENSON O. EBANKS: I presume that we made the usual provision for typographical errors to be corrected at the table.

MR. CHAIRMAN: Yes we did. The question is that clause 13 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 13 PASSED

CLERK: Clause 14. Amendment of section 47.

MR. CHAIRMAN: The question is that clause 14 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 14 PASSED

CLERK: Clause 15. Amendment of second schedule.

MR. CHAIRMAN: The question is that clause 15 do stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, I think the existing law, in Form #15 had the name George Smith as an example. And I am wondering why the Members are changing George Smith to John Peter Jones.

MR. CHAIRMAN: I think it was the Select Committee that made the change ... (LAUGHTER).

HON. BENSON O. EBANKS: I think it is because Smith is a common name in the Cayman Islands, and Jones is not.

MR. CHAIRMAN: My recollection is that it was mentioned at the time of the last General Election that there was a candidate by the name of George Smith, and that it was unfortunate to

have chosen that name to put it into ...

MR. W. McKEEVA BUSH: That was the Committee's reason, the Select Committee that is.

MR. G HAIG BODDEN: But certainly the names John and Peter, Robinson and Frederick, they are all common names here. If this is the reason, I think we should have found some names that are not so common.

MR. PRESIDENT: As far as I know it was the Select Committee that came to this conclusion.

MR. G. HAIG BODDEN: I am believing, Sir, that it was not because it was a common name, there was some other reason, but I would suggest that they put in names like Offenheimer, or something like that ... (LAUGHTER).

MR. CHAIRMAN: I think I will put the question if I may, that clause 15 do stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY. CLAUSE 15 PASSED

CLERK: Clause 16. Amendment of Third Schedule.

MR. CHAIRMAN: The question is that clause 16 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 16 PASSED

CLERK: A Bill for a Law to amend the Elections Law, 1983, Law 36 of 1983.

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 does not in fact conclude proceedings in Committee, because we have several further Bills to deal with, but I think probably it may be convenient for Members if we suspend proceedings for luncheon now, and resume in Committee after lunch. So I will suspend proceedings until approximately two fifteen.

AT 12:46 P.M. THE COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 2:23 P.M.

MR. CHAIRMAN: Please be seated. Proceedings in Committee are resumed.

The next Bill which was referred to the Committee, was the Merchant Shipping (Registry) Bill. In respect of that Bill I have been given notice of a proposed Committee Stage Amendment, or a series of amendments of which I think all Members have had notice, because they were mentioned during the Second Reading Debate yesterday, and they affect clauses 3, 5, 6 and 7.

THE MERCHANT SHIPPING (REGISTRY) BILL, 1987

COMMITTEE THEREON

CLERK: THE MERCHANT SHIPPING (REGISTRY) BILL, 1987. Clause 1 Short title and date of commencement.

MR. PRESIDENT: The question is that clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: Clause 2. Interpretation.

MR. CHAIRMAN:
do stand part of the Bill.

The question is that clause 2

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK:

Clause 3. Refusal to register.

MR. CHAIRMAN:
do stand part of the Bill, but as I have said, I have been given notice and I think all Members have, two proposed amendments to this clause by the Honourable First Official Member, and I will ask him to move the amendments if he will.

HON. THOMAS C. JEFFERSON:
Mr. Chairman, in accordance with the provision of Standing Order 52(1) and 52(2) I move that the Merchant Shipping (Registry) Bill, 1987 be amended as follows in clause 3.

(a) substituting "Registrar may" for "Governor may direct the Registrar to" in the second line;

(b) by deleting "." at the end thereof and adding "unless he is satisfied that -

(a) every share in the ship is owned by a company formed and registered under the Companies Law or by an existing company as defined in subsection (1) of section 2 of that Law; and

(b) having regard to the safety of the ship and to the safety, health and welfare or otherwise of the persons employed or engaged in any capacity on board the ship, it is not detrimental to the interest of the Islands or of international merchant shipping for the ship to be registered at the port of George Town."

MR. CHAIRMAN:
That amendment having been moved, does any Member wish to speak to the amendment? The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Yes Mr. Chairman.

I oppose this amendment because the qualifications for refusal do not seem to be sufficient; do not in any way give the desired effect as set out in the Memorandum, and as given by the mover as the reasons for amending the Shipping Law. It can only have an adverse affect on our Shipping Registry, and can only have a bad affect on the economy of the Islands, which will result in investors having uncertainty about the safety of their ships on our Registry. And when I say "safety" I am referring to whether the ships can be at any time removed or not put on, because once we start this it will only be a step when we go down to clause 4 before the Governor can direct the removal of a ship. So there will be so much uncertainty that I believe that ship owners will look elsewhere to register their ships, and I totally oppose the amendments.

MR. CHAIRMAN:
earlier indicated he wanted to speak. The Member for North Side

MR. D. EZZARD MILLER:

Yes Sir, just to ask the mover

if there are any existing guidelines which are intended to be used when the Registrar is making a decision as to whether a ship is safe, for the safety, health and welfare and matters like that. Or is he going to be referred through regulations to any of the international convention standards? Is it going to be his own independent determination of whether a ship is safe, and whether the safety and welfare of the crew is examined? Because I can support it if there are some guidelines to be applied. My problem with it is that if the decision is going to be made strictly by the Registrar, without reference to or without having to abide by some of these international accepted norms and guidelines, for instance, having so many life vests for the crew, so many boats etcetera.

HON. THOMAS C. JEFFERSON:

The answer to the Member is yes that he will have the guidelines when he is dealing with the Register, or whether to refuse to register a ship or not. This particular clause is almost identical to the Isle of Man's legislation and as the

Member seems not to believe me, so I have it right here in front of me Mr. Chairman.

In the Isle of Man legislation where it talks about the power to refuse to register a ship, it reads this way:

"(1) Notwithstanding the provisions of Part 1 of the Merchant Shipping Act 1894, an Act of Parliament, relating to the registration of ships, the Board may -

(a) direct the registrar of British ships to refuse to register under that Part any ship in respect of which an application for registration has been received unless the Board is satisfied that every share in the ship is owned -

- (i) by a British citizen resident in the Island; or
- (ii) by a company incorporated under the Companies Act 1931 which is resident in the Island and has its principal place of business in the Island and, having regard to the safety of the ship and of the safety, health and welfare of the seamen employed therein, or otherwise, it is not detrimental to the interests of the Island or international merchant shipping for the ship to be registered in the Island."

So it is our intention, Mr. Chairman that the Registrar of Shipping will use the same guidelines when he is dealing with this section, as they are doing in the Isle of Man. And when, hopefully, the SOLAS Convention is extended to this country, those guidelines will also apply in this respect.

MR. G. HAIG BODDEN: I am wondering Mr. Chairman, if the Member would undertake to bring in an amendment to incorporate these guidelines in our Law, by making them as a schedule to the Law.

HON. THOMAS C. JEFFERSON: Mr. Chairman, this Member always wants somebody to undertake something. But I can say to him that the comment that he made earlier is different from what I have been hearing. I have met with just about every person on this Island who is providing a service to ship owners, and they say that this Bill has no negative affect on the Cayman Islands. That is what they tell me.

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

MR. LINFORD A. PIERSON: Mr. Chairman, as I stated in my debate yesterday, I was concerned with the provisions of the original Bill, and the appearance of the Bill being amended, in what seems to me to be an ad hoc manner. But, Mr. Chairman, having heard the explanation given by the Honourable First Official Member in his winding up of the debate, and his admission of Government's intention to bring about more comprehensive legislation in due course, I am satisfied that this amendment is a necessary stop gap measure, to satisfy the British Government that we have shown good faith in this matter in tightening up the Law, even though as I have said, I still feel that much more is required, but I feel that as the Member said yesterday, he will bring about the necessary legislation in due course.

So, Mr. President, in view of his summing up yesterday and the assurances he has given, I am happy to support the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, I will concede in fairness to the Member that the amendment is an improvement on the outrageous Bill which he had presented to us first, but I am still not satisfied.

HON. THOMAS C. JEFFERSON: We thank him for his approval, Mr. Chairman.

MR. CHAIRMAN: I am sure the Second Elected Member for Bodden Town is thankful for any crumbs that come his way.

So just to remind Members in case anybody has now forgotten, what is being put is that clause 3 of the Bill should be amended in the two ways that are set out in the Notice of Amendment circulated and read out by the Honourable First Official Member. It may be perhaps as well that I should add for the record, that my interpretation of the second part of the amendment, that is being moved, were it says (b) adding " implies that the full stop at the end of clause 3 after the word "received" gets deleted and the words "unless he is satisfied " follow thereafter. I do not think there could be any doubt about that, but that is what I think is intended.

So I will put the question that clause 3 of the Bill be amended as proposed.

QUESTION PUT: AGREED BY MAJORITY, AMENDMENT PASSED

MR. CHAIRMAN: The question now is that clause 3 as amended do stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY, CLAUSE 3 AS AMENDED PASSED

MR. CHAIRMAN: So I declare clause 3 as amended, part of the Bill.

CLERK: Clause 4. Removal from Register.

MR. CHAIRMAN: The question is that clause 4 do stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY, CLAUSE 4 PASSED

CLERK: Clause 5. Description of classes of ships.

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

The notice of Committee Stage Amendments contains a proposal for the deletion of clause 5. My understanding of the practice prescribed in Standing Orders is that we do not seek to amend clause 5, to delete it, but those who are persuaded that it ought to be deleted, simply vote against the clause. In other words, there is no need to move an amendment, and indeed I think it is not permissible under Standing Orders to move an amendment for the deletion of a clause, one votes against it.

MR. G. HAIG BODDEN: Mr. Chairman, I would think clause 5 should remain ... (LAUGHTER) ... because what is really happening is that Executive Council or the Governor in Council is washing their hands of the Bill. They should assume some responsibility for prescribing the classes of ships which are not to be registered, and as I said in my debate they cannot act like Pilate and wash their hands. I would like to see clause 5 remain, so I am going to vote for it to remain.

MR. CHAIRMAN: I am sure we are surprised to learn that.

HON. BENSON O. EBANKS: Mr. Chairman, my view is that clause 5 at the moment would serve no useful purpose. I would expect to see such a clause in the comprehensive legislation, if it is not by the Governor in Council and we have to establish a Shipping Board or whatever, that authority would have that responsibility, and when we know what we can get from the United Kingdom, because I would think that this would have to do with the classification of ships, condition of the ship, and age of the ship and so on. It would serve no useful purpose until we know how many of the international conventions and so on, would be extended to us by the United Kingdom.

MR. CHAIRMAN: If no further Member wishes to speak, I will put the question.

QUESTION PUT: AYES AND NOES

MR. CHAIRMAN: I think the Noes have it. I declare the clause does not stand part of the Bill.

AGREED BY MAJORITY: CLAUSE 5 DELETED

CLERK:
Registry.

Clause 6. Transfer of

MR. CHAIRMAN:

The question is that clause 6 do stand part of the Bill. But there is a notice of a proposed amendment to that clause, and I will therefore invite the Honourable First Official Member to move the amendment of which he has given notice.

HON. THOMAS C. JEFFERSON:

Mr. Chairman, in accordance with the provisions of Standing Order 52 (1) and (2), I move that the Merchant Shipping (Registry) Bill, 1987 be amended by:

(a) Clause 6 be re-numbered as Clause 5; and

(b) by substituting -

"by the Registrar, unless he is satisfied that -

(a) every share in the ship is owned by a company formed and registered under the Companies Law or by an existing company as defined in subsection (1) of section 2 of that Law; and

(b) having regard to the safety of the ship and to the safety, health and welfare or otherwise of the persons employed or engaged in any capacity on board the ship, it is not detrimental to the interests of the Islands or of international merchant shipping for the registration of the ship to be transferred to the port of George Town."

for "except with the approval of the Governor" in the last line.

MR. CHAIRMAN:

The question is that ... (INTERRUPTION) ... Let me just put the question to the ... I am not asking for them to vote, but I am just saying what is to be debated. And the question now under consideration is that clause 6 should be re-numbered and amended as moved by the Honourable First Official Member.

Now, if any Member wishes to speak to the amendment he may do so. The First Elected Member.

HON. BENSON D. EBANKS:

I have been taken a bit by surprise by Standing Order 50(2), because yesterday I quoted Standing Order 52(11), but ...

MR. CHAIRMAN:

I am so sorry, could you say that again. It is Standing Order 50, paragraph 2.

HON. BENSON D. EBANKS:

Standing Order 50 suborder 2. I guess ... not that is just a general provision. It is correct to be done I think under 50....

MR. CHAIRMAN:

I do not honestly think that that affects ...

HON. BENSON D. EBANKS:

No 52(11). I was talking about the title.

MR. CHAIRMAN:

I think perhaps if you want to talk about the title let us wait until we come to the title and enacting clause.

HON. BENSON D. EBANKS:

Yes, but 52 does talk about the title, but I see what it is saying, that you can do it in Committee now, it not the procedure. The procedural part is covered under 52(11). I just happened to be looking at the Standing Orders, and I was, out of an abundance of caution, I wanted to understand where we were really going Sir, but I see it is to be done under 52(11).

MR. CHAIRMAN:

So now we can come back to clause 6, and what is under consideration is the proposed re-numbering

and the amendment to clause 6. Does any Member wish to speak? In that case I will put the question that clause 6 be amended as proposed.

QUESTION PUT: AMENDMENT PASSED BY MAJORITY

CLERK: Clause 7. Repeal.

MR. CHAIRMAN: In respect of clause 7 I have been given notice of a proposed amendment, simply to re-number the clause. I think perhaps it is best for the record that the Honourable First Official Member should formally move that the clause be re-numbered.

HON. THOMAS C. JEFFERSON: In accordance with the provision of Standing Order 52(1) and (2), I move that the Merchant Shipping (Registry) Bill, 1987 be amended by re-numbering clause 7 as clause 6.

MR. CHAIRMAN: Before I move on to the amendment proposed by the Honourable First Official Member, the Clerks think that I forgot to put the question that Clause 6 as amended stand part of the Bill. I certainly put the question that clause 6 be amended, but I may have forgotten, and in case I did forget and because the Clerks think I forgot, perhaps I may go back now and put the question that clause 6 as amended and re-numbered do stand part of the Bill.

QUESTION PUT: AGREED BY MAJORITY. CLAUSE 6 AS AMENDED PASSED

MR. CHAIRMAN: So clause 6 as re-numbered, stands part of the Bill. We move on to clause 7. The Honourable First Official Member has moved that it should be re-numbered. I think perhaps I had better put the things in two parts. First, as to the re-numbering, unless any Member wishes to speak to that, I will put the question that clause 7 be re-numbered.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: And now I will put the question that clause 7, re-numbered, do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 AS AMENDED PASSED

MR. CHAIRMAN: We would normally next turn to the title and enacting clause, but, and I think this is the point the Honourable First Elected Member was making earlier, I think an amendment to the title of the Bill is necessary as a result of amendments to the Bill, and subject to the views of the Honourable Second Official Member, I suggest we should consider re-entitling it.

HON. RICHARD W. GROUND: Mr. Chairman I have thought about a form of an amendment and the insertion of the words "Registrar of Ships and the" before "Governor" in the second line might meet the requirements of the amendments.

MR. CHAIRMAN: Well my understanding of Standing Orders 52 paragraph (1) and 51 paragraph (2) is that in effect we deal with this in the way that we deal with any other clause. That is to say that, we first deal with the proposal to amend the title and then if that proposal is agreed, we put the question that the title is amended, and the enacting clause stand part of the Bill.

So would you like formally to move the amendment? ... Whichever Member.

HON. THOMAS C. JEFFERSON: Mr. Chairman I ask for permission under 52 (1) and (2) to move the amendment to the title of the Bill.

MR. CHAIRMAN: It is 52(2) really, and clearly it would be appropriate to grant leave because there was no way you could reasonably give notice. It was not possible to know until the Committee had decided on the other clauses that the title would have to be changed. So, I grant leave for the amendment to be proposed without notice.

HON. THOMAS C. JEFFERSON:

Mr. Chairman in accordance with Standing Order 52(11), I move the amendment to the title of the Bill, to read as follows:

"A Bill for a Law to confer certain powers on the Registrar of Ships and the Governor in Council in respect of the Registry relating to ships."

MR. CHAIRMAN:

The question is that the title should be amended, in effect by inserting the word "Registrar of Ships and the" before the words "Governor in Council".

Does any Member wish to speak to the amendment? Then I will put the question that the title should be amended as proposed.

The question now then is that the title as amended and the enacting clause do stand part of the Bill.

THE TITLE AND ENACTING CLAUSE WERE DEEMED TO HAVE BEEN PASSED.

MR. LINFORD A. PIERSON:

Mr. Chairman, just as a matter of clarifications in 52(11) it states here that:

"(11) If any amendment to the title of a bill is made necessary by an amendment to that bill, it shall be made at the conclusion of the proceedings detailed above, and no question shall be put "that the title (as amended) stand part of the bill."

So maybe it is not necessary to put the question that that amendment be made.

MR. CHAIRMAN:

Yes, I think you are quite right. I had not taken that point. Yes, by agreeing to the amendment, we must be deemed to have agreed to the title and enacting clause. You are quite right, thank you.

HON. BENSON O. EBANKS:

Well Mr. Chairman, I would just point out that under Standing Order 50, sub-paragraph (2) it has to be reported to the House.

MR. CHAIRMAN:

Yes, yes it would have to be reported to the House.

That deals with the Merchant Shipping Registry Bill, and the next is the Civil Aviation Authority of the Cayman Islands Bill. In respect of this, I have been given notice of a proposed Committee Stage Amendment which affects clause 7 of the Bill, and this was the Bill in respect of which I was speaking when I mentioned that a major portion had been omitted from the printed version. And if Members compare the Bill as printed with the their white copies as circulated originally, they will see that clause 7, subclause (3) which was in the white copy, has not been printed. the green printed copy goes from clause 7(2) to 7(4). I simply draw that to Members' attention so that when we come to deal with clause 7, Members should understand that we are dealing with clause 7 as printed, plus the subclause (3) which was in the white paper, and the Attorney General and the Clerk should be authorized to include that subclause (3), provided the Committee approves it in the Bill, and in the Law.

Now this is quite a long Bill, 29 sections. Subject to the wishes of the Committee, I would propose to ask the Clerk to deal with three or four sections of it at a time. If Members have sections they want to debate, we can obviously go back to the particular sections, and we will have to pause at clause 7 anyway, in order to deal with the amendment.

THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987.

CLERK:

Clause 1. Short title.
Clause 2. Interpretation.
Clause 3. Establishment of

Authority.

MR. CHAIRMAN:

The question is that clauses 1

to 3 stand part of the Bill. Unless any Member wishes to speak, I will put that question, that clauses 1 to 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 1 THROUGH 3 PASSED

CLERK:
Authority.

Clause 4. Functions of

Members.

Clause 5. Remuneration of

Clause 6. Loans by Governor.

MR. CHAIRMAN:

The question is that clauses 4, 5 and 6 do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSES 4 THROUGH 6 PASSED

CLERK:

Clause 7. Financial procedure.

MR. CHAIRMAN:

This is the clause in which as I have said, firstly, I have been given notice of a proposed amendment, and secondly, in which subclause (3) was inadvertently not printed.

HON. W. NORMAN BODDEN:

Mr. Chairman, in accordance with the provisions of Standing Orders 52(1) and (2), I move that the Civil Aviation Authority of the Cayman Islands Bill, 1987 be amended in clause 7 of the Bill, by deleting subclauses (4), (5) and (6) and re-numbering subclauses (7) and (8) as (4) and (5).

MR. CHAIRMAN:

The question is that clause 7 of the Bill should be amended in the manner read out by the Honourable Second Elected Member of Executive Council.

Does any Member wish to speak?

MR. G. HAIG BODDEN:

Mr. Chairman, I hope I understood the Member correctly, is he proposing to delete subclauses (6), (7) and (8)?

MR. CHAIRMAN:

(4), (5) and (6), and (7) and (8) then get re-numbered as (4) and (5).

MR. G. HAIG BODDEN:

Taking out (4), (5) and...

MR. CHAIRMAN:

(6).

MR. G. HAIG BODDEN:

(6).

MR. CHAIRMAN:

wishes to ... I do not know if the Member

MR. G. HAIG BODDEN:

I cannot agree with that Mr. Chairman, because it takes away the little bit of control there is in the Bill. When we come down to 12, I will be dealing with the borrowing powers. But such as the matter of publishing in the Gazette, the amount and particulars of the proposed loan, the rate or rates of interest to be paid, the classes of persons who may subscribe, and so on. Why are we taking out all of this, and why are we doing it at this stage? I do not remember being told the reasons for it. This would substantially change the controls which would be there.

HON. W. NORMAN BODDEN:

Mr. Chairman, the reason for this amendment is because in discussion with the Honourable Second Official Member of Government, it was determined that subclauses (4), (5) and (6) of section 7 actually deal specifically with the matter of the raising of loans and borrowing powers, and it was felt that in section 12, dealing with borrowing powers, that this was sufficiently provided for, and that the subclauses which we seek to remove, were actually a duplication.

HON. RICHARD W. GROUND:

Perhaps, Mr. Chairman, I might elaborate on that. Subclause (4) as it stands is plainly a straightforward duplication of 12. Subclauses (5) and (6) appear to deal with the creation of loan stock and the sale of it to the public

or prescribed classes of the public. If one looks at subclause (6) it is plainly not applicable to the normal ways of raising loans that any commercial enterprise is going to embark upon, and certainly, that a statutory authority is going to embark upon. The gazettement of the classes of persons who may subscribe and so on is not something that is going to arise when this Civil Aviation Authority goes along to a bank or commercial enterprise and asks to borrow money. In other words, (5) and (6) which have been incorporated earlier and really have been borrowed wholesale by the draftsman, from earlier legislation, appear to deal with a very narrow class of loans, which in the modern practice is unlikely to arise. It was therefore recommended that they come out, because clause 12 allows the Governor in Council to impose conditions upon any particular borrowing, other than borrowing from Government, and should it arise, that that particular borrowing is going to be by way of inviting subscriptions from the public to loan stock, then it may well be that the Governor in Council would want to impose conditions as to the publication of prospectuses and rates. But in the absence of that, these provisions were rather archaic and cumbersome and out of place in the present Bill.

MR. CHAIRMAN: Unless any Member wishes to speak further, I will put the question that clause 7 of the Bill should be amended as proposed by the Honourable Second Elected Member of Executive Council.

QUESTION PUT: AGREED BY MAJORITY. AMENDMENT PASSED BY MAJORITY

MR. CHAIRMAN: I will not put the question that clause 7 as amended stand part of the Bill, and remind the committee that clause 7 contains a subclause (3) to which I drew your attention, which is not in the green printed version, but which is in the white version, and so when we are voting on whether clause 7 as amended should stand part of the Bill, we are including the subclause (3) as a part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 AS AMENDED PASSED

CLERK: Clause 8. Secondment of public officers.
Clause 9. Vesting of property.
Clause 10. Liability of members of the Authority.

MR. CHAIRMAN: The question is that clauses 8, 9 and 10 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSES 8 THROUGH 10 PASSED

CLERK: Clause 11. Powers of Governor.
Clause 12. Borrowing powers.
Clause 13. Advances, grant and guarantees.

MR. CHAIRMAN: The question is that clauses 11, 12 and 13 do stand part of the Bill.

MR. G. HAIG BODDEN: Mr. Chairman, there is from this Member here, strong objection to clause 12.

MR. CHAIRMAN: Do you want the clause taken separately?

MR. G. HAIG BODDEN: No, no. It does not matter what I want today, it is only going to be a voice crying in the wilderness. But, the authority to borrow shall be exercisable with the approval of the Governor. I feel this is wrong, it should be exercisable only with the approval of the Finance Committee. The reason for this is that we know all of these statutory bodies eventually come to Government for a guarantee when they are getting large loans, and sometimes the lender insists that there be a Government guarantee. Furthermore, the Executive Council should not be guaranteeing or approving these loans if it involves Government in any commitment. The Legislative Assembly, or the Finance Committee who is charged with the spending of the money will be the body to eventually pay up. So, it is wrong to have this clause structured in

this way, and I would certainly like to see it considered, although I am not crazy enough to make an amendment.

HON. W. NORMAN BODDEN: Mr. Chairman, I take the point. I was going to say that the second portion of subsection (2) of 12 really sets out that "An approval given in any respect for the purposes of this subsection, may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions." It appears to cover the cases where the Authority is borrowing on its own, and I believe clause 13 deals more clearly with the point raised by the Member.

HON. BENSON D. EBANKS: That is correct, Mr. Chairman.

MR. G. HAIG BODDEN: Mr. Chairman, I do not agree with that at all, because I think that clause 13 deals with the Governor making advances to the Authority, it does not really deal with the Authority getting money from another source, an outside source. So ...

MR. CHAIRMAN: 13(2) deals with guarantees if the Member likes to

MR. G. HAIG BODDEN: Yes, that well may be. But certainly if it is the Finance Committee that will ultimately pay, when there is a default on a loan, or if there is a Finance Committee that will be called upon to guarantee the loans, I think they should have the first say in approving substantial loans, because if we were looking at say, money for the construction of a new airport or something like that, we would be talking about millions of dollars, and this approval should be given only by Finance Committee. If we put in a limitation that the Governor in Council may approve loans up to a certain amount, I could go along with that. But the power to borrow unlimited sums should not be in the Authority, solely with the approval of Executive Council.

HON. W. NORMAN BODDEN: Mr. Chairman, this I believe was borrowed directly from the Port Authority Law which seems to work very well, but also if the Member who is raising the point regarding the approval by the Governor in Council may allow me, any authority to borrow, which would be approved by the Governor in Council could be, and would normally be conditional on final approval by Finance Committee in any case.

MR. G. HAIG BODDEN: Mr. Chairman, if we look at 13(3) we will see that when there is a default in the repayment, the Finance Committee of the Legislative Assembly is going to be called upon to make the default good. So, I do not feel that the Executive Council should commit the Government, and then we turn to the Finance Committee to bail them out ...

HON. BENSON D. EBANKS: Well Mr. Chairman ...

MR. G. HAIG BODDEN: So the section is wrong, and I think we should put a limit on the amount of money that can be borrowed with the approval of Executive Council.

HON. BENSON D. EBANKS: Mr. Chairman, section 13(3) to which the Member is referring, refers to moneys guaranteed under the provisions of sections 13 subsection (2), which means that it has to be with the approval of the Legislative Assembly, before the guarantee is issued. Clause 12 deals with minimum borrowings where the lender does not require a Government guarantee for, and which I am sure the Executive Council would consider to be within the ability of the Authority to repay. Section 13 is very clear. Where Government is going to guarantee money, it has to be done with the approval of the Assembly, and the repayment after default naturally has to be done by the Legislative Assembly, and that is only in respect of the moneys guaranteed by the Assembly, it does not cover general borrowings not covered by guarantee.

MR. G. HAIG BODDEN: No, Mr. Chairman, I cannot agree with that. 12 is not limited to small borrowings, it says "... may borrow sums required by them for meeting any of their obligations, or discharging any of their functions". There is no limitation at all on the borrowings under 12, as to amount. So, 13 does specifically

mention loans approved by the Legislative Assembly. But if Executive Council approves a loan under 12(1) and there is a default, who pays it, Executive Council out of their pockets?

HON. BENSON O. EBANKS: But, Mr. Chairman, Executive Council would not approve them borrowing substantial amounts which would materially affect the finances of Government, if it was called on to repay. That certainly means that if they wanted to borrow \$10,000 or \$15,000 we would not have to call a Finance Committee meeting to authorize it. But 13 deals with more substantial sums, such as the building of an airport, where the Government would have to guarantee it, then we have to come to the Legislative Assembly for their approval, and 13(3) refers to the instances where there is a default in that money which has been guaranteed by the Legislative Assembly. We must again come back, that is very clear Mr. Chairman.

MR. G. HAIG BODDEN: But, Mr. Chairman, the Member cannot speak for Executive Council. He may not be here after 1988, in fact, he may be so frustrated he may even leave before that, but he cannot speak for what Executive Council will do, because even with his presence, they may override him, there are six Members against just he alone. So he cannot speak for them, and Executive Council, and I am not saying the present one will do it since this is such a good one that we have, they may not do it, but he cannot speak for a new Executive Council, and I would like to see a limitation put on the borrowings which could be approved by the Executive Council, we should not leave it wide open.

MR. CHAIRMAN: Well, I am afraid in the absence of any proposed amendment, I can only put the question that clauses 11, 12 and 13 do stand part of the Bill.

QUESTION PUT: CLAUSES 11 THROUGH 13. AYES AND NOES

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

MR. CHAIRMAN: Of course.

DIVISION
NO. 14/87

AYES: 12

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. Lemuel J. Hurlston
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Mr. D. Ezzard Miller
- Mr. John B. McLean

NOES: 1

- Mr. G. Haig Bodden

MR. CHAIRMAN: I declare the motion carried, clauses 11, 12 and 13 do stand part of the Bill. I will now suspend proceedings for ten minutes or a quarter of an hour, it is about the time when we normally do.

CLAUSES 11 THROUGH 13 PASSED BY MAJORITY

AT 3:16 P.M. THE COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 3:38 P.M.

MR. CHAIRMAN: Please be seated.
Proceedings are resumed. The Committee was considering the Civil Aviation Authority Bill, and had got as far as clause 14.

CLERK: Clause 14. Repayment of advances, etcetera.

revenue account.

Clause 15. Reserve fund.

Clause 16. Balancing of

Clause 17. Accounts and audit.

MR. CHAIRMAN:

The question is that clauses 14, 15, 16 and 17 do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSES 14 THROUGH 17 PASSED

CLERK:

accounts to be laid on table.

with Law.

bailee.

Clause 18. Reports and

Clause 19. Aircraft to comply

Clause 20. Lien on aircraft.

Clause 21. Authority not a

MR. CHAIRMAN:

The question is that clauses 18, 19, 20 and 21 do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSES 18 THROUGH 21 PASSED

CLERK:

venue.

Clause 22. Arrest of aircraft.

Clause 23. Arrest of persons.

Clause 24. Presumption of

Clause 25. Suspected persons.

MR. G. HAIG BODDEN:

Mr. Chairman, clause 24 dealing with the presumption of venue is a bad clause, it should not be in this Bill. I spoke against it, it changes the system of justice we have been used to. Instead of the prosecution having to prove that a person was at the airport, and committed an offence, this clause would change it around so that the person would be deemed to be at the airport and would actually have no defence at all. He would have to show that he was not there, and this could not be a defence, it is totally against the system. I know this present Government has used it on one or two occasions before, but it is wrong. I feel strongly against it, and we should not have this type of clause in our Law.

HON. RICHARD W. GROUND:

Mr. Chairman, if I might just speak on this because it deals with a matter very much within my province. The effect of this clause is not to deem that a person who is alleged to have committed an offence was at the scene of the offence, it is to deem that where the prosecution have proved (a) that an offence has been committed and (b) that the person accused was at the scene. If the prosecution proved those two things, then it is deemed that the scene was an airport within the meaning of these regulations. In other words, it saves the prosecution having to call in every single parking violation, a surveyor or somebody similar to prove that the car or the violation happened within the designated boundaries of an airport. But what it does not do, and is not intended to do, and in my submission cannot be construed as doing, is to relieve the Crown of the burden of proving that the accused person was at the scene of the crime.

MR. G. HAIG BODDEN:

Yes, Mr. Chairman I understand that perfectly, I understand that this does not prove the crime, it is only one of the ingredients necessary for the proof, and I am saying that the prosecution does not have to supply this ingredient, and does not have to prove beyond a reasonable doubt that the person was actually at the airport. Once they prove that a crime was committed, this would follow, and it is wrong, I feel the prosecution should have to prove its case, it should have to prove that the person was at the airport, not only that the person committed an offence.

MR. CHAIRMAN:

My understanding of what the Honourable Second Official Member has just said, was that the prosecution would have to prove that the accused was at the airport, but that they would not have to prove that, let us say, the parking lot at the airport formed part of the scheduled airport, is that not it?

HON. RICHARD W. GROUND:

Mr. Chairman, yes, the prosecution would still have to prove that an offence took place, and the person accused was where the offence was said to have taken place. So for instance, if the accused seeks to set up an alibi saying "I was not there" it remains for the Crown to prove that he was where the offence took place. All this deals with, is whether the offence with the person accused, were within the technical boundaries of the airport, or not. I hope that makes it clear.

MR. G. HAIG BODDEN:

Mr. Chairman, I do not think it is that simple, because this Law vests certain specific parcels of land in the Civil Aviation Authority. The Law designates, I hope, certain areas, it defines what an airport is and if we need, more regulations can be more specific. But the point is, that all we are doing by this clause is making it simple to get a conviction, and this is contrary to the principles of English justice, and I am against it.

MR. CHAIRMAN:

Does any ... yes. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

It is just a simple matter, Mr. Chairman. On the second line of clause 22 I know that the errors will be corrected, but just to bring this to the attention of Members it should be "over which it has a lien", I think.

MR. CHAIRMAN:

Yes, it should.
Does any other Member wish to speak? In that case the question was that clauses 22, 23, 24 and 25 do stand part of the Bill. I will put that question.

QUESTION PUT: CLAUSES 22 THROUGH 25. AYES AND NOES

MR. G. HAIG BODDEN:

May I have a division please?

MR. CHAIRMAN:

Certainly.

DIVISION
NO. 15/87

AYES: 11

NOES: 1

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles Kirkconnell
- Hon. Vassel G. Johnson
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Mr. D. Ezzard Miller
- Mr. John B. McLean

Mr. G. Haig Bodden

MR. CHAIRMAN:

I declare the motion carried. Clauses 22 to 25 do stand part of the Bill.

CLAUSES 22 THROUGH 25 PASSED BY MAJORITY

CLERK:

- Clause 26. Penalty.
- Clause 27. Regulations.
- Clause 28. Transitional.
- Clause 29. Repeals.

MR. CHAIRMAN:

The question is that clauses 26, 27, 28 and 29 do stand part of the Bill.

MR. G. HAIG BODDEN:

Mr. Chairman, I have a strong objection to clause 27(g), which gives the power to Executive Council to set penalties in the regulations, which may not exceed \$5,000 nor exceed two years imprisonment. I think it is wrong to give this power to Executive Council without limiting the type of offences, without having different categories of offences. Because they may put in these abnormally high penalties for very frivolous misdemeanors, as they have done in the Conservation Law and the regulations under it, and as they have also done in the Airport regulations. We see the result of it now in the Courts where little boys, for having one conch

over the total, are paying fines of \$1,500 and having their boats confiscated. It is all because the Executive Council, in my opinion, abused the authority given to them to make regulations, because while the Law says that the fine shall not exceed \$5,000, it does not mean that you must put in a \$5,000 maximum fine for every offence. I am very perturbed at what is happening, because the power to tax and the power to impose fines and the power to send people to prison are so great in these regulations. We have a Law where Government under the Customs Law can impose taxes, I feel disturbed that this enters into every Bill, and I will certainly cast my voice in the wilderness against clause 27(g).

HON. W. NORMAN BODDEN: Mr. Chairman, this is identical to what is already provided for in the Airport Regulations Law, which has been in place for several years now, and it is my understanding, and I think the corporation has demonstrated its intention of only applying those smaller fines for traffic violations and so forth, and to reserve this high penalty for offences which would be equivalent and would warrant such a high fine, which was explained in the presentation of the Bill regarding theft of aircraft, or hijackings and things of that nature. I think that a penalty sufficiently high enough is needed to discourage this type of violation which could be committed.

MR. CHAIRMAN: Does any other Member wish to speak? In that case I will put the question that clauses 26, 27, 28 and 29 do stand part of the Bill.

QUESTION PUT: CLAUSES 26 THROUGH 29. AYES AND NOES

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

MR. CHAIRMAN: Certainly.

DIVISION
NO. 16/87

AYES: 12

NOES: 1

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson D. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeever Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Mr. D. Ezzard Miller
- Mr. John B. McLean

Mr. G. Haig Bodden

MR. CHAIRMAN: I declare the motion carried. Sections 26, 27, 28 and 29 do stand part of the Bill.

CLAUSES 26 THROUGH 29 PASSED BY MAJORITY

CLERK: The Schedule.

MR. CHAIRMAN: The question is that the Schedule do stand part of the Bill.

QUESTION PUT: AGREED. SCHEDULE PASSED

CLERK: A Bill for a Law to establish the Civil Aviation Authority of the Cayman Islands and for the regulation of aviation matters, and for all purposes connected therewith and incidental thereto.

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 next Bill set down for the

Committee to deal with is the Travel Tax (Amendment) Bill. And in respect of this Bill I have been given notice of amendments which the Honourable First Official Member intends to propose to clause 1, clause 3, clause 4 and clause 5, and I think all Members have a copy of the Notice.

THE TRAVEL TAX (AMENDMENT) BILL, 1987

COMMITTEE THEREON

CLERK: Clause 1. Short title and commencement.

MR. CHAIRMAN: This is one of the clauses in respect of which I was given a notice of amendment, and I will therefore invite the Honourable First Official Member to move the amendment of which he gave notice.

HON. THOMAS C. JEFFERSON: Mr. Chairman, in accordance with the provision of Standing Order 52(1) and (2) I move the following Committee Stage Amendment to the Travel Tax (Amendment) Bill, 1987:

"Clause 1 be amended by:

(a) inserting 'sections 1, 2, 4 and 5' immediately after 'and' in the second line;

and

(b) adding ', and section 3 shall come into operation on the 1st day of January, 1988'."

MR. CHAIRMAN: The question is that clause 1 of the Bill be amended as now proposed by the Honourable First Official Member. Does any Member wish to speak to the amendment? In that case I will put the question that clause 1 be amended as proposed.

QUESTION PUT: AGREED. AMENDMENT PASSED

MR. CHAIRMAN: Now I will put the question that clause 1 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 AS AMENDED PASSED

CLERK: Clause 2. Amendment of section 2.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill. No Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: Clause 3. Amendment of section 4.

MR. CHAIRMAN: The Honourable Member did give notice of a proposed new clause 3, but in accordance with the provisions of Standing Order 52(8), consideration of the proposed new clause gets postponed until we have dealt with all the clauses as printed in the Bill, and then we come back to the new clause.

The Honourable First Official Member also gave notice that the present clause 3 should be amended both by re-numbering it and by amending it. The re-numbering we take later, after we have considered whether to add the new clause which is going to be proposed, but the amendment to it we should take at this stage I think. So I will invite him to move the amendment.

HON. THOMAS C. JEFFERSON: Mr. Chairman, in accordance with Standing Order 52(1) and (2) I move the following Committee Stage Amendment to the Travel Tax (Amendment) Bill, 1987:

"Clause 3 be amended by inserting the word 'further' immediately after the word 'is' as it appears in the first line."

MR. CHAIRMAN: The question is that clause 3 of the Bill should be amended by inserting the word 'further' immediately after the word 'is' in the first line of the clause. Unless any Member wishes to speak to the amendment, I will put the question that that clause be amended as proposed.

QUESTION PUT: AGREED. AMENDMENT PASSED

MR. CHAIRMAN: I now put the further question that clause 3 as amended do stand part of the Bill. No Member wishes to speak, I will put that question. I declare that clause 3, as amended, stands part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 AS AMENDED PASSED

CLERK: Clause 4. Amendment of section 5.

MR. CHAIRMAN: The only amendment in respect of which I was given notice with regard to clause 4, affected its numbering and to that we shall return later as I explained, in the case of clause 3.

So the question is that clause 4 do stand part of the Bill. Unless any Member wishes to speak to that, I will put that question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED

MR. CHAIRMAN: Now my understanding is that it is at this stage in accordance with the provisions of paragraph 8 of Standing Order 52, that we take the proposed new clause, and I would invite the Honourable First Official Member to move its insertion, and simultaneously to move that the clauses 3 and 4 which we have already approved should be re-numbered 4 and 5.

HON. THOMAS C. JEFFERSON: Mr. Chairman, I move in accordance with the provision of Standing Order 52(1) and (2) the following amendment to the Travel Tax (Amendment) Bill, 1987, by inserting the following new clause as clause 3:

"Amendment of s.4 3. Section 4 of the principal Law is amended by the deletion of the words '\$3.20 in the case of (b) above' and the substitution therefor of the words '\$5.00 in the case of (b) above.'"

AND THAT

Clauses 3 and 4 be re-numbered as clauses 4 and 5."

MR. CHAIRMAN: The question is that a new clause 3 should be inserted in the Bill, the wording of which was read out by the Honourable First Official Member, and has been circulated, and that the subsequent clauses be re-numbered accordingly.

MR. G. HAIG BODDEN: Mr. Chairman, I spoke against this increase in taxation again. This increase is a very substantial one, it is much in excess of a 50 percent increase, and comes at a time when many people are complaining about the high cost to the tourist in these Islands. And when the Government boasts of the surplus they had, and the reserves they put aside, and in the Budget Session they claimed that there was no need to put in new taxes, I cannot see why they are bringing this now, although I understand it will come into effect if it is passed, on 1st January 1988. So I am strongly opposed to it, and hope the Member will withdraw his amendment to increase the taxes.

MR. CHAIRMAN: The Honourable First Elected Member of Executive Council.

HON. BENSON D. EBANKS: Mr. Chairman, I know that the Second Elected Member for Bodden Town hates the word "conservation". But I think as I explained to him in the debate on the Bill, this charge is really not a tax, and it certainly does not affect anybody in the Cayman Islands. It is a charge to recoup the expenditure which

will be made on establishing permanent buoys for ships to moor on to, or to be tied to, rather than for them to drop their anchors indiscriminately and further destroying the reef in the harbour and at Spotts. And hopefully too Mr. President, in West Bay, although we have good white holes for them to anchor in in West Bay.

It was also explained that although the landing jetty at the moment is somewhat under the control of the Port Authority, this is one area of revenue, that is the landing tax on tourists, which goes directly into the Treasury, rather than into the revenue of the Port Authority. And it seemed proper that since Government was going to pay for the buoys, even though the Port Authority will manage the tying and untying to the buoys, that the revenue should go direct to Government, since Government was bearing the expense of installing the buoys. I do not think that the Member should use this as an opportunity to try to indicate that the government is increasing taxes.

The Honourable Member moving this Bill pointed out, Mr. Chairman, that for example, in Bermuda they charge \$20.00 per head per passenger as a landing tax. I am not sure, but I would not be surprised that if in addition to that, the ship is charged a berthing fee. Certainly, this is the case in the Bahamas where I understand the landing tax is somewhat higher than our own, and they have recovered the cost of building their dock, by charging the cruise ships a berthing fee which is customary, basically in any port. And in fact the Port Authority here charges freighters or any boat that comes alongside, a berthing fee. So if we are basically substituting a permanent mooring or buoy for a berth, and I understand that under the Port Authority once the ship is affixed to a permanent buoy, it is in fact considered to be berthed in the terminology of the Port Authority. Therefore it is not unreasonable that a very small charge of \$1.80 be added to each passenger instead of the berthing fee.

In many instances Mr. Chairman, I am sure, and we have already had indications that the shipping companies will welcome this. And in many instances it will save them money, because when the weather is a bit unpleasant, as at the moment, their own anchor is not sufficiently reliable for them to lay at anchor and they have to do what is known as "keep up". In other words they have to keep their engines running. So when we provide these permanent moorings, it will also relieve them of that added expense. I am not sure that the shipping company will even add this to the cost of a cruise. But if they did, certainly Mr. Chairman, it is not even the equivalent cost of one beer. So it is not a burdensome thing, and I would like to stress that it does not cost anyone in Cayman anything.

Thank you.

MR. G. HAIG BODDEN:

Mr. Chairman, I must restate that I consider this a substantial increase, it is a 56.25 per cent increase on the existing tax, and does bring it up to \$5.00, which is high. It may be true that Bermuda or some other country may charge more, or less, but we should not be concerned with that. The Member who has just spoken said that the funds are needed for helping with the establishment of the mooring buoys, and that may be so. He seems to regret the fact that we do not have a dock for the ships to berth alongside, so that we may charge them a berthing fee. It seems to me that what the Member should be doing is giving full support to the Honourable Fourth Elected Member of Executive Council in his quest for a new port, because this is pennyanti stuff, and if he really wants to increase the revenue he should look at the wider picture, and give support to the Honourable Fourth Elected Member of Executive Council. I am certain he would appreciate it, because he has a big job now to sell his port to the public after one Member of Government came out against it.

This is a large increase, and I oppose it.

HON. BENSON O. EBANKS:

Mr. Chairman, I do not wish to prolong the argument, but may be the Member has a different understanding of the proposals for the North Sound than I have. But I did not understand that that was a proposal from which Government would get the landing fee, or berthing fee. I thought it was being proposed to be done by a private company, and not to be owned by Government.

MR. G. HAIG BODDEN:

No wonder the Member was so

confused when he spoke against it, because he does not have any concept of what ...

MR. CHAIRMAN: I expect that both the two Members are so anxious to have the last word that we shall not complete the debate on this particular clause, if I do not intervene at some stage, and I hope we are not going to be led too far up the North Sound.

My inclination is to put the question now. The question if you remember was, that a new clause 3 be inserted and that the subsequent clauses be renumbered accordingly.

QUESTION PUT: AYES AND NOES

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

MR. CHAIRMAN: Yes, of course.

DIVISION
NO. 17/87

AYES: 12

NOES: 1

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson D. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeever Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Mr. D. Ezzard Miller
- Mr. John B. McLean

Mr. G. Haig Bodden

MR. CHAIRMAN: I declare the motion carried, and the new clause stands part of the Bill, and the subsequent clauses are re-numbered.

NEW CLAUSE 3 AND SUBSEQUENT CLAUSES RE-NUMBERED PASSED

CLERK: A Bill for a Law to amend the Travel Tax Law, 1976. Law 11 of 1976.

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill. I will put that question.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: The last Bill referred to the Committee was the Bill for a Law to establish the Community College of the Cayman Islands. As there are 20 clauses to that Bill, I would propose to invite the Clerk to read them, several at a time. But in two cases, I have been given notice of proposed Committee Stage Amendments, and I think the notice has been circulated to all Members. The clauses affected are clauses 2 and 8, and so we will have to pause when we come to them.

THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS
BILL, 1987

COMMITTEE THEREON

CLERK: THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

- Clause 1. Short title.
- Clause 2. Interpretation

MR. CHAIRMAN: The question is that clauses 1 and 2 do stand part of the Bill. But before inviting any debate on that question, since notice has been given by the Honourable First Elected Member of Executive Council of a proposal to amend clause 2, I

will invite him to move that amendment.

HON. BENSON O. EBANKS:

In accordance with Standing Order 52(1) and (2), I beg to move that the Bill entitled the Community College of the Cayman Islands Bill, 1987 be amended in clause 2 by inserting immediately after the word "Governor" the following words "except in subsection (1) of section 8", so that "Governor" would now read "Governor except in subsection 1 of section 8 means the Governor in Council".

MR. CHAIRMAN:

So first I will put the question that clause 2 be amended as proposed. Unless any Member wishes to speak to that, I will put that question.

QUESTION PUT: AGREED. AMENDMENT PASSED

MR. CHAIRMAN:

I will now put the question that clauses 1 and clause 2 as amended, do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 1 AND CLAUSE 2 AS AMENDED PASSED

CLERK:

College.

College.

members.

Clause 3. Establishment of

Clause 4. Functions of

Clause 5. Remuneration of

MR. CHAIRMAN:

The question is that clauses 3, 4 and 5 do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSES 3 THROUGH 5 PASSED

CLERK:

Government.

and expenditure.

officers.

Clause 6. Setting up loan by

Clause 7. Balancing revenue

Clause 8. Secondment of public

MR. CHAIRMAN:

The question is that clauses 6, 7 and 8 do stand part of the Bill. But as I mentioned earlier, I have been given notice of a proposed amendment to clause 8, and therefore before putting the question, I will invite the Honourable First Elected Member of Executive Council to move the amendment to clause 8.

HON. BENSON O. EBANKS:

Thank you, Mr. Chairman.

In accordance with Standing Order 52(1) and (2), I beg to move that clause 8 be amended by deleting the words "the exercise of his own deliberate judgment" after the word "in" in the first and second lines and substituting therefor the words "his discretion" so that clause 8 would now read "the Governor in his discretion and subject to such conditions as he may impose may approve the secondment of any public officer for service with the college."

MR. CHAIRMAN:

The question is that clause 8(1) should be amended in the manner proposed by the Honourable First Elected Member of Executive Council. Unless any Member wishes to speak to the amendment, I will put the question that that clause be amended as proposed.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN:

I will now put the question that clauses 6, 7 and 8 as amended, do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 6 AND 7 AND CLAUSE 8 AS AMENDED PASSED

CLERK:

members.

guarantees.

bookkeeping and reporting.

Clause 9. Liability of

Clause 10. Loans, grants and

Clause 11. Accounts,

Clause 12. Reserve fund.

MR. CHAIRMAN:

The question is that clauses 9, 10, 11 and 12 do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSES 9 THROUGH 12 PASSED

CLERK:

Clause 13. Powers of Board.
Clause 14. Annual report.
Clause 15. General directions.
Clause 16. The Principal.

MR. CHAIRMAN:

The question is that clauses 13, 14, 15 and 16 do stand part of the Bill.

I had one minor question myself, this related to clause 15. The last word in the first line of that clause was "such" and that word was in the white printed version, but I had a little note made on my copy of the white printed version that it was going to be omitted in the printed version, and it does seem to me to be superfluous. I am not sure whether it is intended to stay or not?

HON. BENSON O. EBANKS:

I think it could be treated as a printing error, Sir. I think it was spotted that the word "such" was superfluous.

MR. CHAIRMAN:

I think it is superfluous. It is not a normal printing error which is why I draw it to the Committee's attention, but I do not think it makes any sense. In that case, perhaps unless any Member dissents, and the Committee would agree, we could ask the Honourable Second Official Member to treat it as a printing error. And I will put the question that clauses 13, 14, 15 and 16 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 13 THROUGH 16 PASSED

CLERK:

Principal.
property.

etcetera Committee.

Clause 17. The Deputy
Clause 18. Vesting of
Clause 19. Administrative
Clause 20. Regulations.

MR. CHAIRMAN:

The question is that clauses 17, 18, 19 and 20 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSES 17 THROUGH 20 PASSED

CLERK:

The Schedule.

MR. CHAIRMAN:

The question is that the schedule do stand part of the Bill.

QUESTION PUT: AGREED. THE SCHEDULE PASSED

CLERK:

A Bill for a Law to establish the Community College of the Cayman Islands and for all purposes connected therewith and incidental thereto.

MR. CHAIRMAN:

The question is that the title and enacting clause do stand part of the Bill. If no Member has any wish to speak, I will put that question.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN:

That concludes proceedings in Committee. The House will now resume.

HOUSE RESUMED
(4:25 P.M.)

MR. PRESIDENT:

Interpretation (Amendment) Bill.

Please be seated.
Reports on Bills. The

REPORT ON BILLS

THE INTERPRETATION (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: I have to report that a Bill shortly entitled the Interpretation (Amendment) Law, 1987 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 ELECTIONS (AMENDMENT) BILL, 1987

HON. J. LEMUEL HURLSTON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Elections Law, 1983 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 MERCHANT SHIPPING (REGISTRY) BILL, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to confer certain powers on the Governor in Council in respect of the Registry relating to ships, was considered by a Committee of the whole House and passed with four amendments, including the title being changed to now read - A Bill for a Law to confer certain powers on the Registrar of Ships and the Governor in Council, in respect of the Registry relating to ships.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987

HON. W. NORMAN BODDEN: Mr. President, I have to report that a Bill shortly entitled the Civil Aviation Authority of the Cayman Islands Bill, 1987 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 TRAVEL TAX (AMENDMENT) BILL, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Travel Tax Law, 1976, Law 11 of 1976 was considered by a Committee of the whole House and passed with four amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

HON. BENSON D. EBANKS: Mr. President, I have to report that a Bill shortly entitled the Community College of the Cayman Islands Law, 1987 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.

According to my watch we have just under sixty seconds to go before the moment of interruption. Subject to the wishes of the House, I would think perhaps it is sensible to move the amendment and to leave the Third Readings until tomorrow.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until ten o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. tomorrow morning.

QUESTION PUT: AGREED. AT 4:40 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 25TH FEBRUARY, 1987

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY
WEDNESDAY
25TH FEBRUARY, 1987
(THIRTEENTH DAY)

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

* Absent

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY, 25TH FEBRUARY, 1987

(THIRTEENTH DAY)

1. PRAYERS

TO BE READ BY THE ELECTED MEMBER FOR EAST END

2. GOVERNMENT BUSINESS

(1) BILLS:-

THIRD READINGS

- (1) THE INTERPRETATION (AMENDMENT) BILL, 1987
- (2) THE ELECTIONS (AMENDMENT) BILL, 1987
- (3) THE MERCHANT SHIPPING (REGISTRY) BILL, 1987
- (4) THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987
- (5) THE TRAVEL TAX (AMENDMENT) BILL, 1987
- (6) THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

(2) MOTIONS:-

GOVERNMENT MOTION NO. 1/87
CINEMATOGRAPHIC AUTHORITY

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

COMMENCEMENT OF DEBATE

ON

AMENDED PRIVATE MEMBER'S MOTION NO. 5/87

A MOTION REQUESTING THIS HONOURABLE LEGISLATIVE ASSEMBLY TO PETITION HER MOST GRACIOUS MAJESTY TO CHANGE THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972 WITH RESPECT TO QUALIFICATIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY AND ELECTORS.

(THE HONOURABLE MOVER, THE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL, TO SPEAK THERETO)

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WEDNESDAY

25TH FEBRUARY, 1987

10:06 A.M.

MR. PRESIDENT:

Prayers.
The Elected Member for East

End.

PRAYERS

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 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 pray together.

Our Father, who 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.

ANNOUNCEMENTS BY THE PRESIDENT

MR. PRESIDENT:

Please be seated.

Before embarking on Government Business, there is just one brief announcement I would like to make to the House, if I might, and that is that I have a commitment at midday today, and shall need to slip away quietly just before twelve o'clock. I have asked the Honourable First Official Member if he will preside for the final three quarters of an hour or so before lunch. I hope to be back by two fifteen, or a moment after.

Bills. Third Readings.

GOVERNMENT BUSINESS

BILLS

THE INTERPRETATION (AMENDMENT) BILL, 1987

THIRD READING

CLERK: THE INTERPRETATION (AMENDMENT) BILL, 1987.

HON. RICHARD W. GROUND:

Mr. President, I move that a Bill shortly entitled the Interpretation (Amendment) Law, 1987 be given a Third Reading and passed.

MR. PRESIDENT:

The question is that a Bill shortly entitled the Interpretation (Amendment) Law, 1987 be given a

Third Reading and passed. I will put the question.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:
President?

May I have a division, Mr.

MR. PRESIDENT:

Certainly.

DIVISION
NO. 18/87

AYES: 12

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. G. Haig Bodden

MR. PRESIDENT:
carried.

I declare the motion

AGREED BY MAJORITY: THE INTERPRETATION (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT:

The Second Bill.

THE ELECTIONS (AMENDMENT) BILL, 1987

THIRD READING

CLERK: THE ELECTIONS (AMENDMENT) BILL, 1987.

HON. J. LEMUEL HURLSTON:

Mr. President, I move that a Bill shortly entitled the Elections (Amendment) Law, 1987 be given a Third Reading and passed.

MR. PRESIDENT:

The question is that a Bill shortly entitled the Elections (Amendment) Law, 1987 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:
a division?

Mr. President, may I have

MR. PRESIDENT:

Of course.

DIVISION
NO. 19/87

AYES: 12

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. G. Haig Bodden

MR. PRESIDENT:

I declare the motion carried.

The third Bill.

AGREED BY MAJORITY: THE ELECTIONS (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED.

THE MERCHANT SHIPPING (REGISTRY) BILL, 1987

THIRD READING

CLERK: THE MERCHANT SHIPPING (REGISTRY) BILL, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Merchant Shipping (Registry) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Merchant Shipping (Registry) Law, 1987 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Certainly.

DIVISION
NO. 20/87

AYES: 12

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. G. Haig Bodden

AGREED BY MAJORITY: THE MERCHANT SHIPPING (REGISTRY) BILL, 1987 GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: Item four.

THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS, BILL, 1987.

THIRD READING

CLERK: THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS, BILL, 1987.

HON. W. NORMAN BODDEN: Mr. President, I move that a Bill entitled the Civil Aviation Authority of the Cayman Islands, Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Civil Aviation Authority of the Cayman Islands, Law, 1987 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. W. MCKEEVA BUSH: Mr. President, can I have a division?

MR. PRESIDENT: Certainly?

DIVISION
NO. 21/87

AYES: 12

NOES: 1

Hon. Thomas C. Jefferson
Mr. Richard W. Ground
Mr. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. G. Haig Bodden

MR. PRESIDENT:
Item five.

I declare the motion carried.

AGREED BY MAJORITY: THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS BILL, 1987 GIVEN A THIRD READING AND PASSED

THE TRAVEL TAX (AMENDMENT) BILL, 1987

THIRD READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1987.

HON. THOMAS C. JEFFERSON:
Bill shortly entitled the Travel Tax Amendment Bill, 1987 be given a Third Reading and passed.

Mr. President, I move that a

MR. PRESIDENT:

shortly entitled The Travel Tax (Amendment) Law, 1987 be given a Third Reading and passed.

The question is that a Bill

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:
division please?

Mr. President, may I have a

MR. PRESIDENT

Of course.

DIVISION
NO. 22/87

AYES: 11

NOES: 2

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. G. Haig Bodden
Mr. John B. McLean

MR. PRESIDENT:

I declare the motion carried.

AGREED BY MAJORITY: THE TRAVEL TAX (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED.

THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987

THIRD READING

CLERK: THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987.

HON. BENSON O. EBANKS: Mr. President, I beg to move that a Bill shortly entitled the Community College of the Cayman Islands, Law, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Community College of the Cayman Islands Law, 1987 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS BILL, 1987 GIVEN A THIRD READING AND PASSED

MR. PRESIDENT: That concludes the Bills. The second matter down under Government Business is Motions. Government Motion No.1/87.

MOTIONS

GOVERNMENT MOTION NO. 1/87

CINEMATOGRAPHIC AUTHORITY

HON. J. LEMUEL HURLSTON: Mr. President, in accordance with the provision of sub-order 5 of Standing Order 24, I beg to move Government Motion No.1/87 entitled Cinematographic Authority. The Motion reads:

"WHEREAS under section 2 of the Cinematographic Law, Cap 18, provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly and one member nominated annually by the Governor to carry out the stipulation of the above cited Law and Rules made thereunder:

BE IT RESOLVED THAT the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 28th day of February, 1987:

Mr. Linford A. Pierson, JP, MLA
Mr. D. Ezzard Miller, MLA
Mr. W. McKeeva Bush, MLA."

MR. PRESIDENT: The Motion before the House is Government Motion No.1/87, the wording of which has just been read out by the mover. I will not read it again, but it is now open for debate. Does any Member wish to speak? The Member for North Side.

QUESTION PUT: DEBATE ENSUED

MR. D. EZZARD MILLER: Only to say Mr. President, that I would be prepared to serve on the Cinematographic Authority with the condition that I expressed to the Member, and that is, that we would diligently look at redrafting and updating the antiquated Law, as it is very difficult to operate the present Law, as a member of the Board. If we are not going to have that undertaking, I am not willing to be a member.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to reply? In that case I will put the question.

QUESTION PUT: AYES

MR. D. EZZARD MILLER: Can I have a division, Sir?

MR. PRESIDENT:

Yes, of course.

DIVISION
NO. 23/87

AYES: 10

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. John B. McLean

ABSTENTIONS: 3

Mr. W. McKeeva Bush
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

AGREED BY MAJORITY: GOVERNMENT MOTION NO. 1/87 PASSED

MR. PRESIDENT:

I declare the motion carried.

The remaining business on today's Order Paper is the commencement of the debate on amended Private Member's Motion No. 5/87. It may help if I remind the House that, I think it was probably on Thursday of last week, anyway some days ago, it was announced that the Member had been given leave to issue an amended version of his motion. I think all Members have copies of the amended version, and the Member did read out in full, the terms of that amended version last Thursday. The debate can now begin, and the Honourable First Elected of Executive Council was speaking when the moment of interruption came last week, and may continue now.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

COMMENCEMENT OF DEBATE

ON

AMENDED PRIVATE MEMBER'S MOTION NO. 5/87

A MOTION REQUESTING THIS HONOURABLE LEGISLATIVE ASSEMBLY TO PETITION HER MOST GRACIOUS MAJESTY TO CHANGE THE CAYMAN ISLANDS (CONSTITUTION) ORDER 1972 WITH RESPECT TO QUALIFICATIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY BY ELECTORS.

HON. BENSON O. EBANKS:

Mr. President, as you have quite rightly pointed out Sir, at the moment of interruption last Thursday, I had completed reading in detail amended Private Member's Motion No. 5/87, and I would like to now speak to the motion.

Mr. President, in opening the debate on Private Member's Motion No. 5/87 standing in my name, I would like to make some preliminary explanations and comments.

The first is, that Honourable Members will know that the motion seeks to have this Honourable Legislative Assembly humbly petition Her Most Gracious Majesty to amend sections 18, 20(3) and section 25. Those are the sections dealing with the qualifications for membership of the Assembly, and qualifications of voters in substantially the language used in the motion. It follows therefore that we accept that when this is translated into constitutional language the wording might differ slightly from the way it is written in the motion. But as long as it is written, or the substance of the motion remains the same, I do not see where we have a problem.

I should also remind Members Mr. President, that certain consequential amendments of a technical nature not mentioned in this motion, will be necessary as a result of the motion receiving approval. For example, the term "appointed day" is used in several places in this motion, and it will therefore be necessary to amend Section 50 of the Constitution to make provision for "appointed day" to be given a specific meaning in respect of these

amendments, when these are put into the Constitution. But these are legal drafting matters which I do not think we have to worry ourselves with unduly.

The second comment I would like to make, Mr. President, is that we have no reason to believe that Her Most Gracious Majesty will deny our request, but in the unlikely event that there is difficulty, it would be my intention to request through His Excellency the Governor, that the appropriate official from Her Majesty's Government visit the Cayman Islands for discussions with all Members of this Honourable Assembly, and if necessary the public. In any event Mr. President, it is my intention to keep Members fully informed of developments in connection with this motion, as they unfold through the British Government.

Permit me also to beseech Honourable Members of this Assembly to treat this motion with the statesmanship, honesty and integrity which it deserves. Let us put politics aside and put this beloved Island of ours first and foremost in our thoughts at this time.

Now, Mr. president, a few pertinent comments concerning the motion.

Yesterday's Caymanian Compass carried an editorial which I seek your permission to read. It is headed - "A Serious Step:

An amendment to a Constitution is a serious step for any country to take, and the Cayman Islands are no different in this respect. The proposal now before the Legislative Assembly should be well understood by the people of these Islands before Members take a final vote.

The proposals aim is to exclude non-Caymanians from the Assembly."

And Mr. President, that is the point I wish to make. The motion does not seek to exclude non-Caymanians from the Assembly.

"But some have commented that the proposal might be interpreted in such a way that some people who are normally considered Caymanians, could be excluded from being elected as Members of the Legislative Assembly. This apprehension must be cleared up before the proposal is passed."

And I hope to do that today Mr. President, before I sit down.

"No ambiguity should be permitted in such an important document as the Constitution. If it means holding the proposal over for the next Assembly Meeting, so be it."

Now Mr. President, I would also like to read from a letter written to the Caymanian Compass on 26th February, 1982 by Mr. D.L. Panton. I am reading this to relate the editorial which was written a few days later to the letter. This will give Members and the public the connection between the editorial and the letter to which the editorial refers. And this is what Mr. Panton's letter said:

"In my usual way, I take it upon myself to offer a little advice to my fellow man. I beseech you in good time to leave no stone unturned in seeing that you are registered as a voter for the next General Election. It may be the last General Election which Caymanians may control. If every one of you are not registered and fails to vote, take it from me, wake up and be vigilant, because I can tell you that others are alert, ready, willing and aspiring to have a big say in your Legislative Assembly.

Secondly, please get behind your current representatives and prevail upon them the necessity and importance of amending the Election Law, defining who, apart from the born-Caymanians are allowed to vote. Our country is fast being taken out of our control, and the depressing thing about this is that we have some of our own people

who are lined up against us for their own aggrandizement, greed, power and honours. With alertness, unity and determination we can overpower them. Better to do so my fellow men, now is the time, it may be the last time.
(O.L. PANTON)"

Mr. President, that letter was published on the 26th February, 1982, and the Caymanian Compass saw fit on Tuesday, 2nd March 1982 to write an editorial based on that letter, and this is what the editorial said:

"Orman Panton's Advice

In a letter appearing in last Friday's edition of this newspaper, Mr. Orman Panton, in a few words, invited this territory to consider the realities of politics in the decade of the 80's.

Specifically, Mr. Panton advised Caymanians to ensure their names are properly entered on roles, in order that they will be eligible to vote in a General Election. It is out of the ordinary that such forthright advice on political matters are entered in the columns of this newspaper. Out of the ordinary, because in matters political this community at large is fairly docile in its outright expressions, unless an election is imminent; that at least has been the case over the past seven or eight years. Often when we write on diverse matters in this column we refer to the various elements of Caymanian life, as needing to keep in step with the economic progress this colony has experienced in the last decade. Health services, the educational system, societal balance, the levels of competence and integrity of all these should be in line with the prosperous image of the Cayman Islands at home and abroad.

Mr. Panton's suggestions bring to mind yet another area in which there should be relevance sophistication in the face of all the progress about us. That sophistication involves an appreciation of the rules and regulations which govern the colony's electoral system those political facts and considerations which determine the actual elections. That wise, though elemental vigilance which almost always guarantees that people with the power to vote get the Government they want and deserve".

And I want to emphasize the next paragraph Mr. President.

"Paramount in all this is the necessity that Caymanians having been brought thus far up the ladder of economic success continue in charge of their personal destinies, and that of their homeland. Their priceless vote is their guarantee of this, and we believe this is the point Mr. Panton makes in his letter. All this is not to arouse unnecessary political activism. The prosperity and stability of this territory has long been based on a reputation of political peace, and the greatest activism has undoubtedly been in the endeavours of thousands of Caymanians who through their pacifist natures continuously endear tourists and investors, and mere friends, to Cayman. It is simple that we take Mr. Panton's point that Cayman's fair image thrives not only on the good nature of its people, but also on an astute approach to matters political which could keep that image fair and stable. In a word, it boils down to responsibility."

Mr. President, I have taken the time to introduce these two editorials to show how inconsistent newspapers can be. It is possible that editors have changed, but this highlights the necessity for Caymanians to be in control of their own political destiny. This is our last stand, our last bastion. Even in the papers we have foreign nationals as editors, who come and preach to us what we should do, based on the whims and fancies of the hour.

I wonder, Mr. President, if somebody in that paper has got status since 1982, and has a desire to sit in this House, and probably feels that this amendment will preclude him or her from doing so, it may be. Or are they really championing the cause of someone else who had aspirations, and feels that this may deny them that opportunity?

So my advice to fellow Members and the public is to treat the editorials in this paper with the contempt which they deserve, treat them as I will treat them.

Now Mr. President, it has also been said that there is no mandate to bring this resolution before the House; that certain Members campaigned on a manifesto for no constitutional change. I do not know whether that refers to the manifesto on which I and my two colleagues from West Bay ran, but I want for the record, to read what item (1) on that manifesto said, and refer to the relative clause in the motion, to show that there is no inconsistency with what I am doing today, and the manifesto on which I was elected. That section of our manifesto said:

"We would retain our present Constitution, bearing in mind that our stability and prosperity are dependent upon our remaining a British Crown Colony."

And remember Mr. President, "... bearing in mind that our stability and prosperity are dependent on our remaining a British Crown Colony."

In the third "Whereas" in the resolution, Mr. President, this is what it says:

"AND WHEREAS it is felt that unless steps are taken to control those persons who can be elected to the Legislative Assembly of the Cayman Islands and those who can vote in elections therefor it will lead to social instability and unrest."

It is perfectly consistent with our manifesto, and I can further state that this matter was taken to our people and we had no dissension from those present. But, Mr. President, I can go back further than that for the benefit of these students from Kalamazoo, who know nothing about the political development in the Cayman Islands, and believe that he has been sent here, has returned here as a saviour of this country. My opinion is, that he would have difficulty getting out of a wet paper bag.

And again, Mr. President, I wish to read from that famous document prepared by Lord Oxford and Asquith, the Constitutional Commissioner in 1971, or 1970. I am going to take the time to read a fair section of this Report. He was talking about the history and evolution of political development and constitutional development in the Islands:

"There was still in these years some groping after constitutional change. In 1966 and again in 1967, Select Committees of the Legislature considered various possibilities and reported on them but their recommendations fell a long way short of any request for self-government. The recommendations of the 1967 committee included requests for a majority of Elected Members in the Executive Council, the appointment of a Speaker to preside over the Legislative Assembly and the abolition of Nominated Members in both these bodies. But when Members discussed these suggestions with their constituents, the conclusion was reached that they had no mandate for pursuing the matter, and that there was little desire for change.

In 1969 the Legislature resolved that a Select Committee should once again be appointed to consider amendments to the Constitution. This Committee failed to reach unanimity and in June 1970, submitted majority and minority reports the texts of which are reproduced at Appendices I and II. Although differing from one another in a number of details, it will be seen that both these reports bore some resemblance to that of the 1967 committee. They repeated the three requests mentioned in paragraph 17 above, except for the Executive Council the minority report recommended a parity rather than a majority of Elected Members."

This is the important part Mr. President.

"Both the reports added recommendations designed to modify the qualifications for voting and candidature in favour of persons of Caymanian origin."

And we go on, Mr. President, to where he speaks of his contact with the Legislature and his meetings with the public:

"To assist in the formation of these judgments, I visited the colony, arriving in Grand Cayman on 22 January, 1971. My consultations, spread over a month, included talks with the Administrator and senior officials, meetings on several occasions with Elected Members of the Legislative Assembly and interviews with members of the public, including lawyers in private practice and members of the Chamber of Commerce. I made myself available for interview at all main centres of population in the Islands and some people took advantage of these opportunities.

My initial discussions with Elected Members revealed little change from the opinions which they had recorded in the previous June. In my interviews with the public, what struck me most was the absence of any marked widespread divergency among the views expressed to me."

And it went on to say that: "except for a small minority, most people wanted changes of a cautious and not very far-reaching kind." Although expressed in more general terms, the opinions of this majority group bore many resemblances to those in the majority report of the Select Committee. They followed a consistent pattern and may be broadly summarized as follows:

Mr. President, I am not going to read the whole paragraph, but I am going to read (c) from that paragraph which in fact forms the basis of the first "Whereas" in the motion:

"(c) Fear that Caymanians long established in the Islands might come to be at a political disadvantage in relation to immigrants and also in relation to Caymanians who had been living for many years abroad but might now return to the colony attracted by its increased prosperity. This led to demands for a long residential qualification both for candidates and for voters."

The motion, Mr. President starts:

"WHEREAS for many years Caymanians long established in the Islands have feared that they would become at a political disadvantage in relation to immigrants and Caymanians who had been living abroad for many years and who would return to the Islands, attracted by its increased prosperity;"

So, Mr. President, it will readily be seen that it has been a long established opinion among politicians and all Caymanians alike, that steps should be taken to preserve the Government of this country, in the hands of people born in, or closely connected with, the Islands. This is not new; the only person to whom this appears to be new is that little student from Kalamazoo.

Since 1971, Mr. President, of course the Constitution came into effect in 1972, and just in 1983, this Honourable House amended these specific sections of the Constitution, to increase the residential qualifications and to narrow down those persons who can vote, and who can sit in our Legislature. I am relating these because whatever might be said about the Lord Oxford and Asquith Report, it was the one in-depth study that was made without political rhetoric into the wishes of the people of these

Islands, and I lay great store by what that produced. People went in and spoke man to man with that gentleman, and nobody has ever questioned the validity of his report. It was seen as necessary in 1984, I think the decision was taken in 1983, to increase the residential qualifications and narrow the nationalities of those persons who could vote for candidates to our Legislature, and who could sit in our Legislature.

Mr. President, the other thing that I would make clear about this motion and it is this, there is nothing in this to be ashamed of. People like to hold the great United States up as the example of the melting pot, where different nationalities come together and have made a great nation, no one can deny that, Mr. President. But the United States is a country of 230 million people, or something like that, a great land mass. In the Cayman Islands we are told we have 20,000 residents. There is only one part of this motion where I have a reservation Mr. President, and that is where I state that by the year 1990, we are going to be outnumbered - I believe we are outnumbered today.

I have talked far and wide with people in this country, and if there is any criticism which I have heard of this motion, it might be as some feel, that we should have restricted it even more. But, Mr. President, back to the United States. The President of the United States must be a natural-born American. He cannot be a naturalized citizen. In fact, I have heard the view expressed, although it has not been tested in a Court of Law, that an American born by caesarian section, possibly could not run for the Presidency of the United States. Now since the order of succession in the United States, as I understand it, goes: the Vice-President would become President in the event of the death of the President, and next in line of succession would be the Speaker of the House. It goes without saying that those people also would have to be natural-born Americans.

In the Cayman Islands we vote for people to the Legislative Assembly. The voter at large does not vote for Members of Executive Council, which is our highest elected office. The voter votes for people to the Assembly, and the 12 Elected Members in the Assembly elect four of their number to Executive Council. Therefore, it will be seen that the control to the highest elected office in this country is attained by election to the Legislative Assembly. Therefore, our efforts must be concentrated on who can run for the Assembly, who can vote to put them there. This same student from Kalamazoo talks about how we can be assured that we are only going to get what we ask for? I do not know what would be his problem with it Mr. President, but I do not have any problem with it, and I am going to give a simple analogy.

If I went to the supermarket or shop, or drugstore and asked for two items and I got three, I was going to say that I asked for two, and here is the third one, no thank you. If payment was refused for the two, I would say, I cannot be bought, or I cannot be bribed, so take all of it back, and that is my position with this Constitution. Of course, simple elementary things like that Mr. President, that genius from Kalamazoo cannot understand. And while I am on it Mr. President, that is the same individual who was running around here a couple of months ago, with a petition to upset this country, the government of this country, and I believe in a letter to the Editor he talked about the political knowledge and how to manoeuvre which he had learn from his trips abroad.

Well, we must be doing something right in this country, Mr. President, and whether it is he or any other Caymanian who has spent most of his life abroad, has to come back and cut his spurs, see what makes this community tick before he can run for this Legislature, or vote for the people who will sit here. If they want to play politics, go back to where they have been living, or serve their apprenticeship here. We are not saying that they cannot run. What we are saying is that they must come and find out what makes this community tick, and that is the gist of this motion. We are not saying that no Caymanian can run. In fact we are not saying that non-Caymanians cannot run, or sit in this House. What we are saying is that in the case of the non-Caymanian, he must have achieved British Dependent Territory citizenship through his connection with the Cayman Islands.

In other words, as Members and everyone knows, the British Dependent Territory Citizenship is not something peculiar to Cayman. All Dependent Territory citizens are known as British Dependent Territory Citizens. So, unless we put in the section which said that because of his connection with the Cayman

Islands, it would mean that people from Turks Islands could come here and run. And God knows, Mr. President, as I said the other day, I do not like to reflect on other countries' misfortunes, or political situation, but they are the last people we need as representatives or leaders. They could achieve it by being in Montserrat, the British Virgin Islands, or Anguilla. And they could also achieve it by a combination of residence in any of those countries, including two days in Cayman to make up the required number of years.

So, we are saying that if you want to sit in this House, you have achieved your British Dependent Territories Citizenship by connection with the Cayman Islands. You will have lived here for 15 out of the last 21 years. Mr. President, at that time Caymanians will be able to assess that person, and if he is deserving of a seat in this House, I would hope that, having met all the other qualifications which I am going to enumerate on a little later, that he would be elected.

But, he is going to cut his spurs; he is going to give us time to evaluate him; and he is going to cut his ties with any other country. He cannot come here and mess up our country and then run back home. He could if we did not have what we are putting into this motion in our constitution. Run for election, succeed, pass a Bill for example, to authorize casino gambling in the Cayman Islands, receive a couple of million dollars for having done so, and take the next plane out. I am saying that in this day and age of sophistication within these Islands, we cannot have such a situation.

I would suggest that the Compass pay close attention to what I am saying today, and then go back and write an editorial that might enlighten the people, instead of putting their own petty prejudices forward.

You know, Mr. President, the other day they bemoaned the fact, this is the Compass again in an editorial, that Government did not state its position on the National Heroes Bill. Who they talked about? Sir Gary Sobers, Garfield Sobers and some Shastran Khani or something like that. That is about what they would expect of this country, to teach them about one West Indian or one Caymanian National Hero every year. We could do better than that Mr. President. It is now being taught, and we are going to intensify the teaching of our own history in the schools, so that people who would be editors of these newspapers cannot come here and mislead the youth of this country, as they are trying to mislead us.

And now, Mr. President, I think with that introduction, I can now get down to the meat of the motion, and for the benefit of the paper, and the student from Kalamazoo, I want to say this - that instead of this motion coming back in April, I hope that we can bring the amendment to the Constitution, because we do not want it to be clouded in electioneering and political rhetoric.

I made the point ... I had said I was going into the motion Mr. President, but I have one more thing to clear up first.

I made the point that as far as I am concerned, I have no fear that I am today doing what the majority of people in this country, who have roots here, want us to do. And Mr. President, you know I like to put the record straight. I do not believe in beating around the bush, or telling Anancy stories, or half the truth. It is true that I asked the Second Elected Member for Bodden Town to second this motion, and there was precedent for that Mr. President. In 1983, when the resolutions were brought to the House to amend the Constitution at that time, it will be remembered that the motion was moved by the a Member of Executive Council in his private capacity, and it was seconded by myself, whom they considered the leader of the opposition in those days. It was to show that there was unanimity or certainly across the board support for the changes.

So, the leader of the opposition having been absent, I approached his echo, and what he told me was not that he did not agree with the motion or that he had not taken it to his people. He told me that he would probably support the motion, but his constituents would not understand him seconding a motion brought by me, and that is the truth. That is the way it went. Now I see something different in the paper, that is up to him.

As I have said, I am going now to deal with the qualifications for elected membership in the words of course, which we are asking be substantially in this form.

MR. PRESIDENT:

I wonder whether before the Member turns to the detail, it might be convenient to take a break.

HON. BENSON G. EBANKS:

Yes Sir.

MR. PRESIDENT:

In that case I will suspend proceedings for approximately fifteen minutes.

AT 11:13 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:35 A.M.

MR. PRESIDENT:

Please be seated.

Private Member's Motion No.

5/87. Continuation of the debate. The Honourable First Elected Member of Executive Council.

HON. BENSON G. EBANKS:

Mr. President, since the motion was moved and seconded almost a week ago, I would just like to add that the Second Elected Member for George Town has seconded the motion. He agreed to do so, and this again was because he believed in the motion and because he happens to be the most independent and unattached Member on the opposite side. And we want to show to the United Kingdom that we have reasonable and hopefully, majority support for this motion.

We have asked in the motion, Mr. President, that Section 18 of our Constitution be deleted and replaced with a new section. This section deals with qualifications of elected membership to the Legislative Assembly. As I read, I will elaborate on the various provisions as I go down and to try to explain why they are there:

"18. (1) Subject to the provisions of the next following section, a person shall be qualified to be elected as a Member of the Legislative Assembly if, and shall not be qualified to be so elected unless - "

And Mr. president I am going to lump together those sections which the candidate must have, and then I will deal with the alternatives which he might have.

- "(a) he must possess Caymanian status; and
- (b) he must have attained the age of 21 years; and
- (c) he is at the date of his nomination for election domiciled and resident in the Islands; and
- (d) he must be a qualified citizen;"

A qualified citizen, Mr. President, I should step down to that section now and explain what a qualified citizen will be.

- "(2) For the purposes of subsection 1(d)" and that is the section which I have just read, he must be a qualified citizen, "a qualified citizen is a British Dependent Territory Citizen by reason of his connection with the Cayman Islands, who either,
 - (a) at the date of his nomination for election possesses no other citizenship, and has taken no steps to claim any other citizenship for which he may be eligible; or
 - (b) was born outside the Islands, has or had at least one parent or grandparent who was born in the Islands," that is the Cayman Islands, "and possesses Caymanian status," that is the parent or grandparent, "(or if deceased would if alive have possessed Caymanian status at the date of nomination for election), and who at the date of his nomination for election possesses no other citizenship save for any right he may have to some other citizenship by virtue of his birth outside the Islands."

What we are saying here is that the person must have his British Dependent Territories Citizenship by reason of his connection with the Cayman Islands. If that citizenship was acquired through naturalization, or birth outside the Islands, it has to be because of the time he spent here, or because his parents or grandparent was born here. We are saying that having attained British Dependent Territories Citizenship in that fashion, he must possess no other citizenship, and, in the case of those who might be eligible for another citizenship, he must have taken no steps to claim it.

Mr. President, what we are attempting to achieve here, and I think we have achieved it, is to say that if an individual, let us say, if a Caymanian marries a foreign national and the laws of that foreign country would give him the right to citizenship in that country, but he has not taken any steps to claim that citizenship, then he is not debarred from sitting in our Legislature.

In the case of someone born outside these Islands, once his connection with the Islands is through one of his parents or grandparents, having been born in the Islands, and those persons possess Caymanian status, or if deceased, if they were alive would have had status, and that he possesses no other citizenship save for any right which he may have to some other citizenship by virtue of his birth outside the Islands. This provision is here, Mr. President, because it is our understanding that citizenship by birth is a difficult thing to shed, and although the Caymanian might have been born abroad, he can spend all his life here, just like all of us have done, and we are saying that since he still has British Dependent Territories citizenship, if by birth he was entitled, or has another citizenship which he cannot get rid of, then he should not be debarred. After all Mr. President, people from this country have had through force of circumstances such as medical reasons, to have been born abroad. They had no option, or in the case even of the nature of the employment of their parents.

I should possibly state here, Mr. President, that there is already, a section in the Constitution which makes it illegal for anyone who, through his own acts, has taken, or owes allegiance to some other foreign country. So this is not changing the Constitution in that regard. We are preserving those Caymanians who, shall I say, by accident of birth, happened to have been born abroad, and cannot shed that citizenship, or the right to that citizenship.

Now, I gave the four things which the person who is going to sit, or be qualified to sit in the Legislature, must possess, and I will repeat again:

- * He must possess Caymanian Status.
- * He must have attained the age of 21 years; and
- * At the date of his nomination for election he must be domiciled and resident in the Islands; and
- * He must be a qualified citizen.

As I have explained, which is covered in subsection (2) of this section.

Now the person having those qualifications can qualify with either of two other provisions. Either:

(1) he was born in the Islands, or was born outside the Islands in the circumstances mentioned in subsection 2(b) of this section; and I read that a while ago, Mr. President; or has resided in the Islands for a period of not less than seven years immediately preceding the date of his nomination for election and, subject to subsections (3) and (4), the number of days on which he was absent from the Islands in that period does not exceed 400, or

(2) if he was born outside the Islands, and has taken up his British Dependent Territories Citizenship which I have mentioned as being one of the requirements, and divested himself of any other citizenship that he might have had before he was naturalized. And he has resided in the Islands for a period, or periods totalling not less than fifteen years out of the twenty years immediately preceding the date of his nomination for election, and in the seven years immediately preceding the date of his nomination, has not been absent from the Islands for more than a total of 400 days.

So you see, Mr. President, what we are saying is that the person born outside the Islands, or born in the Islands, but who has lived for substantially all of his life abroad, must return to the Islands and reside, serve his apprenticeship of which I spoke, cut his spurs and understand what makes this community tick, for at least seven years immediately preceding the date of his nomination for election. And he must not, except for two provisions which I will read later (I do not want to confuse the issue), the number of days on which he was absent from the

Islands in that period, cannot exceed 400. So that is, the Caymanian-born or Caymanian connected person who returns to the country, he must reside for a period of seven years.

Now Mr. President, the person without Caymanian connections, the person whom the Compass calls the "non-Caymanian" that is, a person born outside the Islands, and once he has got the other mandatory requirements, including the British Dependent Territories Citizenship, by reason of his connection with the Cayman Islands, he could have been born anywhere, once he has that and has cut his ties and cannot run after he has messed up our country. If he has resided here for not less than 15 years out of the 20 years immediately preceding the date of his nomination for election, and in the seven years immediately preceding the date of his nomination, has not been absent from the islands for more than a total of 400 days.

So that takes care of, shall I say, the non-Caymanian. But Mr. President, it is my contention that anybody who fulfills these requirements, I would be prepared to call him a Caymanian. So, we have taken care of him, that non-Caymanian whom the Compass said we were trying to exclude - he is included in here. They should come to me for a history lesson.

Now, I mentioned that the 400-day qualification had two provisos to it, and I would now read these:

"For the purposes of ascertaining whether a person has been absent from the Islands for the purposes of subsection 1(a) ..."

(that is for the period of 400 days, his residential qualification):

"any period of absence by reason of the following shall be disregarded -

- (a) attendance as a pupil at any educational establishment;
- (b) attendance as a patient at any hospital, clinic or other medical institution;
- (c) employment as a seaman aboard an ocean-going vessel; or
- (d) employment as a crew member on any aircraft."

And, a further proviso that:

"In the case of a person referred to in paragraph (e) of subsection (1)," and that is the person with Caymanian Connections, "the requirement that he shall not have been absent from the Islands for more than 400 days in the period of seven years immediately preceding his nomination for election, shall not apply if that person was, on the day immediately preceding the appointed day, qualified to be elected as a Member of the Legislative Assembly."

Section 20(3) which is a consequential amendment, since one of the mandatory requirements for qualification is that the person must possess Caymanian status - Section 20(3)(c) would have to be changed to read:

"If he ceases to be a British Dependent Territories Citizen by reason of his connection with the Islands or he ceases to possess Caymanian status."

Mr. President that is double-barreled actually. It covers both the citizenship and status, not just status alone. It might be interesting Mr. President, to state here that I remember, in fact I was ... I do not know whether you would call it a sponsor or one of the references given by one of the early applicants for Caymanian status. The person was given it, and he stayed exactly two years after he got it. He got the offer of a better job in the Channel Islands, and I am not sure that he has even come back to visit us. I certainly do not get a Christmas card from him. So, if there is any regret that I have, it is that thought that my reference may have helped him get the status. Of course everybody knows that he does not have it now, because having had status and you do not stay here for five years, you automatically lose

it, so he does not have it any more. But I am going to be watching the paper for his picture, if he applies again.

Section 25. Mr. President, which deals with the qualifications of electors. We are asking that that be changed in the following way:

"Subject to the provisions of the next following section, a person shall be entitled to be registered as an elector in one electoral district only but he shall not be entitled to be registered as an elector for elections to the Assembly unless -

- (a) he possesses Caymanian status and he is a British Dependent Territories Citizen by reason of his connection with the Islands, of the age of eighteen years or over; and
- (b) he is domiciled and resident in the Islands at the date of registration; and either
- (c) he or one of his parents or grandparents was born in the Islands and he has been ordinarily resident in the Islands for a period or periods amounting to two years out of the three years immediately preceding the date of registration, or
- (d) he has been ordinarily resident in the Islands for a period or periods amounting to seven years out of the nine years immediately preceding the date of registration, and in the three years immediately preceding the date of his registration has not been absent from the Islands for more than a total of 300 days."

I am, going to stop there, Mr. President, before I get on to (e), because I think these sections bear clarification.

A person can be registered as an elector, or voter, whatever we want to call him, (a) if he possesses Caymanian status, he is a British Dependent Territory Citizen by reason of his connections with the Islands at the age of eighteen years or over, and he is domiciled and resident in the Islands at the date of registration, and either he, or one of his parents or grandparents was born in the Islands, and he has been ordinarily resident in the Islands for a period or periods amounting to two years out of the three years immediately preceding the date of registration.

So you will see that the person who was born here, or was born abroad of parents, or is a person whose grandparent was born in the Islands, he can vote once he has resided in the Islands for a period or periods amounting to two years out of the three years immediately preceding the date of registration. That person, again, Mr. President, is required to come back and look at the scene for at least two years, understand what makes it tick before he casts his ballot. I think it is a generous provision, and I do not believe that any well-thinking person with a Caymanian connection will feel that he is being shafted by this provision.

In fact, if the person comes back two years before an election, he can vote. If he happens to come back immediately after an election, he can vote in the next election. He is only caught if he happens to arrive two years preceding the election. We are saying that he must have been resident here for two years to understand what makes this country tick. And as I have said, Mr. President, in spite of the differences which may be expressed from time to time in this Legislature, this Legislature and the people of the Cayman Islands must be doing something right, since we are the envy of many around us. And in fact, we have prospered and progressed to the point where many who thought that the country did not afford them the opportunity of a reasonable livelihood and education for themselves and their children, are now returning.

And I believe that they would wish to see that prosperity and harmony, and social and political stability continue. They have enough knowledge, Mr. President, to know that the situation at which we have arrived was not attained accidentally. It has been cultivated over the years, and they and we must guard it zealously.

Now in the case of the person without Caymanian connections, but having received his British Dependent Territories Citizenship by reason of his connection with the

Islands. He needs to have been resident in the Islands for a period amounting to seven years out of the nine years immediately preceding the date of registration. And in the three years immediately preceding the date of his registration, he cannot have been absent from the Islands for more than a total of 300 days.

It should be simple to understand why we are more generous with the person who was born here, went away to seek a livelihood or was born abroad of persons of Caymanian parentage, to a person who was born here or that person's parent was born here. The simple reason, Mr. President is this, that there are not many people of Caymanian origin living abroad today, who do not know who all the Members of this Legislature are. Even if they do not know the individuals, they have been gone too long, they certainly, when their parents tell them "well if you do not know Benson, you remember Captain Benson". If they do not know him, they will remind them of Thomas Obediah, and they all know what stock I come from, when they tell them that, and it is true for every other Member in here. So they have a reasonable knowledge of whom they would be voting for.

So we say two years, you come back and you look over the scene. In two years you will be qualified to make up your mind whether you are going to vote for Mr. John Brown or Mr. John Dowe or whomever. But he is not at the same disadvantage in knowing the ancestry of the person for whom he is voting, as is the person who has no Caymanian connection. So, in the case of the person who has no Caymanian connection, we say that he must be resident here for seven years out of the nine years preceding the date that he is registered as a voter. In other words, he cannot come here and be taken into a little corner, and told who I am, or who the Second Elected Member for George Town, or Bodden Town is, or who the Member for Cayman Brac or the Member for North Side is, and that you must vote for him.

He will have lived here for seven years, and as someone said yesterday, I think it was in here, about rumour and was testing it out, you do not do too much in Cayman that is not known in seven years, and therefore he would be presumed to have reasonable knowledge of whom he is casting his ballot for.

So, those provisions, Mr. President, protect the future of this country as to who will vote. Now what we have also done in this section 51r, is to say:

"or, (a) he is to say that he is on the day immediately preceding the appointed day, entitled to be registered as an elector."

In other words, when, if a person is qualified under the existing Constitution and the Elections Law provisions, to vote, the day that these changes are made to our Constitution, he retains that right. Now, with the effluxion of time, the number of persons who do not have that Caymanian connection, or that residential qualification of which we talk, will gradually get smaller. And by accepting this motion and these provisions, we will have preserved the future of this country for succeeding generations.

You know, Mr. President, there is an old quotation which says, and it goes something like this:

"Breathe there a man with soul so dead,
who never to himself hath said,
this is mine own, my native land."

Those are patriotic, inspiring, blood-warming words, Mr. President, but they mean different things to different people. When I say that, or any Caymanian says that, he is talking about Cayman. When a non-Caymanian says that, nine times out of ten, he is talking about where he was born.

I went for dinner a few nights ago, Mr. President, and during and after dinner we had a little wine with the meal. And that group of people began to sing. And what did they sing? They did not sing "Beloved Isle Cayman". In fact I could tell you the truth, Mr. President, we started off by singing hymns, and when they found out that I knew more of the hymns than they did, they switched to "When Irish Eyes are Smiling" ...

MR. W. McKEEVA BUSH:

A real drunken party.

HON. BENSON D. EBANKS:

... they did not sing, Mr. President, "Beloved Isle Cayman", and you know what I did, I said "You want to hear a real Cayman song", and I sang "Munsey Boat in the

Sound" for them.

HON. THOMAS JEFFERSON:
remembered it.

I did not know that you

HON. BENSON O. EBANKS:

I finished the night by singing "Blessed be the tie that binds for them". But Mr. President, there is also another quotation which goes something like this, "God give us men, honest, strong, courageous and true", I am paraphrasing it. I hope that this is what we will show ourselves to be when dealing with this motion, and I hope that by so doing we are going to preserve the heritage of this country for our children, their children, and their children's children. Because we have evolved, as I have said, to this present position, in a gradual fashion.

We thought the Caymanian Protection Law in 1971 was sufficient protection for us, and it has served its purpose well. But the truth of the matter is, Mr. President, as the motion states, we are gradually or rapidly, whatever you want to say, becoming an endangered species in our own country. We are becoming a minority. The commerce in this country which was in the hands of Caymanians in 1971 is no longer there, and this is our last stand, our last bastion; the Government of our country, and unless we take the steps to preserve this, we will not only become an endangered species, we will be put on the extinct list.

Thank you, Mr. President.

MR. PRESIDENT:
Member of Executive Council.

The Honourable Fourth Elected

HON. VASSEL G. JOHNSON:

Mr. President, I rise in support of Private Member's Motion No. 5/87. A motion which is requesting an amendment to the Constitution, to change the qualification of Members to the Legislative Assembly, and elect as those who would vote for Members to the Legislative Assembly.

The poet Lowell once said that "they are slaves who fear to speak". And I want to say that in this respect I am not a slave, for I have no fear of speaking, and so I will add my penny's worth to the debate on this motion.

Mr. President, a constitution in its simplest form guarantees the pursuit of happiness and the safeguard of liberty. And this is the main object of this motion being presented at this time. It is a motion to ensure to Caymanians and those who claim to be belonging to the Cayman Islands that happiness and liberty will always be the bright star in the lives of the people who live here.

Shakespeare said "uneasy lies the head that wears a crown". Now Caymanians do wear a crown, they wear a crown of happiness and liberty. Anyone who comes to live in these Islands can discover this almost immediately. They come here and they find a sort of attraction which is not found in too many places around the world. They come for a short visit, and in little or no time they are back, and this is followed by many visits. When you ask them what is the attraction they say "well we do not know, it is something hidden, but it is here". And so, Mr. President, that is the attraction which comes from what Caymanians cherish so dearly, that happiness and that liberty which enshrines their lives.

But as Shakespeare said, "uneasy lies the head that wears a crown", Caymanians are becoming quite concerned; they are becoming extremely uneasy about what the future holds for them in the way of that happiness and that liberty which we speak about. It is going to be that way if the situation regarding the qualification of those who stand as Members of the Legislative Assembly, or those who vote for Members, which is equally as important, remain unchanged. As the Honourable Member who moved this motion said, that time is drawing near when Caymanians are going to be outnumbered. And, if this situation remains unchanged for very long, Caymanians can find themselves not only in the minority, Mr. President, but probably would find themselves like the man who was preaching on a barrel, and when the spirit entered him he started to pound the barrel with his feet, and he was saying "in a little while ye shall see me, and in a little while ye shall see me no more", and at that very time the barrel head broke in with him, and out of sight he went.

This is perhaps what will happen to Caymanians if they are not prepared to make, or to take this bold step at this particular time, to safeguard their own position.

Nobody else is going to do it, we have got to do it ourselves. And, it is said that 'procrastination is the thief of time'. It is not only time, it is many other things, and if there is a job to be done, by all means, have it done, get on with it, do it now and do it quickly. And, it is with that thought in mind that this motion is now before this House.

The motion seeks to put forward that concern which the Honourable Member has just finished speaking about, the concern of true Caymanians; concern because of the uneasy situation which they see facing them in their future prospects of retaining control of this Honourable House, their Legislature. That is what the concern is about, Mr. President, and if you lose that happiness and that liberty which we speak about, and which we find in this very House, then it is going to create a lot of concern and a lot of problems for the future of these little Islands.

Mr. President, those evil days may not be too far away, and if we procrastinate, just sit around, wait and take no action, then, we might have quite a lot to regret, because we will be waiting on the time when Caymanians will be outnumbered by immigrants, as stated in paragraph two of the motion, which said:

"AND WHEREAS it is now projected that native-born Caymanians will be outnumbered by immigrants by approximately the year 1990."

It is therefore important that action be taken now to avoid those evil days. And the action that is being requested in the motion is that it be placed on persons who can vote at General Elections, and those people who can stand for election in this Honourable House; those who will seek political office in the Islands, that the redefinition of those who can be eligible be examined, and that the appropriate action be taken.

Mr. President, the motion is not unreasonable. If we look at other countries today, we will see that they too have concern for those who can govern their subjects and the necessary safeguard is built into the laws of the country to ensure that. I think that Caymanians have been free and easy for a long time. They have been so friendly to people who come here, that they have really taken no heed of their own position, their own status. And so, they just drift along being friendly and being nice to all who come here. But since this Government came to office, we found that there are many Caymanians who are concerned about the situation which this motion speaks of. They have come to Government, Caymanians, concerned Caymanians, and they have requested Government, Members who are their representatives to look into this situation, and so, this motion is not merely originating from Members of this Government. It is originating from people on the outside who have made direct representation to this Government to deal with this situation. The Government, in examining their concern and their request, have found good grounds in dealing with that concern.

And so, the Government has decided to support their case by putting this motion forward. I understand that since those representations have been made to Government, that the support for this move by Government, my Government, is being strengthened by the day. It has gathered a lot of support on the outside, from those people who are genuinely concerned about the future of this country, and the future of representation in this Legislative Assembly.

Mr. President, Caymanians do have a great amount of pride, and as we look around in the Island today, we can see the results of that pride, from what we see here; the development that has taken place over recent time. Those who visit the Island are surprised at times to see some of the things we have here. So, Mr. President, that national pride is very evident all around. Apart from that, we do need to stop at this point to carefully and honestly evaluate the concerns expressed in this motion.

The Cayman Islands is a country of immigrants. Everyone living here can trace their ancestry back to other countries. Some families have been here longer than others. Some families have been here for generations, and as a populated country, we are considered relatively young, just under 300 years if my memory of the history book serves me well. Caymanians have a great pride, too, in their ancestry. They are willing and quite happy to sit down and tell anyone at any time of their great, great, great grandparents, where they came from, and when they came here too. Some

came from the United Kingdom and Ireland, some from North America, Central America and the West Indies.

In the early days life here in these Islands was fairly difficult. There was no easy communication, supplies were small, and there were a lot of drawbacks. But the people led a fairly contented life, and they developed over the years a pride, an honesty and a friendliness that seemed unmatched in our twentieth century world. Nowhere in any other country can you find that pride, that honesty and that friendliness that we find in these Islands.

Mr. President, immigrants and new citizens trickled in slowly and adapted themselves to the way of life, the morals and the attitudes of the citizens of this country. Today our vigorous economy, our easy communication and our up-to-date air travel facilities are bringing to the Cayman Islands, people from other countries, and at a very rapid rate indeed, that Mr. President, is one of the concerns today. So many people coming here! Exciting! And most of these people are coming here only for a short time, but at the end of an initial contract or visit, or whatever it may be, they want to renew their contracts, they want to extend their stay. Others like the country to such an extent that they remain as long as is possible to do so, and give the Immigration Department quite a lot of difficulty in controlling them.

Mr. President, among these new citizens are those who are contributing to society. They are making an effort to become a part of our community. It is this group of people Sir, whom we are somewhat concerned about, because they care only for the present Government policies that will keep the money flowing today, but care little about what Cayman will mean tomorrow. At this point, Mr. President, Caymanians have much to lose, and they have many to help them to lose what they have if they are not careful. Because we know what the Caymanian attitude is like we are not too certain what some of the others coming here are like.

We have much in these Islands to preserve, we have our way of life which we have cherished greatly over the years. We have the attributes which have helped to create what we have here today, the attributes which have built the cornerstone of the successes of the Cayman Islands as we see them today. And, on the other side of the coin, we do have a lot of people who are willing to help to preserve what we have today.

The motion, Mr. President, is not seeking to limit the composition of Government to Caymanians only. I think the mover of the motion has clearly indicated that in the proposed amendment to the Constitution. The term "Caymanian" is one which today defies easy definition. It is difficult to really define it because of the composition of the people who live here.

There are many families who went abroad during lean years, during the days of the depression and in times past, who lived abroad, later they returned to Cayman, they are Caymanians. There are other families, that were not born here but they have lived here for so long that they know no other country. There are those too, who have known many other homes, but think that the Cayman Islands are the greatest of any they have seen, who would like to settle here and make this their home, they never want to leave. But the point here, Mr. President, is that we cannot expect those people who have lived here for a long time, who have come and have worked amongst us, who have helped to build what we have here and who come to think of the Cayman Islands as ultimately their home, those are people who have been here a long time, and who would like some form of security of tenure, and I doubt very much if there is anyone who would deny them that.

This has to be taken into consideration in order to preserve the stability and the good growth of the social environment of these Islands. We have to be careful how we deal with people, because you know there is quite a lot of grumbling on the outside. It is a very touchy thing when you are trying to preserve something for yourself. But, we have got to preserve our rights, those of us who claim this territory, this country as our own. We have to reserve the right not to extend voting for Members of the Legislative Assembly, or the right for someone to stand for election in this country, to the qualification which is being suggested in this motion which will eventually become, we hope, a part of the Constitution.

Mr. President, I do not think it is fair and equitable for anyone who has come to these Islands on a work permit for three, four or five years, to have the right to vote

in our election. I certainly do not ascribe to that. It is a gross inequity in our law for that to happen, an inequity that has bothered Caymanians for a long time, and this is what we are seeking to rectify in this motion. I believe that the Government of these Islands must lie entirely in the hands of the people who have inherited the right in these Islands to claim the Cayman Islands as their home. And, Mr. President, I do hope that goal is achieved.

We are the peoples' representatives, this motion is brought by the peoples' representatives ... I said the Government a while ago but I did not mean that. It is brought by the peoples' representatives, and we as the peoples' representatives, can only carry out their wishes. We do hope that there will be a large number of Caymanians on the outside who will support their elected representatives in putting forward this proposal. Time is becoming short to effect this change, but as I said earlier, the job has got to be done and we must demonstrate eagerness and willingness to do so. We must not procrastinate. We must secure the ability to redefine the term "non-Caymanian" and place that new definition in the Constitution so that we can restrict elective powers to those in our midst who have an active interest in these Islands, who care deeply for our country, the Cayman Islands.

Mr. President, the details of the motion have already been explained by the Honourable mover, and so there is no need for me to elaborate on the contents. I will just at this stage, Mr. President, restate again that I very strongly support this motion.

Thank you.

MR. PRESIDENT:

We have actually gone a little bit longer than the normal break time for lunch, so at this time I will suspend proceedings until approximately two fifteen.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

THE HONOURABLE FIRST OFFICIAL MEMBER PRESIDING

MR. PRESIDENT:

Please be seated.
Continuation of the debate on amended Private Member's Motion No. 5/87. The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, the Member presenting the motion which is before the House has taken time to go in depth in explaining to us the importance of this motion, and for this I am very grateful. However Mr. President, I support the idea behind Private Member's Motion No. 5/87 but I must say I cannot support the motion as it is drafted. I believe that every Member in this Honourable House agrees with the idea, but in some ways, we are not satisfied with the motion as it is. I believe Sir, that we are going about this matter in the wrong way, and I would urge that further study be put into this.

I wish to commend the Young Businessmen's Association. I feel that their efforts in this matter are good ones. However, we must go about it, as I have said, in the right way. Change in the Cayman Island's Constitution has always been a touchy subject, Mr. President, and I would urge that we take caution as we enter into this venture.

Since the last election, in 1984, I did give to the Governor of these Islands my views on whom I thought should be eligible to stand for election in these Islands. Mr. President, this is how strongly I felt about it from then, and today I still feel strongly about who should be eligible to sit in this Assembly and represent our people. At that time, I stated that I felt the political destiny of these Islands should be in the hands of our Caymanian people. It should be a born Caymanian of born Caymanian parents, that is how strongly I felt about it. And, I am certain that many will agree with me and many will disagree with me, but those are my views.

I believe, that if the necessary steps are not taken now, come the Elections of 1988, we can consider putting our Islands into the hands of the unknown. There are no two ways about it Sir, this has surfaced before, and I am certain

it will surface again. I believe, as a previous speaker has said, it is our last opportunity to do something about it, and to try to protect the future of our children and their children. I would say that parts of our Constitution are like what Thomas McCauley once said of the United States Constitution and I quote, "Your Constitution is all sail and no anchor." I believe that the time is now for us to anchor our Constitution and to anchor it in favour of the people of these Islands.

The big question, Mr. President, is how should this be done? As I have stated, I fully support the idea, but I disagree with having a Petition drafted to Her Majesty the Queen. I do not think that this is the correct way of going about it. Furthermore, Mr. President, I believe we would have been much further ahead had we sat in the Conference Room for a few days and knocked our heads together, and had come back to the floor of the House here as a united front, rather than having to stand in here and to more or less waste time in debating what could have easily been thrashed out in Committee Stage.

I feel that the Governor of these Islands should acquaint the Foreign and Commonwealth Office with regard to the various proposals in this motion. I would think that the right course would be for us to invite a delegation to come down and to meet with us, to meet with the people of these Islands and to try to solve this problem which we seem to have with our Constitution. I believe, Sir, that that would be a much better approach, rather than going the forceful way of a Petition. There are no two ways about it, Government has in the past, sought advice on other matters. I would say matters that are not as important as the one before us now, and I feel that it is only right that we should also seek advice on this very important issue.

Some years ago, Mr. President, there were certain things said with regard to changing the Constitution, which I believe made it abundantly clear that if the Constitution was tampered with, it would give Her Majesty's Government an opportunity to do what they saw fit, or what they wanted to do. The Member who presented this motion, in his presentation, gave an example of a person going into a store and buying one item, and he referred to the person being given two, and he would put one back and say no thanks. I believe that this is a poor example, because as the Member rightly knows, this is a much more complicated case than going to a store to buy an item.

We have our hands in the mouth of a lion as it is said, and I think we have to go the correct way to have it removed. There is no way that anybody can convince me that if the Mother Country hands down something to us, especially concerning our Constitution, that any Member of Government will be able to say we do not want this, and that that is going to make an immediate difference. I believe that if Mother Country gives us something in the Constitution, it will be as it was before, regardless of whether it is suitable to each and everyone in these Islands, we will just have to accept it, and I found the example given very misleading.

As a layman, Mr. President, I can see in this motion many areas that will create problems, and already many have been pointed out. I have been very concerned over sections 18(1), (2) and (3). It seems to me that in these areas there are already visible amendments necessary. In Section 18(1)(e) I believe a provision should be made for potential Caymanian candidates who spend time abroad due to medical treatment, employment or for educational reasons, and this would not exclude them from the 400 days of absence. It is my understanding that the mover intends to make some amendments, and it is my hope that if the motion is not withdrawn, at least we will try our endeavours to tidy it up as much as possible.

I believe that with an issue as important as this one, it should also have been taken to open pole. We utilize the radio for other issues, we have the programme Open Line, and each and everyone who is interested can air their queries or whatever, and I believe as I have said, that with an issue like this, it should have been handled through Open Line, and this would have given us a fair idea of what the cross-section of the people in these Islands would like.

Mr. President, it has been the wish of the majority of the people to remain a British Crown Colony, be it good or be it bad, I guess that is not for me to judge. And although I have my own opinion on this, I will reserve that at this time. I feel that if at any time the majority sees something wrong

with their Constitution it should be sent in the manner I have suggested to Her Majesty's Government, and it is my belief that it will be looked at and corrected, rather than having to take the route which is now being suggested.

I would like to say again, Mr. President that I too am very concerned about the political future of these Islands, and the idea I support wholeheartedly. The only problem I have is with the present way it is being put forward. I appeal to those presenting this motion, to let us take a little more time, let us withdraw the motion, let us give it further study, let us get more input from the people of these Islands, and let us do it the correct way.

Mr. President, I support the idea, but I cannot support the motion as is.

(THE PRESIDENT PRESIDING AT 2:21 P.M.)

MR. PRESIDENT:
Member of Executive Council.

The Honourable Second Elected

HON. W. NORMAN BODDEN:

Mr. President, I rise to support Private Member's Motion No. 5/87 seeking approval for this Honourable Legislative Assembly to petition Her Majesty's Government for an amendment to Sections 18 and 25 of the Cayman Islands Constitution, dealing with the qualification of Members of the Legislative Assembly, and electors.

As the mover has requested, I will attempt to treat this important motion with the statesmanship that it deserves. It can perhaps be said that this is a big bold step into the future, but at the same time, it must be acknowledged that it is a necessary step at this time.

The Cayman Islands are no longer the "Islands time forgot". By God's help, prudent planning, sound decisions and the ambition of the Caymanian people, today we have a progressive country with a buoyant economy, a high standard of living and generally a happy, hospitable population which is the envy of many countries. But we cannot take these fine assets for granted, and it is Government's task and our responsibility to strive to maintain that enviable position. It is indeed a compliment to all Caymanians, and to these Islands that conditions are so favourable that many who come here to visit or to work like it, and they wish to remain in many cases.

But with due respect to all concerned, it is my view that we must continue to be selective as to with whom we wish to share our country. We must find a way to protect the inherent rights of Caymanians without becoming over protective. One can call it a delicate balancing act if you may, but this is essential to the future peace and harmony of these Cayman Islands. Yes, time has indeed brought its changes, and the transformation of our country is bound to continue, hopefully on a sure and steady course. It is true that in the process, we have seen Cayman and the Caymanian way of life transformed into a more modern and materialistic life-style, where things Caymanian are fast fading into the past.

For 20 years and possibly more, past politicians in pursuit of doing what they deemed was best for their country, outstanding members of our community in the private sector, the majority of the public in general have long expressed the concern that the election process can one day place persons in our Legislature who are not intimately associated and strongly connected with the Cayman Islands. To be frank and fair, individuals whom Caymanians do not consider and accept as being true Caymanians, and who are therefore not deemed to have an inherent right to stand as a candidate for election to our Legislative Assembly.

And of equal concern is for those who should have the right to cast their votes, and thereby influence the outcome of a General Election. Local persons and representatives of various organizations have personally expressed to me recently, and in the past, their concern about these possibilities, and the need to put in place safeguards which would prevent an unacceptable situation from developing in these Islands.

I have read reports dating back several years wherein Select Committees have, in the past, made recommendations designed to modify the qualifications both for candidates and for voters, in favour of persons of Caymanian origin. So this is nothing new, Mr. President. There has always existed and still does, a growing concern which becomes greater as our country

grows and develops. When we examine this closely, we find that this has been a nagging concern that will not go away, and so once again Legislatures in 1983 made an attempt at change, and certain changes were requested from Her Majesty's Government, and were in fact made to Sections 18 and 25 dealing with qualifications for elected membership, and qualifications of electors. These changes became effective in 1984, but these changes now need to be more securely fastened and tightened up, and so today, we have before this Honourable House an important motion, important to Cayman, its people and our future.

The details of the motion have been very ably dealt with by the mover, and at this time I too would like to put forward my understanding of what the proposed changes are intended to accomplish.

In order to qualify to be elected as a Member, there is a tightening up proposed in Section 18 which clearly establishes beyond any doubt, that Members to this Honourable House will be only those persons who are Caymanians, whose roots are not only planted but grounded in these Islands, whose ancestry can be traced to these Islands, and who hold no acquired rights by their own volition to citizenship of any other country. In other words Mr. President, he or she must be fully committed to this country, their stakes must be here and their lot must be fully cast in the Cayman Islands, now and in the future.

Firstly, to be elected as a representative of the people, a person must be at least 21 years of age, and must have Caymanian status. He must be domiciled and resident in the Cayman Islands. He must be a British Dependent Territories Citizen by virtue of his Caymanian connection, and he must either be a Caymanian citizen and nothing else, and have taken no steps to claim any other citizenship to which he might be entitled. All those conditions must be met. Or, if he was born outside the Islands, at least one parent or grandparent must have been born in these Islands, and must possess Caymanian status, and the candidate at the date of his nomination for election must hold no other citizenship save for one given to him by birth in a foreign country.

Mr. President, this recognizes the long established connection and custom where many times out of necessity, due to medical or other reasons, persons of Caymanian parentage are born abroad. This protects their inherent rights which are also conditioned to the fact that that category of individual with strong Caymanian connections must also spend at least seven years before the date of his nomination for election, and provided that his absence from the Islands during that period of seven years does not exceed 400 days, unless his absence from the Island was for the purposes of education, medical or employment abroad as a seaman or as aircraft crew.

It should be pointed out here that rights have been preserved in subsection (4) of section 18 where it is stated that the 400-day requirement shall not apply to those persons who qualified prior to the effective date of this amendment. It is also worthy of note here, that if a person was born in the Islands, or if born abroad, providing he has a Caymanian parent or grandparent, then he is allowed to be absent for more than 400 days, if as stated earlier, for studying abroad or if employed as a seaman or aircraft crew, or for medical reasons outside the Cayman Islands.

Provision has also been made in subsection (f) of 18(1) for the person born outside the Islands, of no Caymanian connection. In other words, who has no claim by descent, but who has resided here for at least 15 years out of 20, and who, in the seven years preceding the date of his nomination was not absent for more than 400 days. However, this category of person must also satisfy the requirements of possessing Caymanian status, must be domiciled and resident in the Cayman Islands, and he must be a qualified citizen as defined.

Now turning to those who are allowed to vote in a General Election. He must first have Caymanian status, and must be a British Dependent Territories Citizen through his Caymanian connection. He must be domiciled and resident in the Islands, and he, or one of his parents or grandparents must be born in the Islands and he has been resident for two out of three years before the date of his registration as a voter. Those conditions must be in place. And, as the Honourable Fourth Elected Member of Executive Council said earlier this morning, I honestly feel that persons who come here who are on work permits, even though it might be for several years, should not be able to influence the outcome of a General Election in this country. The conditions for electors which I

mentioned earlier must be in place, or if neither he nor his parent nor grandparent were born in Cayman, then he must have been resident for seven years out of nine, and in the three years before his date of registration as a voter, must not have been absent from the Islands for more than 300 days. Plus, he must possess Caymanian status and be a British Dependent Territory Citizen through his Caymanian connections, and be domiciled and resident in the Islands.

These are all conditions that must be met and are a substantial tightening up of the qualifications. It is also worthy to note that provisions have been made here for the existing rights of voters to be protected.

So, Mr. President, this motion quite rightly deals with three categories: (1) those who are Caymanian by birth; (2) those who can trace their ancestry and have their roots in the Cayman Islands, or those who were born abroad of Caymanian parentage, and (3) those who cannot claim those Cayman connections, but who have resided here for a long period of time and who have made a contribution to our country. I feel that this is fair, reasonable and equitable.

Mr. President, our country is small, sensitive and susceptible to change, and would not really take long to reach saturation point. It is not the least bit unusual for a country of our size and composition, dependent to a great extent on outside labour and experiencing a substantial population growth - it is not unusual for them to ensure that the legislative process remains in the hands of its sons and daughters of the soil. Much larger countries have had to take the necessary steps to preserve and maintain this position, even the Mother Country and I refer to the British Nationality Act of 1981. In my view, this is a safeguard against their country being overrun by foreign nationals who could someday direct the course of their country, and they are a much larger country than we are.

To recognize that while our economic growth and development has been and remains dependent on the outside investor, Caymanians rightly expect to remain in political control so that stability and a proper balance in our country is maintained. These measures are intended to achieve this, and to ensure that the harmonious relationship is always maintained and recognized as a two-way street.

I believe that investors will welcome this change. Investors need political stability, and anything that tends to strengthen this, provides confidence, security and good faith in Government.

The objection expressed in some areas that an approach to the United Kingdom for changes in sections 18 and 25 to our Constitution might result in other Constitutional changes being thrust on us, seems totally unfounded. This did not happen, and was not the case in 1983 when a similar change was requested and made, and it is my view that the United Kingdom would not suddenly seize this as an opportunity to force other unnecessary, unwarranted and unwanted changes upon the Cayman Islands. This has not been their practice, and neither would it be acceptable. Caymanians have always held and maintained an intense loyalty towards the Crown. This still remains the case today, and should remain so far into the future for therein lies the keys to our stability and success. I will only repeat here and now what I have said many times before, and that is that under no circumstances whether in or out of this Honourable House, will I, as a Caymanian, support any moves that would take the Cayman Islands into full internal self government or independence.

Mr. President, this concern that I mentioned is not unfounded, it is genuine, it exists and it must be directly addressed because it stems today from the same continuing conditions which created it in the first place, and that is, that Caymanians can in due course, be placed at a serious political disadvantage and become a minority in our own country through economic development and an escalating population growth rate which is needed to service and support that development on which we depend. Up until 1979 and taken over a nine-year period, our rate of growth stood at six per cent, and interestingly enough, the population growth rate by origin over that period of time established that the growth rate for Caymanians was five per cent - whereas the growth rate for non-Caymanians stood at nine per cent.

Without wishing to become bogged down in statistics, if one analyses the population growth rate for 1979 to 1985 it will be found that the proportion of

non-Caymanians to total population rose from 19 per cent in 1979 to 31 per cent in 1985. This is considerable, Mr. President. And as the motion states, even with assuming a very conservative rate of growth, and with reasonable controls in place, to keep the ratio of Caymanians versus non-Caymanians at an acceptable level, even in spite of these checks and balances, native-born Caymanians will be outnumbered by approximately the year 1990, through the Immigration process.

Mr. President, our country must continue to grow and develop at an orderly pace. We will, for a long time into the future, be dependent on outside forces for certain levels of labour. Our economy is dependent on investor confidence, and in order for this to continue, we must maintain stability and harmony in our society. And I see the proposed amendments to our Constitution as one step in the right direction, and towards maintaining those elements so vital to our continued success.

I am proud to be a Caymanian. I am proud of the Cayman Islands. We have a country of which we can all be justly proud, and we must strive now to keep it that way. Prevention is better than cure, and therefore it is only prudent and wise at this stage in our development to provide the proper safeguards that would prevent an unacceptable and unpalatable situation from developing in our Cayman Islands.

In conclusion, Mr. President, this motion is timely, necessary and important, and to borrow a few words from a model constitution, "bearing no malice or ill will to anyone," but wishing to preserve the position of Caymanians which will allow us to maintain our rightful roles in our own native land, and look to the future with confidence and faith.

I give this motion my full support. Thank you.

MR. PRESIDENT:
Does any other Member wish to speak? The Member for North Side.

MR. D. EZZARD MILLER:
Mr. President, I support Private Member's Motion No. 3/87. In saying that I support the motion I have to make my position clear. My position has been and shall be, that to sit in this Honourable House you should be a second-generation Caymanian, that is plain and simple; born in the Cayman Islands of at least one Caymanian parent. But, Mr. President, half a loaf is better than no loaf at all. Since I could not sell that to the majority of Members in the Assembly, I will support the motion before us.

The mover of the motion said that the motion was intended, or seeking to exclude non-Caymanians from the Assembly, except in a particular case under (f) of section 18(1) of the motion. Now, I was willing and did modify my position to where I would support people of Caymanian ancestry, not born in this country, after having met other qualifications which are contained in this motion, to be Members of the Assembly. But I cannot in true spirit support subsection (f) because, Sir, I believe we will always be able to find people born in these Islands, or born outside the Islands, of Cayman ancestry, to fill this Chamber.

While we are allowing these people who meet this qualification to seek office, I believe they will have a hard time getting elected because the voter in this country is becoming more and more sophisticated, and more and more aware of what is and is not going on in the country. Elections in the future, I do not believe will be determined as much by who knows who, as the connections might have been in the past, as they will be on one's ability and merit to hold the office.

Now, Mr. President, some Members have said and I assume others will say, that we have no mandate from the people to make this Constitutional change. I can say Sir, without fear of successful contradiction that I have such a mandate, because in my manifesto on which I was elected in 1984, I clearly stated that I would not seek any change to our present constitutional status quo, and at no time would seek independence for the Cayman Islands. This motion does not do that, Sir. I also said in my manifesto Sir, "finally I must state that social justice, fair play, the dignity of the people and a stabilizing influence in government and society will be our aim and aspiration".

Now, Mr. President, I am concerned about the danger which we Caymanians are in, in the political process in our country and I would subscribe to what the mover said, in that I believe we have already become outnumbered in our own country by voters, or at least there are enough out there to

unduly influence an election and cause people whom the true-born Caymanian might not like to see representing them in this Assembly.

I support the conditions as laid down in section 18 that they must possess Cayman status, attain the age of 21, be a qualified citizen, born in the islands. I have voiced my reservations regarding (f). I support the definition of the qualified citizen, but the only thing that concerns me Sir, and I am now saying, maybe we are in an unfortunate position in that there are some people who are now in the position to qualify even under all of these requirements, to run and get elected in this country. What further concerns me, Sir, is that even though they may take up the additional requirement of the British Dependent Territories Citizen as is defined, and a qualified citizen, give up their British Citizenship if necessary, to take up British Dependent Territory Citizenship - the only thing that precludes them from being regranted their British Citizenship by the Secretary of State on a similar application for it, after they have got elected to office in my country and ruined it in some form or fashion - the example given by the mover of casino gambling is a good one - they could simply request to have their British Citizenship reinstated, and go back to England unless they had gone mad in the process. And as I have said, while there may be nothing that we can do at this stage, maybe the electorate will be wise enough, I hope, not to elect those people who could qualify and who could then go back to England and get their British Citizenship.

Mr. President, I have no apologies to make to any of these people for supporting this motion before the Assembly today, or in stating that I believe only people born in the Cayman Islands of at least one Caymanian parent should sit here, because in 1981 when the British Government wanted to stop the threat of the East Indians and to some extent, the West Indians and the Africans in their country, they did not write to Ezzard Miller and ask him if he would like to be a British Dependent Territories Citizen or a British Citizen. They told me I was going to be a British Dependent Territories Citizen, and that was it. I feel that this is my land, this is the land of my children and their children, I have an obligation to protect it for them, and I think we are making a step in the right direction.

I have nothing against these people coming here and enjoying themselves, we welcome them to our shores to enjoy the fruits of our development. In many instances, some of them have contributed to our development. But Sir, they did not do that for my benefit, they did it for their own benefit, and they have reaped the fruits of the fields that they have sown during the development process, and I see no reason why we should continue to remain in the danger that they may one day, not only control the commerce in our country as they do now, because if you look around you Sir, you will see that they come here as lawyers, accountants, bankers and as soon as they get Caymanian Status then they start developing swimming pool service companies, and they take over gardening services, and they start opening dress shops downtown, etcetera, etcetera.

I have nothing against these people, as I have said, reaping the benefits of the development that they have assisted with, but I see and I feel that I have no obligation whatsoever to allow these people to influence the political direction of this country, or to do with me what the Europeans did to the North American Indians. They are not going to put me on any reservation up on Eastern Old Man Bay Sir, and I agree with the mover, this is our last stand. Of course, as I said in the beginning, I would prefer it had we stood up a little stronger, because the motion is a little bit watered down from the way I would like to see it, but we have to take the stand now, and I am prepared to take that stand.

Mr. President, in 1983, amendments were made which narrowed it down the number of people who could qualify to vote, and the people who could qualify to sit in the Assembly. This is the only reservation I have about this motion that is before us today, is that we are simply only narrowing it again. I believe that the day is going to come when we are going to have to bring a motion back and say you have to be born here in order to sit in this Assembly. A lot of people who are trying and searching around for reasons to give you as to why we should not do this, and are using the example which the mover did of the United States, in that it is the greatest melting pot of nationalities, or certainly the most successful one in terms of economic development of any country in the world. But to be President of the United States you have to be born there or born of a citizen of that country.

This Legislative Assembly, our Parliament, is the highest office at this time in our Constitutional development, and that is why I feel the same way. Mr. President you know, there is an old "saying you can take the man out of a country, but you cannot take the country out of the man". We can bring them here and they can meet all these qualifications, but they are not really going to be like us, and they are not really going to think like us, they are going to think as if they were back home.

Another argument that I have heard some of the opposers to this motion put forward, is that we should put no great faith in the figures that were revealed in the draft Economic Plan. But Mr. President, those figures are straight forward mathematical computations based on facts that exist today. And the argument that they try to give me is that we have already in this country controls such as the Caymanian Protection Board, so that if we do not want to be outnumbered, all we have to do is to stop giving work permits, and stop doing this and stop giving that. But it is not possible, Mr. President, it is not a reality, we cannot stop the economic train of development in this country, and hold it in positions a, b or c until Caymanians can catch up with it in numbers or otherwise.

The people of the country are demanding of the Government more and more services. The country is progressing, we have to educate our people more and more every year for them to fulfill and take over positions of importance in our country. We have to provide increased medical benefits and a lot of these things, Mr. President, are not just wants for the people, so that we can say that they are not really needs, we can stop the train and not provide it, and give it to them. And then they tell me that the only reason we are making this amendment is that we all want money. Money is not the determining factor Sir, money is only the grease that makes the wheels on the train turn. So I do not subscribe to that argument that we already have in place in the Caymanian Protection Law sufficient provisions to stop those people from taking over this country and putting us on a reservation as they did in North America. And I think this motion is a step in the right direction to stop it.

I think it is needed, I think that without it we are going to lose the political stability, the social stability and the economic stability that this country has, because Caymanians, you know, will take a lot, you can push them a lot, but now when they are ready to retaliate, they are going to retaliate a lot. Our people have been under a lot of pressure economically and otherwise in this country over the last decade to keep abreast with the development. If we tell them that in the next decade they are not even going to control what happens in their own country, I do not think they are going to accept that. I believe that if we as Legislators are not prepared to take the necessary step, if it means amending the Constitution as it does in this case, so be it, it has to be done. As my good friend the Second Elected Member for West Bay reminded all of us of this morning, Moses broke up the tablets when he brought them down from the mountain the first time, so even those had to be reconstructed. So, if we have to change the Constitution administratively to allow for safeguards like this to be built in, it is a responsibility on us to do so.

Now Sir, we have also heard a lot about us not going about it the right way. If this is not the right way, I do not know what the right way is, and maybe somebody will enlighten me. As for the other argument about us not having taken it to the people, that is the fault of the individual politician who has not done so, because he has had the time. I took it to my people in my constituency; I had a public meeting and I did not have one single person that dissented from what is in this motion. Caymanians understand what this is all about, they understand that we are talking about their children's future and their own future, and they understand that it is being done to protect us and their children. Anybody who goes out there and tries to tell them otherwise and make them believe that if you go and ask for this, England is going to dump a whole calabash of vegetables on your lap, it is doing a misservice and a disservice to the country, because they cannot give us anything that we do not ask for, we do not have to accept it.

MR. PRESIDENT:

If the Member has reached a pause in his speech unless he is very near the end, I wonder if it would be convenient now to take our afternoon break?

MR. D. EZZARD MILLER: I will probably speak for another five hours Sir, so we will take a break.

MR. PRESIDENT: Very well. I will suspend proceedings for approximately fifteen minutes.

AT 3:25 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:39 P.M.

MR. PRESIDENT: Please be seated.
Continuation of the debate on
Private Member's Motion No. 5/87. The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, lest it be misconstrued, let me read what 18(1)(f) says, which I have said that I do not support. 18(1)(f) says:

"he was born outside the Islands, has resided in the Islands for a period or periods totalling not less than fifteen years out of the twenty years immediately preceding the date of his nomination for election and in the seven years immediately preceding the date of his nomination has not been absent from the Islands for more than a total of 400 days."

Now Mr. President, as I have said, I do not believe that we have to go that far to look for able people to serve in this Assembly. And while I am grateful as I have said, for what contributions such people have made to the economic development of this country, I believe that they themselves have benefited economically and otherwise from their contributions to this country. I do not believe that it should give them any right, whether they have been here fifteen years or fifty years, to be in a position to make political decisions as to the direction this country might take in the future.

There has been filed an amendment to this section of the requirement of 400 days. Now Mr. President, here again, I cannot with a clear conscience support that amendment because if serving Members of the Legislative Assembly have not been resident on the Island, or have been absent from the Island for that long a period of time then they are not doing their job as representatives, and I do not see where we need to make any special dispensation or provision for them under the Law. But as I have said in the beginning, Mr. President, this motion does not narrow the scope of people who can stand in this Assembly, as much as I would like to see it narrowed. But in the absence of being able to successfully pilot such a motion, and I must say Mr. President, that if this motion had not come in this meeting, my motion was going to be tabled, and the mover is well aware of that, because I appraised him of the motion, and that motion simply said that to sit in the Assembly you had to be born in Cayman, of Cayman parents.

But as usual Sir he has a lot of advice for you, and sometimes he is right and sometimes you have to let it go in through one ear and come out through the other one, he is only passing it on to you. In this case he might be right in his cautious approach, and this motion does achieve some of what I was trying to achieve in the motion that I was going to table, so I can support the motion. Mr. President, I believe that the mover and the contents of this motion have been generous to these people who have migrated to our shores, and would like to govern; because section 25(e) says "that he is on the day immediately preceding the appointed day, entitled to be registered as an elector". So all those people who could vote in 1984 will still be able to vote in 1988.

Mr. President, when I said I was going to speak for five hours, I had intended to use up all the notes of the Second Elected Member for George Town, but he has come back and has discovered that I have taken his notes, so I will not be able to speak for as long as I would have liked, because I know he is only waiting on me to speak, in order to get up and talk about that radical from North Side only wanting people born in Cayman to sit in the Assembly. But I was quite pleased yesterday to see that he had modified his position somewhat, and he now thinks that I am beginning to learn and had done a good job.

But, as I was saying, I do not see where these people have anything to complain of, because here again and as forthright as I like to be Sir, I am going to be straight with you and tell you that the motion that I was going to bring was also going to clean up the voters list because I wanted them taken off the voters list as well. I did not want it grandfathered back for them, but again, maybe I do have some reservations supporting legislation which might tend to remove the rights of individuals which they had previously enjoyed. So in this case I will support those who are on the voters list who should not be on the voters list, but since they are on there, they had the right in 1984, I think they should be allowed to vote in 1988. After this motion is passed, those people will remove themselves by the process of death and attrition if by no other way. So I think if we can prevent any more getting on the voters list, then as I have said, we have made a step in the right direction.

Mr. President, I agree with the mover of the motion that this is an issue which should be treated with statesmanship, with honesty and integrity, and putting politics aside. Mr. President, I have been honest, I have been forthright in stating my position. I support this motion because I could not successfully pilot a motion through the Assembly which would have limited legislators to those people born in the Cayman Islands, of at least one Caymanian parent, and I fully realize that this motion does put the future generations in this country in a much better position than they are in today, and I therefore support the motion before the House.

Thank you.

MR. PRESIDENT:
Member of Executive Council.

The Honourable Third Elected

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, it is not my intention to prolong the debate as there is very little that I can add to what has been presented to the House by the Honourable Member presenting the motion.

However Sir, I wish to associate myself with the intent of the motion, and I support it to the fullest. I helped to formulate the motion and I honestly believe that it is in keeping with the wishes of my people to have their own Caymanians govern and determine the destiny of our Islands, and to decide who can vote here. The two areas of concern are the qualification of Elected Members and the qualification of electors. This concern of course is not new. The Rt. Hon. the Earl of Oxford and Asquith when he was here in 1971, found that our people were worried about this very problem. In his report he said:

"Fear that Caymanians long established in the Islands might come to be at a political disadvantage in relation to immigrants and also in relation to Caymanians who had been living for many years abroad, but might now return to the colony, attracted by its increased prosperity."

That fear today is no longer a fear Sir, it is fast becoming a reality. Time is of the essence and we must act now to protect ourselves, all native-born Caymanians and those who are now fully qualified and committed to our Islands. We have been told that by the year 1990, Caymanians will be outnumbered in their own country. We must therefore stand firm together, united with one resolve to solve this grave problem. It has been said that the most dangerous of all days is when a man discovers how easy it is to talk about tomorrow. The gate must be closed now before the horses get out. We are not trying to do anything that would harm or hurt the expatriate living and working here. Their rights must be protected and respected. However, we are determined to be masters of our own destiny and chart the future course of our Islands without fear, favour or interference. This motion does not seek to exclude people of non-Caymanian origin, but it clearly sets down what they will have to do to qualify.

In 1981 the United Kingdom passed the British Nationality Act 1981, to protect their country and its people, and we are trying through this motion to protect our people. I believe that the United Kingdom will be sympathetic and support what we are trying to achieve now. The stability of our Islands depends on harmony and goodwill, and the passing of this motion will go along way to achieving this goal. We are no longer the

Island that time forgot, we are very much in the forefront, especially in the international world of finance, and I hope we will remain there. We must preserve the future of these Islands for the continued enjoyment and comfort of our children and our children's children. I believe this motion when passed will achieve what we hope it will, and as I said at the beginning Mr. President, I would not belabour or delay this debate any longer, as I do not feel I can add anything to what has already been said. Therefore, Mr. President, I would like to state that I support this motion fully.

MR. PRESIDENT:

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

MR. LINFORD A. PIERSON:

I was hoping, Mr. President, to have got some of the other Members up by going to the coffee room, but it seems that I would have missed my turn here today, which I would not want to do.

The motion before us today is, needless to say, a most timely and important motion as it deals with a matter which is near and dear to the hearts of Caymanians. Private Member's Motion No. 5/87 is a motion which is requesting that this Honourable Legislative Assembly petition Her Most Gracious Majesty to change the Cayman Island's Constitution Order 1972 with respect to qualifications of Members of the Legislative Assembly and electors.

Firstly, Mr. President, I wish to congratulate the Young Caymanian Businessmen's Association for their invaluable assistance rendered to the Government in this issue, and for spearheading the move for the changes contemplated in the motion.

I was asked by some Members of the House, not by my constituents, as to why I seconded this motion. And my answer was simply that I seconded the motion in the interest of the people of the Cayman Islands, and I wish to congratulate the mover, the Honourable First Elected Member of Executive Council for the strength of his convictions in bringing this sensitive issue to the House at this time.

Mr. President, before going into my debate, from the letters I have seen in the newspaper and from the editorials I have seen in the Compass, I wonder whether the interests of the writers are in the best interest of the people of this country. Over the Christmas holidays I heard a story which was in the form of a joke, and I do not intend to be trite on a matter which is as serious as the one before us, but it seems so apropos of this issue that I could hardly let it pass because it tends to highlight the need for good common sense by some of the people, especially some of the qualified lawyers that come back to this country feeling that they are God's gift to the intelligentsia of the Cayman Islands. And this joke, Mr. President, was with three individuals who were on the Wheel of Fortune, and one was a Cayman lawyer, a young Cayman lawyer just returning, I do not know which country it was, I heard a number of countries mentioned here today, but I am not sure from what university, and there was an Englishman and an American, and he was asked the question for the first part of the prize which was \$10,000, the big prize was \$1.0 million. The Englishman was asked the first part, he was supposed to complete the sentence, so the person on the Wheel of Fortune said "I want you to complete the sentence and you will win \$10,000", so he said to the Englishman "Old Macdonald had a...." and the Englishman said "a plantation, of course". The man said "no, no you are wrong", and he turned to the American and he said "Old Macdonald had a....." and the American said "an estate of course", and the man said "no", but the little Caymanian lawyer was there clipping his fingers, so anxious to give the right answer, so he turned to the Caymanian lawyer and said "Old Macdonald had a...." and the Caymanian lawyer said "a farm". The chap said "correct, \$10,000 is yours. Now for the big question, how do you spell farm". The Caymanian lawyer so anxious to answer said "e i o".

Well, Mr. President, this is exactly the point I am making. Some of these chaps have the answers, but they do not have the common sense to apply it, and this is what is happening to a lot of our lawyers on the Island.

Now, I want to make reference to a letter which appeared in the issue of the Compass of Tuesday, 10th February 1987, and it was captioned "Caution Urged on Speaker", and I will not deal with that, we have dealt with it even though, in my opinion, not successfully, and "Constitutional Amendments Motions".

Now Mr. President, when one reads this letter, it tends to insult the intelligence of the people of the Cayman Islands. We see here "Caution" we see here "Caymanians", what is the definition of a Caymanian? Well if this young man who is writing this article does not know the definition of a Caymanian, then I wonder why he is even addressing this subject. I would have thought that with his intelligence he would have known the definition of a Caymanian, as he purports to be a Caymanian. The other section, Mr. President, he stated here, as I noted in a letter published in the paper of 2nd September, 1986:

"'no constitutional change' was a popular slogan of successful candidates in the General Elections of 1976, 1980 and 1984, thus as I see it a clear mandate for constitutional change should come from either new General Elections or a referendum."

And he went on, Mr. President, in the usual, lengthy manner that he adopts for his letter writing. I will not go into these details. But I would like to make it quite clear here that I am not seeking any constitutional change that would lead to any form of full internal self-Government, or ultimate independence for these Islands, and this is the impression that is being given by this individual and a number of other people associated with him here in the Cayman Islands, that constitutional change necessitates a move to independence. This is not so. I said in my political manifesto for the General Election in November, 1984 and I quote:

"I am against any constitutional changes designed to lead us into internal self-Government, and ultimately, independence for these Islands."

Mr. President, my position has not changed. As a matter of fact it has been reinforced, and my position today is as then, that we need no constitutional advancement to the state where we would be seeking independence. I want to make that abundantly clear.

In yesterday's issue of the Caymanian Compass we see where they were dealing with the issue of the Constitution and possible amendments. Mr. President, it seems somewhat contradictory that they would write on a subject regarding the change in Constitution, and in the same paper they have admitted that the motion for constitutional change was amended to satisfy the same matter that they are dealing with in the editorial. To me, it would seem somewhat mischievous for the papers to be doing this. And on this subject, Mr. President, I am not at all afraid to speak against what I see as a biased attitude of the paper. I have said this in the House here before, and I have been taken to task in their papers, but I want the listening public to know that the papers will not intimidate me, and I want them to listen to the broadcast in this House, and compare it to what is being placed in the papers.

I have sat here in the House, I have debated subjects, but the papers will slant it in any direction that suits them. One only has to look at the reporting they have done for this sitting of the House, and one will see they take a very slanted and biased approach. During my Throne Speech I mentioned briefly that I did not support capital punishment, but I dealt with very important issues such as the necessity for a multi-storey car park and many other issues, but the only thing that the Compass could find to write, was that Linford Pierson says abolish hanging. This is the sort of reporting that is intended to discredit people in the Cayman Islands, and you can use the truth sometimes to discredit an individual, if you slant it in the wrong way.

I want the public to know that if they want to get the facts regarding my stewardship, or what I have said in this House that they should listen to the broadcasts, because it is verbatim, and not pay any attention to what is placed in the papers, because the papers print what they want to print, and what suits them. On that issue I want the people to know that my personal conviction is what it was, and I am not going to deal with this in any length, but that if it is their wish, that this matter not be pushed by me regarding capital punishment, their will will be followed closely by me, and I will not be pushing this issue any further. A lot of people said yes, they want it, a lot of people said no, they

want no change. So if this is the way the paper feels, that they will discredit me, they are doing it in the wrong way. Even on matters raised here in the House. All you see is that Linford Pierson, MLA for George Town supported the issue or did not support it. You do not see one quotation made, yet other Members who come up and speak after I do in this House, and quote exactly what I say, they are quoted verbatim, but there is no mention of what I have said, so my people in George Town and in the Cayman Islands I want to you know that this is the punishment being dished out to me, because I refuse to buckle to the Caymanian Compass, and I will not do so.

Regarding their editorial of yesterday, I am surprised that they would come out with this a second time, and I am wondering whether it is because they have some special interest in this issue. Why is it that a bunch of people who have no close connections with the Cayman Islands are trying to dictate to the people of the Cayman Islands? In an issue like this it might be better if they kept their views to themselves. I do not need to smother my feelings in this House because I am afraid of the Compass. I am not afraid of the Compass. If the Compass is to run in this country, and it is to run the news of the debates in this House, then they should do it in an unbiased manner and without partiality. I feel that any time I see that this is not happening, they are going to hear from me. I know that I will see an editorial tomorrow trying to pass derogatory remarks, I will see it, but I am prepared to deal with it as I have done in the past.

The editorial they are saying here is "A Serious Step", a serious step for whom? Is it a serious step for those people who feel that they will be affected by these constitutional changes? I have lobbied, I have talked to a lot of my Caymanians and I am yet to find one who has said to me that he opposes the changes contemplated in the motion. Why is it that the Compass is continually harping and taking such a negative approach to this issue? Is it because they feel that maybe somebody near and dear to them could be affected? One wonders!

They said, Mr. President, that "an amendment to a constitution is a serious step for any country to take, and the Cayman Islands are no different in this respect". We are aware of this. We really do not need the Compass to tell us this. And the only reason I am dealing with it is that my fellow Caymanians read this paper. But I want you all to know that you take it with a grain of salt, what you read in there, and I will continue to say this until I see more unbiased reporting. "The proposal now before the Legislative Assembly" they went on to say "should be well understood by the people of these Islands, before Members take a final vote." A good recommendation, but do we need it? We are sensible people in this House, we do not need that kind of recommendation, they should keep their ideas to themselves. All this is doing is giving the public the wrong impression of what we are trying to accomplish in this House.

If a referendum was taken tomorrow, Mr. President, 99.75 percent of those people eligible to vote would vote in favour. The only fear I would have is that many of them would want to see much stronger measures taken, because many of the people I spoke to said to me that the only fault they found with it is that (1) it was not brought earlier and (2) it was not strong enough.

The editorial went on to say "the proposal's aim is to exclude non-Caymanians from the Assembly". This is not true, this is another misleading statement by the papers, and I trust that as the Honourable First Elected Member said, that the public will treat the editorials in the papers with the contempt that they deserve until they are more objective. It said that "some have commented that the proposal might be interpreted in such a way that some people who are normally considered Caymanians, could be excluded from being elected as Members of the Legislative Assembly". Yet Mr. President, they have printed the whole text of that motion, but would try to mislead the public into believing that if this motion passes in this House, that it is going to harm the people of the Cayman Islands. This is the mischiefousness that this paper is creating, and the worst part about it is that they are the only paper circulating, so they have a complete monopoly, and nobody can contradict them. Not even the radio can, since it is a Government radio, and not supposed to get involved in politics.

The editorial further states that "this apprehension must be cleared up before the proposal is passed" - where is the apprehension? I do not see any apprehension.

Who is afraid of this? The people of the Cayman Island are not afraid of it, and I have talked to a lot of people. I keep in very close touch with my constituents. I have not heard any of them complaining about it. As a matter of fact, as I said earlier, they welcome it, so where is this apprehension? Is it in the minds of those people, again, who would feel that they would be affected by it? "No ambiguity" they went on to say "should be permitted in such an important document as the Constitution", and I agree, but there is no ambiguity, there is no ambiguity in it. No Mr. President, it is quite clear. It is quite straightforward, where is the confusion, where is the ambiguity? Mr. President, the only confusion is in the minds of the writers.

"If it means holding the proposal over for the next Assembly meeting, so be it". Why should we do it, the people of the Cayman Islands want it now. Is it to allow more letters to appear in the paper? Is it to allow special interest groups to go around and influence the people to their way of thinking? Is this why we are pounding away to have this matter taken into Committee? Mr. President, it is time that in this House and in this country that we cease to allow the tail to wag the dog. There are too many people outside there that are dictating terms to this House. As soon as something is recommended for implementation, they jump into the paper and start writing letters. They go around lobbying people in the hope to change things to suit themselves. This cannot happen, you must have a Government.

Mr. President, it is no secret, the Honourable First Elected Member and myself have not always seen eye to eye in this House, and this is good, this is what intelligent people will do, but my position in this House has always been that I will support whatever I feel is good for this country, and every morning when I pray, I pray to God to make me a good representative. I am not praying to be a good Dignity Team Member, or a good Unity Team Member. I want to be a good representative for my people, and when I saw this motion coming before this House I was very happy to support it. I will even go further, as a matter of fact, when I first discussed this matter with members of the Young Businessmen's Association I suggested to them then that I would have brought it to the House as a Private Member's Motion. But they said no, they had been talking to Government and they intended to continue talking to Government because they felt it would be successfully dealt with through Government, and I am glad that they took that route. So I was very pleased to support it, and I can hardly see any valid reason that any Member of this House would have for not supporting an issue this important.

I am not going to be passing any remarks about any previous speaker, but I cannot understand how speakers will say that they cannot support an issue because this is wrong, or that is wrong, and not propose areas of solution. I would think, Mr. President, that if there are some fundamental changes necessary to be made in this motion, that we will hear them aired during the debate time.

We have seen letters suggesting that we should not make any changes to our Constitution. We have seen letters suggesting that we should go and lobby our people, we should inform them of what is happening, this is true. This does not necessarily have to be done through public meetings, because for those Members who keep close to their constituents, they can let them know what is happening, as I do, without having to call a meeting every month. I see my people daily, I do not wait until every time we have a Legislative Assembly Meeting here to meet with my people, so they know what is going on because I talk to them, and when I say "my people" I think of a complete cross-section of the constituency of the George Town District, and indeed the people of the Cayman Islands.

Mr. President, I hold in my hand the Cayman Islands Constitution Amendment Order 1984 which as a result of the British Nationality Act coming into effect necessitated the change in qualification for elected membership and electors. Mr. President, I am yet to see any public meetings held to discuss this with the members of the public. I stand to be corrected, but I am not aware of any public meetings being held. I am not aware of this matter being dealt with on Open Line. The reason it was not done is that the British Nationality Act of 1981 which came into effect in the Cayman Islands in 1983, did not give us any choice. We had no choice in the matter. We were told that we were being reduced from the status of a citizen of a United Kingdom colony to that of a citizen of a British Dependent Territories Citizen, this is what we were told.

This is what has caused all the problems, and this is why we today have to make the changes we are making.

Let us put aside politics, Mr. President, this issue is bigger than politics. Let us think of the people of this country whom we represent. There is no way that we can get up in this House and on one hand we say we support it, but on the other hand we cannot support it. It is as the Honourable First Official Member said yesterday, this is one of the things he has against economists, because on the one hand they say this and on the other they say the other, and this is why I suggested to him that the best economist is the one handed economist, because they cannot say on the other hand. And I submit that we have a lot of politicians like that. On the one hand this is right, but on the other hand I cannot accept it.

Mr. President, I am very, very moved by the whole subject that this motion contemplates, because it is a very serious matter.

Section 18 of the amendment replaces the old section 18 contained in the Cayman Islands Constitution Order, 1972. And I would like to read it, Mr. President. The old section 18 stated:

"Qualification for Elected Membership

Subject to the provision of the next following section, a person shall be qualified to be elected as a Member of the Assembly if, and shall not be qualified to be so elected unless he possesses Caymanian Status and is either a British Citizen or a British Dependent Territories Citizen."

This is what we are trying to change. We want to move away from the dual nationality. If we allow this to continue, Mr. President, there is nothing to stop someone sitting in this House with dual nationality, who will one day say that he is fed up with what is happening in the Cayman Islands, and will take the plane and fly back to his own country. I personally have nowhere to go. I am a Caymanian, and this can be traced back very far. I have no problems with this. But there are certain individuals who now under the present provisions of the Constitution, have the privileged position where they have dual nationality, and if things get rough in the Cayman Islands they can run away to the other country and forget about the Cayman Islands.

Section 18(2) of the proposed new section 18 states specifically that a qualified citizen is a British Dependent Territories Citizen by reason of his connection with the Cayman Islands. This therefore Mr. President, prevents individuals with dual nationalities qualifying for elected membership. For example, Mr. President, under the present provisions of the Constitution, an individual with say, British Nationality and Caymanian Status could qualify for elected membership, but under the new provisions, only those citizens with British Dependent Territories Citizen status will be eligible for membership.

We are not saying here in the proposed amendments that people with Caymanian status could not sit in this House, this is not true, Mr. President. The motion does not state that. What the motion states is that you cannot have your cake and eat it. If you want to sit in this House, then you be a true Caymanian, but you cannot have dual nationality. You cannot be a Canadian and a Caymanian at the same time. You cannot be from the United Kingdom and be a Caymanian at the same time, and sit in this House. If you want to sit in this House then you must show good faith, and you must renounce any other nationality, or any other citizenship, and you must be a Caymanian for all intents and purposes.

This section of the proposed amendment in the motion protects the born-Caymanians from being pushed into the background as second class citizens, and losing control of these Islands. Many countries, Mr. President, have protected their citizens against the danger of being swamped by individuals who have been granted citizenship as opposed to those who have citizenship as of right through birth.

There are two good examples, and the examples are the United States of America and the United Kingdom. For example, under the Constitution of the United States, specific provisions and conditions are contained therein outlining the qualification for membership to their House of Representatives.

Specifically the United States Constitution states in Section 1 of Article 2, and I quote:

"No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President, neither shall any person be eligible to that office who shall not have attained the age of 35 years, and been 14 years a resident within the United States."

(and I am quoting from the United States Constitution).

I believe, Sir, that the United States Constitution was adopted during the presidency of George Washington or thereabouts. So it is doubtful that any individuals who would have qualified then under the grandfather clause would still be alive. So they are indeed talking about generations since. So one can see why the United States, regarded by many as the greatest country in the world today, found it necessary to protect their own people. So why should the people of the Cayman Islands not have the right to protect their destiny? There is no reason why we should not, and what we are doing here I feel will be welcomed by the expatriates, or by those who have gained Caymanian Status in our community. I feel that it will be welcomed by them. I do not think that they will feel that we are trying to harm them.

My position has been, Mr. President, and again this was stated in my manifesto, that I do not feel that we should be talking about pushing people aside, or pushing them out of the country, but rather we should work towards integration. When it comes to the idea of sitting in this House, we are dealing, as one Member said earlier, with our national pride. We are not talking about walking down the street or going to some cocktail party. We are talking about representing our country, and I feel that we should have enough pride in ourselves to put aside politics today. I know this motion will pass with or without the dissenters, I have that confidence. I would like to see it unanimously passed because the excuses I have heard that it is not covering every possible condition, is not good enough.

You show me one document, even Erskine May, the bible of the House, I feel would not cover every possible condition. We can amend, we amend our laws from time to time, we are not going to get a situation here that is perfect, but Mr. President I feel that we are moving in the right direction.

Further, Sir, our Mother Country the United Kingdom, found it necessary as I have said, to protect their own citizens in 1981, to bring about the British Nationality Act. They did not come to the British Dependent Territories to ask their permission, they went ahead and they did it, whether we liked it or not. And I submit that a lot of the problems which some of our people are facing today because they were born abroad is coming as a result of this British Nationality Act.

Mr. President, I think I am coming close to time ...

MR. PRESIDENT:
afraid I have to interrupt you now.

You are quite right, I am

It has been suggested to me that some Members would prefer to sit on late this evening in the hope of being able to complete the business and the meeting today. I am conscious that Members have not been forewarned that there was an intention to do so, and it may be inconvenient for some, but of course I am in the hands of the House. If Members would prefer to stay on and sit late, then naturally, I am prepared to do so. If not, not.

MR. G. HAIG BODDEN:
a public meeting for tonight at eight o'clock at Breakers, and if I should have to stay beyond four thirty it will really put me at a great inconvenience. If we continue, I certainly cannot finish my speech in the little time between now and then, and I would like to be here for the vote, so it would be almost impossible for me to remain.

HON. BENSON O. EBANKS:
Mr. President, I am wondering if Members would consider carrying on until six o'clock which would ensure that we should certainly finish tomorrow. Otherwise we are probably going to come back here again on Friday, and unfortunately I have other commitments for Friday.

MR. PRESIDENT: I expect that there is nothing we can do that will suit everybody.

MR. LINFORD A. PIERSON: Mr. President, I personally would support what the Second Elected Member for Bodden Town has said, because personally I am having a lot of trouble with my throat too, and that is why I did not want to speak now, but I would support the idea of stopping now and perhaps waiting until tomorrow, because I believe that if we go on until six, it is still going to make it difficult, he could speak for four hours.

MR. PRESIDENT: If the Honourable First Elected Member's principle concern is not to go on until Friday, I do not know whether the Second Elected Member for Bodden Town can tell us how long he plans to speak?

MR. G. HAIG BODDEN: Probably about an hour. I would like to point out Sir, that about half the Members have spoken. I do not suppose ...

MR. PRESIDENT: I know, I think more than half have spoken actually ...

MR. G. HAIG BODDEN: ... the Government Members will have much to say....

MR. PRESIDENT: I do not think the Official Members are likely to speak, so I think it is only about another four Members at most to speak, and I think we would finish tomorrow.

It would seem to me not unreasonable to have a general understanding that if necessary, we would sit late tomorrow, so that we could finish tomorrow and not have to continue on Friday. I do not think we are going to finish today, and I do think it would be wrong to inconvenience Members seriously, or to prevent a Member from making a speech that he wished to, when we had not given notice of an intention to sit late. So although I am in the hands of the House, my feeling is that we should agree to sit late tomorrow if we find we need to, but that we should move the adjournment now.

Would anybody seriously object to that? I think I sense ...

MR. G. HAIG BODDEN: Yes Sir, that is a sensible thing to do.

MR. PRESIDENT: Yes, I think that is probably reasonable. In which case I will invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2) I move the adjournment of this Honourable House until ten o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until ten o'clock tomorrow morning.

QUESTION PUT: AGREED BY MAJORITY: AT 4:35 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. THURSDAY, 26TH FEBRUARY, 1987

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY
THURSDAY
26TH FEBRUARY, 1987
(FOURTEENTH DAY)

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 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 HAZARD 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

STATE OPENING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

THURSDAY, 26TH FEBRUARY, 1987

(FOURTEENTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST ELECTED MEMBER.

2. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

CONTINUATION OF DEBATE

ON

AMENDED PRIVATE MEMBER'S MOTION NO. 5/87

A MOTION REQUESTING THIS HONOURABLE
LEGISLATIVE ASSEMBLY TO PETITION HER
MOST GRACIOUS MAJESTY TO CHANGE THE
CAYMAN ISLANDS (CONSTITUTION) ORDER,
1972 WITH RESPECT TO QUALIFICATIONS
OF MEMBERS OF THE LEGISLATIVE ASSEMBLY
AND ELECTORS.

(d) The Second Elected Member for
George Town (to continue)...

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THURSDAY

26TH FEBRUARY, 1987

10.09 A.M.

MR. PRESIDENT:

Member.

Prayers.

The Honourable First Official

PRAYERS

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 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, who 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.

Private Members' Motions.

Continuation of the debate on Private Member's Motion No. 5/87. The Second Elected Member for George Town to continue.

AMENDED PRIVATE MEMBER'S MOTION NO. 5/87

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

Continuing the debate on the amended Private Member's Motion No. 5/87, which is a Motion requesting this Honourable Legislative Assembly to petition Her Most Gracious Majesty to change the Cayman Islands (Constitution) Order, 1972, with respect to qualifications of Members of the Legislative Assembly and Electors.

Before moving into a further explanation of qualifications for elected membership, and for electors, I wish to make a reference to some of the remarks made by previous speakers yesterday. It was interesting to note a reference made by the Honourable First Elected Member and the Mover of the Bill regarding a letter from Mr. O.L. Panton. I have always regarded Mr. Panton as one of the leaders in our community, and his views are respected by many of our Caymanians and residents here. It is interesting to see that as far back as the 26th of February 1982, about five years ago, Mr. Panton's views are coinciding with what we are trying to do here today. It was interesting that the Compass at that time, did in fact advocate that Cayman should remain in the hands

of Caymanians. But due to the vagaries and the effluxion of time, today their position seems to have been changed on this matter.

As I said here yesterday, it is obvious to many people because they have indeed spoken to me about this, that the Compass will try to make those in the Assembly look good who they particularly favour. But again I would say to my people that I will continue to speak in this House about any issue, whether it suits the Compass or not. There are certain people that come here to take notes of the debates and when I see them I need not read the paper the next day, because I know that I will not be given a fair coverage. My people will know in time, I will be advising them, on this issue from time to time. If I do indeed see a change in the editorial and journalism of the Compass, I will be the first one to say so, but for the time being, I am satisfied to feel that they will be there, not being in my best interests.

In reference to letters that have been written on this subject, the same, Sir, that some of the people that would be opposed to the constitutional change, or changes, are living in the past. They are not keeping up with our developments in this country. Attitudes to constitutional change have become redundant through obsolescence, and has become obsolete through the effluxion of time, and they need to keep up with the changing times in our society and our country.

The Honourable Fourth Elected Member of Council made a very good point. He said that we need to safeguard our liberty in this country. I could not agree with him more. We have to safeguard that liberty, we have to ensure that happiness and liberty will be retained. He also said that Caymanians will become outnumbered within a few years. It is very true. This is the danger we are facing, and this is one of the main reasons why we are today making the necessary efforts to try and cope with that danger.

The Elected Member of East End also made some very good points. One was that he feels the political destiny should be in the hands of our people. He also went a little further to say that he feels that they should be born Caymanians. These are strong statements, and I believe that at the end of the day, even though he had some reservations toward the composition of the present Motion, that he indeed will lend his support to it because I am sure he, like many of us, realises that we cannot bring a perfect situation to the House. There will be need from time to time to make necessary changes, but I feel that we have moved in the right direction, we have our foot in the door now, and we need to keep moving on this issue. He also said, if necessary are steps not taken now, we consider if our Islands are placed in the hands of the unknown, what a problem this would bring to our country.

It was pointed out here that by the year 1990 we will be in a minority position in this country. It was also pointed out by the Second Elected Member of Council that our population growth is moving by only five per cent, while the non-Caymanians in this country, the growth is moving by nine per cent. This is a serious situation, as this is almost doubling the growth rate of the Caymanians. By the year 1990, as I said, which is in three years time, we could be outnumbered in this country.

Mr. President, on the 11th of February 1987, the Compass carried an article which stated "Motion calls for change in voters, candidates, qualification". I would have thought that from this article which was a report on the meeting held by the Honourable First Elected Member, and the mover of this Motion, that this alone would have cleared up any doubts that anybody, including the Compass, would have had in their minds as to the intentions of this Motion. I would be remiss in my duties this morning if I did not congratulate Captain Percival Whorms for the very interesting letter, constructive letter and views that he had on this subject in the papers.

Mr. President, I could stand here and read the summary of the meeting that the Honourable First Elected Member had, and this would cover in a nutshell, exactly what the Motion is contemplating today.

Moving on to the substance of the Motion, I wish to deal with section 18(1) of the Private Member's Motion No.5/87, and this section deals with qualifications for elected membership. It states that:

"Subject to the provisions of the next following section, a person shall be qualified to be elected as a Member of the Legislative Assembly if, and shall not

be qualified to be so elected unless ..."

- and I would like you all, and the listening public, to listen to this very carefully:

- "(a) he possesses Caymanian status;" (that is the first requirement)
- "(b) he has attained the age of 21 years; and
- (c) he is, at the date of his nomination for election, domiciled and resident in the Islands; and
- (d) he is a qualified citizen."

I would like to comment briefly on the meaning of a qualified citizen, so that there is no doubt as to what this means and who would qualify for elected membership.

Section 18(2) deals with the question of a qualified citizen, and it states:

"For the purposes of sub-section 1(d) of this section" (which I just read) "a qualified citizen is a British Dependent Territory Citizen by reason of his connection with the Cayman Islands ..."

This is the major change in this, because as a result of the British Nationality Act which came into effect here in April 1983, we then had a situation where the Constitution was changed to accommodate the British Nationality Act where the people who qualified could also be British subjects, and British Dependent Territory citizens. It is felt by the Members of this Honourable House that anyone sitting in this House should have one citizenship, and should not be allowed to have dual citizenship. I do not think any country in the world would allow that. It goes on to say:

"... by reason of his connection with the Cayman Islands who either :

- (a) at the date of his nomination for election possesses no other citizenship ..."

This does not suggest that non-Caymanians or expatriates cannot sit in this House, if they have Caymanian status and if they fulfil the other requirements of this Motion. This does not suggest that. But they would have to give up any other citizenship that they have, and retain only the Caymanian Status or British Dependent Territory citizenship.

The second part of this says:

"...and has taken no steps ..." (and we should note this carefully): "has taken no steps to claim any other citizenship for which he may be eligible."

And I would like to comment on this. It could also read to mean that he is taking no other step. I understand that this was a concern of one of the Members, and it said "... and has taken no steps to claim any other citizenship ...", because there may have been constituents, who, in the past, took steps to obtain other citizenship. But this is easy to be changed if this is a matter that is causing some concern to any Members of this House, it could read to say "... he is taking no other steps to claim any other citizenship for which he may be eligible ...". So that nobody that would qualify in other respects would be disenfranchised under that particular sub-section.

(b) of this section states:

"(b) was born outside the Islands, has or had at least one parent or grandparent who was born in the Islands and possesses Caymanian status (or if deceased would if alive have possessed Caymanian status at the date of nomination for election), and who at the date of his nomination for election possesses no other citizenship save ..." (and you must make note of this) "... save for any right he may have to some other citizenship by virtue of his birth outside the Islands."

This was specifically put in this Motion to protect many of our Caymanians, because in the years gone by our medical facilities were not what they are today, and this is the reason this section was put there, to protect even Members that may already be in this House, to

ensure that their rights are not taken from them.

Mr. President, I have decided to go into detail on this, even though I feel it was fairly well covered by the mover of this Motion, but as the seconder of this Motion, I feel as responsible to the people of the Cayman Islands for this Motion as the mover. Because under our Standing Orders, this Motion could not be effective without a seconder. So I am as responsible for this Motion as the mover, so I will take time to go through this. And I support this 100 per cent.

I think that fairly covers the question of qualification and what is a qualified citizen. So there should be no question in the minds of the Compass or the general public as to what is meant by a qualified citizen, this is quite clear. Members have stood in this House and said that they feel it should go to a Select Committee. What I fear is what we have experienced here in the past, where we have taken things to a private committee, but before we could start with our deliberations, it was in the press, it leaked out. Should we delay this to give chance and time to others who may want to go around lobbying against this Motion, when this is such an important issue? I say no, Mr. President, and I feel today in this Honourable House this Motion will indeed pass.

Regarding a qualified citizen it says:

"he is a qualified citizen if either he was born in the Islands or was born outside the Islands in the circumstances mentioned in section 2(b)" (which I have just read to you), "has resided in the Islands for a period", (and you should listen to this carefully), "for a period of not less than seven years immediately preceding the date of his nomination for election. And subject to sub-section (3) and (4)" (which I will come to in a minute), "the number of days on which he was absent from the Island in that period does not exceed 400".

There are many Caymanians or those who could claim right to Caymanian status that have never even lived in this country, yet under the present Constitution they could come out of New York with all the habits of New York, not having lived in the Cayman Islands one day of their life, but because of their connection, could claim Caymanian Status and run successfully, get into this House and not have an idea of the wants and needs of the people of this country. So we are saying for those people that have not spent any time in the Cayman Islands, whether they are Caymanians or not, that they should come and serve their apprenticeship. They should not be able to just walk into this country without any idea of the needs of the country or constituents, and come and sit in this House. They have a right to sit here, but they must serve their time. And it goes on to say that they "should not be away from the country for more than 400 days in the seven years".

Mr. President, that is a long time - if you divide 400 days into seven years, you will find out that they have to away from this country several months a year. So, I see no reason why this should not be accepted as being a reasonable provision in this clause.

In connection with the 400 days, there have been questions in this House as to whether this Motion will disenfranchise even Members of the House, as I mentioned a while ago. Somebody mentioned to me that Mr. Jim Bodden would be disenfranchised. This is absolutely incorrect. As a matter of fact, section 4 of this Motion specifically provides for people that have to spend a lot of time abroad on business. Also, the fact that he may have been connected with the United States is also protected under this. So this will not, and I repeat, this will not affect people like Mr. Jim Bodden, and many of our people here. I would not be supporting it if it would affect him. I want the people of this country to know that.

Section 4, before I deal with 3, since this is directly related to what I am saying, states:

"In the case of a person referred to in paragraph (e) of sub-section (1), the requirement that he shall not have been absent from the Islands for more than 400 days in the period of seven years immediately preceding his nomination for election ..." (and note carefully) "... shall not apply if that person was, on the day immediately preceding the appointed day, qualified to be elected as a Member of the Legislative Assembly."

Therefore, even if we had Members of this House that have to spend a lot of time abroad, this would not disenfranchise them.

One Member yesterday said that the Motion should protect people who have to go away for medical reasons and so on. Well I would like to point out quite clearly that this Motion does in fact protect these people, and it goes much further, and I will deal with this at this time. Section 18(3) of the Motion states:

"For the purposes of ascertaining whether a person has been absent from the Islands for the purposes of sub-section (1)(e)" (which deals with the 400 days) "any period of absence by reason of the following shall be disregarded " (and note carefully):

(a) attendance as a pupil at any educational establishment;"

So if your children are going to school in the United States, this would not be held against them.

(b) "attendance as a patient at any hospital;"

If you had to go and spend a year in a hospital abroad, it would not be held against you.

(c) "employment as a seaman aboard an ocean-going vessel."

This protects any of our people that would have to still go to sea for a living. Any time spent aboard an ocean-going vessel would not be included in the 400 days. And very important I wish to make this particular point very, very clear:

(d) Employment as a crew member on any aircraft."

This was a matter that was questioned - what would happen to our people employed on Cayman Airways. They are protected in this Motion. So we have not left any stone unturned. I even hear people in this House saying that we should be doing this and doing that to make the Motion better, I want them to state specifically what improvements that should be made to this Motion. It is easy for anybody to get up in here and say the Motion is not a good motion, and that it should be made better. But what I want to hear is constructive suggestions as to how this Motion should be improved. Everybody accepts that it must, it is high time, that something like this be done. Let us stop playing politics, and let us deal with this very important issue which is before us.

And now, I come to the very touchy issue of section 18(1)(f). This deals with the expatriates or those that have gained Caymanian Status amongst us. I want no ambiguity or any double meaning put to this, it is quite straight forward and there should be no need for any misunderstanding on this issue. And I trust Sir, that after we have finished deliberating this in the House that the same prominence the Caymanian Compass gave to their concern about this Motion would be given to the clarification which we are now offering. Section 18(1)(f) states: "... he was born outside the Islands ..." - this is an individual who was born outside the Islands but who has been granted Caymanian Status, who also would comply with the other requirements of this section.

"(f) He was born outside the Islands, has resided in the Islands for a period or periods totalling not less than 15 years out of the 20 years immediately preceding the date of his nomination for election."

This is fairly generous. We are not saying that he has to be here 15 years after receiving Status, we are saying 15 years from the first time he came to reside here. This is not at all blocking an individual who has obtained Caymanian Status from running and taking a seat in this House. Many of my colleagues felt that this was too generous - some of them felt that this sub-section should have been removed from the Motion. But, as seconder of this Motion, I feel that this is a reasonable subsection, and I am supporting that this remains in the Motion, since I do not feel that these individuals, if they

comply in other respects, that they should be disenfranchised from really showing their main interest in the Cayman Islands. But what they will have to do is give up any dual citizenship that they may now have, that they got if they were a British subject, Canadian, American citizen or whatever, if they want to sit in this House they must give up that citizenship and retain only British Dependent Territory citizenship. This is the point Mr. President.

This sub-section goes on to say that in addition to the 15 out of the 20 years, immediately preceding the date of his nomination for election, out of the seven years immediately preceding the date of his nomination, has not been absent from the Islands for more than a total of 400 days. Here again, this is a very reasonable sub-section, because you have a lot of people who would want to run for election, but they decide that they are going to spend nine months a year at home, when it is summer here they run away from the heat, when it is cold over there they come here. So they spend most of their time abroad, yet they would want to qualify. Let them stay here with us, and go through the good and bad, let them serve their apprenticeship, let them prove to the people of the Cayman Islands that they are worthy of representing the people of the Cayman Islands.

I do not think that I have left any stone unturned as to the qualification for elected membership, but if I have I would be more than happy to meet with any Member in hearing of my voice this morning to further clarify what this Motion is all about. So far, I have met with a lot of people on this issue, and as I said yesterday in this Honourable House, I have yet to find one Caymanian, or interested person with Caymanian Status, that objects to what we are doing. They feel it is good for the country, they feel that it is a necessary move in the development and maturity of our country.

Mr. President, section 20(3)(c) has been deleted and the following has been substituted therefor. The new section 20(3)(c) will state now:

"If he ceases to be a British Dependent Territories citizen by reason of his connection with the Islands, or he ceases to possess Caymanian Status;"

The main change here is that before it also included a British subject.

And now, a very important part of this Motion deals with the people who can vote in this country, and here again there have been attempts to try and mislead the general public on this issue. I wish to make it abundantly clear that this new section of the Motion does not, in any way, disenfranchise or prevent any voter that was eligible to vote in the last election, from now voting. As a matter of fact, the mover of the Motion and myself went to pains to make sure that this clause was grandfathered, or that no changes were made that could affect people who could now vote. So Mr. President, I want the listening public to know that no-one is trying to prevent them from voting. If you were eligible to vote in the last election, you can still do it. This point has to be made abundantly clear, because there have been attempts to try and tell some of our people in the country who have been living here that they will not be able to vote. I would not be a party to such a situation, and I feel that my people have enough confidence in me to know that I would not support a Motion that would be against them, or that would disenfranchise them under the Constitution.

Mr. President, section 25 has been deleted and replaced by the following - the new section 25 deals with qualifications of electors, and it states:

"25. Subject to the provisions of the next following section, a person shall be entitled to be registered as an elector in one electoral district only, but he shall not be entitled to be registered as an elector for elections to the Assembly unless the following conditions apply:

- (a) he possesses Caymanian Status, and he is a British Dependent Territories citizen by reason of his connection with the Islands, of the age of eighteen years or over; and
- (b) he is domiciled and resident in the Islands at the date of registration; and

(c) either he or one of his parents or grandparents was born in the Islands, and he has been ordinarily resident in the Islands for a period or periods amounting to two years out of the three years immediately preceding the date of registration."

This is a most reasonable section of this Motion, because it states here the qualifying period to be resident in the Islands is two out of three years immediately preceding the date of registration. Here again, Mr. President, if these individuals want to participate in our elections then they must prove to the country that they are worthy of that participation. They cannot fly in and out like birds of flight, and just come and substantially and materially change the course of this country at the stroke of a pen.

Mr. President, this section that I am coming to now is most important, because this is the section that will protect the Jamaicans living here, the Hondurans living here, the English living here, the Canadians, the Americans, whoever live in this country, this is protecting them to vote in this country. Sub-section (d) of section 25 states, and it is very clear

"(d) ..or he has been ordinarily resident in the islands for a period or periods amounting to seven years out of the nine years immediately preceding the date of registration ..."

This section gives protection to anyone who could have voted in the last election. He is not disenfranchised, he can still vote, Mr. President. So anyone that would give the impression to the public that we are preventing those people who could vote, would be doing an injustice and telling an untruth.

It goes on to say:

"... and in the three years immediately preceding the date of his registration has not been absent from the Islands for more than a total of 300 days."

That is 100 days a year, I do not know how many of us get vacations of 100 days a year, or how many of us would have to spend over three months abroad each year. But we have been very generous in this sub-section, and we are saying that we will give you 300 days out of the last three years, and that you should not be absent from the Islands for more than those 300 days out of the three years immediately preceding the date of registration.

In the catch-all clause which really protects the people and the voter, is sub-section (e) of section 25, and this states:

"(e) he is, on the day immediately preceding the appointed day entitled to be registered as an elector."

That covers all and sundry who were able to vote in our elections under the old system. This does not disenfranchise anyone, but what we must realise here this morning is that the duties and the job of those of us who represent cannot be one-sided. The fact that I have supported this Motion is indicative of my stand in this House. I have made it quite clear from the first day I stood here that I stand for what is right, and I do not believe that Members of the House should continually be opposing for the sake of opposition. It does not matter who brings an issue to this House, if it is in the best interest of this country, it should be looked at most objectively. It may seem strange to people that I support a Motion that is being moved by the First Elected Member of Executive Council. He and I have had our differences of opinion in this House. But it is an issue that I believe in - as a matter of fact, I had said to the members of the Young Caymanian Businessmen Association or some of them, that I would have been prepared to bring this Motion as a Private Member's Motion, in my capacity. But they felt that Government was looking into the matter, and I am happy this morning that the First Elected Member had the courage to bring such a sensitive issue to this House.

Mr. President, I give this Motion my full support, and I feel that the people of the Cayman Islands will be pleased with us that we were far sighted enough to take action at this time. I thank you, Mr. President.

MR. PRESIDENT:
Bodden Town.

Second Elected Member for

MR. G. HAIG BODDEN:

Mr. President, constitutional change is a subject that has enthralled the minds of the people of these Islands from as far back as I can remember. Even more so from 1972 onwards, because it was in 1972 that we first received a Constitution which gave these Islands a Government which contained a very high measure of internal self-government. Many of the ingredients are in our Constitution. We have one particular matter which is found usually only in the Constitution of independent countries, that is the matter of collective responsibility. But before 1972 the Members of the Executive Council were simply associated with certain departments of Government. Since 1972 the Elected Members of Executive Council can be charged with responsibility and are answerable for matters falling under their Portfolio. Also another significant change is that we no longer have Nominated Members and Elected Members who are responsible and are in the majority in Executive Council.

During the last campaign, many Members told the public that they would make no changes in the Constitution. I claim today there can be no more fundamental change than that of qualification for membership and qualification for voters. It is my opinion that Honourable Members do not have a mandate to change the Constitution. I find fault with this Motion because it has not been taken to the people. Now we heard the Member for North Side say that if it were not taken to the people it is the fault of the Members. He is so wrong, he is totally wrong. Members knew nothing of this change. I only found out about it a few days before the House was due to meet, when the Member for West Bay called me, or spoke to me, and I went up to his office and he showed me a draft. And he asked me to keep it confidential, and I promised him that I would. So officially I had not seen this Motion. Other Members with the exception of the Member for George Town who seconded the Motion, knew nothing of this Motion until it appeared on the Business Paper for the Legislative Assembly and was forwarded to them by the Clerk. So we did not know about this Motion.

Furthermore, the Motion we are dealing with today is not the draft Motion which the Member had shown me, because one or more amendments were made to the draft which he showed me before it came to the Clerk. And then after the Clerk received it and mailed it out to the Members it was changed again, and the Motion we are dealing with today was only given to the Members at ten minutes past eleven on Thursday the 19th of February, that was last Thursday at 11:10 in the morning, and Thursday being the day for Private Member's Motions, the Member introduced it Thursday afternoon at twenty minutes past four. So in truth, the Motion which we are discussing was only given to the Members four hours and ten minutes prior to it being introduced on the floor of this House. So the Member for North Side nor any other Member had an opportunity to discuss it with anybody in their constituency. So this Motion has been put in here without due notice.

The Motion in front of us reads "Amended Private Member's Motion No.5/87". This is in contrast to the way we handled the constitutional changes that were made in 1983. The Second Elected Member for George Town who seconded the Motion, and other Members seem to be unclear in their minds as to the procedure we followed. I believe the Member for George Town said words to the effect that he does not recollect any publicity of our constitutional changes. I would like, Sir, to refer to the Motion which was brought to the House in 1983. Now that Motion was in a sense compulsory, in that the British Government in rewriting the British Nationality Act had virtually done away with the term "British subject" as appeared in our Constitution at the time, and replaced the British subject with three or four different types of citizens, one of them being the British Dependent Territory citizen. And so it was necessary to make that change. Of course, the opportunity was taken to make other changes in dealing with the qualification of Members and the qualification of voters, and for the establishment of the Cayman Court of Appeal.

But nevertheless, that Motion at that time was handled in a most democratic manner, and would have been an ideal model for the Honourable First Elected Member for West Bay to follow, had he chosen at the time to see the procedure. To refresh his memory on the procedure, although he was the seconder of that Motion, I would like to call his attention to the Hansard of this

House which dealt with it. What had really happened was that in June of 1983 the House had accepted a Motion to make certain amendments to the Election Law, and had also dealt with constitutional matters. The Motion which was moved in September referred to the Motion which had been moved in June, and I will read it for the Member, since he is grumbling:

"Mr. President, I beg to move Motion No.4 which I shall read out in full."

(This statement was made in October).

WHEREAS the Elections Law was enacted and came into operation on the 4th day of July, 1959, and was subsequently amended by Law 7 of 1962, Law 3 of 1963, Law 21 of 1963, Law 18 of 1971, Law 2 of 1972 and Law 10 of 1980;

AND WHEREAS the Cayman Islands (Constitution) Order 1972 was made on the 26th day of July, 1972, came into operation on the 22nd day of August, 1972;

AND WHEREAS the British Nationality Act 1981 of the United Kingdom created three categories of citizenship and came into operation on the first day of January 1983, and changed the meaning of British Subject thereby creating the necessity for consequential changes in the Cayman Islands Constitution Order 1972;

AND WHEREAS on the 20th day of June 1983 the following resolution was passed unanimously by this Honourable House:

WHEREAS the present Elections Law was brought into operation in 1962 with various amendments in 1971, 1972 and 1980;

AND WHEREAS it is considered that the Law should be updated;

BE IT RESOLVED that this Honourable House appoint a Select Committee consisting of all the Elected Members and the Second Official Member, to consider and make recommendations as may be deemed necessary;

AND BE IT FURTHER RESOLVED that the Second Official Member be appointed Chairman of the Committee with a quorum of seven members including the Chairman."

This was the Motion passed in June, but became a part of the October Motion, which goes on to read:

"AND WHEREAS the Select Committee has unanimously determined that it would be in the interests of the Cayman Islands to redefine the qualifications for elected membership of the Legislative Assembly, and the qualifications of electors, and that a resolution humbly petitioning Her Most Gracious Majesty be introduced in this Honourable House concerning such of the provisions of the Cayman Islands (Constitution) Order 1972 as relate to membership and voting.

NOW THEREFORE BE IT RESOLVED that this Honourable House humbly petition Her Most Gracious Majesty that the Cayman Islands Constitution Order 1972 be amended as follows:

1. That section 18 thereof be repealed and replaced by the following new section: ..."

and I need not read all that;

"2. That section 20 thereof be amended, that section 25 thereof be repealed and replaced."

And the Motion was moved. So what really happened was that notice was given, a Committee met in June, made the recommendation and the Motion was moved in October. Everybody knew about it. The mover of the Motion had this to say:

"Mr. President, simultaneously with the publication of this Motion which was proposed to be moved today, there was issued with it a press release, which set out very clearly to the public, and which I believe that all Members of this Assembly regarded as a fair statement ...".

So there was a press release. The resolution has been brought and the amendment has been brought after very careful consideration by all Members of this Legislative Assembly who unanimously agreed with the Motion. So the Members of the Assembly had been called together and had unanimously agreed. No such thing happened with this Motion. We hear the Member say that somebody from the Young Businessman's Association called on him and they formulated this Motion and that was it. And, while I have deep respect for the members of the Young Businessman's Association, they are not accountable to the public in these matters. The Member was wrong in putting it forward in this manner. It goes on:

"The Committees on the Election Law, the Caymanian Protection Law and the Nationality Law naturally continue to sit, but as mentioned in the resolution they have very carefully and in a very timely way looked at these amendments (that is the constitutional amendments) and I believe that they are in the interest of the Cayman Islands at this stage to be brought."

So there is no question about discussions. This never happened in this case. The Member goes on:

"... I was entitled to state at that time that the Foreign and Commonwealth Office has been advised of the proposed amendments, and would expect them to be acceptable to Her Majesty's Government in the United Kingdom."

The Honourable Member has not told us that he nor any other delegation has gone to London and discussed these matters. I understand through the grapevine that the Governor himself may have mentioned it on a trip to London, and I do not know if that is true, probably it is not, but this is not good enough for a change of this nature. I continue to read:

"What is most important, and I believe that this has been very tersely put by all Members of this Assembly, in their public meetings is that the Cayman Islands (Constitution) Order 1972 is one which deals with many sections which relate for instance, to the public seal ..." and so on.

So Members had an opportunity to discuss this important matter in 1983 at their public meetings. An opportunity which has been denied our Members, since they did not have sufficient notice. I discussed one of the many drafts at a meeting in Savannah last week Wednesday night. But what I told the people was incorrect, because on Thursday morning I was handed an amended version, which substantially changed many of the points, or some of the points that I had made. The Minutes show that "there will also be seen from this amendment that there is an alteration in relation to the right to sit in the Legislative Assembly and what has arisen here is that in effect, the words "British Subject" which were replaced by "British Dependent Territories Citizen" have now been enlarged to include a person who is also a British citizen" - that is putting it more generally, a citizen of the United Kingdom.

The minute goes on to state that "the details of the amendments have been set out in detail in the press release". A press release that was made before the document went to the Clerk of the Legislative Assembly. And I believe that both the Motion and the agreed release have been made public through the newspapers. I am saying that our public has had no opportunity to discuss these fundamental changes which will affect generations to

come.

"I may also state", reading from the minutes of 1983 as I believe I would be entitled to, "that the amendment also has the blessing of the Foreign and Commonwealth Office, and that both the resolution therefore and the amendment go with the blessing of that office". Neither the mover nor the seconder has given us the assurance that the Commonwealth Office will accept these changes.

What is strange about this is that the Honourable Member who now moves this Motion in 1987, was the seconder for the Motion in 1983, and at that time he held a public meeting and discussed it with the members of his constituency before the matter reached the floor of the House. Because he said on that day in October 1983, and I quote exactly from the Hansard:

"Mr. President, I took this resolution as printed, to a meeting of my constituents. I explained the effect of the changes to them in detail, including the proposed additional amendments and I had no dissension to this resolution. The meeting was fairly well attended for a meeting of this nature. The meeting was well advertised so that anyone who did not come, it was not the fault of the meeting not being given publicity."

It is true that I held, since this Meeting started, three public meetings, one in Breakers, one in Savannah and one in Bodden Town, but not all Members are able to do this. Because it is very difficult for a Member to hold a public meeting when he is under pressure here every day of the week, and for say the Members that are here from Cayman Brac, it is virtually impossible for them to go off and discuss these matters. The majority of the Members have not held meetings in their constituency. It takes somebody with a real good constitution to take this day and night. The public have been denied the right to discuss this Motion, to have any input into it because the Member moving it did not give us sufficient notice for a matter of this nature. Captain Charles Kirkconnell said in 1983:

"My colleague and I had a public meeting. It was well attended by the leading citizens of the Lesser Islands, and we went into the details of the amendments to the Constitution and the reaction was favourable."

Mr. Craddock Ebanks from North Side had this to say:

"I myself held a meeting in my constituency, and while the turnout was not as good as I would have liked to have seen it, I got full support from the number who showed up."

And this ingredient is missing, and this is why I am making a proposal - that we do not finalize this matter today, but debate it and defer the vote on it until the April meeting. This is not an unreasonable request.

The Attorney General at the time made this comment:

"I understand, Mr. President, that there may be another consequential amendment to be moved by my Honourable friend (meaning the First Elected Member for Executive Council). But in the meantime, I would say that if the Honourable Third Elected Member for West Bay wants to become articulated as a law student, he would be welcome in the new law school."

But I want you, Sir, as President of this Legislative Assembly, to pay close attention to the remarks made by the Speaker of the House at that time, or by the Presiding Officer at that time:

"And I would note for the record, because I think this may be of significance to report to the United Kingdom Government when forwarding this Motion to them, that my impression is that the House was unanimous in agreeing to this Motion. I think that is correct."

And the Attorney General:

"Mr. President, Sir, I was about to say on a Motion of this importance that perhaps a formal roll call would place it firmly on the record."

And Mr. President went on to say:

"I had given any Member who had dissented an opportunity to make his dissent known and I think I can take it that all Members have supported the Motion. I think that that is clear enough on the record, and I shall certainly feel entirely free to inform the Secretary of State that it has the unanimous support of the Assembly Members."

This unanimous support came about simply because the Government in 1983, in putting forward the constitutional changes, followed the procedure which I have outlined. They discussed it informally with the Members, they got the consent of every Member, and then they brought it to the House. This has not been done.

MR. PRESIDENT: Would this be a convenient moment to the Member to pause? In that case I will suspend proceedings for approximately 15 minutes.

AT 11:19 THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 P.M.

MR. PRESIDENT: Please be seated. Continuation of the debate on Private Member's Motion No.5/87. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, at the time of the suspension I had been dealing with the matter of the Motion for the constitutional changes with reference to changing the definition of "British subject". On that day we also dealt with another Government Motion, No.5, which established the Court of Appeal for the Cayman Islands, and although I will not go into much detail on this, I will say that a similar provision had been followed on that motion. Captain Mabry S. Kirkconnell who spoke on the Motion to establish the Cayman Islands Court of Appeal said:

"I would like to state that we also have the consensus of the majority of members of our constituency of the Lesser Islands. My colleague and myself had a meeting at the Aston Ruddy Civic Centre recently which was well attended. We carefully explained the meaning of this Motion, and it was accepted by all."

The reason why I have touched on this second motion is that the words of the President, when he put the question, are again very significant, and I would like you, Sir, as President of the Assembly, and in your role as Governor, to take note of these words. The President said:

"As I said when Government Motion No.4 was passed, my understanding is that the vote was unanimous. If I am incorrect, will any Member who votes against please let me know so that I can feel confident that when the Motion is forwarded to the Foreign and Commonwealth Office I may say it has been passed with the unanimous support of all Members of the House. I take it I may say that. Thank you very much."

And the records show that both of these Motions were passed unanimously.

Now I understand on the outside the Honourable Member is trying to let people believe that the reason why he did not call a meeting was because Members would not attend. This is not the reason. I think the reason is he has ignored the

wishes of the public, and by handling the matter in this way, he has effectively denied the public the right to discuss this matter and the right to make any changes.

I see changes that should be made and will deal with them later on in my debate. But I know the Honourable Member will not accept any change because he has the mistaken idea that anything he puts forward is perfect. When a person reaches that stage it is a waste of time, really, to deal with him.

The Member here has reminded me that there was never any special meeting to deal with this specific matter. We have heard about some strange meetings, the secrets of which were divulged by the Member for North Side and the lady-Member for West Bay. And I believe those meetings flowed from other meetings dealing with different matters. But on this significant area, no attempt was made to call the members together, and it is so important a matter that the Motion should not be put to a vote but should be sent to a Select Committee, or to a Committee of the House, discussed and brought back with unanimous agreement and decided on in April. So all I am seeking today is for a delay.

I was disturbed by the manner of the Honourable First Elected Member when he introduced this Motion. He was most belligerent, and it appeared to me, that he was handing down an ultimatum for war. He started out with a violent attack on the press, he started out by attacking the student from Kalamazoo, and this was followed up by his strong supporter from North Side. I myself have often criticized the press, but I would like to say today that the standard of reporting in the Compass is the best I have ever seen it in my lifetime. This is not like the old days when Mary Lawrence was writing for the Caymanian Star and she was a candidate for the election herself, and would report in a most biased manner on all the other candidates. This does not happen any more. We know that it is no secret that she always gave special mention of the First Elected Member for West Bay in all her coverage in the Nor'wester, and that the editor at that time, Mr. Jim Graves, always reported favourably for political reasons on whatever went on. This does not happen any more. The reports, I think, are fair and accurate, and I must say that I find Miss Carol Winker an honest reporter who makes every effort to report accurately and fairly on the proceedings of this House. So I cannot think why the Honourable Member acted in such a belligerent manner towards the press, simply because they had written an editorial. But if the newspaper cannot comment on the most important piece of business before this Chamber, what else can they comment on? Now this is not to say that I will not again in the future find fault with the press, but I like to give the devil his due, and I think the Member's comments were totally unfair.

What is the hurry for this Motion? If it is so that the Honourable Member would like to deal with it in your time, since we are all familiar with you, there will be another meeting in April, and the matter could be decided upon then. If he is worried about the next election, that will not be until the end of next year. So I see no need to rush this matter.

The Honourable Member referred to some people saying that it would be difficult for them to get out of a wet paper bag, and I can only wonder if he has encountered this difficulty himself. You know, science has found that the average man's foot is getting bigger each year. But the Honourable First Elected Member for West Bay never seems to have any difficulty putting his foot in his mouth, and he did so when he mentioned that I had told him I could not support his Motion because my own supporters would not like it if I did business with him. And this is true, I told him that, that was only one of the reasons. The other reason, or one of the other reasons was that I could never think of bringing a motion for constitutional change without discussing it with the public. And he made it clear to me that this Motion was not to be leaked to anybody. He spoke to me, called me aside one evening in secret and asked me if I had time to talk about a certain matter, and I told him yes, and we arranged an appointment. I went to his office and spent a long time, perhaps at least an hour with him. He showed me a draft copy of the Motion which he gave me to take away after exacting from me that I would not show it to anybody else. And I kept my promise to him because it was really his business to make it public.

Now I did give an indication in the Throne Speech that the Member had gone wrong in his method of dealing with this, because I said, if the Government wants to make a constitutional change, they should have the courage to go to the public and publish what they want to do, make it a part of their

political manifesto for the next election. Let the people at the polls decide if fundamental changes are to be made. I personally believe in change. Francis Bacon once said "He that will not apply new remedies must expect new evils." If there is a necessity to make a constitutional change which is for the betterment of the Island, I think the change should be made, but we should go about it the right way, and on a matter as delicate and as complex as the Constitution, we should give it a lot of publicity so that the lawyers in the community, the man on the street, all the people affected by it can give their criticisms. But this Government is afraid of criticism, and they are so afraid of doing wrong that they cannot do what is right. If a Member does not have the courage to stand up and let the public know what he intends to do, well that person is no longer fit to be a Member.

The Motion before the House contains many ambiguities, many areas are not clear. But there are certain specific areas of the Motion which are completely wrong. And although I know the Honourable First Elected Member will not change anything he has put forward, we still have in this Chamber other Members who are reasonable. I would trust that between now and the close of this debate, that they will either talk some sense into him or overpower him, and let this Motion as it stands be amended. I would like to say at the onset of this Motion, that I commend the Young Businessman's Association for the initiative they have taken in this matter, and if they as a group feel it is necessary to have certain constitutional amendments, I think they have gone about it the right way. They approached a Member of Government, but the Government, after receiving the recommendations, have bungled the job.

In 1983 the two motions for constitutional change were put forward on the Agenda of the Assembly as Government Motions. The Motion which is before us today, although it comes from a Member of Government, seems to have divested himself of his governmental cloak, and put it forward as a Private Member from West Bay. But I believe, and there could be arguments about this, that the Government should make a declaration as to its stand in any important matter.

Before I deal with the Motion generally I want to mention four specific areas in which I think the Motion is at fault. In order for me to support this Motion, there would have to be amendments to these areas.

Section 18(1) deals with the qualifications for elected membership, and the little (e) in that section, which deals with the persons born in the Islands, or a special group born outside the Islands, has been made subject to subsections (3) and (4) of this Motion, which means that the time spent abroad for certain matters like sickness, going to school, certain jobs, does not count against them. (4) has a saving provision for those people who are now qualified. But I feel that not only section (e) but also (f) should be subject to (3) and (4); that is, not only the persons born in the Islands, or the persons born outside the Islands in certain circumstances, but all the people mentioned in (f) should also be subject to the exclusions given in (3) and (4).

Now (f) deals with the people called "he":

"He was born outside the Islands, has resided in the Islands for a period or periods totalling not less than 15 years out of the 20 years immediately preceding the date of his nomination for election, and in the seven years immediately preceding the date of his nomination, has not been absent from the Islands for more than a total of 400 days."

Section (e) above that, which deals with a different class of people, enjoy the exclusions for jobs, the exclusions for medical attention, and the exclusions for going to school. And section (f) should also enjoy these exclusions. If we do not we are discriminating against the class of people.

Without such an amendment, time spent abroad by a potential Caymanian candidate due to education, medical treatment or employment would not be excluded when determining the 400 days absence from the Islands during the seven year period immediately preceding the nomination. In 18(1)(e) the people in that category have the exclusions. I am asking that it be extended to 18(1)(f) as well.

Also in the new 18(3), in

determining the absence from the Island, they have only included (1)(e), they should also include (1)(f), because what happens is - this would be necessary if they made the first amendment, which I mentioned. Now in (3) they have listed four categories of people that would have time spent abroad excluded from their qualifications for membership. And those four people mentioned are: attendance as a pupil; attendance as a patient; employment of a seaman; employment of a crew member on an aircraft. But what about all the other people that might be connected with other jobs connected with the Islands. Do you tell me it is fair that if a pilot spends more than 400 days abroad working for Cayman Airways, that he is allowed to be a Member, yet the manager of the office of Cayman Airways in Miami or Houston, if he were a Caymanian and spent the same time abroad, would not be allowed to be a Member? This could never be fair. This has to be nonsense, utter nonsense - that you can tell the captain of a ship that if he spends the time abroad, that he can be a Member of the Legislative Assembly, yet somebody who worked in the shipping office in Jamaica, who was a Caymanian, and was otherwise qualified would not be allowed - how can there be a difference? But what amazes me with that section is - why is it limited to men going to sea? Because that is a declining market in the Cayman Islands.

Why is it limited only to men going to sea and to crew members on an aircraft? What about real estate agents, what about lawyers, what about doctors that may have a consultancy in some other country? What about Members of the Executive Council who may have to be abroad on Government business? This is a very serious omission in this Motion. And when they talk about discussing it, this section was added piecemeal, because the part about working on an aircraft was not on the draft which he showed me, but he had so many drafts that day I do not think he knew which one he was dealing with.

Anyway, this here is not a laughing matter, because if the section remains as it is, we could well deny certain Caymanians the right to be Members if their occupation was such that they had to be away for more than 400 days.

But the most ridiculous part of this Motion is section 18(2)(a) which says:

"At the date of his nomination for election, possesses no other citizenship, and has taken no steps to claim any other citizenship for which he may be eligible."

This is for determining for the purposes of sub-section 1(d) who is a qualified citizen. The whole of it reads:

"For the purposes of sub-section 1(d) of this section a qualified citizen is a British Dependent Territories Citizen by reason of his connection with the Cayman Islands who either at the date of his nomination for election possesses no other citizenship and has taken no steps to claim any other citizenship for which he may be eligible."

Now the Honourable Member, in introducing the Motion, gave a very foolish explanation which indicated to me that he did not even vaguely understand the meaning of this clause. He gave as an illustration that if a Caymanian was married to a foreign woman, and did not take steps to claim the citizenship he would not be debarred. That is what this says. But he did not deal with the other side, to say what would happen to him if he had taken steps. The truth is, had he taken any steps he would be debarred. The word "steps" is extremely wide in its application. What are the steps for getting the citizenship of another country?

Let us say a Caymanian man marries an American woman, or let us say it is a Caymanian whose father is an American. What steps are necessary for a person to get the American citizenship? Well first of all the person, or somebody on his behalf would have to apply, an application would have to be made. If this application had been made, the person would be debarred from Membership. This has to be nonsense. I can understand if the person possesses the citizenship of another country, you may debar him being a Member - I can understand that part. But to say if he took any steps in the past that he will be debarred has to be foolishness. But do you know why we get foolishness in this? Because whoever drafted this was purposely trying to exclude specific people. So this must be changed because it is vague and would put at risk any

person who took any steps to claim any other citizenship. Are we going, as sensible legislators, to allow the man from West Bay to do this to our country? Or are we going to force him to amend it whether he wants to or not? I know there are some Members that would like to say what I am saying, but they are afraid to buck him.

Now, Mr. President, having dealt with those four major areas that must be amended, if this vote is going to be unanimous, I will now turn to deal with the Motion generally.

I would like to say that in fairness to the Member for George Town, I do not think that these matters were explained to him when he was invited to be the seconder. And he too must have certain reservations on these matters. Although I know this is not a Government Motion, I would like the Attorney General to explain to the House the effects of these sections, and let the public hear, not from me, but from him, that certain people can be excluded if they took any steps in the past, no matter how many years ago, to have any other citizenship, and also explain the effects of why the section dealing with exemptions because of employment only applies to people in specific jobs, and not to people in jobs generally.

These are very serious faults with this Motion, and I trust it will not be sent to London in this manner because we are likely to get what we ask for. Those people up in London are not too concerned with us, they do not care if Mabry Kirkconnell can sit in the House again, they do not care if Jim Bodden can sit in the House again, they do not care if Vassel Johnson can sit in the House again. They do not care if Orren Merren can sit in the House again. They do not care if Tom Jefferson, who may be an Elected Member one day, and has an American wife, will be able to sit in the Assembly as an Elected Member. They are not concerned with these petty things. But this Motion was purposely tailor made to exclude specific individuals who may be a threat to the establishment, and we must not let the First Elected Member for West Bay get away with this.

The Motion reads, in the third paragraph:

"WHEREAS it is felt that unless steps are taken to control those persons who can be elected to the Legislative Assembly of the Cayman Islands, and those who can vote in elections therefor, it will lead to social instability and unrest."

What we are doing here today will lead quicker to social unrest, and social instability than the Constitution remaining the way it is. The one protection we have is that the most important single ingredient for being a Member of the House is not written, and that is, he must get the good will of the public. This has been found out in many districts, where would-be aspirants did everything honestly and dishonestly trying to get elected, but the one thing they could not do was to change the will of the Caymanian public. The most important ingredient in the business of membership is the ingredient of winning the confidence of the public, and we must never lose sight of that.

The Motion before the House changes some of the qualifications for membership, but many of the qualifications set out in the Motion already existed in the Constitution. One requirement is that the person must be over the age of 21. This already existed in the Constitution from 1972. Another requirement is that the Member must possess Caymanian status and this requirement has been in the Constitution. What we are changing is that up until now, or since 1983, the person had to be a British citizen or a British Dependent Territories citizen. But we are now changing it so that the person must be a qualified citizen, and a qualified citizen must be a British Dependent Territories citizen by reason of his connection with the Cayman Islands. So if this passes, this will wipe out a whole lot of people that will not in the future be able to qualify. This will mean that once this goes into operation, unless there is any savings provision, and I will deal with that later, in future generations there will be no English people, no Jamaican people, no other person capable of becoming a Member unless the person becomes a British Dependent Territories citizen, connected with the Cayman Islands. In other words, a British Dependent Territories citizen from Turks Island, or one of the other Crown Colonies, would not be eligible because his British Dependent Territories citizenship is not connected with the Islands.

Now a savings provision is put

in 25, which allows a person who is elected to vote, or who is qualified to vote, to retain that qualification. But when the grandfather clause was put into 18, which deals with membership, it was not all inclusive. In (4) it says "The persons referred to in paragraph (e)" (which are the persons with Caymanian connection) - and that means, shall not be subject to these amendments, there is a saving clause with regard to the people mentioned in (e), which is the persons with Cayman connections. But there is not a blanket provision like there is for the voters. So I think it is entirely wrong to take away any rights that existed on this date. What we need to do is to amend the Constitution to make provision from this day onward. And if we were doing what - I think it was the Member from North Side suggested - and doing it from today onward, I could agree, and I am referring to when he spoke about second generation candidates - people who were born here of persons who were Caymanians, and no-one else. Then people would know from today onwards that if you want to qualify, you had better meet your residence requirement, you had better have no other citizenship, and so on.

But this is an indication of what happens when somebody runs to the Member and says we would like a change. And he takes it upon himself to make an intricate and a delicate change in a matter whose complexity is beyond his ability to fathom. This is what happens when these amendments are made without any discussion from the other eleven Members of the Assembly, when it is made without any press releases, when it is made without any announcement on the radio, when it is made without the help of their Godchild, Open Line. This is a serious state. If we allow one man who is inflexible, and who is fixed in his opinions, and who believes that he is perfect to push through these changes, we would be weak indeed, and I could not be proud to be associated with these Members after today. So the only way open to the House is to force the Member to withdraw this Motion, or at least vote against it and defeat it if that becomes necessary, and bring it back when the House meets in April. You see, if a man is lost - I would not say if he is a fool - if a man is lost and knows that he is lost, he may find his way back, but if he does not know, nothing can help him.

So the fundamental changes that are made in the requirements for membership are that while the Constitution as it now stands, required a person to be a British citizen or a British Dependent Territories citizen, these requirements are narrowed down to where the person must be a British Dependent Territories citizen who is connected with the Islands. Another fundamental change that has been made, and one that has been sneaked in, probably even without the seconder mentioning it, because no Member has mentioned it, is that while the Constitution as it stood required the Member to be domiciled, the new amendment requires that he be domiciled and resident. No Member that has spoken so far has mentioned this fundamental change, and I will say that the First Elected Member for West Bay was smart enough to sneak this even past the watchful eyes of the seconder of the Motion. We cannot blame him, because he was only asked at the eleventh hour to second this Motion, and did not have the chance to change anything in it, did not have the chance to have any input into it.

Also in this amendment, they have created a new breed of man called the qualified citizen. That qualified citizen has to meet for the purposes of section 1(d), certain requirements. He must be a Dependent Territories citizen by reason of his connection with the Cayman Islands who, either at the date of his nomination for election possesses no other citizenship and has taken no steps to claim any other citizenship for which he may be eligible. And right at the outset, that would wipe out a broad spectrum of people, because we know the history of these Islands, we know that many of our forefathers went to the United States, became citizens, and their children had a right to citizenship and that many of them claimed it, and were glad to work in the United States on jobs where they could make money. Now it seems to me that even if these people gave up their American citizenship, or even if they did not go through with it as a class, they could be debarred.

MR. PRESIDENT:

I wonder whether this could be a convenient point for the Member to break for lunch? Very well, in that case I will suspend proceedings until approximately 2:15 p.m.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.19 P.M.

MR. PRESIDENT:

Continuation of the debate on Private Member's Motion 5/87. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, we more or less agreed yesterday that we would make an attempt to finish this Motion this evening, even if we have to sit beyond 4:30 p.m. and as I know Members do not really welcome that idea, I will try to finish in a few moments, so as to allow other speakers time to make their speeches.

Earlier on, just before the adjournment, in comparing the changes with the existing section in the Constitution, I mentioned that the old Constitution said that the candidate must be domiciled in the Islands, and the change here said that he must be domiciled and resident, which is correct. But I should have gone on to point out that in 18(c) of the old Constitution, there is a provision for residency, or for the candidate to be resident, and it reads: "He, or one of his parents was born in the Islands, and he has resided in the Islands for a period totalling not less than five out of the seven years." And also in (d) "He has resided in the Islands for a period or periods totalling not less than 15 years out of the 20 years immediately preceding his nomination."

To sum up, I would like to again mention the points which I spoke strongly against. One of them is 18(2)(a), that of possessing no other citizenship, "... and has taken no steps to claim any other citizenship", to my mind, that refers not only to the state that exists on the day of his nomination, but to any action which the candidate may have taken in the past. It is my conclusion that if a candidate had taken any steps in the past to claim citizenship in another country, he could well be debarred by this section. I trust that this will be amended.

I also feel strongly about the section which makes the exemptions for employment, section 18(3), and to say that the employment should not be limited to seamen on ocean-going vessels and the crew of an aircraft, because there are many other people who may have to spend time abroad in connection with their jobs - jobs which are related to the Island. These people should not be excluded. The definition is too narrow.

Finally I would say that the amendment which the Member made and which appears in the Motion before the House to add that (e), 18(e) is subject to sections (3) and (4), that a similar amendment should have been made to (f), so that they too, would be subject to (3) and (4).

I view this matter as one which is very grave and one which is very serious, and regardless of how the Members may try to explain away their actions in the presentation of this matter, it was definitely very badly handled. Yet there is time for the Member to save his face by recommending that you do not put the question, that you defer putting the question, or that he simply withdraw the Motion, and when he has discussed it properly with his legal advisers, that he attempt to remedy the deficiencies which have been pointed out.

MR. PRESIDENT:
speak?

Does any other Member wish to

the Lesser Islands.

The First Elected Member for

CAPT. MABRY S. KIRKCONNELL:

Mr. President, Private Member's Motion No.5/87, a Motion requesting this Honourable Legislative Assembly to petition Her Most Gracious Majesty to change the Cayman Islands (Constitution) Order, 1972 with respect to qualification of Members of the Legislative Assembly and Electors which is now before this Honourable House, a very important Motion. I think it is a necessary Motion. It does give me concern in certain areas, but, Mr. President, the figures are alarming. The Motion clearly states by the year 1990 the percentage of non-Caymanians could exceed Caymanians. I think the destiny of the Cayman Islands should be definitely in the hands of Caymanians, therefore I support the Motion.

I am one in this Honourable House who, whether fortunate or unfortunate, was born outside the Cayman Islands, although my parents and all my grandparents are

Caymanians, and I am a Caymanian in every sense of the word, and a Cayman Bracker besides. But I sincerely hope, as it is my understanding, that there is nothing in this Motion that would limit people like myself who through no reason of their own, were born in another country; many of them, their mother was taken there for medical reasons, or their parents, through necessity sought employment outside the territory and they happen to have been living in another country at the time of their birth. This was no disrespect to the Cayman Islands, and much gratitude needs to be paid to all Caymanians who stayed here and built up the Cayman Islands that all of us have a place to return to.

I am proud of the progress that has been made in the Cayman Islands over the last many years. I am proud that we can boast over 150 years of parliamentary democracy here in the Cayman Islands. I think everyone who contributed to the state of our development must be congratulated, but I feel it is our responsibility to preserve what our forefathers fought the seas for, and over the years have made it possible that we have what we have here in the Cayman Islands today.

I would like to congratulate the Honourable First Elected Member of Executive Council for taking the bold stand of bringing this Motion to the House. I know it is not all the time that it is popular - I myself fear constitutional amendments. I campaigned in both elections that I am very determined that I would do anything within my power to maintain the Cayman Islands as a British Crown Colony, and I shall never change that view. I feel that our entire future depends on us being a British Crown Colony, and I would not stand in this House or outside and do or say anything that would jeopardize our position as a British Crown Colony. But I do feel that this is protecting the future of the Cayman Islands in order that we can continue to develop this territory, that generations to come will say thank you to the Legislature who sat here today.

Mr. President, maybe there are amendments, I have listened very carefully to all the debate, and I could go on and on and on for quite a long time reading what they have read and rehearsing all that has been put forth, but it is not in my style to stand up here and take a long time - I know we are trying to complete the debate today, and I shall not try to prolong it. But I would like to say that I, being one that may be personally affected by this constitutional change, do hope that due consideration is being taken that it will not inflict hardships on people who have contributed and do have the future of these Islands at heart. We have a lot of expatriates who have come here and have done much good to help us to develop, and I feel that we must consider and thank them for their help, and not try to in any way, disenfranchise them from their right to vote. I agree that if we are to be a part of the Cayman Islands, that we should be a resident here, a long standing resident, I do not agree that just because we have Caymanian connections we can come from abroad and be fully conversant on all that is happening here. I think the waiting period is wise, I support it. I do not feel that the time that we say, 400 days you can be away, is being too hard on people. I feel that if I was away from these Islands for over 400 days, I do not think that I would know what I was going on, in order that I could make an intelligent decision in choosing the candidates in my constituency when election time rolled around.

So Mr. President, with these few words I support the Motion and I sincerely hope that we are making history today in moving forward the future of the Cayman Islands.

Thank you Mr. President.

MR. PRESIDENT:
speak?

Does any other Member wish to

West Bay.

The Second Elected Member for

MR. W. MCKEEVA BUSH:

Mr. President I was trying to give the Third Member for West Bay a chance to go before me this time, but as usual she prefers to see what I have to say. I guess I will get a slap now for what I will say. But let me warn anyone who so tries to contradict or misconstrue what I say here today, that I am prepared to hackle them into submission after I have finished.

MR. PRESIDENT:

I hope the Member is not threatening to disrupt the proceedings of the House.

MR. W. McKEEVA BUSH:

Well Mr. President, with your protection Sir, I would not be able to. But you know, you and I have little thing going, I know you like to stop me when you want to, so ...

MR. PRESIDENT:

I do not think you will need too much protecting (LAUGHTER).

MR. W. McKEEVA BUSH:

No doubt Sir, this Motion before this House has invoked much debate, not only in this House, but by the general public as well, because the Motion seeks to address and expresses a feeling which has been steadily growing greater and greater in this country. And that feeling is that we must take steps to rectify the growing imbalance between Caymanians and foreign nationals.

Mr. President, lest anyone get the wrong impression about where this Motion originated, I will say that a very long time ago, the Member for North Side drafted a Motion which was given to the First Member of Council, but the First Member of Council asked that it be held back. And so I believe that that is to a great extent, where the Motion originated, although others were pressing for similar amendments. But we must be careful where we lay, or to whom we try to give credit, if anyone can get credit for this Motion.

I will take this opportunity to thank the Honourable First Member for Council for bringing the Motion, and I would say, too, that I think his introduction was very good, at stages a very passionate plea, saying that this is our last bastion. I think that is the word he used. I sometimes get that feeling, Sir, and display it often in this House, and I am sometimes ridiculed for it.

Mr. President, the tenor of debate so far has been that the Motion will effectively preclude the manipulation of Caymanian electoral and legislative affairs by those who retain a foreign citizenship, by keeping them from (1) standing for election, and (2) by keeping them from voting. I will support the Motion, Mr. President, but I am not too sure that this resolution will bring about the desired effect it is being said it will. I feel that the door is being left open and it is only those who come after the passing of the Motion, and after Her Majesty has consented to its request, who will be hindered in any way. All speakers, especially the mover and his seconder, have made this quite plain. If, Mr. President, we are in danger three years down the road of being overrun, as is being said, then with all common sense, Mr. President, surely, that danger exists today. Will the proposed amendment lessen the danger?

If we are in danger of these foreign nationals taking over then we must ask ourselves whether the 15 years will serve as a deterrence to them. You know, Mr. President, that I am a blunt man. I speak very bluntly. That is why you often give the public the impression that I am doing wrong. I will pose the question: who are the people who are always mentioned concerning being a possible candidate for election? And we can think of a few names. And it is always those people who have the required amount of years in this country. I do not know whether they would ever seek election, but certainly this Motion gives them every opportunity to.

The British Nationality Act of 1981 says in section 12 and 13 and I would like to read section 12 which deals with renunciation and section 13 which deals with resumption of citizenship. Section 12 dealing with renunciation says:

"If any British citizen of full age and capacity makes in the prescribed manner, a declaration of renunciation of British citizenship, then subject to sub-sections (3) and (4) the Secretary of State shall call the declaration to be registered. On the registration of a declaration made in pursuance of this section the person who made it shall cease to be a British citizen. A declaration made by a person in pursuance of this section shall not be registered unless the Secretary of State is satisfied that the person who made it will, after the registration, have, or acquire some citizenship or nationality other than British citizenship. And if that person does not have any such citizenship or nationality on the date of registration, and does not acquire some such citizenship or

nationality within six months from that date, he shall be deemed to have remained a British citizen notwithstanding the registration. The Secretary of State may withhold registration of any declaration made in pursuance of this section if it is made during any war in which Her Majesty may be engaged in right of Her Majesty's Government in the United Kingdom. For the purposes of this section, any person who has been married shall be deemed to be of full age."

That was the section dealing with renunciation. The part dealing with resumption, section 13, says that:

"Subject to sub-section (2) a person who has ceased to be a British citizen as a result of a declaration of renunciation shall be entitled, on an application for his registration as a British citizen to be registered as such a citizen if:

(a) he is of full capacity; and
(b) his renunciation of British citizenship was necessary to enable him to retain or acquire some other citizenship or nationality.

A person shall not be entitled to registration under sub-section (1) on more than one occasion. If a person of full capacity who has ceased to be a British citizen as a result of a declaration of renunciation for whatever reason, makes an application for his registration as such a citizen, the Secretary of State, may, if he thinks fit, cause him to be registered as such a citizen."

Mr. President, Sir, if we are so scared about these people who have the required amount of years today, but would be hindered because of possessing some foreign citizenship, it would seem that any one of them so determined and anxious to get elected can do exactly what the mover and some Members have suggested about a casino. Those who are here today for 15 years can give up their citizenship, they can prepare themselves for an election, and if we say we will be overrun in three years time, you can well believe that we are in danger today. They can get elected in a constituency like George Town, for instance. They can get elected, get the casino the mover mentioned, get the \$5 million dollars somebody talked about, mess up the country, give up his seat, reapply for his citizenship, and there would be nothing to stop him from regaining his citizenship and going home, leaving these Islands holding the bag. These are the possibilities under this section. Now whether someone would go to that extreme I do not know, but if you are going to say you are going to do something, let us do it. Point blank. If we are so concerned, these are the areas we need to address. This is the area we are scared about, and this Motion would seem to be only window dressing, satisfying the dislikes of some people.

Now we heard all sorts of things in the debate. If we are so concerned about foreign nationals getting involved in commerce, starting this little business here and there, the little shoe store here, getting involved in the travel industry, getting involved in practically all the little other businesses, then if, as Members of the House, we are concerned about this, we have the means today to do something about it. But we must have the courage of our convictions and take the necessary steps.

I gave this Motion a lot of thought, and I have said, I will support it. But, I really do not think that some foreign national getting in this House today is the real or only problem which we need to give prominence to. It can be a first step, yes, but I believe more so, it is those out there who also are prepared, as I said before, and some people have said, to get into the little \$5,000 businesses which Caymanians can get into or already have, that is a major problem. These are the areas that must be addressed. If any Member of this Assembly believes that the majority of the foreign nationals in this country will not support one of their own businesses, or one of their own who has a business venture, over me or you or the next man out there, we are mistaken. There are plenty who will call you in and give you business, but there are many who, because one of their own has a business, prefers to support him. And this is where problems are going to emerge in this country. They might not get into the pig business, or the hardware business, or

wholesale business, but they are getting into those little businesses which Caymanians can get into because they require small amounts of capital, and Caymanians are getting hurt.

Mr. President, they will form all sorts of excuses to keep you out. I remember giving an example in November or December of an incident I found on West Bay Road. And, although I explained it fully and without any discrimination, as I usually do, I was called the next day and told I did not have a job which I was doing. I am a fair man, I can take competition, but what about the next man? What will he do about it? But are we addressing this problem? No we are not addressing that problem.

The Motion talks about Caymanians being outnumbered in three years time. The mover says we are probably already overrun. Well, let us have the courage of our convictions and take the necessary steps to do something about it today. I believe, it is now time that the Government embarked on a fundamental review of Immigration policy as a good step towards the preparation of modern legislation on which to base the future conduct of these Islands' immigration programme. And it should be done for several reasons. It should be done to clear up the problems we now have with those people who are having passport problems and so on, who are for instance married to Caymanians. And it should be done to provide foreign nationals living and working here with a clear understanding of what their position is in this country. We should be man enough to say to them you can work here, live here, but we are not going to give you status.

MR. PRESIDENT: I hope the Member is going to relate this to the present Motion, because you do seem to be going a little away from it.

MR. W. MCKEEVA BUSH: I figured you would stop me, Mr. President, but you must remember ...

MR. PRESIDENT: Cautioning you, not stopping you.

MR. W. MCKEEVA BUSH: No, but you are doing a good job of stopping me.

But if you were listening to other Members, Sir, you would know that they touched on these areas. And I think it is unfair now to ask me not to stray into them.

MR. PRESIDENT: I do not recall - maybe I was not paying as much attention as I should have - but I do not recall a discussion about Immigration policy.

MR. W. MCKEEVA BUSH: I believe you were sleeping Sir.

But, Mr. President, we are talking about Caymanians, the Motion speaks about - "it is now projected that native-born Caymanians will be outnumbered by immigrants by approximately the year 1990".

MR. PRESIDENT: The Motion is about whether they should vote and whether they should be able to stand for election.

MR. W. MCKEEVA BUSH: Mr. President ... you know, Mr. President, with all due respect to the Chair, I think you are wrong. The Motion talks about this, and I am relating this to that section.

MR. PRESIDENT: Well I have not stopped you yet, I have just asked you to relate it to the Motion, that is all.

MR. W. MCKEEVA BUSH: Mr. President, with due respect Sir, it is related to the Motion, and you have stopped me.

What I am saying Sir, I believe if we come straight forward and say plainly what we are saying in so many little different ways, then it would be more welcomed. All those foreign nationals who have come here and made a contribution, and is of no hurt to anyone will appreciate us making the position clear to them. They want a clear understanding of what their position is. They have to plan their future. And it is only fair to them that they should have that understanding in clear and unambiguous terms, rather than coming here and saying it in so many little different ways. We

need to tell them, "look, you cannot run, not under fifteen years". That is what we need to tell them. We need to tell them, "look you can come here and work, get your permit, stay here the required number of years, but you cannot live here forever". What I am saying is, that the people, the foreign nationals in the country, would appreciate this, and this would be better for us, we would know what we are doing, they would know what they are doing. But do not come talking about we are doing the right thing when we are only taking it a half step. A half a loaf is better than none, I agree, but are we going to solve any problems with it?

Now, Mr. President, you stopped me just now, and I suppose you will stop me again.

MR. PRESIDENT: Only if you do not stick to the Motion.

MR. W. McKEEVA BUSH: Oh, I am sticking to the Motion, you just stay awake up there and listen, with due respect, because what I am going to deal with now is those editorials that were touched on here dealing with the Motion that I brought. But if you tell me I cannot touch it, I am prepared to close up this book and sit down, because it is my right to reply to it.

MR. PRESIDENT: Carry on for the moment, because it is perfectly true that the editorials were touched on, and I thought at that stage were appropriately touched on.

MR. W. McKEEVA BUSH: Mr. President, reference was made, as you have agreed now, to the motion I brought here for an order of national heroes which was defeated and reference was made to the two very good and appropriate editorials of the Caymanian Compass which supported that Motion.

Most Members mentioned national pride and awareness. Several Members did. This is what I was dealing with in the Motion that I brought, and this is what the Compass was dealing with in their two editorials. Now I am talking about the two editorials entitled "National Pride" and I will read them out.

MR. PRESIDENT: The editorials I remember other Members talking about were different editorials, I do not think those two ...

MR. W. McKEEVA BUSH: These were mentioned Sir, do not worry. These were mentioned.

MR. PRESIDENT: What I remember were the editorials that dealt with constitutional change and that sort of thing. This was appropriate, but we cannot reopen debate about National Heroes, I am afraid, and if you attempt to, I will have to stop it. Carry on for the moment, because you may be able to relate this to the Motion, we will see.

MR. W. McKEEVA BUSH: Mr. President, it is hard to debate Sir, with your interrupting, and I can see that you are not going to allow me to make the point I was going to make, because I need several minutes to do it, and you have told me I cannot. But I would just like to say, Sir, and these were mentioned, they were mentioned. If you go and search the Hansards, you will remember the First Member saying something about Garfield Sobers or Cipriani.

MR. PRESIDENT: Yes, that is quite true, I have not stopped you mentioning them, I have just cautioned you against trying to ...

MR. W. McKEEVA BUSH: No, but you are certainly not giving me the chance to develop my argument. That is where me and you are getting heated here this afternoon.

MR. PRESIDENT: I am just nervous that your argument will tend to be a reopening of the debate that we had during your motion. But you carry on, and if I think it is, I will stop you when the time comes.

MR. W. McKEEVA BUSH: Well you have certainly distracted me so much now that I am kind of scared to get into it.
Mr. President ...

MR. PRESIDENT:
so easily frightened.

I did not know the Member was

MR. W. MCKEEVA BUSH:

Mr. President ... no, let me explain to you, and I am not going to say any more on this, because I am not going to have the chance I want. But let me tell you this. When you say I am frightened, yes, because I am human in this House, and I know how much fun is made at me. And I know that often times you rule wrong, and when I get up to correct you, it is said that I am being disrespectful to you and it is made much of in my constituency. I am not going to say any more on it, it is just a pity that it was not passed, seeing that some Members came here and tried to talk about national pride and awareness after they sat down on the Government bench and said nothing. And all the Compass was drawing attention to, was saying, 'look you could at least have debated it'. But I am not going to get a chance, you have told me that, I know.

However, I will say this. I am sorry I did not give the kind of debate that I wanted to give on this Motion. You have quite rightly distracted me. I will support the Motion with what I have said, that we must be truthful with what we are going to do, we must tell the foreign national in this country where he stands, if you are going to tell Caymanians I am going to do as you ask and stop them from running, stop them from running. Do not say anything about 15 years. Do not say anything about 20 years. I can understand, when it comes to voting, because you cannot very well disenfranchise to an extent, but let me ask you this: if we found ourselves in so much trouble as we are saying that we will be in, and some Members are saying that we might be in already, what would stop us if we had to stop them from running? Mr. President, I could not go to Bermuda and run. I cannot go to Jamaica and run. I cannot go to England and run. And I think that the foreign national in the country understands that point. They understand that. But what I do not like is when we come here and say that we can do such and such a thing, and we really did not do anything, because the people that we hear mentioned all the time will be the candidates if they want to be the candidates, because they have the required amount of years.

Now, you all can go away and have your good fun and say that McKeeva did not make much sense. Well, I want to tell you, Mr. President, that you, this afternoon, have quite effectively stopped me from giving the kind of debate I wanted to give.

MR. PRESIDENT:
speak?

Does any other Member wish to

Member for West Bay.

I am sorry, the Third Elected

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

Mr. President, I rise in support of Private Member's Motion No. 3/87, a Motion requesting this Honourable Legislative Assembly to petition Her Most Gracious Majesty to change the Cayman Islands (Constitution) Order 1972 with respect to qualifications of Members of the Legislative Assembly and electors.

The Motion before us is not only necessary, it is urgent. With that in mind, we need to get on with the job expeditiously and having said that, I must hasten to add that in spite of this urgency, we must tread carefully when putting this legislation in place. In other words, we must move but we must move with caution. I think the Motion seeks to do just that. Back some 16 or 17 years ago in the report of the Earl of Oxford and Asquith, mention was made of the strong possibility of Caymanians being at a political disadvantage in relation to immigrants and those Caymanians who lived abroad who might return here. In those 17 years which have elapsed, the situation has not grown any less serious, but much more serious.

The Motion before us is seeking not to disrupt or to destroy the privilege of persons with "roots" in Cayman who have been abroad and returned, nor is it seeking to put at disadvantage those who have lived here and contributed to the welfare of this country. One might say although it seeks to curtail or to limit how far anyone can go in respect of naming his or her representative to this House, it does not mean that they will go unrepresented. I do not think that there is any minority group within these Islands today who could truthfully say that their interests are not protected in this House, certainly not if they consider the Members of the present Government. Having said that, the Caymanians

who has lived here for a long time has given his best to this country, deserves to be kept in the forefront - the interests of those people who have stayed on this Island through thick and thin, when times were not so good, up until the present time, have to be considered. They certainly cannot be at a disadvantage through any lack of foresight on our part in getting this legislation across.

Mention was made of Caymanians being outnumbered. The Honourable First Elected Member of Council who is also the First Elected Member for West Bay, brought this Motion actually as a Member of the Legislative Assembly, did pose a question as to whether or not we may not already have been outnumbered even at this time.

Mr. President, much debate has gone on about this Motion, and I do not particularly wish to be repetitious nor to take up the time of the House nor of the listening public in just simply going over what has been said. But in considering this Motion, of primary importance to me is the fact that the very ingredient, that main attraction which drew expatriates to this country, which perhaps has even in many ways, resulted in the return home of Caymanians living abroad, could be easily destroyed if legislation of this nature is not put in place. In spite of our economic stability, our prosperity, our level of income for most people, standard of living probably the highest or certainly second to none in the West Indies or perhaps in the world - all that is well and good, but the basic ingredient, the most important aspect of this whole issue in my mind, is the fact that what has brought about that prosperity, that standard of living, came about because of us, the people of the Cayman Islands. That is what drew people here in the first place.

Mr. President, brewing within the minds and the hearts of many Caymanians is that thought that perhaps people may come here for something other than us. That their objective is a short-term objective. In some instances, this is not totally inaccurate. It is easy for an expatriate, be he from Canada, the United States, Nicaragua, Jamaica, the United Kingdom, wherever, having established himself in this country, to get himself a following of his own, to get himself a seat in Government, and carry an election in this Island of 20,000 people and in the long run, or in the short term, to manipulate in such a way that control of every important body in this country is not controlled by Caymanians with roots. It has been mentioned here that many, if any disruption were to take place in this country, would leave and return from whence they came. Many Caymanians are not in a situation like this.

Mr. President, what I want to emphasize this afternoon is this. This legislation is meant for more than one reason, and I can see it above all else preventing hostility, animosity and prejudices from developing in this country. This is a unique Island, or a unique three Islands. The Caymanian people are separate and apart from any that I have come across anywhere in the world, and I have had occasion to meet them of all classes, colours and creeds. We are a unique little group.

Mr. President, some years ago, in discussion with my grandfather, I asked him why is it that the size of this Island is not necessarily what makes it such a beautiful place to live? It is not necessarily that it is small and the population is small, because I am surprised to learn that in other Islands even in the West Indies with small populations, there is disruption, there is social unrest, many things go on which do not take place in our country. And he went on to tell me, Mr. President, that when these Islands were inhabited, many of those who came here first were people who after the abolition of slavery left their plantations in Jamaica and elsewhere, came here and many of them who fell among that class of employers who treated their slaves good, their slaves did not wish to remain behind, and so they came to this Island with them. When they arrived here, portions of property, division of property, large tracts of land were given to white, black and in-between. History since then will prove that some of the black families in this country happen to own some of the largest tracts of land, even along the Seven Mile Beach area and other places. He tells me, Mr. President, it was not unusual for some white families in George Town to have their slaves eat at the same table, some of them lived right in the same home, and the situation which developed was one of complete tranquility, peace, harmony, and that continued throughout the history of these Islands.

One of the reasons why I do not subscribe to the name Pirate's Week - and I will get off that immediately. What I am saying, Mr. President, what the Caymanian

people are made of, what sets them apart, above many, is not necessarily what we have experienced over the last several years. It is what we had from the beginning of the settlement of these Islands. And this is what we want to preserve. These Islands are in trust, and this Government and the people of this country must ensure that when we turn it over to the next generation, they have something of which to be proud. We can offer them money, we can offer them a good standard of living, we can offer them many things. But what we are here to do with this Motion is to seek to retain for the people of the Cayman Islands their identity which is second to none in the world.

Mr. President, much has been said about the expatriate here, there and everywhere. As I have said often in this House, what we experience now in no small way must be attributed to the help and the expertise which we have been able to gain by the expatriate being in our midst. We have some bad apples. What we are to ensure with this Motion is that the bad apples do not disrupt the whole keg so that not even the good ones stand a chance. Because what we have to ensure in this country is that the few people who get Caymanian status, the few people who have been allowed to become one of us, as it were, does not institute a situation where even the person who is here to simply be amongst us and to do and be like the Caymanian people, finds himself the innocent suffering with the guilty.

Mr. President, this is what I see this Motion as doing. Not only protecting the Caymanian, but protecting the non-Caymanian as well. I have nothing against Jamaicans or Nicaraguans, United States citizens, United Kingdom citizens, Canadians. I remember, I am old enough to remember when our seamen made use of the opportunities which each of these countries afforded. I know that Nicaragua allowed our men the opportunity of fishing for turtle. I know that Jamaica gave us teachers and doctors, medical facilities, we did not have much to trade in return. They wanted our thatched rope and what else - a few other things. Even Cuba, before the ugly head of Communism arose in that country, was a country that assisted us in many respects. We went there for medical reasons, foodstuffs and other things we were able to get from that country. In Canada, many of the seamen from our Islands found employment from that country. The United States, what it has meant to us, I could stand here all night and perhaps not get through with the things we have been able to accomplish through our association with that country. The United Kingdom has stood by us, served us, watched over us, made us feel secure and until now, that country is one of the greatest, and perhaps will ever be in my mind. However, having said that, this is a small country of some 20,000 people, and we are only able to absorb so many within our midst.

This Motion, Mr. President, in one way or another, seeks to ensure that we hold our own destiny in our hands. We can befriend others, we can invite them into our home, to our shores, but we cannot let them take over. It is just as simple as that. The tourists who come to this place look for it as a mecca, as a haven, as perhaps one of the last places in the world where they can find complete relaxation and a genuine friendliness and harmony, a lack of social unrest, a lack of poverty, a lack of beggars on the street. Mind you, they pay dearly for it. This is an expensive place. But in today's world, with the turmoil and disruption every time we turn on the radio or television, it is here, there, almost everywhere. These little Islands are a mecca, are a home away from home for people who seek to replenish themselves, to cope with the stress of today's world. We must keep it that way. It is going to ensure that we follow carefully and be ever so watchful that we do not let ourselves be beguiled into thinking that rapid growth, a lot of people walking the streets, and a lot of money in our pockets are the only thing that will make this country survive.

Mr. President, we have to be careful. In our country today we have to be careful. I think, and I do not like to bring this subject up again, but I will take it as an example, I have had a number of Caymanian people who have said to me, why is it that the Taxi Association has been so infiltrated with people who do not truly represent the Caymanian? Their attitude, their behaviour, their drive and quest for the dollar, they forget the tourist and what the Caymanians have been giving to him over these years. We have to be careful, we have to ensure that legislation is in place that some other nationality does not come in and get their foot in the door of important organizations such as the Taxi Association and the Hotels Association. Do you know that on the Executive Board of the Hotels Association, almost every individual

except one young lady, an office manager, is not a Caymanian with roots or not even one with status? Can you tell me, Mr. President, when this Island is represented abroad, that almost two thirds if not more, of the managers of hotels or condos are non-Caymanians, some of them only here for a couple of years. Why is this? Who can best represent these Islands except those who were born and bred and know what makes this place tick as the First Elected Member for West Bay mentioned in his earlier speech? Mr. President, even in the Police Department is it impossible to get so many people from one country in that place that the Police Department is almost totally non-Caymanian? Can you see how they could be manipulated and things could go wrong in this country?

There are those out there that are asking questions, I will not go into the editorials of the paper or other letters that were written, enough has been said on that and I think well covered. But what the listening public must remember is that legislation brought to this House through this Government is not done to harm any one individual or group, the total overall consideration is the people of the Cayman Islands, their children, their grandchildren and what this country is going to be when this Government is finished.

Mr. President, this Motion is a good Motion. I did have some notes, I do not know that I have followed them at all. What I am saying, if this country is left to individuals who seek to put their own in place, we are going to be in trouble. It is a known fact that certain individuals who have been granted status in this country, I can think right now of certain restaurant facilities, when it comes to a waitress or a cook, they can find a Caymanian, but you ask me how often you see a Maitre 'd' or somebody in a position that pays good money, can move up in that establishment. They will send to Europe, or Canada, or someplace else and they will keep bringing them in until they have gotten rich and left and then they will bring another one. This is the way it goes, and Caymanians are beginning to notice it.

You have people who come here and they get status, and when it comes to the important jobs they never can find somebody suitable in Cayman, and they bring in a friend, a brother or a sister, or someone, until they have got their pockets lined and then they bring in another one. But the real important, well-paying jobs are never for the Caymanian. We do not have every company like that, Mr. President. If we had we would have already reached that stage at which I am now expressing my concerns, but this is exactly the situation we seek to curtail, to eliminate and to avoid in this country. The Caymanian people must have their own destiny in their hands. With the help of Almighty God we have done it over these years and we can do it again.

And, Mr. President, we have many suitors out there. This Government is going to be faced with many a proposition which at face value may seem to be what the Caymanian people need. But I hope that the fact that we have a limited labour force, and we are an Island of 20,000 people, and that this country will move along at a slow and even pace without going headlong into destruction by bringing in too many people who will disrupt our way of life.

Mr. President, I support this Motion. I think it is a good Motion. There are many other reasons why it is before this House, but what I would like to remind this Honourable House of today is that the atmosphere and the peace and tranquillity we have today is too precious to lose it by not having such legislation in place, because unless the Caymanian people feel more secure in their own homes, there lies on the horizon a situation whereby even the tourist trade, the business and everything else which is attracted to these Islands will no longer be ours to enjoy.

Mr. President, I support the Motion and I thank this Honourable House for giving me an opportunity to speak thereon. Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? In that case I call on the mover to reply.

I know that the House has said they would like to finish business today, sitting late if necessary. If the mover thought he was not going to be more than half an hour or so, I would be quite content to suspend proceedings for a while. If he thought he might be an hour or more, I think in fairness to the House we might go straight on now.

HON. BENSON D. EBANKS:

Mr. President, I have no written reply so I would suggest that we take the break, Sir.

MR. PRESIDENT:

Very well, in that case I will suspend proceedings for approximately fifteen minutes.

AT 3:37 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:55 P.M.

MR. PRESIDENT:

Please be seated. Continuation of the debate on Private Member's Motion No. 5/87. The Honourable First Elected Member of Executive Council.

HON. BENSON D. EBANKS:

Mr. President, at this point Sir, I find myself in a bit of a dilemma, not the dilemma that the Second Elected Member of Bodden Town suggested I would find myself in or might even believe now that I am in, but the dilemma is, that had not particularly the Second Elected Member for Bodden Town raised issues which I must reply to, I would be happy at this time to sit down after thanking Members and ask you to put the Motion to the vote. Because I believe that the last speech was in fact on the high level which I asked Members to try to keep the debate to, and in fact, which I myself attempted to do, I might not have always succeeded in doing so, but that is the dilemma I am in. Not the one that the Second Elected Member for Bodden Town thinks I am in. Because, Mr. President, I am going to put him so deep in a hole that he will not be able to dig himself out.

I would like to start by thanking Members for their contributions to this Motion, and I am satisfied that even those who have indicated non-support for it, if they are still here when I am finished will give their support to it in the end and we will get unanimity at the vote.

The first point I would like to make, or to reiterate is that I have no problem with bringing this Motion to the House because it is consistent with the manifesto on which I ran. And this is a published manifesto. On the front it has as near as possible, a replica of the Cayman flag and on the back it has the words of our national song "Beloved Isle Cayman" which we sang at each campaign meeting. Secondly, the first item on the manifesto we said that when we are elected on November the 14th, it is our intention to: (1) retain our present Constitution bearing in mind that our stability and prosperity are dependent upon our remaining a British Crown Colony. We are not tampering with the Constitution in any way that affects our position as a British Crown Colony. What we are seeking in this Motion is to preserve the stability, both social and political, that has given us our present prosperity. So, Mr. President, this Motion is entirely and completely consistent with our manifesto.

Therefore I also took the Motion to my people. We did not have a large turnout, there were no dissenting voices from those who were there, and the meeting was well-advertised, and I could only attribute the small number to one of two things: total satisfaction with the representation which the three Members have been giving them, or because the economy is so good that they were at work or over tired from having worked all day. Therefore I consider I have the mandate from my people to support this Motion.

Now, Mr. President, quite a lot was said about the fact that the Motion was amended, I think the Member said something like four hours and ten minutes, or four tenths of a minute or something, before it came to the House, and that it was substantially amended. I have the original Motion which was circulated to Members in my hand, and I have the amended version also. And there were two amendments to that original Motion. One was the addition to the section dealing with qualification for elected membership under sub-paragraph 3, a (d) was added stating employment as a crew member on an aircraft. That is those people to whom the restriction of 400 days did not apply. And another sub-section, sub-section (4) was added to make the application of the 400 days absence from the Island in respect of born Caymanians or persons with Caymanian connections, to make that 400 days not apply to the period prior to the coming into effect of this amendment if and when it is passed - that is, if and when it is written into our Constitution.

The Second Elected Member for

Bodden Town very well knows why that sub-paragraph 4 was put in there. I would have thought that his purposes would have best been served had he not called attention to that. Because, Mr. President, it was put in specifically to preserve the position of the First Elected Member for Bodden Town. Without that, he would now be disqualified if this came into effect, and as one Member said, when somebody can be absent from the country for more than 400 days as a representative of the people, one must question the representation that the people are getting.

Mr. President, the Second Elected Member for Bodden Town does not like me to go back into history, but I love history, and like I told him the other day, I can go back into history with confidence because I never do anything for the expediency of the moment. I also believe that if the Member would accept the admonition which I gave him a few days ago he would be better off, and that is that those who do not learn from history will live to repeat the mistakes. Of course, he has made that mistake again today.

I am going to deal basically or chiefly with the comments of the Second Elected Member for Bodden Town, because while the Member from East End expressed some reservations, he indicated in general terms that he agreed with the spirit of the Motion, he did not agree with the method in which it was done, but the Second Elected Member for Bodden Town repeated and elaborated on the reservations which he had. So, I can deal with both their reservations to the way it was done by dealing with the Member from Bodden Town.

First of all, the Member for Bodden Town knows full well that he was the first Member of this House to have a copy of this resolution in his hand overnight. By his own admission a few days ago, he said that they do not, or he, and that includes all of the remnants of the Unity Team, do not attend meetings of committees of this House because, I think he said their voice is not heard. So, had I tried to call a committee to discuss this, it is unlikely that that Member would have attended. I did bring along copies of their Motion to a Finance Committee meeting called some weeks ago and I showed it to Members, and at the end of that meeting in accordance with the basic Rules of the House, I recollected, or retrieved the copies of the Motion at the end of that meeting because I thought the proper way for them to be circulated was through the Clerk which I later did and it was done in ample time. It met the requirements of Standing Orders for Members to have copies of Motions, and notices of Motions, in fact I put the notice in some several weeks ago that the Motion was coming and what the substance of the Motion was.

In my opening contribution, Mr. President, I said that I had attempted to get the Second Elected Member for Bodden Town to second the Motion. That attempt was made the day following the Finance Committee meeting to which I referred. It was on a Wednesday, and I asked if he could come to my office for a while, I was told that that was an inconvenient day, but we agreed that I would bring a copy of the Motion to Rotary, that he could study it overnight, and we would meet at 11 o'clock on Friday in my office. I delivered the copy of the Motion, we met and we discussed it, and I understood that he was not prepared to second it, so I spoke to the Second Elected Member for George Town, who was glad to do so. So that Member, the Second Member for Bodden Town, Mr. President, cannot claim ignorance of what was contained in the Bill. His reason for not seconding it was not that he opposed any of the provisions in the Bill, or in the Motion. Certainly if he had those reservations he kept them to himself and did not express them to me.

Now, we have heard that we should have taken it to a committee, and that I put forward an amended version at a very late date and he read extensively from the minutes of the meeting of this Honourable House held on Tuesday 13th September 1983. Now, I am not going to accuse the Member of telling an untruth when he read these minutes, but what I am going to say is that he did not tell the whole truth, and I will prove that from this Hansard. He complains that I amended the Motion, put it to the House, which is true, but I did it in accordance with Standing Orders. And of course he bemoaned that fact. He went to pains to say that I could state during that debate that I had taken the resolution as printed to a meeting of my constituents. And I wondered why I had been so meticulous, to use the word as printed. He, I gathered, during my absence, indicated that I tried to play lawyer and that a course at the law school would serve me well. I am not denying that a course in

law would serve me well, but I can assure that Member that I am leaps and bounds ahead of some of those out there who are advising him and playing lawyer. Because he also said, and he laid great store by this, that simultaneously with the passing or publication of the Motion, a press release had been made which explained it fully to the people of the country. But what he failed to tell the people was that the Motion as published and as therefore covered by the press release, was not in fact the Motion that was passed in the House, or in fact debated fully, because the Member moving the Motion gave notice at the time of moving it, of an amendment which he would be making at a later stage. Now I want the people to get the significance of that difference. It was necessary for me, in order to accommodate the First Elected Member for Bodden Town to amend the Motion, which I did in accordance with Standing Orders. I have taken stick for doing this, but I believe that it is in keeping with the spirit of the Motion.

If we have erred in this Motion, it has been by trying to embrace those Caymanians that we know have an interest in sitting in this House, and we were extremely careful in attempting not to disenfranchise any of them. But even the fact that the Select Committee was unanimous as the original motion stated falls away because of the amendment which was put at the time the motion was introduced. That means that no Members of the House other than the mover - I as the seconder had been acquainted of it a few minutes before - that is why I could not discuss the amended motion with my constituent, and why I was at pains to say that I had discussed the motion as printed with my constituents. Because the amendment that was offered changed completely the sense of the motion, and that is why the Member could not, even if he had thought of doing it earlier, amend his motion in the fashion which I have done. You cannot amend a motion if the amendment alters substantially the intention of the original motion - it has to be done on a substantive motion after giving notice in the House unless one suspends Standing Orders.

So, Mr. President, that is the point which I want to ram home. They published the motion, they made a press release on it and then, when it was on the floor of the House, an amendment was introduced which the public had no opportunity to comment on. It also altered the sense of that resolution considerably.

Now, if that is what legal training does to an individual, I thank Almighty God that I have not had any, because I do not want ever to be accused of being anything less than totally frank with the people of this country and my constituents naturally, in particular.

I could go on and show the confusion that that amendment which was placed before the House at the introduction of the motion caused. In fact the mover was asked by the President, "I am taking it you are moving both the Motion and the amendment to be passed." The answer was "Yes, Sir". And then when I commenced my debate, I said, "Mr. President, in debating this Motion I would crave your indulgence to allow me to include in my remarks the amendment to section 20 which the Member is now referring to which he proposes to put at a later date." I was allowed to carry on for a while and I was stopped because I was reminded that the amendment was in fact, not before the House at that point and had not yet passed, so I had to deal with the substantive Motion which had been circulated. And I dealt with the amendment when the amendment was put before the House.

But you see, this is why I can go back into history, because those who use the moment at hand to try to press the argument of a particular position, always dig a hole for themselves to fall into later. And the Second Elected Member for Bodden Town would have been better served if he had not thought about this meeting. I might not be legally trained, but my God I have a good memory, and I knew that an amendment had been placed on the floor, so I sent for a copy too. These are public documents, and I want to see him or his lawyer, or lawyer friends including the little student from Kalamazoo, dig him out of that hole.

The Member also said, and he quoted the various Members about saying that they had taken it to their people and what the results were. And I would warn the Member to be careful how he always quotes what people said about what took place at public meetings, because if I am permitted to refer to some recent publications dealing with constitutional development, Mr. President, about the 1962 meeting held in George Town and the reports

made by the then Members of the Assembly to that meeting, the public will know that in the case of George Town, where unanimous support was reported to have been obtained, the Member who made that report could not hold his meeting - when he introduced the Jamaican barrister to the platform, I have never heard so many car horns in my life - and it broke up the meeting. Similarly, no vote was taken in West Bay on that issue, yet it was reported that it was unanimously supported in West Bay, and I take pride in being one of those, although I was not involved in politics, who put the keys on the meeting before the vote could be taken. I am saying this because I believe that we owe this to future generations when they are reading the history of the development of constitutions in Cayman that the records be straight and not be tarnished by things. Again, do not get me wrong, Sir, I am not really berating the press, but I think when people attempt to write on our history, and they were not even in the Island, they should enquire from people who know exactly what went on, so that the history books will record our history correctly.

MR. PRESIDENT:

I am sure it is very laudable to get the history, right, but I hope the Member is going to come back to the Motion because ...

HON. BENSON O. EBANKS:

Oh, yes Sir, I have finished correcting history now, Sir, I am going to make history now.

The other point, made by both the Member from East End and the Second Elected Member for Bodden Town is that the route to have gone with this was to a committee, which, as I explained, had it been called neither of them would have attended in my opinion.

MR. JOHN B. McLEAN:

If I was notified I would have come.

HON. BENSON O. EBANKS:

I must also in this connection refer to the reference made by the Second Elected Member for Bodden Town in his Throne Speech debate to this Motion, when he indicated his disagreement with it, and said that if we want to change the Constitution, we should get up at the next election and tell the people we want a constitutional change, and let the people vote on it. Now, Mr. President, I believe that was a trap and an invitation to some Members to make that little bland statement in their campaign or in their manifesto without going into detail as to what the constitutional changes, desired were. And then they would say they had a mandate to go for full internal self-government and whatever. But I will never fall for that trap, that is why I have gone to the pains I have gone to enumerate what we are proposing in this Motion.

Mr. President, as you know, I felt so confident about my presentation of this Motion and I had such a clear conscience about it, that I even left the Member speaking and went to Rotary lunch today. So this is why I am having to fish around a little bit in my notes, because my colleague next door kept them for me.

Now, the Member said that I had been put under pressure, or approached, or something, by some organization and I had put off my Government cloak and brought this Motion as a Private Member's Motion rather than a Government Motion. I think he said it was the Young Businessmen's Association. The Second Member for West Bay mentioned the fact that those people had made representation, but he also put the record straight by saying that the Member for North Side had in fact intended to table a Motion, basically covering the same area in advance of that representation, and I told him to hold it a bit, let us study it and make sure that we were dotting our i's, crossing our t's and see that it was done to our satisfaction. But all of that only shows how widespread the support for this Motion is, and I can say without fear of successful contradiction ...

MR. PRESIDENT:

Not that I am contradicting you, but it is 4:30 p.m. and I would like to ask the Honourable First Official Member to move the suspension of Standing Orders in order to enable us to complete our business, because I think I sensed the House wished to do that today.

HON. THOMAS C. JEFFERSON:

Mr. President, in accordance with Standing Order 83, I move the suspension of Standing Order 10(2) so that the business can be completed this evening.

MR. PRESIDENT:

The Motion is that in according with the provisions of Standing Order 83, Standing Order 10(2) should be suspended in order to enable business to be completed today.

MR. G. HAIG BODDEN:

Mr. President, I rise to object to the suspension. I think if the business is unfinished we should come back tomorrow. The Member has been talking, or has been on his feet for many minutes, he has said nothing so far, he has not made any attempt to reply to any of the points raised by any Member on the Motion, and he is just wasting time. Someone should move for the closure of the debate, but of course you have to make the ruling, and you have been trying, Sir, to bring him back on track. But if he is not replying to the points raised, why should we waste the time of the Members. I am not supporting the suspension of the Standing Orders.

HON. BENSON O. EBANKS:

Mr. President, I am surprised at the contribution of that Member. We agreed yesterday evening that we would stay this evening and finish the business, and as an encouragement to do that, he promised the House he would not speak longer than one hour this morning, and I believe he used the morning and the afternoon, and as far as I am concerned, he never ever got to the Motion, so I do not know what he is complaining about.

MR. G. HAIG BODDEN:

I raised four points which you have no answer for. Wasting time.

MR. PRESIDENT:

The Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I am prepared to support the Motion to suspend Standing Orders, provided that we bolt the doors, because we do not want those people who we allowed to leave yesterday afternoon who talked all day today to leave now and say that they did not have the vote because we want all the votes recorded on this thing, the noes and the ayes.

MR. PRESIDENT:

Does any other 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?

MR. PRESIDENT:

Certainly.

DIVISION
NO. 24/87

AYES: 13

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel J. Johnson
Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. Ezzard D. Miller
Mr. John B. McLean

Mr. G. Haig Bodden

AGREED BY MAJORITY: STANDING ORDER 10(2) SUSPENDED

MR. PRESIDENT:

I declare the Motion carried.

MR. EZZARD MILLER:

We are voting that no one is going to leave, right, on my amended Motion!

MR. PRESIDENT:

I am afraid I did not accept the amendment because I could not be responsible for the incarceration of Members!

The First Elected Member may continue.

HON. BENSON D. EBANKS:

Yes, Mr. President.

The Second Elected Member for Bodden Town has left because he could not take the trashing I have been putting on him, and will continue to do. But I am sorry that he did not wait, because he raised one matter, and one only, which could be a contentious matter, and it is a matter which I referred to in my opening remarks, that is, the opening of the presentation of the Motion, where I indicated that the word "substantially" in the following terms in the resolved section of the Motion were put there deliberately to allow for the constitutional lawyers to change the jargon, or the wording, into constitutional language and, that once our intentions in the Motion were not changed, we would have no problem with that. I wanted to give him that assurance, and I am sure with that assurance, he would have voted for the Motion.

Mr. President, he made the point that in sub-section 2 of the new section 18, sub-section 2 and (a) of sub-section 2, dealing with a qualified citizen, he takes the point, Mr. President, that as written, it might preclude someone who had taken steps in the past to claim another citizenship to which he might have been eligible, and would mean that if somebody had made application for U.S. citizenship or Jamaican citizenship some years ago and never received it, that it would disenfranchise him. I maintain that section (a) as written, is conditioned by the first section of that sub-section, which reads "at the date of his nomination for election possesses no other citizenship and has taken no steps to claim any other citizenship for which he may be eligible." I maintain that that introduction to that sub-paragraph conditions the sub-paragraph to his position at the date of his nomination, and would therefore mean, that providing there were no outstanding steps unfulfilled at that time, the Member would be an eligible citizen. I maintain that if it was intended to say in the past, we would have said words to this effect: at the date of his nomination for election possesses no other citizenship and had taken no steps in the past to claim any other citizenship for which he might have been eligible. I maintain that that is a present tense situation and would apply to his situation at the date of his nomination for election.

But, Mr. President, this is one of the areas that can be met by the constitutional lawyers, because I am going into this in detail to make it clear that this was not intended to apply to any prior action which might have been taken by a candidate. For example, if the wish of the Motion could be more accurately conveyed by "has taken" being replaced with "is taking no steps" I have no problem with that, because I explained in the introduction of the Motion why this was put in there, and as I said earlier, if we have gotten in to any problem with this Motion, it is because we have tried to preserve rather than to disenfranchise people. We were actually thinking there, Mr. President, in that section, of rights which anybody might have acquired or might have become eligible to as a result of having married a foreign national in particular.

We are not entirely sure of all the implications of the constitutions and requirements for citizenship all over the world, and Caymanians have in fact, married people from every corner of the globe. So we have put a general statement there saying that if by marrying a foreign national a Caymanian has become eligible for some citizenship, but he has not taken any steps at the time of his nomination for election to claim that citizenship, then we do not think he should be disenfranchised for having married the love of his life, or her life. A simple matter. And I hope that when this Motion has been passed and is being forwarded to Her Majesty's Government, that the copies of the minutes of this Meeting will be forwarded along with it so that Her Majesty's Government will be left in no doubt as to what we intended, and also the objection that some other Member might have to that clause or any other clause, so that it can be met if this language does not convey accurately the wishes of the people of the Assembly, then that is a job of the constitutional adviser.

In other words, the Member should be familiar with the phrase "drafting instructions" from the time he was in Executive Council. If he wants a Bill to be done by the Legal Department, he or his Principal Secretary gives the Legal Department drafting instructions so that the Legal Department can put the legal phraseology to what he wants. This is all we are asking, and this is what we are saying we are prepared to accept. I gave the undertaking to keep Members informed of what was happening with this Motion as far as its acceptance or otherwise by Her Majesty's

Government, and I also gave the undertaking, Mr. President, that if there was a serious confrontation over this, that is, anything that would change the sense of the Motion as it was passed here, that I would seek through His Excellency the Governor for Her Majesty's Government to send the appropriate person out here to talk with us.

Now, Mr. President, I want to make it clear that that request will be to deal with these two sections of the Constitution, and I am not prepared to bring them out here to go further with the Constitution as I believe some people would try to do if they get them out here. I want to make that clear - he would come for a specific purpose, and that is these two sections, and any, like I mentioned, consequential amendment to Section 50 to clarify the appointed day, because we cannot very well put that in this Motion until we know the date. But I want to make it clear that I am not undertaking to bring anybody out here or anybody to come out for general discussions on the Constitution. When they come I will deal with this Motion, and this Motion only. If somebody else wants to talk about further advancement in the Constitution, that is their problem, they must get their man out. This takes me as far as I want to go for the foreseeable future, Mr. President, because that Union Jack with that little coat of arms in the corner there was not put on that manifesto accidentally, that means that as long as that flag serves us well, Benson Ebanks is not doing anything to disrupt it.

The other point the Member made, Mr. President, that some Members might have thought might have had some substance was to say that the proviso as to the 400 days which we had applied to (e) should also apply to section (f). But that is rubbish. If we do that, we will kill the whole intent of the Motion, we might as well not bring it. I believe that that was that little student from Kalamazoo that told him that should go in. Mr. President, you know who the little student from Kalamazoo is, Sir, or would you like an explanation?

MR. PRESIDENT:

I think I have a fair idea.

MR. McKEEVA BUSH:

(INAUDIBLE)

HON. BENSON D. EBANKS:

Mr. President, I think that the Second Elected Member for West Bay raised a good issue. But I hope when I have explained my understanding of that situation, and I thank him for bringing it up, because otherwise I might not have made the point, and I am not sure that the Second Elected Member for Bodden Town did not confuse the issue with that too. As I said, I have got a bundle of notes here, but I am picking out as one of his constituents said, the most important parts. Because as Members know, he could have sat down after five minutes, he really never added anything to the debate.

The point that the Second Elected Member for West Bay made dealt with the person without Caymanian connections, the one that we are retaining his right to run for the House providing he has British Dependent Territories citizenship, and has lived here for 15 out of 20 years. The Member made the point that in the case of a British subject, for example, he could in fact cut sail or cut rope and run and reclaim his British nationality. But, Mr. President, I think in dealing with that section of the Bill in my presentation, I made the point that while, for the time being, the status quo would remain, that that number of qualified persons would gradually diminish with the effluxion of time.

We cannot look at the Constitution or this Motion we are passing in isolation, we have to read it in conjunction with the Caymanian Protection Law. And I already know that since this Motion got published, people who, by their own action, had the same nationality which I had, when the 1981 British Nationality Law came out, rushed and posted to me that they had got British Nationality, they now have dual citizenship, something like that. It turns out they do not have British Dependent Territories citizenship, and they have come to me to sign applications for them to get it. But I wish they would wait. I do not believe we have got too many of them, maybe a couple, but again I believe my understanding of the workings of the Naturalization and the Caymanian Protection Law is that before a person is naturalized, there is an understanding that the person will be given permanent residence or Caymanian status, which, as I understand the Motion, is also a requirement for standing in the House. And I have a feeling that the number of people without Caymanian connections that could get

Caymanian Status in the future, will become fewer and fewer and fewer. So, I am saying that with the effluxion of time, those people that might have had, or might have B.D.T. citizenship for now will be okay, but the number that will come on the scene with all that in the future will be those that were born here.

We have got, Mr. President, and I hope that you do not consider this to be straying from the Motion, because it deals with this very ticklish point of nationality and Caymanian Status. But to finish with the point I was making in response to the very valid point which the Second Elected Member for West Bay made, it was considered very carefully, and it was decided that we should not use a sledgehammer to kill a fly. In other words, we see it as a very minute problem which Father Time, the great healer of all problems, is going to take care of. But having mentioned those persons who would get B.D.T. citizenship or Status in the future, I would like to assure, or reassure, those persons in our Island who I call, at the moment, basically, refugees or no-nation people, because they have not really taken all of the steps necessary to put their position right. We intend to clear that up in the very near future, and I hope that when the announcement is made that the representatives from the various districts will be making themselves available in the several districts to collect and collate the names of those people and where they stand, that they will respond to the invitation. We have to clear it up.

Mr. President, we would not be adding any new persons to our work force, and I think particularly, Mr. President, of those persons who came home as repatriates from Cuba in 1969. Many of them, their parents were born in Cayman, but they themselves were born in Cuba, so they have not got Status. Some of them had children born in Cuba, that is the third generation now was born in Cuba, and therefore ... and because their parents did not register them with the British Embassy as British citizens at that time, they really do not have British citizenship, and need to be naturalized. We have a whole conglomeration of this, Mr. President, some people who only need to get Status, some who need to be registered, and some who will have to be naturalized. It is a very large number of people. In fact, the first gentleman I saw knitting turtle nets when I was a very young boy and he was a young man, I have just found out that he was born in Cuba, and is in fact, not a Caymanian - we have to clear those up. But that is not adding new people, and we will take care of those. I do not want them to get the impression that we are not going to take care of them.

MR. PRESIDENT: The Member did say that he hoped he would not be stopped for straying from the point. I am bound to say I think he has strayed rather from it, and I hope he will come back to the Motion, because I cannot really quite relate the problem he has just been talking about, although it may be a problem of great importance, to the terms of the present Motion.

HON. BENSON D. EBANKS: It only tied on to what I said earlier, Sir, about the number of people who would get B.D.T. or Status in the future being reduced. So I want to make it clear

MR. PRESIDENT: I really think we were straying a little bit further from the Motion - I am now just hoping we will get back to it.

HON. BENSON D. EBANKS: Oh, yes Sir, I have finished you know, I was just showing how it was tied on.

MR. PRESIDENT: If you have finished, perhaps we should take the vote?

HON. BENSON D. EBANKS: No, Sir I have not finished, this microphone is dropping out of the socket.
Mr. President, I think that I should make clear the areas covered by the provision of sub-section 3, which excludes those reasons for which a person could be absent from the Island for more than 400 days, or it does not count towards the 400 days mentioned in the qualified citizenship of the person to stand for office, or it would not count when the 400 days is being counted against them for the qualification of voting as well. These are the exceptions: attendance as a pupil at any educational establishment; attendance as a patient at any hospital, clinic or other medical institution - I would suggest that that even includes what we know as

Bellevue in Jamaica; employment as a seaman aboard an ocean-going vessel; or employment as a crew member on any aircraft.

Now I think the Second Member for Bodden Town tried to make out that that was not sufficiently widespread, and that we should cover, according to him, as I understand it, all those people who leave Cayman and go and work in some other country of their own volition. We might as well not pass the Motion if we are going to cover all that. We are only seeking to cover - in other words Mr. President, what I believe the Second Official Member would term in legal phraseology, force majeure, or something like that - maybe I am not pronouncing it right - but in other words, matters beyond one's control - you do not control when you get sick, the average person has no control over whether he is going to be recommended to go overseas for medical treatment. We certainly do not have tertiary education of a sufficiently high standard yet to say that a person could have received a university education in the Island, and many Caymanian seamen go to sea on American ships, but their home, their families are here and their money is sent back here, so this is still their residence, but for the avoidance of doubt, we have put it in. I understand that taking into account the normal working hours of an aircraft crew, they would not be abroad more than the time we have said either, but I understand that often they are sent up or they are left in foreign ports as back-up crew and so on, so we thought that out of an abundance of caution, we should make a provision for those people.

But, Mr. President, I would like to make it clear - I know that some of our national airline pilots have taken up residence in Miami, and this section will not cover them, because they have done that out of choice. So when you give up your residency in Cayman out of choice, we are not covering that. If your employment in one of these fields takes you abroad for more than the 400 days, you are covered. I think he also said if somebody was sent as Station Manager to Houston or Miami or whatever - up to now, as far as I know, the Caymanians working with airlines abroad are Caymanians who were already resident in those cities, and I do not know what the future holds, but I do not believe that we have any pile of people qualified to take over as Station Managers in those countries yet. I have a strong feeling that sufficient unto the day is the evil thereof. We have covered the foreseeable future, and I am not going to grope in the dark to please the whims and fancies of somebody who might have somebody working with Cayman Airways in Miami that they hope to slip in under this clause.

Mr. President, in summary, this Motion has my 100 per cent backing, and I am satisfied that it has 99 per cent of the backing of the public. The other one per cent that can be influenced by the Second Elected Member for Bodden Town might not support it just because I brought it. That was the one per cent he was afraid of that would not understand him seconding it. So I am satisfied that 99 per cent of the electorate in this country support this Motion. I would not have brought the Motion if I did not think it was in a form that was just, equitable and right to those persons who lived here for long periods and are still living here. I would not have brought the Motion if I thought it was not in the best interests of Cayman and that it would serve to preserve the peace, tranquility and prosperity of which we hear so much today. It is but another step, Mr. President, in protecting that stability and prosperity, steps which have been made often in the past.

We had a Constitution in 1972, we amended these particular clauses in 1984, it was started in 1983 of course, and today we find ourselves in a position where if we do not act, the future of this country is in the balance, and as I said yesterday in my introduction, there is a line in poetry, or a couple of lines in poetry which go something like this:

"Breathe there a man with soul so dead,
who never to himself hath said,
this is mine own, my native land."

When I say that, I mean Cayman, I do not have anywhere else to run. I believe that as a previous speaker said, we hold this country in trust for future generations, and the least that we can do is to hand it to them in as stable a condition as we inherited it from our forefathers. I certainly hope that when this Motion is put to the vote that it will receive unanimous support.

I thank you Mr. President, and all the Members for their patience in listening, or bearing with me

during this extended period.

MR. PRESIDENT: The Motion before the House is the amended version of Private Member's Motion No.5/87.

QUESTION PUT: PRIVATE MEMBER'S MOTION NO.5/87 PASSED

MR. W. McKEEVA BUSH: Can I have a division, Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
NO.25/87

AYES (13)

Hon. Thomas C Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

AGREED: PRIVATE MEMBER'S MOTION NO.5/87 PASSED

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, it gives me pleasure to move the adjournment of this Honourable House until April the 27th, 1987.

QUESTION PUT: AGREED. AT 5:10 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY 27TH APRIL, 1987

SECOND MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
MONDAY, 27TH APRIL, 1987

(FIRST DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 LINDFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT FOR 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
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

SECOND MEETING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

MONDAY 27TH APRIL 1987

(FIRST DAY)

1. PRAYERS

TO BE READ BY THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS.

2. PRESENTATION OF PAPERS AND REPORTS

1. REPORT OF THE STANDING FINANCE COMMITTEE
(MEETING HELD 18TH MARCH, 1987)

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

2. REPORT OF THE HOUSING DEVELOPMENT CORPORATION
(FOR THE YEARS ENDED 30TH JUNE, 1985 AND 1986.)

TO BE LAID ON THE TABLE BY THE HONOURABLE FOURTH
ELECTED MEMBER OF EXECUTIVE COUNCIL.

3. QUESTIONS TO HONOURABLE MEMBERS

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.39: CAN THE HONOURABLE MEMBER GIVE A PROGRESS REPORT ON
THE NATIONAL SPORTS AWARDS PURSUANT TO PRIVATE MEMBER'S
NO. 20/85?

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.40: CAN THE HONOURABLE MEMBER SAY WHETHER GOVERNMENT IS STILL
CONSIDERING PUTTING A TOURIST LANDING JETTY IN 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.41: CAN THE HONOURABLE MEMBER SAY WHETHER THE WATERSPORTS
ASSOCIATION WOULD INFLUENCE GOVERNMENT'S DECISION AS TO
WHETHER OR NOT THE TOURIST LANDING JETTY SHOULD GO IN
WEST BAY?

4. GOVERNMENT BUSINESS

1. BILLS

FIRST AND SECOND READINGS

- (1) THE GRAND COURT (AMENDMENT) BILL, 1987
- (2) THE PENAL CODE (AMENDMENT) BILL, 1987
- (3) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
- (4) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987
- (5) THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987
- (6) THE JUDICATURE (AMENDMENT) BILL, 1987
- (7) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

COMMITTEE THEREON

- (8) THE GRAND COURT (AMENDMENT) BILL, 1987
- (9) THE PENAL CODE (AMENDMENT) BILL, 1987
- (10) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
- (11) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987
- (12) THE ESTATES PROCEEDINGS CODE (AMENDMENT) BILL, 1987
- (13) THE JUDICATURE (AMENDMENT) BILL, 1987
- (14) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

REPORTS THEREON

- (15) THE GRAND COURT (AMENDMENT) BILL, 1987
- (16) THE PENAL CODE (AMENDMENT) BILL, 1987
- (17) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
- (18) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987
- (19) THE ESTATES PROCEEDINGS CODE (AMENDMENT) BILL, 1987
- (20) THE JUDICATURE (AMENDMENT) BILL, 1987
- (21) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

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MONDAY

27TH APRIL, 1987

10:00 A.M.

MR. PRESIDENT:

the Lesser Islands.

Prayers.

The First Elected Member for

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 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, who 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:

Reports, the Honourable First Official Member.

Please be seated.

Presentation of Papers and

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING FINANCE COMMITTEE
(Meeting held 18th March, 1987)

HON. THOMAS C. JEFFERSON:

the table of this Honourable House the Report of the Standing Finance Committee for a meeting held on Wednesday the 18th of March 1987.

Mr. President, I beg to lay on

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:

the details of that Finance Committee Report, approvals were given for Supplementary Expenditure of \$273,000. This approval was to provide funds to deal with the Court's decision recently made, and that is, the proposed execution block to be constructed at Northward Prison.

In addition, Finance Committee unanimously approved that outstanding fees due to the George Town

Hospital in the sum of \$95,325 be written off.

It also unanimously approved that outstanding fees due to the Faith Hospital in the sum of \$232.50 as of December 1980 in respect of deceased persons be also written off.

A guarantee approved to Mirrlees Blackstone for the Cayman Brac Power and Light Company to purchase an additional generator was also approved.

Finally, Finance Committee unanimously approved a five year moratorium on the current loan for Wesleyan Christian Academy in order that construction of well-needed teachers' cottages may be undertaken with the use of the funds they have at the moment.

Thank you very much, Mr.

President.

MR. PRESIDENT:

In accordance with the provisions of paragraph 4 of Standing Order 67, the House is deemed to have agreed to accept the Report.

Presentation of Papers and Reports, the Honourable Fourth Elected Member of Executive Council.

REPORT OF THE HOUSING DEVELOPMENT CORPORATION
(For the years ended 30th June, 1985 and 1986)

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members, I beg to lay on the table of this Honourable House a Report of the Housing Development Corporation for the year ended 30th June 1986 in accordance with section 24 of the Housing Development Corporation Law 1981.

MR. PRESIDENT:

So ordered.

HON. VASSEL G. JOHNSON:

Mr. President, the Report contained in the document just laid on the table of this Honourable House includes many things. There is a statement from the Chairman of the Board, and the accounts for 1986 which also has a comparison of the comparable accounts for the previous year 1985. There are other information contained in the Report, such as the operations, the administrations, the certificate of the Auditor General, the list of debenture subscription, and other statistical information.

Mr. President, it was thought that the report would be useful to Honourable Members to review the entire operation of the Board, and give information as to what the present position is. It will be seen from the balance sheet that the Corporation has ended its year 30th June, 1986 with a surplus of income over expenditure. This is an improvement over the previous year, which suffered a deficit as the account will reveal. The Corporation is with a reasonable amount of mortgage funds, and it is hoped that over the next year that some of this money will be lent. Quite a number of applications do come to the Board, but unfortunately many of them cannot comply with the guidelines laid down for the granting of loans by the Corporation. So those guidelines will be looked at shortly, and every attempt will be made to facilitate many of the applicants who need some of the money, but who cannot comply with the guidelines at the present time.

Thank you, Mr. President.

MR. PRESIDENT:

Questions.

West Bay.

The Second Elected Member for

QUESTIONS TO HONOURABLE MEMBERS

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. 39: Can the Honourable Member give a progress report on the National Sports Award pursuant to Private Member's Motion No.20/85?

ANSWER: An administrative advisory body known as the Cayman Islands Sports Council was established in December last year to advise the Member generally on the development of sports and sporting facilities within the Islands.

One of the functions of the Council is to advise on the person to be selected each year for the National Sports Award as envisaged in Private Member's Motion No.20/85.

The Council has met on two occasions and has been considering the criteria for such an award.

It is planned that the first award will be made on the Queen's birthday this year.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President, a supplementary. I am wondering whether the Honourable Member would undertake to keep Members of the House informed on the progress of this Sports Award that was asked for in Private Member's Motion 20/85?

HON. BENSON D. EBANKS: Mr. President, if plans materialise as is presently envisaged, the action will be taken before the House meets again.

MR. W. McKEEVA BUSH: I am asking for an undertaking in case it does not materialise.

HON. BENSON D. EBANKS: In that case, yes, Mr. President.

MR. PRESIDENT: Unless there is any further supplementary the Second Elected Member for West Bay may ask Question No.40.

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. 40: Can the Honourable Member say whether Government is still considering putting a tourist landing jetty in West Bay?

ANSWER: Yes, Government is still considering the possibility of putting a tourist landing jetty in West Bay.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: A supplementary Mr. President, will the Honourable Member say whether Government intends to put any money in the estimates this year for such a jetty?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I cannot say at this moment whether we are going to put it in or not, but I would assume that we are going to put in money for this jetty for next year, but it is certainly not in the estimates this year.

MR. PRESIDENT: Unless there is any further supplementary, the Second Elected Member for West Bay may ask Question Number 41.

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. 41: Can the Honourable Member say whether the Watersports Association would influence Government's decision as to whether or not the tourist landing jetty should go in West Bay?

ANSWER: Yes, the Watersports Association and the public reaction could possibly influence Government's decision.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. I presume that any public reaction would mean that the West Bay public would also have a say in it?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think when we have finally decided on the mooring sites we will make a release through the Government Information Service.

MR. G. HAIG BODDEN: Mr. President, can the Member say whether Government's decision will be determined by special interest groups, or whether it will be determined by whether it is for the good of the country overall?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would say the decision would be on whether it is for the good of the country overall, Sir.

MR. PRESIDENT: If there is no further supplementary, that ends Question Time. We turn next to Bills. First Readings.

GOVERNMENT BUSINESS

BILLS

THE GRAND COURT (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE GRAND COURT (AMENDMENT) BILL, 1987.

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend the Grand Court Law is deemed to have been read a First Time and is set down for Second Reading.

CLERK: THE GRAND COURT (AMENDMENT) BILL, 1987.

HON. RICHARD W. GROUND: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Grand Court Law.

Mr. President, this is a very short amendment to the Grand Court Law and is one of the steps being taken by Government to assist the Grand Court in coping with the present work load which faces it. As Honourable Members may already know, at the start of the recent criminal session, there were something like 23 jury trials waiting to be heard. They also may know that the Chief Justice himself is presently tied down and will be for several months in a long civil case.

At the moment, Mr. President, there is no adequate provision for the appointment of Acting Judges who can come in on a temporary basis to deal with particular cases or particular groups of cases to assist in times of stress like this. The present section of the Grand Court Law which provides for Acting Judges, is section 7, and reads at the moment as follows:

"In the case of the office of the Judge becoming vacant, or a Judge is unable to discharge the duties of his office by reason of absence or illness, the Governor acting in his discretion may appoint a person qualified under the provisions of this Law to act as a Judge during the period of such vacancy, absence or illness."

What is intended at the moment is that notwithstanding there is a full complement of the two Judges sitting and working in office, that on occasion it may be necessary to appoint a temporary acting third Judge. The amendment to the Law knocks out the old section 7, and reads as follows.

"Acting Judges. The Governor, acting in his discretion, may at any time appoint any person qualified under subsection 2 of section 6 to act as a Judge for such period as

he shall specify in the appointment."

Mr. President, as I have said, this is a short Bill, it is related to certain other provisions with the same end, that we will get to when we deal with the Bill to amend the Judicature Law.

Mr. President, for the time being I commend this Bill to the House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Grand Court Law be given a Second Reading.

The Motion is open for debate. If no Member wishes to speak, I

will put the question.

QUESTION PUT: AGREED. THE GRAND COURT (AMENDMENT) BILL, 1987 GIVEN A SECOND READING

THE PENAL CODE (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE PENAL CODE (AMENDMENT) BILL, 1987.

MR. PRESIDENT: A Bill for a Law to amend the Penal Code is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE PENAL CODE (AMENDMENT) BILL, 1987.

HON. RICHARD W. GROUND: Mr. President, I rise to move the Second Reading of a Bill entitled a Bill for a Law to amend the Penal Code.

This Bill makes three unrelated amendments to the Penal Code, and these are three amendments which have cropped up at different times during the administration of the Law in recent years.

The first amendment, in clause 2, inserts into section 67 of the Code the "crossbow". Section 67 of the Code deals with prohibited weapons, and there are specific offences which relate to the possession of, or the carrying of, prohibited weapons. The present list of prohibited weapons is as follows:

"prohibited weapon" means any machine gun, sub-machine gun automatic rifle or any weapon of any description or design, adapted for the discharge of any noxious liquid or gas, and includes any black jack, bludgeon, flick knife, gravity knife or knuckle duster."

And then section 68 goes on to prohibit the import of prohibited weapons, and that is the main thrust of the definition of prohibited weapons, although there are also prohibitions on carrying them.

Mr. President, a questionnaire was sent round various interested bodies including the police, to see if they had any suggestions from experience of additional weapons that should be put in the list, and "crossbow" was the one meritorious one which came forward. I hardly need to point out to Members that a crossbow is a silent and deadly weapon which can be used to great effect by somebody wishing to do harm.

The next amendment is an amendment to section 222(a) of the Code. 222(a) is itself, a new section, inserted by an amending law in 1979. The gist of section 222(a) is that it makes it an offence for somebody to drive off in somebody else's vehicle without their permission - they do not necessarily need to steal it, but it is the taking without consent which is the gist of the offence, it is aimed at what is commonly called "joyriders", people who make off without permission with other people's vehicles, often at night, to get home and so on. There is and always has been a similar provision in the Traffic Law, although the provision in the Penal Code is better drafted and newer. However, it has recently been realised that the provision in the Penal Code

does not give to the Court the power to disqualify or endorse the license of somebody convicted of this offence. Those powers are open to the court if the prosecution had been brought under the Traffic Law. It is of course, a nonsense to have similar offences in two different laws, than to have one with broader sentencing powers than another. And so this short amendment is simply to confer upon the court, when convicting a person of taking a conveyance without authority, the power to order that that person either be disqualified from driving or that his licence be endorsed, depending of course upon the court's view of the seriousness of the case.

The third amendment to the Penal Code is an amendment to section 244. Section 244 deals with the destroying or damaging of property. The section itself was re-substituted wholesale by an amendment in 1981 and at the moment the section says:

"Whoever without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged is guilty of an offence and is liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment."

There are two consequences of that, and the first is that somebody who commits even very trivial damage is in theory at least, eligible for the fairly massive penalties set out there, and secondly that somebody who commits trivial damage always has the right to jury trial, so that one may find the time of the Grand Court and the jury being taken up for somebody who has done one, two, three or five dollars worth of damage. To meet this the amendment creates a split in the offence, choosing as the split the value of damage of \$1000. Members may wish to note that it is the value of the damage which is the dividing line, not the value of the property damaged, because of course a few dollars worth of damage may be done to something worth many thousands of dollars.

The split is that for anything above \$1000 worth of damage, the previous provisions remain, \$5000 or ten years, and a choice as to whether to be tried before a jury or before the Magistrate's Court. Below the split, the offence becomes summary only, the maximum fine becomes merely \$1000, and the imprisonment is a term not exceeding two years, which in any event is the statutory limit on the Magistrate under the Summary Court Law.

There is going to be a similar amendment when we come to the Bill to amend the Criminal Procedure Code to make the necessary corollary amendment in the schedule to that Law.

Mr. President, I commend this short Bill to the House.

MR. PRESIDENT:

entitled a Bill for a Law to amend the Penal Code be given a Second Reading.

The question is that a Bill

The Motion is open for debate. No Member wishes to speak? I

will put the question.

QUESTION PUT: AGREED. THE PENAL CODE (AMENDMENT) BILL, 1987 GIVEN A SECOND READING

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987.

MR. PRESIDENT:

A Bill entitled a Bill for a Law to amend the Legal Practitioners Law, 1969 is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987.

HON. RICHARD W. GROUND:

Mr. President, I rise to move the Second Reading of a Bill entitled a Bill for a Law to amend the Legal Practitioners Law 1969.

This short amendment deals with a problem which was perceived recently, although it has always existed, in relation to a lengthy trial that was held before the Grand Court. The problem was this: that in lengthy trials, local attorneys may not be willing or able to take on the legal aid representation of the persons accused because the legal aid rates, which may be acceptable for short trials, are not attractive to local attorneys for long and protracted litigation. One way around such a problem when it is felt that it is imperative, or at least essential, that the persons accused should have representation, is to seek from outside the Islands, and particularly in Jamaica, persons who would be willing to undertake the legal aid representation of people at the legal aid rates. The problem with this is that section 4 of the Legal Practitioners Law, which provides for limited admission to practice law in the Islands, stipulates that anybody admitted for the purposes of one case, in other words, limited admission has to be instructed by an Attorney-at-Law in the Islands. The common-sense of this in most cases is to stop the local attorneys being swamped by overseas lawyers coming in and practising here. So a local attorney normally has to be involved and has to give the instructions and therefore has to play his part in the case. In the instance of legal aid cases, that argument does not apply, because these are cases by definition, where the local attorneys have proved unwilling to take on the case.

However, the provisions of the Law as they stand provide a bar to bringing in outside legal aid attorneys unless the charade of getting a local attorney to formally instruct them is gone through. In order to avoid that, the amendment which is proposed is that, where the Clerk of the Court has certified that in his opinion, it is impracticable for a person who has been granted legal aid - impracticable for such a person to obtain representation in the Islands, such a person may then themselves go and instruct a person outside the Islands. In such a case I am sure I hardly need mention, that the legal aid rates prescribed under the Poor Persons Legal Aid Law continue to apply, and they are not waived in any way by the Clerk of the Court's certificate.

Mr. President, this will enable in those rare cases when the local practitioners are not willing or able to undertake a legal aid defence for the accused person as a last resort nevertheless to obtain for themselves representation. And for that reason, Mr. President, I commend the Bill to the House.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Legal Practitioners Law, 1969 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, which is a Bill for a Law to amend the Legal Practitioners Law, 1969, has certain sections in it which I feel are worthy of comment. I am not totally opposing the Bill, but I am somewhat concerned with certain sections of the Bill.

Of particular concern, is section 2(b) of the Bill, which reads, starting from section 2:

"Section 4 of the Legal Practitioners Law, 1969 is amended by substituting section 2(b) where the Clerk of the Court has certified that in his opinion it is impracticable, in the particular circumstances for a person to whom a legal aid certificate has been granted under section 3 of the Poor Person's (Legal Aid) Law to instruct an Attorney-at-Law in the Islands by such a person, and a person who possesses the prescribed."

Mr. President, section 2(b) of this amendment Bill would seem to open the floodgates for overseas attorneys to practice in the Cayman Islands. For this particular reason, I find it difficult to totally agree with this subsection in its present form.

I would remind this Honourable House that we have a Cayman Islands Law School here, and within the next five years, we will have approximately 20 graduates from this Law

School.

Before dealing with this, I would comment briefly on remarks made by the mover of this Bill, the Honourable Second Official Member, when he said, and I believe I am quoting him correctly, that one of the reasons which brought this Bill about was due to the lengthy trials in the Grand Court recently, and also that the legal aid fees are not attractive to local attorneys.

I believe that the main reason why this Bill is before us is that it is in fact the case that it is not attractive to local attorneys, and that those local attorneys have over and over refused to take these litigation cases in the Court because the other fees are much more attractive. This is what is of major concern to me. I am also a professional, and if I tried to apply my professional fees to my duties as a Justice of the Peace, I would sometimes not want to take up my duties in the Juvenile Court. But Mr. President, I gladly, when I am rostered, take time off to sit in the Juvenile Court, not so much for the \$16 a day that we are paid, but because I feel a duty to my country and to my people. I believe that lawyers, especially expatriate lawyers, that are working here earning big money, should give a bit back to the country.

I alluded to the five Caymanian lawyers which will be graduating from Law School this year, and while some will no doubt be employed by Government, there are others who should not be denied the privilege of taking on legal aid cases, especially in the early years of their practice. This is done the world over. In fact, some of the calibre of the overseas attorneys that we may be able to attract for the legal aid cases would be of that particular experience and calibre. So why should we deny our people who are equally qualified, the opportunity of doing those jobs? And this will indeed be done, if we are going to allow the gates to be opened so that people from the poorer countries will come here and take jobs at half the cost that Caymanians would reasonably be expected to do.

As I stated, within the next five years, another 20 Caymanians will be graduating from the Law School, and their career opportunities should not in any way be jeopardized. They are Caymanians, and we often hear it sung in this House that we should try to protect our people. I am not suggesting that we should be using mediocre people to do the job, because it is my understanding, I have been reliably informed by informed individuals, that the Law School of the Cayman Islands is second to none in the world, we have the same standards that you have in London, in Jamaica, in Barbados, or wherever, and the students sit the same exams. So I am not suggesting that we should be using mediocre people. In addition to this, it is well known that the intellectual levels of the students, especially in this first graduating class, is comparable or in some cases, higher than many of the lawyers who have graduated abroad. This can be supported, and this is not just gesture. For those of the listening public, I wish to again make it quite clear that unless you fly into the Cayman Islands, whether it be from Little Cayman or wherever, as long as you come from abroad you are supposed to be better, you are supposed to have a better education, you are supposed to know it better, to do the job better. And this is a fallacy, Mr. President. We have some of the most intelligent people in the world who are Caymanians, and I am always proud to be associated with my Caymanians, because they stand up wherever they go.

But it would seem to me that this Law is particularly designed to protect those lawyers in this country who are making fat salaries, who refuse to go into the Law Courts to take on a legal aid case. This is particularly why I am concerned about this amendment. I was talking to an attorney, and he made a very good suggestion. He feels that perhaps the answer would be for each attorney, or each practising firm, to pay the equivalent of \$1000 per year for each one of their staff into a Government fund, and that amount would go toward the salary of a public prosecutor. Maybe this is a better suggestion, but I am sure that the Honourable Second Official Member will deal with this in his summary. If this was done then perhaps we would be getting better representation.

But it is morally wrong for the lawyers in this country to refuse legal aid cases. It is morally wrong, it is their moral obligation, regardless of whether the legal aid fees are attractive to them or not. And I feel that those lawyers should be rostered, litigation lawyers, I am not talking about corporate lawyers, but lawyers who practise in the court room. They should be rostered. And if they refuse, they should be penalised,

just like any other person would be. The same obligation that Captain Theo Bodden, Mr. Lawrence Thompson, Captain Eldon Kirkconnell, or any Justice of the Peace has towards this Government, they should have. They are businessmen that make a lot of money in their businesses, but who, because of their interest in the country, in the people of this country, will take time off to go and sit on the Juvenile Court when they are called upon to do it. Why should not the lawyers in this country be made to do the same? It should be mandatory that they either show up or they pay a fine. And one of the penalties should be that their practising licence be suspended in the first instance for three months, and for each additional time that they refuse to go in there, it should be increased. Otherwise, the alternative suggestion made regarding payment toward a fund to pay the salaries of a public prosecutor or whatever person is decided appropriate by Government one or the other should be done.

Mr. President, I have been in the company of some of our Caymanian lawyers, and it is a true saying. Your own people treat you the worst - that is an old but true saying. And you find that they are some of the first ones to criticise the students in the Law School. But what they do not realise is that those same students are not only coming out as qualified attorneys, but they are also coming out with an L.L.B. degree from a university in the U.K. And you take them and you compare them with some that have come out of the U.K., some of them very highly qualified, but you wonder how they got into Law School in the first place when you talk to them.

As I stated it is morally wrong for any lawyer to refuse, and as I said, I believe that this is where the whole problem is coming from, because they are so occupied with big money from big jobs that they are refusing to go into the courtroom to represent the legal aid cases. Most of these big firms have articled clerks now who are attending the Law School. Maybe this would be a good area for them to get the initial experience that they require. I can appreciate that the more serious cases in the court would require people of experience - seasoned lawyers - I appreciate this. But these young lawyers will never get the experience that they require, and the seasoning that they require unless they are given the chance. This is what we need in this country, that people be given a chance. You hear that this one cannot do the job, that one cannot do the job, but once they are given the chance, it is surprising how well they can do the job.

I trust that in the Committee stage of this Bill, that the mover and other Honourable Members of this House will entertain an amendment which I hope to make to this, and I hope that this will be done in the best spirit and in the interest of this country. Mr. President, this is a serious move, I feel that it is an easy way out, and I believe that this Bill is specially designed to assist or to complement and to help those lawyers out there who refuse to take on these smaller cases in court. Because of this, I cannot support this Bill in its present form, but I trust that in Committee stages we will be able to make appropriate amendments so that it will be possible for me to support the Bill.

Thank you, Mr. President.

MR. PRESIDENT:
Bodden Town.

The Second Elected Member for

MR. G. HAIG BODDEN:

Mr. President, I have to object to this Bill. It seems to me that the Government has brought the wrong Bill to the House. We should be amending the Poor Persons (Legal Aid) Law, and not the Legal Practitioners Law. Government has recognised the problem, and the problem is simply that certain lawyers or certain law firms will not carry their share of the Poor Persons (Legal Aid) Law. We know that over the last three years we have heard that certain lawyers have great influence with the Government, and the Bill before the House simply makes it easier for those who have been dodging their responsibilities, to continue to do so. It is no secret that certain lawyers in this country earn big money. It is no secret that many of them are able to retire as multi millionaires after only a few years work. People who have come to this country in very poor straights can retire after having raped the country, overcharged the public, and I find it very difficult to understand why the Government now seeks to make it even easier for these evil practices to continue.

I think the Government should make an attempt to share out the work where legal aid is required for a person who is unable to pay for it. This legal aid should be

limited only to very serious crimes and only to cases where the person has no assets that could be used to pay for the aid which he requires. But where there is a definite need for the aid, the aid should be given, and the aid should be provided by the law firms in proportion to the number of staff they have. We know there are some law firms that are continually seeking new lawyers simply because they want to attract more clients from abroad, simply because they are unable to handle the large amount of work that is channelled to them through the Banks and the Trust Companies who I believe are being paid off. This is no secret. Some lawyers out there are starving for work when certain law firms receive more through their cronies at the Banks and the Trust Companies that deal with the overseas clients, and this is bad, and here Government brings a Bill which will compound the bad practices which already exist.

I will hope that the Government will withdraw this Bill and seek to put some sanity into the Poor Persons (Legal Aid) Law, so that those persons who really need the legal aid will have it provided at a reasonable fee to the lawyers. I thank you.

MR. PRESIDENT:
speak?

Does any other Member wish to
The Member for North Side.

MR. D. EZZARD MILLER:
this Bill. I believe this is a dark day in the history of the legal profession in this country, and if I was a member of that profession I would be very embarrassed to have such legislation come before the Assembly.

Mr. President, I rise to oppose
Several things concern me about this Bill in its present form, Sir. One is, that we may import substandard lawyers. Is this an attempt to find employment for the twenty or thirty thousand English lawyers that are now unemployed, or are we going to bring them from some other country where they cannot find a job? Because they will come at some unrealistic rate to provide legal aid for poor people in this country? I would endorse, Sir, what was just said by the last speaker, the Second Elected Member for Bodden Town, in that the Law that might need amendment might be the Poor Persons (Legal Aid) Law, by increasing the fees or to make it mandatory in some form as a part of the privilege to practice law in the Cayman Islands. It is not only a fiscal privilege, because living conditions are better to practice law here, but there is a great economic privilege. The lawyers in this country are doing well, and I believe as one Member said, that they have a moral obligation to provide some type of assistance in some form to these people. Are we going to see in September a similar Bill that is going to allow doctors and nurses and pharmacists to refuse to give aid to poor people who cannot pay?

Mr. President, the cases are not that numerous, they are specific as to who is entitled to legal aid. Some of them, it is true, could be long and drawn out. But that is part of the legal profession, it is the lawyers that draw it out long, it is not the poor defendants.

I would hate to know that this Bill was passed today. We could have some lawyers get their foot in the door in this country by coming in to do legal aid and some of the high-powered law firms in the country take a likeness to their style of defence and then apply to the Caymanian Protection Board for a work permit, and when they get it and they will get them registered, and everything else. I wonder, Mr. President, why the Bill does not go on to include these privileges for people who are paying for lawyers, for people who can afford to pay lawyers. Why are they not allowed to bring in lawyers from the outside that they can hire at a cheaper rate, and it is only confined to the poor people? Because some of these lawyers, you know, Sir, will tell you when you walk into their office, they have a new phrase, Sir, you have to put me in pocket. And that is before you sit down, that \$1000 in pocket, then you sit down, they listen to your problem. So they can afford to give a little time, because those same lawyers will call me up on the phone and ask for advice about medicine and talk for about half an hour, and tell you thanks, and then it is finish.

So, Mr. President, I cannot in good conscience, support this Bill. I think that the legal profession should be made, since they are not willing, in some form or fashion, to provide this assistance, and I think it is incumbent on Government to make it mandatory that they do so for the privilege to make a

fortune in this country and retire on Seven Mile Beach after ten years labour.

Thank you, Sir.

MR. PRESIDENT:
speak?

Does any other Member wish to

West Bay.

The Third Elected Member for

MRS. DAPHNE L. DRRETT:

Mr. President, I rise to oppose this Bill before us, a Law to amend the Legal Practitioners Law, 1969.

I was a little bit concerned when I first read this Bill as to the reasons why this particular change would need to be made. As mentioned earlier, I feel that there are sufficient lawyers in the country to cope with the cases - I do not think that the issue here is that they are pressed for the amount of time needed to attend to the case. It would seem to me that the only reason behind this is that those persons who qualify for legal aid are not in a position to be able to obtain the service of the legal practitioners in this country. For that reason it is felt that those persons who we might be able to recruit from overseas would be only too willing to take these cases at a much lesser fee.

I do not have a whole lot to say on this, except that I firmly feel that the lawyers practising in this country are already in a position where they can give of their time at a lesser rate, or for free. I agree with the Second Elected Member for George Town that some type of a roster system could be introduced and each law firm would in turn, such as Justices of the Peace who have to sit in on Juvenile case in the court. Everyone's time in this country is worth something. It does not matter who the individual is, and if there are other individuals in this country who can give of their time and service in areas where they are needed, certainly, the legal practitioners ought to be in such a position. In fact, much more so. It is no question, everyone knows that in this country most lawyers are already wealthy, and those who are not are certainly on the road to reaching that status.

I feel that this is not necessary, I also have to agree with the Second Elected Member for Bodden Town that the law which perhaps needs looking into is the Poor Person (Legal Aid) Law, and not necessarily the particular law which is before us now.

Mr. President, with those short remarks, I regret that I have to oppose the Bill.

MR. W. MCKEEVA BUSH:

Mr. President, as usual I was going to speak on the Bill, but I have been even more heartened hearing the opposition come into this Bill today. I have been doubly heartened by my colleague from West Bay rising on her feet to oppose this Bill. It is a sign of good things, I guess. I do not know whether it is the election coming or not, but ...

Mr. President, the Government brought a Bill some time last year, I believe, where it removed Executive Council having a say in how many attorneys came into this country. That decision, which they had something to do with, is now left to the entire discretion of the Caymanian Protection Board. I opposed the Bill for two reasons at that time. One was, that I felt that they should not pass the buck, and the other reason was, that the floodgates had a possibility of being opened. And again today, I must ask Government to tread carefully here lest, as the Member for George Town said, the floodgates be opened. In fact, I would urge them to withdraw this Bill, they are not going to get any votes from this side, that is obvious. And I would ask you to remove yourself from the Chair, give the Chair to the Honourable First Official Member, and we can throw this Bill in the garbage bin where it deserves to go, seeing that we only have seven votes on this side. I know you are going to vote with them.

Mr. President, the previous Government started a Law School in this country, and while I opposed them, it was one of the things I felt that went greatly to their credit. On looking through the Law School, we have some very fine students there, students who I am sure, are going to make this country proud. Further to that, we have had just about two or three young girls just completed their schooling abroad and have now come back to this country, and I am sure also that they are going to play their part in this country and give the country its due. Are we not scared that we are going to hurt these young people in some fashion by this

Bill which I hold in my hand?

I am not opposing the principle involved, to help poor people get a lawyer whom they will not be able to pay for - I agree with that one hundred per cent. But I too must ask whether we cannot get lawyers practising here to take on more cases. As a representative of the people, I have had occasions when I have had to go to certain law firms on behalf of my constituents to get some sort of help, and some have gladly done it, but others refused to help. Lawyers that have made and are making piles of money in this country, and they refused to even write one single letter to help some poor people in this country. That is a very bad position for this country to be in. We have some good lawyers here, and I believe that they should and can handle more legal aid cases. I am hoping that some system will be devised that they will agree with, that in the end will benefit poor persons who need legal aid.

I oppose this Bill for another reason, and that reason is, that I believe the situation will come about in this instance that has taken hold in other instances where certain people were brought in to do certain jobs ten, fifteen years ago, and they are still here in this country. They do not move. And you go to them and try to get some help, go to them, ask them to give you some money for a project for a church or for some other social function and they laugh in your face and drive you away from their door. That is what is happening in this country, it is a bad position for this country to be in. This Bill is not going to help that situation any. It is not going to help, in my opinion it is going to be detrimental to the future of some of our law students.

For those reasons, I am opposing the Bill. I believe we have seven votes on this side, and I trust that the Government bench will withdraw it, throw it in the bin, or you will remove yourself from the Chair and put the Honourable First Official Member there where we can defeat them.

Thank you, Sir.

MR. PRESIDENT:

I was intending to take our normal morning break, I think probably the time has arrived for it. So I will suspend proceedings for approximately fifteen minutes.

AT 11:14 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:45 P.M.

MR. PRESIDENT:

Resumption of the Second Reading debate on a Bill for a Law to amend the Legal Practitioners Law.

Does any other Member wish to speak?

The First Elected Member for the Lesser Islands was the first who caught my eye.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, the Bill now before this Honourable House, a Bill for a Law to amend the Legal Practitioners Law, 1969, has given me a lot of concern. I cannot accept the Bill in its present form. I realise the necessity of legal aid for those who cannot afford legal aid, and I do support that. I do feel it is the responsibility of the legal profession of the Cayman Islands to come to the aid in cases like this. I refer to the amendment to section 4, and in this Bill, subsection 2 section 4(b) which reads as follows:

"Where the Clerk of the Court has certified that in his opinion it is impracticable and in particular circumstances for a person to whom a legal aid certificate has been granted under section 3 of the Poor Persons (Legal Aid) Law to instruct an Attorney-at-Law in the Islands by such a person, any person who possesses the prescribed."

As I understand that, I do not think that "impracticable" is strong enough a word. The only way I could accept something of this nature would be, if every effort was made to get some attorney locally, and if every effort failed, then I could agree that we could go outside of the territory and secure legal aid. As I said in the beginning, I do not feel that because the

person on trial is unable to pay for legal counsel that he should be denied because of his circumstances, but I do not feel that it should be done in too many circumstances. I feel we need this thing further defined. I am not a legal brain, as everybody knows, it may be impractical. The Honourable mover of this Bill will explain that it covers what I am trying to say, but to me it does not. I understood from the Honourable mover that in circumstances, it has been necessary to get counsel from outside of the jurisdiction, but I do feel that in a profession which is as lucrative as our legal profession is, they owe it to our country to give something back for the financial reward that they have received. I do not think any profession in these Islands has been more successful than Caymanian and expatriate lawyers in the community.

So Mr. President, I could possibly give a second look at this Bill, but in its present form I cannot support this Bill as presented. I would ask the Honourable mover to look at it carefully, and maybe there is some amendment that can be made to it in the Committee stage which might solve the provisions which I have stated.

Thank you, Mr. President.

MR. PRESIDENT:
End.

The Elected Member for East

MR. JOHN B. McLEAN:

Mr. President, I was hoping that I would not need to speak on the Bill which is before us, because after listening to previous speakers, I was hopeful that the Government bench would rise and have this piece of rubbish withdrawn from the floor of this House.

Very little can be said that would not be repeating what previous speakers have said. We all know that the legal profession in this country is one of the better paid groups in these Islands. I feel today that if Government had taken a move such as the one suggested by my colleague from Bodden Town, we would be on the correct track. Why should we come here, put forward a Bill such as the one before us, and feel deeply within us that we are doing justice to our people? Mr. President, I feel I would not be doing my duty if I stood here today and supported the Bill in its present form. I believe Sir, that if even a third section was added here that gave us the assurance that this would only be done in cases such as murder trials, after the local legal profession was fully checked out, to see that aid could not be given. But as it is, it is too wide, and I cannot support it in its present form.

I am hopeful that when the Honourable Second Official Member gets up, instead of trying to explain this further to us, that he will make his contribution quite short, and say to us that he is going to withdraw this Bill.

Thank you, Sir.

MR. PRESIDENT:
speak?

Does any other Member wish to

In that case, I will invite the Honourable Second Official Member to exercise his right of reply if he wishes.

HON. RICHARD W. GROUND:

Mr. President, though I regret that I cannot oblige the Member for East End by withdrawing the Bill, I do hope there are some things that I can now say to help to assuage the doubts which some Elected Members are obviously feeling about this amendment.

First of all, the amendment is not in any way intended to open the floodgates to people from off the Islands. For those Members whose real concern is that it will permit a lot of off-Island lawyers to come in here to the prejudice of the local profession, I would say this: that the word "impracticable" was intended to convey that the Clerk of the Court would only give such a certificate when all other efforts to find representation had been exhausted. In other words, as a last resort.

Now it is obvious to me from the contributions to this debate that Members do not feel that that word "impracticable" spells it out far enough. I am therefore and do now undertake that if this Bill is given a Second Reading, that I would move a Committee stage amendment to spell out that before the Clerk of the Court can issue any certificate, she/he has to be satisfied, that the applicant has made every possible effort to obtain representation within the Islands, and has failed to do so. And I

would hope that that would meet the fears of those Members who see this as opening floodgates to a whole wave of foreign outside lawyers from off the Islands.

During the debate, much has been said about the moral duties of the law profession in the Islands. I would like just to say a few words on that. There are quite a lot of legal aid cases which come up each year and which are dealt with by the profession appearing in them and representing the accused, or in civil cases representing the party without representation at the current legal aid rates which fall, as I am sure Members are aware, far below the commercial rates going. And when I say they fall far below the commercial rates, they fall below what is necessary to pay the overheads on a lawyer. Because a lawyer who appears on a legal aid case, if he is an employed lawyer, has to have his salary paid, his office has to be run, there is a secretary sitting back there for him, and everything else. Lawyers may earn a lot of money, they are also costly to run and to provide the infrastructure for them.

In 1986, there were 72 legal aid cases in the Islands. 26 of those were criminal, and 46 were civil. The local profession discharged their responsibility in all of those cases except for one, or may split down to two, the recent murder case involving some parties from East End in which for two of the accused, originally three, but for two of the accused, it transpired that it was impossible to find a local firm who were prepared to commit one of their attorneys for the estimated length of the trial. The trial turned out to run for something like, I think, twelve weeks, which is, I am sure Members will appreciate, a fairly massive commitment to make for a litigation lawyer. All the lawyers on the Island that we are talking about as available to do this sort of work, do also have other professional commitments. And these commitments are not just commitments to going out there and making a lot of money, they are commitments to their other clients, and some of those clients will be commercial clients, and some of them will be Caymanian clients here who have their own problems of divorce, or their own problems of representation in other courts or their own business litigation which they need to go ahead. To take a lawyer out from that sort of practice for twelve weeks and effectively neutralise him in a serious and weighty case to which he has to give his full attention if he is to do justice to his profession and to his professional calling, to do that to a lawyer, is a very hard thing indeed to impose upon a professional man.

So I put forward those points so that Members might realise that some of the criticisms directed against the local legal profession are perhaps, overblown. They have contributed and continue to contribute to legal aid in the Islands. Having said that, the suggestion by the Second Elected Member for George Town that a public defenders scheme could be set up is something that at the moment is being actively considered, and is being actively considered with the Law Society. The suggestion is with them at the moment, and they are looking at it. I say it is with them at the moment, it is something which partly originated with them, and partly originated with the Chief Justice. And it would work along the lines mentioned by the Elected Member, that a fixed rate contribution would be made by local firms and in return for that, a public defender could be hired, given an office, and could take much of the legal aid burden off their shoulders. Of course, this depends upon two things: it depends upon all the lawyers in the Island being willing to do it, and some may not. It also depends on the amount of work that is going to fall upon the shoulders of the public defender.

72 cases may not sound a lot to you, but that can be a heavy load for a lawyer who has to spend all his days in the court and then go away and organise, prepare and interview witnesses, and get together his other cases. He may also find himself in difficulties if cases in the criminal courts and the civil courts are proceeding at the same time. So, although the scheme has merit, it does need working out in its practical terms so that all these little difficulties along the way can be taken care of. So it is not going to happen immediately, but it is certainly in train.

I should also like to say that I share very much the enthusiasm and optimism expressed by the Second Elected Member for George Town for the Law School and for those graduates who will be coming out of it we hope this year, and in the succeeding year. And yes, the small legal aid work is ideal for people like that to cut their teeth on, and one would hope they would rapidly graduate to doing whatever the legal aid system could throw at them. I have two comments on that. The first is, that not everybody

who comes out of the Law School wants to do criminal work. From the outside one often assumes that the work in the criminal courts is what all lawyers are about, and what all lawyers aspire to. It is not. The bulk of lawyers do not want to go to the criminal courts, they want to do any of the wide range of civil practice which may mean sitting in one's office, paper pushing in a way; in another way, dealing with the heart of the commercial world, depending on how you look at it. To many people that can be just as exciting, and to many people, better suits their temperament. So there are going to be perhaps a large number of those coming out of the Law School who do not want to go to the Law Courts to do legal aid work, and whom it would not benefit at all to drive them there, to make them do something their personality may not be suited to, or what does not fit in with their ambitions. And also it has to be said that for somebody fresh from the Law School, they are not going to walk in and be able to do a murder case lasting twelve weeks on their first day out of Law School. It may not take them long to get there, but it is going to take some time.

So there are going to continue to be occasions when big cases, and by big I mean, complex cases which are likely to last a long time, are going to crop up when the profession cannot cope and when the output from the Law School in the short term cannot cope, and when if there is not some way that the person concerned can get legal representation, that person is going to be prejudiced and we are going to be faced with the embarrassing situation of somebody coming before these courts in the Island with nobody to represent them.

It was to meet that potentially enormously embarrassing situation that Jamaican lawyers were brought in in a recent large murder case under the legal aid scheme, after every effort had been made to recruit, or persuade, or cajole local lawyers into taking up the case. At one stage we also thought we had got a local lawyer who would represent one of them, he withdrew at the last minute, and he was a lawyer employed not by one of the expatriate firms who one Member suggested might be raping the Islands, but by a Caymanian firm. In the end, at the last minute, we were left in a situation where two people facing capital charges were going to be unrepresented if somebody did not come in from outside the Islands. It was to meet that situation that two Jamaican lawyers came in. And that situation may well arise again.

I think all Honourable Members are aware, I said it earlier today, of the increasing workload which faces the Grand Court, and among the 23-odd criminal cases at this moment awaiting trial, there are some serious and heavy cases, complex and long and involving in some instances, capital offences which are going to have to be tried on legal aid. When we get to those there may not be, whatever the moral position may be, local attorneys who are willing or able to represent them.

So this Law is intended to provide, in that last ditch case, a way out whereby the court authorities, the Clerk of the Court, can open a door to enable the person facing trial to obtain adequate representation.

Having said that, I should like to go back and reiterate the undertaking I gave a moment ago, because this is intended to be a last-ditch, an in extremis position, it is not intended to subvert the local profession or bring in a tide of poorly qualified lawyers from the U.K. or from anywhere else. It is intended to bring in adequate representation when all else has failed. And if there is any change in the wording of (b) in clause 2 of this Bill that will affect it, I am willing to move that change at the Committee stage, and the move that I propose at the moment is to put something in there which says that before the Clerk of the Court can issue the certificate that is necessary to allow the legal aid person to go outside the Island, the Clerk of the Court has to be satisfied that the applicant has made every effort to obtain representation in the Islands and has failed.

With that amendment, which I undertake to make, I hope that the fears of many of the Members will be allayed. And with the explanation which I hope I have given of the crisis situation that sometimes arises, and which this Bill is intended to avert, I hope that the fears of other of the Members will be allayed, and with that, notwithstanding the course urged upon me from the other side, I do commend this Bill to the House.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Legal Practitioners Law, 1969

be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:
President?

Can I have a division, Mr.

MR. PRESIDENT:

Certainly.

DIVISION
NO. 26/87

AYES: 9

NOES: 5

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurleston
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. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Mr. G. Haig Bodden
Mr. John B. McLean

AGREED BY MAJORITY: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
GIVEN A SECOND READING

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987

MR. PRESIDENT:

The Bill entitled a Bill for a Law to amend the Criminal Procedure Code is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND:

Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Criminal Procedure Code.

Mr. President, I imagine that if I go on like this, Members are going to get very tired of my voice, and my voice itself might not last all morning. So I am going to try to do this one quite quickly. It makes three unrelated amendments to the Criminal Procedure Code. They are amendments which have cropped up at different times in the application of that Law in the criminal courts.

The first is, to meet a situation which has arisen due to a change in practice which has prevailed recently. The practice now is, following the United Kingdom, that where a person is charged with an offence, he may if he wishes omit other similar offences that he has committed and ask the court to take those offences into account on sentencing. And that as it were clears his record, he does not have to be worried about being caught for these other offences, and the court can sentence him accordingly. But he is never charged with those offences, he is never convicted for them. That procedure has been in operation for some time now, and the problem which has arisen in respect of it is that where we are talking about property of theft, or obtaining by deception, the person who admits having obtained something by deception and asks for it to be taken into consideration cannot be ordered to restore it to the person from whom it was stolen because the section in the Law, section 55 which deals with restitution, only deals with where somebody is convicted of an offences with which he is being charged. So the first amendment which is proposed is a minor amendment to section 55 of the Criminal Procedure Code. It is minor, but it looks long because the section has been repealed and substituted, but if Members compare it with the old one, they will see that little has been changed.

The effect of the amendment is to allow the court, where somebody stands up before it and asks the

court to take into consideration an offence, that the court can then order restitution in respect of the subject matter of that offence. As I say the court has always had that power when convicting somebody of an offence.

The second amendment is the addition of a new section headed "Power to postpone or adjourn trial". There is a misspelling in the green Bill. This is to confer quite explicitly, upon all courts something which they have been doing all along, relying upon the common law, which is, if somebody is not ready for trial, or a defendant appears on a first occasion and asks for the case to be adjourned, or for whatever reason, the case has to be adjourned from trial time to time to allow the court to make that adjournment and in the meantime to remand the accused either on bail or in custody. The courts have been doing this all along, they have been exercising common law power to do this. It was felt that the time has come to make that quite explicit lest some time in the future there be any challenge to it.

The third amendment is the companion amendment of one that I have already canvassed this morning when discussing the Penal Code, and that is the split in the case of the offence of damaging property. Members will recall the split has been proposed at the \$1,000 level for property damaged, and that above that the penalty should be a maximum of ten years or \$10,000 and below that, 2 years or \$1,000, and that above the limit the accused should be able to elect trial by jury if he wished, and below the limit trials should be summary only. This amendment here makes the equivalent amendments in the Criminal Procedure Code to bring it into line with the Penal Code as it will be, when it has been amended by that Bill.

With those short remarks I commend this Bill to the House.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Criminal Procedure Code 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 CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987 GIVEN A SECOND READING

THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987.

MR. PRESIDENT:

The Bill entitled a Bill for a Law to amend the Estates Proceedings Law, 1974 is deemed to have been read a First Time, and is set down for Second Reading.

SECOND READING

CLERK: THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND:

Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Estates Proceedings Law, 1974.

This very short Bill makes a quite significant amendment, so I ask for Members' patience if I go back to the beginning and explain at some length how this has come about, and what this Bill is intended to rectify - and I use the word rectify very advisedly.

The Estates Proceedings Law was enacted in these Islands in 1974, and it follows very closely upon legislation in the United Kingdom, which had been enacted in 1934. The purpose of the Law was to enable, in the case where someone died, causes of action which the deceased had immediately before his death to survive for the benefit of his estate. Thus if a deceased person was suing somebody for a debt, that cause of action did not die with him, but his estate could continue and pursue the action for the debt, and recover it for the benefit of the beneficiaries. Similarly, if the deceased person was suing for a wrongful act, such as trespass, or damage to property, the class of wrongful acts which lawyers call

"torts", then again, if he did that cause of action would not die with him, but his estate could follow it for the benefit of the beneficiaries.

There were some exceptions to this, the cause of action for libel and slander was one which the law expressly exempted, and that always dies with an individual. There were some other things excluded from that - I do not think I need go through them all, but damages for seduction, adultery, breach of promise to marriage and also exemplary damages were excluded from the operation of the survival of causes of action.

Now, as I say, this Law is based upon a Law enacted in the United Kingdom in 1934. In the 1970's, in about 1975, a lawyer in the United Kingdom had a very bright idea in respect of this. He reasoned that if somebody is injured so that their life expectancy is shortened, the law has always conferred upon that person a right of action in respect of the shortening of his life expectancy. And he can recover damages for it, and those damages are usually calculated by working out how much he would have earned in the lost years, and multiplying it by a guess of how many years he had actually lost, of how much he would have lived if his life expectancy had not been shortened, and giving them to him, during his life, as compensation for him to enjoy and to spend, to compensate him for having lost years of his life. As always, it is a partially ineffective system, to try and pay somebody for having lost years of their life, but it was the best the courts could do.

Now what the clever lawyer realised, argued, and won, was this. That if somebody is killed outright, in the second before they die, the cause of action vests in them, and that cause of action is for all the years that they have lost, quantified by totting up what those years were likely to have been, and multiplying them by the likely earnings during those years. And this lawyer said that is a cause of action, it is vested in the deceased in the instant before his death, and it should survive for the benefit of his estate, so that his estate can sue for those lost years and can get the benefit of the money. The money in the estate, of course, is bound by the terms of the Will, or bound by the terms of the Intestacy if there is one, and it may be that the deceased has left all his money to a cats' home, but nonetheless, the estate is entitled to recover for the lost years, which may be a huge amount of money, and then it goes to the cats' home, or whatever.

Now, there always has been, quite separately from this, there always has been in the law of the United Kingdom and in the law of the Cayman Islands - I say always has been, at least for this century there has been - a completely different cause of action, right of action, which is designed to protect and benefit the dependents of somebody who is wrongfully killed. In the United Kingdom it is called the Fatal Accidents Act and here it is wrapped up in our Law of Torts, and what that does, and in my submission to Honourable Members is very sensibly and rightly does, is say that when somebody is killed, everybody who was dependent upon him is entitled to compensation for the loss of the dependency. So, for instance, the wife and the children of somebody who is killed can come along and can sue for the amount, quantified in cash terms, because that is the only way the courts can do it, the amount that they have lost by reason of the death of their husband and father. The way the courts do this, because there has to be some way of quantifying these things, is work out how much money would have been spent on the wife and the children, not just directly by giving it to them, but by the provision of a home, the provision of food, the provision of education, the provision of trips out and so on - fairly generous criteria are applied - how much money was spent each year, on each dependent, and then multiply it by the number of years that the deceased person might have lived - and that is always a fairly rough estimate. But the courts do the best they can, they come up with a multiplier, they multiply the annual rate of the dependency by the time that the deceased person has lost, they come up with a lump sum of money, and they give it to the dependents. And, dependents means anybody who was dependent and so it can mean wife, children, aged parents, people who have been taken into the household, uncles and aunts who are disabled, whatever, as long as there is a real dependency, a real amount of money going to them during the lifetime of the deceased, then they can recover after his death for it.

So, I think, as I hope Honourable Members will now understand, when someone dies there are at present two quite distinct causes of action that can be brought in respect of the death. There is the claim by the dependents for the

loss of the dependency, and there is the claim by the estate for the lost years. Now in the case of many people, the case of a man who has a wife and a family, and spends all his money supporting his wife and family, those two claims are in fact going to be identical. The lost years adds nothing whatsoever to the claim under the Fatal Accidents Act. Where the claims begin to differ is where a man has not spent all his money on his dependents, but has spent some of his money elsewhere. And this will arise where a man has no dependents, or where his dependents are limited in number, leaving him an excess of money to invest, or put somewhere else for his own benefit. It is in cases like that where you start to get the award under the lost years being larger than the dependency, and when it is got into the estate, it need not benefit the dependents - it might, but it need not, it depends upon the terms of the Will.

Now this claim, the lost years claim, was rapidly recognised in the United Kingdom as being unfair and dangerous. It was unfair because for some people it was like winning the football pools - your second cousin might be killed, you might be the only surviving relative, you might have had no dependency, no benefit from him during his lifetime whatsoever, you might not even like him, but if you are the surviving beneficiary under the Will, you get the lump sum claimed for lost years - which may be huge. So, it was seen that did not benefit dependents, but it did benefit these collateral relatives, or collateral beneficiaries, often to no real explainable purpose, and of course, the classic example, taking this argument right to the absurd, is something like where somebody leaves all his money to a cats' home and a huge amount of money can be recovered from the unfortunate person who caused the death. That unfortunate person may not have been insured. If they are insured, it is the insurance company that bears the liability for paying off the windfall, and it is the insurance company who, in the end, puts up their premium because of this risk, puts up their premiums and harms the whole community.

It was these considerations that arose in a recent case in which the Chief Justice, somewhat reluctantly, felt himself compelled to make an award in respect of the lost years, in the case of a person who had died in a road traffic accident, and I would just like to read to Members, the opening remarks which the Chief Justice made when he turned to consider this head of claim. He said:

"The doctrine of damages for the lost years has a short history in England before it was abolished by legislation. I should imagine that this is the first claim under this head ever to come before the courts in these Islands. As it is, I feel that I have to treat that doctrine as being part of the common law of these Islands, brought here with them by the early settlers. This is so, notwithstanding the fact that the doctrine blossomed in England long after these Islands were settled. That is the case with many other common law doctrines. The doctrine of the lost years has its full share of anomalies, as the decided cases show, and it may be that Government will introduce legislation similar to that considered appropriate in England. The doctrine, while it lasted in England, was much criticised as capable of causing real injustice, as was illustrated by ..."

and he cites a case which illustrates one of the foolish lengths to which the doctrine could be taken.

In fact, the doctrine was considered in England, it was considered by a committee called the Pearson Committee, that was appointed to look into it, and they recommended that it be abolished, and it was duly abolished in England in 1984, in terms very similar to that which is now to be used in this Bill in the Cayman Islands. Indeed, this Bill is more or less copied from the U.K. abolishing legislation, just as our Estates Proceedings Law is more or less copied from the U.K. Estates Proceedings Law.

Having said all that about what the Bill is intended to do, let me just say a word about the mechanism for abolition which is proposed. What the Bill says or does is insert a new sub-clause into section 4 of the Estates Proceedings Law. Let me just read section 4 to you. Section 4 reads:

"Where by virtue of section 2 a cause of action survives

for the benefit of the estate of a deceased person, the damages recoverable shall not include:
(a) exemplary damages; or ..."

and then we will put in, if this Bill receives passage, we will put in the following, new clause (aa):

"in respect of any cause of action which arose after the 31st day of May 1987, damages for loss of income in respect of any period after that person's death;...."

In other words it abolishes the claim for lost years for the benefit of the estate after the 31st of May 1987.

I should just say a word on why we have picked 31st May 1987. It is not intended that this Law should have any retroactive effect whatsoever. Anybody or any estate currently benefiting from a claim for lost years in respect of an accident that has already happened will not be affected. It was felt that it would be wrong to take away a vested cause of action. The date that has been picked is intended to be far enough in the future to enable, if this legislation is passed, the formalities to be gone through, for it to be published and brought to the public knowledge, and for the cut off date to be clear to everybody.

So, if I may just, after that little background recap - this Bill is intended to abolish what the Chief Justice described as "an anomalous cause of action". It is not intended at all to effect the quite different rights of action which dependents of deceased persons have to recover from whoever caused death, or from the insurance company responsible for that person, to recover for them the value of their dependency. That right has always existed, and I hope will always remain. It is not touched by this whatsoever. This is intended to abolish the sometimes ludicrous windfalls that can accrue to the estate by looking at the hypothetical, the theoretical lost years which the deceased had been deprived of.

Thank you.

MR. PRESIDENT:

entitled a Bill for a Law to amend the Estates Proceedings Law, 1974 be given a second reading.

The question is that a Bill

The Motion is open for debate.

MR. W. McKEEVA BUSH:

received the Bill, I said I could not support it, and at this moment I do not intend to change my position.

Mr. President, when I first

there was some talk concerning this Bill, and the Honourable Attorney General did some explaining on the reasons for bringing this Law, as he just did. The big thing, it seems, that they want to abolish, is "lost years". They want to abolish a deceased person's estate, making the claim for lost years. I cannot agree with it, and I am going to vote "no" whether I stand alone or not.

Mr. President, I object to it

strongly. I do not believe that because it was abolished in the United Kingdom that we should abolish it here today. The United Kingdom just abolished capital punishment. Are we coming to this House to abolish it? To say that some person might get hung and five years down the road you find out that he was innocent, so we are going to abolish it? I say no. And I say, if there is a windfall coming for somebody, let the windfall come. I have, since being elected to this House, often wondered why the Government takes the actions they often do. Sometimes I come up with the answer as being necessity. For instance, it is necessary to bring the amendment I see before us for the Caymanian Protection Law. It is also necessary to bring the amendment to the Partnership Law, in my opinion. It was necessary for them to take certain actions they have taken since they took over the affairs of this country. But why is it necessary to bring this amendment to the Estates Proceedings Law? Every time we meet in this Legislative Assembly it would seem that Government takes away a right that the people have. For years, and they can say that it was a claim, I will get to that later, or they can still claim - but this right, something that people had, now today for some reason will be taken away, and I understand it is because the insurance companies are going to have some problems - that is the main cause, no other cause. I stand by that. We have three Members of Executive Council who are involved in insurance companies.

Now they agree to exclude from a possible court case the right to ask for loss of income for lost years. I ask you today Mr. President, and I ask them why should not the wife of some poor man still in the prime of his life, who has been run over, by a drunken person, or been killed through negligence in some other fashion, be able to ask for these years of income which she would naturally have gotten if her poor husband had not been killed.

Suppose she has children, who would know the want of that income? They will get some little measly claim for damages - I am talking about a position in this country, not in other countries - she will get some measly settlement. Suppose a child's education is put in jeopardy by not having those lost years of income. Where do you leave a situation like that?

I wonder whether Mr. President, if they have considered what they are doing to the general public. Have they not seen, have they not heard? It is totally unfair and wrong to take away an existing right by legislation given to the people. As far as I am concerned, it stinks of unfair decision making, and it is an abuse of discretion. It is acts like these that have caused the people to give the Government the name of "Rich Man Government". As far as I am concerned, it is a measure of wanton indifference to the circumstances and consequences which might arise in the future.

As I have said, one of their arguments, is that it has been removed from the statute books in Great Britain. Well, as far as I am concerned, those legislators in Great Britain committed a grave miscarriage of justice by the removal of that section. I have worked for insurance companies, and I know a little bit about the insurance market, and I say today, because of reinsurance, no insurance company is hurting in this country today. They are all doing quite well. Sure, their premiums will go up for reinsurance, and they will pass it on to the general public as they have always done. But they are not hurting, and it is only because of one claim, that we find the Government coming forward to remove this right that the people had. The Chief Justice's ruling - I am sorry, no disrespect to the Bar, but I do not agree with some of his rulings. But, as I said, I will keep my respect and say no more on it. God in his good time is taking care of them - they are looking like a dried up bunch of prunes now, but He is taking good care of them in His good time.

Mr. President, I understand they say that a right still remains under some other law somewhere about. Well, I will ask how will any person receive a claim if their right to ask for it is abolished? Government itself had a claim some time ago that I felt should have been bigger - I will not go too far into that matter, except to say that I think it was unfair for somebody dying in their young life, leaving a family, bills, and to receive little or nothing when you consider the pain and the anguish that was caused to the family. Now what we are dealing with here might not be the exact same thing, but it is the same principle I am arguing about. It is the same principle, and all of us who leave, would leave children, and if something was to happen to us, would hope that they could get the best of a situation.

Government is removing that right, I am not going to support it. This Bill - I am not going to ask that it be thrown out, Sir, because you are surprised what you get in this House, one minute they agree to vote with you on something, and when the vote is called, they vote "yes" or they vote "no". You do not know where to put them, you do not know how to trust them. But I will still ask every Member on this side of the House to vote against the Bill, and I will plead especially with the two that usually vote with Government, and I would ask them and all of us to think on this side of the House, if something was to happen to any of us, and our dependents wanted to put in a claim for lost years, how would you feel down the years, to know that you assisted the Government by giving them leave to put this thing through? You have small children too. As far as I am concerned the Bill is unreasonable, unconscionable, it stinks and deserves the no vote. And I would say let us on this side put it in the garbage bin where such atrocious legislation should be put.

MR. PRESIDENT:

I think the time has come for lunch, and I therefore propose now to suspend proceedings until approximately 2:15 p.m.

AT 12:42 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:16 P.M.

MR. PRESIDENT: Resumption of the Second Reading debate on a Bill for a Law to amend to Estates Proceedings Law, 1974.

Does any Member wish to speak? If not, then does the mover

wish to exercise his right of reply?

HON. RICHARD W. GROUND: Mr. President, I would just like to repeat myself, and to stress in the light of what the Honourable Member said, that the abolition of the cause of action for lost years will not take away the rights of dependents. I have just circulated to all Members in the Chamber a copy of the Law of Torts (Reform) Law, which is the Law which confers the right of action on dependents for the amount of their dependency, so that Members can see for themselves what that Law says, and reassure themselves that we do have on the statute books a very firm and clear piece of legislation which confers upon dependents the right to bring their own action in respect of what they have lost by the death of the person upon whom they were dependent.

Thank you, Sir.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Estates Proceedings Law, 1974 be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. W. MCKEEVA BUSH: Can I have a division, Mr. President.

MR. PRESIDENT: Yes.

DIVISION
NO. 27/87

AYES: 9

NOES: 3

Hon. Thomas C. Jefferson
Hon. Richard Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. W. McKeeva Bush
Mr. G. Haig Bodden
Mr. John B. McLean

AGREED BY MAJORITY: THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987
GIVEN A SECOND READING

THE JUDICATURE (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE JUDICATURE (AMENDMENT) BILL, 1987

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend the Judicature Law is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE JUDICATURE (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: Mr. President, I rise to move the Second Reading of a Bill entitled a Bill for a Law to amend the Judicature Law.

Mr. President, this Bill makes, again, a series of amendments which are not necessarily all related to each other. There is one very important one which is designed to

facilitate and speed the operations of the court, and I will come back to that and stress it so that Members know which it is when I get to it.

But if I might take the clauses of the Bill in order, the first is to amend section 14 of the Law. Section 14 deals with the summoning of a jury panel, and fixes the time before the beginning of each session of the Grand Court before which, or at which the Clerk of the Court must summon the panel for the forthcoming court. It used to be 21 days before the session, it has now been extended to six weeks, and this is to fit in with the next amendment that we have in clause 3 of the Bill which amends section 15 of the Law.

Up to now the Law has been that the Clerk of the Court shall issue a summons to jurors who are going to attend at the session, and she has to do that six days, or no less than six days before the beginning of the court's session. Many jurors have found this a very short period of notice, it has inconvenienced them for fixing their own private business, and so that period has been extended to 21 days. So now a juror has to be notified no less than 21 days before the session to which he is summoned to attend.

The next amendment in clause 4 I would, Mr. President, with the permission of the House, just defer dealing with for a moment until I have dealt with the amendment in clause 5, because then it will make more sense. And the amendments contained in clause 5 are those which I mentioned a moment ago at the beginning of this as the important ones.

The amendment in clause 5 is an amendment to section 19 of the Law. At present section 19 of the Law provides for the balloting of a jury from the panel of people summoned to the court, and it reads:

"The jury to be empanelled for the trial of any given case in the court shall be balloted for by the Clerk of the Court subject to all the rights of challenge."

Now on one reading of that it only allows for one jury to try one case to be balloted for at any given time. There is now a perceived need in the courts for, on occasion, more than one jury trial to be heard concurrently - in other words, faced with a backlog, of as I said earlier, some 23 criminal cases, it is going to be expedient to have two judges sitting at the same time. This of course is conditional upon sufficient space being found for them - two judges running two Grand Courts, hearing jury trials. Now that needs an amendment to the Law simply to make it possible, and the amendment to the Law is contained in clause 5 to this Bill, and clause 5 works by designating the present section 19 as subsection (1) and then adding at the end of it:

"Provided that, where more than one case is to be heard in the court, whether concurrently or consecutively, as many juries as may be necessary may be balloted for from the same jury panel."

And that allows for more than one jury to be balloted for at the same time. I might just mention here in case Members have forgotten, that quite recently the Judicature Law has been amended to increase the size of jury panels from 36 to 72. So there is going to now be enough people in the panel summoned, to enable more than one jury to be drawn at the same time.

The clause 5 goes on to add a new subsection (2) to section 19, and that reads:

"In the cases of a jury empanelled under subsection (1), the court shall have power at any time after a panel has been summoned to release the panel or any part thereof temporarily and to give directions to it as to the time and place when and where its attendance will be required."

That is purely a mechanical provision, and it allows the court to, if I might put it so bluntly, shift the jury panel around, first of all from court to court for the balloting of separate juries, and then to release them temporarily so that they may go home, come back on a fixed date, for further balloting of further juries.

I had said that I would like to

come back to clause 4 after I had dealt with clause 5 - now is the time to do that. Clause 4 makes a minor amendment to section 18 of the Law. Section 18 is headed "Effect of Informalities" and it says:

"No challenge to the array" (that is the jury which is drawn or balloted) "shall be allowed, nor shall the array be quashed, nor shall any judgment after verdict upon any indictment be stayed or reversed by reason of the neglect or default of any person to do or perform any acts or requirements in relation to the preparation of the jury lists, or in the making of jury panels."

In other words, technical errors by the Clerk of the Court in summoning the panel of jurors should not invalidate the result of a trial and the new Bill proposes to add into that the following words:

"any action by the court under subsection (2) of section 19 ...".

into the third line, so that it will read:

"by reason of any action by the court under subsection (2) of section 19 or of the neglect or default of any person."

In other words, any action by the court in sending the jury away and inviting them to come back or sending them to the next door court to be balloted, any technical informality in the words used or the date fixed for them to come back shall not invalidate any subsequent trial drawn from the panel so directed around.

The next, and as I said, these are a list of unrelated amendments, the next unrelated amendment we come to is in clause 6 of the Bill, and it relates to section 20 of the Law. And in particular it relates to section 20(6) of the Law, and that is the subsection that allows for majority verdicts. As Members will perhaps be aware, in all cases except murder or treason, the Law presently provides for a jury to bring in a guilty verdict on a majority. The present section reads as follows:

"On a trial on indictment for an offence other than murder or treason, the accused shall be convicted if found guilty of the offence by not less than five members of the jury."

Again, Members will recall that the normal jury panel is seven, so this allows for a majority of five out of seven for a conviction. That is fine as far as it goes. Unfortunately, there is one important area that that original section did not address, and that is acquittals. And as the Law stands at the moment, though you can convict on a majority, you have to have a unanimous jury to acquit - which is plainly wrong, but it would seem according to common sense that the same majority as is necessary to convict should also be sufficient to acquit. If you do not do this, you will find hung juries, in other words a jury which cannot decide, and you have to have a retrial in that case. Hung juries will happen where six people want to acquit and one wants to convict, that will not be good enough, will not be a unanimous verdict and you will get a hung jury. In order to meet that is the amendment in clause 6 of the Bill. It is borrowed directly from the U.K. law on this which preceded our own Law, and what it says is:

"Subject to subsections (4) and (5)," (and subsection (4) deals with the need for a unanimous verdict in murder and treason and (5) is a corollary of that) "on a trial on indictment for any offence, the verdict of the jury" (in other words the verdict either way, for guilty or for not guilty) "need not be unanimous if:

- (a) in a case where there are not less than eleven jurors, ten of them agree on the verdict; and
- (b) in a case where there are not less than six jurors, five of them agree on the verdict."

First of all let me say we have picked eleven and six because the Law also in subsection (3) of section 20 already allows one person to drop out from a jury panel for reasons of illness or whatever, so you are likely in some cases to have jury panels of eleven or of six. That is the reason for those numbers. The effect of the amendment is that in

all cases, including murder or treason, a jury can acquit on a majority, and in all cases other than murder or treason, it can acquit and convict on a majority. And that as I understand it, brings the Law in line with what everybody thought it was anyway, certainly the Judges in the Grand Court have been giving this direction for some time, and clears up a small but possibly important point in the Law - it would be important to anybody for whom a jury was moving to acquit, but were stuck by the strict wording of the Law.

Moving on through the Bill, clause 7 simply is a spelling correction, the opportunity to correct which has been taken on this occasion.

Then we come to clause 8, which deals with the prescription of the court fees. The fees for the court, and these are fees which can be charged for starting proceedings in court, or for various steps in proceedings in court, and they are also fees which lawyers can recover from the other side, or rather that a winning party can recover from the other side on a judgement. These fees are laid down in the schedule. Presently the schedule can be amended by the Governor in Council on the recommendation of a judge of the Grand Court. The Grand Court does have already its own Rules Committee established under the Grand Court Law which deals with all other rules of court, and it was proposed to confer upon that Rules Committee, the right to amend the schedule. In other words, the right to prescribe the level of fees in the court - in other words, in the committee's own court. And having done that, the amendment goes on in the section (1A) which it inserts:

"The Rules Committee, constituted by subsection (2) of section 1 of the Grand Court Law may, subject to negative resolution of the Legislative Assembly, amend the Schedules."

Negative resolution of the Legislative Assembly is provided for in the interpretation law. What it means is that the Rules Committee makes the rules prescribing the fee, those new rules get laid upon the table of the House and they have to lay there for a certain number of days during which period if any Member objects to the amendment he may get up and move a Motion that they be annulled. So there is a residual control vested in this House over the Rules Committee, but it is the Rules Committee and not Executive Council which is the original body for implementing changes in the fee structure.

There is also, in clause 8, to which I should draw the attention of Honourable Members, a proviso that:

"no fee shall be payable by any public officers or public department of the Government in any case instituted by any public officer when acting in his official capacity; but in any such case, fees shall, in the discretion of the court, be recoverable from the other party if the decision be given against him."

This does two things. First of all it avoids the accounting nonsense of what in effect is the Attorney-General's department, every time they institute civil proceedings, of taking along to the Court's Office a cheque for court fees made out to the Government of the Cayman Islands. In other words, it says Government officials do not have to pay fees because the fees come back to the Exchequer anyway. But if one says that, there is one problem, and the problem is this: that someone whom Government sues for a debt or for whatever, is then going to be in a better position than someone sued by a private individual, because if a private individual sues, he pays court fees, and if he wins, he gets the court fees back from the person who loses, and the Exchequer gets the benefit, the Treasury gets the benefit of the court fees. If Government sues and wins, there is no reason why the person who loses, the person who has put Government to the necessity of bringing an action against him, why that person should get off more cheaply than somebody sued by a private individual. And so the second part of the proviso means, in effect, that if Government wins the action, the court, in its discretion, if it thinks it proper, may then order that the court fees that Government would have paid if it had been a private individual, that those court fees may be recovered, paid into the Treasury, from the person who lost. That provision is taken word for word from an identical provision in the existing Summary Court Law which makes that provision for fees in the Summary Court. It was simply omitted from

the Grand Court Law, and that omission has been creating, as Government is compelled into more and more civil litigation, has been creating problems, and now the time has arisen when it seems appropriate to move that it be tidied up and brought into line with the Summary Court Law.

The final clause in the Bill is clause 9, and that simply, and it is very simple, tidies up the drafting of the Schedule by correctly designating each section of the Schedule as Schedule A, Schedule B, and Schedule C, instead of just A, B and C as it is now. It effects no substantive change, and merely brings the drafting of the Schedule into line with the drafting practices now used in other laws.

With that exposition, Mr. President, I commend this Bill to the House.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Judicature Law 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 JUDICATURE (AMENDMENT) BILL, 1987, GIVEN A SECOND READING

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

MR. PRESIDENT:

A Bill entitled a Bill for a Law to amend the Misuse of Drugs Law (Second Revision) is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND:

Mr. President, I rise and thankfully I hope I rise for the last time to move the Second Reading of a Bill, the last time at least today. I rise to move the Second Reading of a Bill entitled a Bill for a Law to amend the Misuse of Drugs Law (Second Revision).

Mr. President, this Bill does two quite separate things. The first is dealt with in clause 2 of the Bill, and clause 2 of the Bill proposes to insert a new section immediately after section 6 in the existing Misuse of Drugs Law, to be numbered section 6A. It is headed "Destruction of evidence pending prosecution". The vice which this amendment is intended to meet, and I will read the amendment in just a second, is that in many cases now coming before the courts, large quantities of dangerous prescribed drugs are seized by the police. Sometimes these quantities, in the case of ganga, run into tons. These huge quantities of drugs present not only a simple logistical storage problem, but also present a very real security problem in guarding them and ensuring that they do not, by one means or another, get stolen or find their way back onto the market.

It is to avoid the risk posed by having large quantities of dangerous drugs lying around for often long periods while a case wends its way through the lower courts and then the appeal courts that this amendment is brought. And the function of this amendment is to allow the court to order the destruction of all but a sample of the drugs in those cases where the court is satisfied that it is safe and proper to do so. And in many cases coming before the courts, the volume of the drugs, or the type of drugs, or the way they are packed, has absolutely no evidential significance whatsoever. Once the drugs have been analysed by the Government analyst and a certificate prepared under section 6 of the Law, and once it is plain there is going to be no challenge as to the nature of the drugs, there simply is no point in keeping endless bales of ganga or large amounts of cocaine lying around in the Police Station or in some other place of storage. There may, of course, always be cases where there is some evidential value in the drugs themselves, or in the packaging, and for that reason the amendment

proposes that there be a hearing before the court, and it is the prosecution who in the first instance asks for destruction, but the defence have an opportunity of being heard, and if they feel there is a reason not to destroy the drugs, they can say so and the court can weigh that reason. Let me at this stage read the proposed amendment. Section 6A will read:

"Subject to the proviso hereinafter contained, the court may at its discretion, in any proceedings in which an accused person has been charged with an offence against this Law, on the application of the prosecution and after giving the accused person the opportunity of being heard, at any time order the destruction of any controlled drug which has been or is intended to be produced, in whole or in part, as evidence in such proceedings:

Provided that such quantity of such controlled drug as the court may direct shall not be ordered to be destroyed and shall be produced in such proceedings."

Members will note from that as I have said, there is provision there for the defence to be heard, and there is provision there in the proviso for the court to order a sample to be retained if the court thinks it necessary.

I should point out that this section can bite at any stage in the proceedings. In some proceedings it may be proper and expedient for everybody that it bite very early on, in other words in the six tons of ganja type of case, it may well be that the bulk of the drugs can be destroyed right at the start and before the trial. There may be other cases in which this does not need to be done until after the first instance trial and before appeal. And for that reason the section explicitly allows this application to be made at any stage and gives the court power to make such an order at any stage.

Moving on from that to clause 3. This proposes a new section 13A in the Law, and it is headed "Powers of naval officer". The problem of drugs and of drug smuggling on all islands is that the drugs have to be brought into the island by some means, and a favoured means in these and I am sure other islands is the sea, and adequate patrolling of the sea is a function shared by the local Police Force, but also on occasion by Her Majesty's guard ship in the West Indies, or by any other Royal Naval ship that may be in the area. And should the time arise when in Cayman waters, within our territorial limits, there is a Royal Navy ship here, and it, using its massive and extended powers of detection through radar and other modern technology, is able to assist the local enforcement agencies by tracking down, monitoring and eventually stopping and seizing a boat suspected of importing drugs, then that whole exercise would be wasted unless the crew of the ship had similar powers to those currently enjoyed by police constables. If they did not have such similar powers, they could not stop a suspected vessel, they could not seize it, they could not arrest the crew and they could not search it.

Because of that, and to meet that perceived gap, this section is proposed to confer upon the captain of any ship belonging to the Royal Navy or any person acting under his orders (in other words, any member of his crew) shall have and exercise all the powers of a constable under certain sections of this Law. And then it provides also that where the captain or any member of his crew finds any controlled drug in any vessel that they stopped and searched under those preceding powers, they may then arrest the vessel and arrest anybody on it and take them, and this is the ultimate safeguard in all of this, they must take the vessel, anything seized on it, and any person arrested to a constable, in other words, an officer of the Royal Cayman Islands Police Force, or to a police station - they must do that straight away.

So this section is intended to add one possibly small, but one potentially significant weapon to the armoury of the enforcement agencies in the Islands. It is something which is not new in this field - the British Virgin Islands have enacted similar legislation, and it is hoped that other dependent territories in the Caribbean will follow suit to enable ships of Her Majesty's Navy to play their part in combating the evils of drug smuggling.

Thank you.

MR. PRESIDENT:

entitled a Bill for a Law to amend the Misuse of Drugs Law (Second Revision) be given a Second Reading.

The question is that a Bill entitled a Bill for a Law to amend the Misuse of Drugs Law (Second

The Motion is open for debate. No Member wishes to speak? The

Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

been elected, this Government has made several amendments to the Misuse of Drugs Law. Amendments which the hope was, would alleviate to a certain degree, the mass importation, sale and consumption of hard drugs in this country. The opposite has taken place, unfortunately. There is more importation, more sale and more consumption than before the 1984 Elections especially the last year or two. So the efforts of the Government have failed in this respect. Now what is Government's reason for this amendment? Clause 2 of the Bill seeks the destruction of evidence pending prosecution. The reason given using the exact words of the Honourable Attorney General - the vice it is intended to meet is two things - storage and security. And the words that caught my attention was that guard against the drugs getting out on the street by some means or the other.

Mr. President, since we have

Now, I am not going to disagree with the amendment to any large degree, because in the case of large quantities of drugs confiscated, I will agree that it is dangerous to have them kept in storage. We all have heard stories circulating, I will not go into those stories now, but I have gone to the Governor on many occasions, several occasions, and told of some things myself. I recently got a Motion through this House to have a committee for the disposal of drugs, other than what was used in recent years.

I am wondering whether there is not some other reason, and the Government is not coming out and saying exactly what their fear is. Who is responsible for the security? Who is responsible for the storage of any drugs confiscated in any quantity, large or small? I believe I am right in saying it is the police.

I am wondering whether there is

Now, Mr. President, using again the Honourable Attorney General's words, to guard against the drugs getting out on the street, by some means or the other, is that not saying something to us in this House? If the scare is that there is a possibility that there is some force in our police service in this country that drugs are getting out through them, this action is not enough. Government for too long has had complaints, the public has complained, and Members of this House have complained, about certain situations existing in this country, and it is brushed aside. Why? Who is being protected?

Now, Mr. President, using again

I promised, or I asked for an investigation into the Force. In 1983, I called for a Royal Commission of Inquiry, and I was told that we could not have it. I am saying today that the position is no better, and it is time that facts be put on the table for all to understand. If there are people involved, then they must pay the consequences regardless of who it is. For too long in this country there has only been a certain element of punishment, a certain element of people and others that we have to question when we see certain conditions existing. You find that not one word is said, and nothing is done, and when you do open your mouth in this House, your questions are cut up, the questions are not answered properly, and what do you find in the long run?

I promised, or I asked for an

roundabout way which is not like McKeeva Bush, but I have learnt a lesson in this House too. If, according to the Attorney General's words, we must guard against the drugs getting out on the street by some way or the other, then this Bill can be put where I said the other ones should have been put that I spoke on, because it will not help the situation.

Mr. President, I am going in a

But I will say this much. Not too long in the distant future I am going to again ask for an investigation into the police force of this country. I will be bringing it on the floor of this House and Members can defeat it if they want. As I said, I will agree but there are a lot of unanswered questions which I hope somebody will be able to answer. Not like taking away a right and saying you still have it.

But I will say this much. Not

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

Any other Member wish to speak?

MR. G. HAIG BODDEN:

Mr. President, I agree with the Second Member for West Bay in his comments on this Bill. This Bill is an admission of failure by the present Government. In moving the Bill, the Honourable Second Official Member gave as his reasons a lack of security and lack of space. If more space is needed, Government should build a storeroom, and if there is any fear of security, there should be a shakedown of the police force. We have a force which is large in number and we should be able to find someone whom we can trust. We should be able to find somebody that could be put in charge of the drugs. If the problem is that drugs go into areas where they should not go, this Law will not cure it, because it would be much easier if somebody wanted to pilfer some of the drugs, to take the drugs before they are presented to the court, rather than after they have been used, or put forward in evidence. I am certain that if the drugs are destroyed before the case is concluded, that some smart lawyer, on appeal, will be able to use the absence of the exhibits as reason for winning the appeal.

This Bill, like the other one which we dealt with this morning, does not help in any way, help the problem which exists. I do not put much reliance on the lack of storage, because there are only a very few cases in which we have abnormally large amounts of drugs. And certainly, it is very cheap these days to build a warehouse, and if it were needed, I understand warehouses are available for rent.

I believe, with the Second Member for West Bay, that this Bill should not be passed.

MR. PRESIDENT:
Member.

The Honourable Third Elected

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, I rise to support the Bill for a Law to amend the Misuse of Drugs Law (Second Revision).

The Second Elected Member for Bodden Town said that this Bill is an admission of failure by the present Government that it has failed to control or to lessen the effects of drugs. Mr. President, nothing can be further from the truth. I think we have had better detection, I think that the police force has been very active in detecting cases which hitherto were not discovered, and they have now been able, with better equipment, with better training, to arrest and to stop some of the drug dealing that has been going on.

If there is a case where the police are taking the drugs as was insinuated, it is all the more reason why Government should destroy these drugs, take them from under the control of the police and only keep a sample. Once a sample has been taken and analysed, that is all that is necessary in the court. One does not find a truckload of marijuana or cocaine being hauled into the court as evidence. All you find in the court is the analysis and certificate to state that this is marijuana or this is cocaine, this is heroin, that is all that is taken to the court. So I can see an advantage in destroying this if, as has been claimed by one Member, that the police are taking this drug from where it is stored, that is reason enough why Government should seek to destroy it. This will be one less source from which they can supply the public.

There is no reason, or good purpose why the Government should keep a warehouse full of drugs when all we need is just a sample and an analysis as evidence to prosecute the offenders. I cannot for one moment agree that we have the wholesale of drugs by the police force of this country as has been claimed, and then to have the number of arrests that have been taking place within the last few years.

The second part of the Bill is a big step forward, as any British Naval ship in our territorial waters will now be able to stop any suspected craft, to board it, search it, and if they find they have drugs on board, they can then arrest the Members of the crew and bring the ship in and turn it over to our police force where it will be dealt with by law. I think this is a major step forward for us, and as our Honourable Second Official Member stated, another tool to fight drugs.

I thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak? The Honourable First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, I had not

thought of commenting on this Bill, but it seems as if sometimes when you plan you do not do it, and when you do not plan you do it.

I believe that what is in front of us President, is the only logical way of dealing with drugs. We know that there are cases that we have experienced in the past where 40 foot containers are kept for what seems like ages, because you cannot do anything with it until the court case is finalised. What is before us today is a system where the court maintains its control and decides whether the drug should be destroyed or not. But it also gives the flexibility in the Law where a sample can be kept of whatever drug it may be, whether it is marijuana, cocaine or some other prescribed drug, and the drug is then destroyed, keeping the sample for the trial. Why construct a building to store it when you know that inevitably you are going to have to destroy it? It leads on to say then you have to put a security system around the building until you destroy it. This seems like a much simpler way, and a more economical way of dealing with this matter.

Logic also dictates that if a British Naval vessel is in your waters, and you are committed to doing something about drugs, why not utilise all the facilities that they can bring to bear on this ill of society that we frown on? I believe the use of naval vessels in this regard is perhaps one of the most sensible things that we can do, and the Bill before us does state very clearly once the apprehension is done, and they are finished with the exercise of boarding the vessel or boat, whatever it may be, and arresting the crew if it is found on board, they should bring those persons to a police officer or a station as quickly as possible. All logical to me, Mr. President, and I support the Bill wholeheartedly.

MR. PRESIDENT:

The Honourable Third Official Member.

HON. J. LEMUEL HURLSTON:

Mr. President, as the officer in Government responsible for the Police Administration, I rise to clarify one possible area of misunderstanding, and to add my own comment to another comment that was made during the course of the debate on the Bill now before the House.

The point that needs clarification, I believe, Sir, is the fact that sometimes with the best intentions, statements are made to bring out a point but in the end it turns out that it casts yet further aspersions against arms of the service that leaves members of the public sometimes in doubt as to the real intention behind the statement. I have no reason to believe that the Honourable Second Official Member, when he made the statement that was quoted earlier had any intention of leaving in the minds of the listening public that there was any record, case or precedent where drugs had ever disappeared from custody or from exhibit rooms, and that in consequence to that, this Bill was being introduced. Yet, if you have listened to the debate carefully, some of the Members contributing to it, Sir, may have left that sort of unfortunate expression in the minds of the people.

We have no record, nor do we indeed have any information, that would suggest that any element in the Royal Cayman Islands Police Force are corrupt, dishonest or are in any way dealing in drugs, or are in fact acting as accessories to the disappearance of drugs that are held in custody. And the same also applies in the case of the Customs Service, Mr. President. Both of these agencies are now taking responsibility for the custody of their own exhibits and doing their own prosecutions, and not one single case has come forward, yet we hear the remarks being made of whether there is a possibility that such action may take place. We have heard of drugs disappearing from storerooms and from exhibit rooms in other territories, but we have not had any single case in the Cayman Islands where such has occurred.

My understanding of what the Honourable Second Official Member said was that this Bill was being introduced merely as a safeguard against any temptation that may exist, and that rather than have large quantities unnecessarily hanging around, we should dispose of it at the direction of the courts as soon as is conveniently possible.

The second point I would like to make is that reference was made to the manner of supervision of the destruction of the drugs, and in that regard, the system of destruction has been enhanced by the selection of additional independent persons consequent to the Private Member's Motion referred to, and these persons, along with the Justices of the Peace that

previously supervised the destruction of drugs, now do so jointly, and my understanding is that it is being done quite satisfactorily, there is no allegation that any of these independent persons are dishonest, or are engaging in any dishonest practices, and so the destruction of drugs is currently taking place in a very satisfactory manner, and therefore I do not think there is any reason to leave in the minds of the public that anyone involved, either the police who are the custodians, or the Customs Department, or the persons responsible for the supervision of the destruction, none of these persons have in the past, nor are they at the present time, engaged in any illegal activities and I hope that we can abstain from leaving any poisonous taste in the minds of the public because the intention behind the Bill is to safeguard the public from these suspicions. We do know that rumours do abound, but if any Honourable Member does come into possession of valuable information that he or she thinks may lead to a successful prosecution, of course, you know the correct means by which to bring that information to the proper authority's attention.

MR. PRESIDENT: Does any other Member wish to speak? In that case I will put the question. The question is that a Bill for a Law to amend the Misuse of Drugs Law (Second Revision) ...

MR. W. McKEEVA BUSH: Is the mover not going to get a chance, Sir?

MR. PRESIDENT: I am so sorry, you are quite right, thank you.

Let me give other Members one more chance. If no other Member wishes to speak, then I ask the mover of the Motion, the Second Official Member, whether he wishes to exercise his right of reply, with apologies for failing to ask him before. (LAUGHTER)

I think it is perhaps anyway time for our normal afternoon suspension. I will suspend proceedings for about fifteen minutes, and you can try again to catch my eye when we come back.

AT 3:17 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:34 P.M.

MR. PRESIDENT: Resumption of the Second Reading debate on a Bill for a Law to amend the Misuse of Drugs Law (Second Revision).

I will try once more, does any other Member wish to speak?

In that case, I think I have tried to catch everybody's eye, I invite the Honourable Second Official Member to exercise his right of reply if he wishes.

HON. RICHARD W. GROUND: Mr. President, I hope to be very brief.

First of all, I would be very sorry if anything that I said in my opening remarks could be taken to imply a lack of confidence in the Police Force, for me to let that stand would be unfair to what is a very fine force indeed. What my remarks were intended to mean and imply, is a recognition of the difficulties and the burden that the security of large amounts of drugs imposes upon all of those charged with their safekeeping.

Mr. President, this is not just a matter of providing storage space, a building, or hiring a warehouse, but of constant security. Large quantities of drugs represent, on occasion, a huge street value in terms of money, and to secure that requires round the clock surveillance. That is expensive, it is taxing on the manpower of the Police Force. To have those large quantities of drugs standing there will always constitute a temptation to unlawful elements in the community - not in the force but in the community - and the temptation to attempt to steal them by stealth or by violence will always be there as long as large amounts of drugs are in existence somewhere in the Islands. To minimise that danger is the purpose and the function of this Bill, to remove the temptation, to remove the accumulation of this evil substance from the earth as soon, as quickly, and as expeditiously as is commensurate with the needs of justice.

Thank you, Sir.

MR. PRESIDENT: The question is that a Bill for a Law to amend the Misuse of Drugs Law (Second Revision) be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: Can we divide, Mr. President?

MR. PRESIDENT: Of course.

DIVISION
NO. 28/87

AYES: 12

NOES: 1

- | | |
|-----------------------------------|--------------------|
| Hon. Thomas C. Jefferson | Mr. G. Haig Bodden |
| Hon. Richard W. Ground | |
| Hon. J. Lemuel Hurlston | |
| Hon. Benson D. Ebanks | |
| Hon. W. Norman Bodden | |
| Hon. Capt. Charles L. Kirkconnell | |
| Hon. Vassel G. Johnson | |
| Mr. W. McKeever Bush | |
| Mr. Linford A. Pierson | |
| Capt. Mabry S. Kirkconnell | |
| Mr. D. Ezzard Miller | |
| Mr. John B. McLean | |

AGREED BY MAJORITY: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987 GIVEN A SECOND READING

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled the Grand Court Amendment Bill, 1987 and other Bills.

HOUSE IN COMMITTEE

COMMITTEE ON BILLS

MR. CHAIRMAN: Please be seated.
May I as usual preface our consideration of the Bills by saying that unless any Member wishes to voice an objection, I would propose that we adopt our usual practice and authorise the Honourable Second Official Member to make any necessary corrections where there have been printing errors, or something of that kind. Unless any Member dissents I will take it that that is the general wish of the Committee.
In that case, we can turn to the first of the Bills now before the Committee, that is, a Bill for a Law to amend the Grand Court Law.

THE GRAND COURT (AMENDMENT) BILL, 1987

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 that question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: Clause 2. Substitution of section 7.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: A Bill for a law to amend the Grand Court Law.

MR. CHAIRMAN: The question is that the title and enacting clause to stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED

THE PENAL CODE (AMENDMENT) BILL, 1987

CLERK: Clause 1. Short Title.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. No Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: Clause 2. Amendment of section 67.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. No Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: Clause 3. Amendment of section 222(a).

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: Clause 4. Amendment of section 244.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill. If no Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK: A Bill for a Law to amend the Penal Code.

MR. CHAIRMAN: The question is that the title and enacting clause to stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987

MR. CHAIRMAN: The next Bill is the Legal Practitioners (Amendment) Bill. I think in this case the Attorney General ...

HON. RICHARD W. GROUND: Mr. President, I had undertaken to move a Committee stage amendment, I have not yet had that drafted. I had wondered if the Committee stage of this Bill could be deferred until tomorrow to allow me to circulate Members with a written copy of the amendment?

MR. CHAIRMAN: I think perhaps that might be convenient for the Committee, if Members agree, because an undertaking was given, and I think it is only right that Members of the Committee should have an opportunity to see and to study the proposed amendment. So with the leave of the Committee, I suggest that we defer the Committee stage of this particular Bill until tomorrow.

HON. RICHARD W. GROUND: I can certainly have the

amendment ready by tomorrow, Sir.

MR. CHAIRMAN:

Is that agreeable to Members?

Thank you.

In that case the next Bill

before the Committee now is the Criminal Procedure Code (Amendment) Bill.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987

CLERK:

Clause 1. Short title.

MR. CHAIRMAN:

do stand part of the Bill. Unless any

The question is that Clause 1

Member wishes to speak I will

put that question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK:

55.

Clause 2. Amendment of section

MR. CHAIRMAN:

do stand part of the Bill. Unless any

The question is that Clause 2

Member wishes to speak I will

put that question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK:

61(a).

Clause 3. Insertion of section

MR. CHAIRMAN:

do stand part of the Bill. Unless any

The question is that Clause 3

Member wishes to speak I will

put that question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK:

Schedule 1.

Clause 4. Amendment of

MR. CHAIRMAN:

do stand part of the Bill. Unless any

The question is that Clause 4

Member wishes to speak I will

put that question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK:

Criminal Procedure Code.

A Bill for a Law to amend the

MR. CHAIRMAN:

and enacting clause to stand part of the Bill.

The question is that the title

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED

THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987

CLERK:

of commencement.

Clause 1. Short title and date

MR. CHAIRMAN:

do stand part of the Bill. Unless any

The question is that Clause 1

Member wishes to speak I will

put that question.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:

Can we divide, Mr. President?

MR. CHAIRMAN:

Yes.

DIVISION
NO. 29/87

AYES: 10

NOES: 1

Hon. Thomas C. Jefferson

Mr. W. McKeeva Bush

Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
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

ABSTENTIONS: 3

Mr. Linford A. Pierson
Mr. G. Haig Bodden
Mr. John B. McLean

AGREED BY MAJORITY: CLAUSE 1 PASSED

CLERK: Clause 2. Amendment of section 4.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Unless any Member wishes to speak.

MR. LINFORD A. PIERSON: Yes, Mr. President.
My main objection in considering this, was on the question of lost income for lost years. The mover of the Bill tried to clarify this particular point, but I am not quite clear yet as to whether the amendment of section 4 of the Estates Proceedings Law, 1974 is clear in this amendment. Because that stated that damages calculated with reference to the loss or gain to the estates, the estate of such a person consequent upon his death, other than in respect of funeral expenses - I spoke to the Honourable Second Official Member after his winding up on this, and he explained to me that the claims were in two sections, claim by dependents and claim by the estate for the lost years, but I am still not clear as to whether the dependents would be entitled to income for lost years. I do not think he clarified that quite to my satisfaction. He did, in fact, give me a copy of the Estates Proceedings Law, 1974, but in looking at the savings of certain laws which is in clause 7, it does not really apply to any form of accident, or fatal accident, other than by air, Act 1932, so perhaps he could clarify this somewhat more.

HON. RICHARD W. GROUND: Mr. President, I am just having handed to the Member a copy of the Law of Torts Reform Law, which I had circulated earlier among the Members in the Chamber. It is the Law which governs the claim by dependents, and it is clear from that that the cause of action, the claim, is brought by the dependents in their own right, and in the case of infant children the court appoints a guardian to bring the action for them. The Estates Proceedings Law is concerned only with what its title says, estates proceedings being brought by the estate, in other words either by the executor or in the case where there is no Will, by an administrator of the estate. The abolition of the right for the estate (that is the executor or the administrator) to bring a cause of action in respect to the lost years does not affect in this I assure the Member, is not capable of affecting, the right of the beneficiary to sue under the Fatal Accidents Provisions in the Law of Torts Reform Law, even though the dependent suing under the Law of Torts Reform Law is in a certain sense claiming for the lost years. They are doing it by a different route, they are not claiming loss of income for the lost years, they are claiming their own individual loss of what the deceased person would have given or paid to them out of his income during the lost years. I think all I can do is assure the Member that the cause of action in respect of fatal accidents for dependents under the Law of Torts Reform Law absolutely survives and is not affected by this amendment to the Estates Proceedings Law.

MR. LINFORD A. PIERSON: So it would cover lost years, you are saying.

MR. G. HAIG BODDEN: No.

HON. RICHARD W. GROUND: I am not saying it will cover lost years, because there has never been a claim in dependence for lost years. The claim for lost years has only ever been a claim that

belongs to the man who dies, and then as I explained, by a lawyer's quirk, that claim belonging to the man who died got transferred to his estate, in other words to his executor for the benefit of the estate, and in my speech on this I had said that that happened in 1975. In fact looking at it again over lunch I see I was wrong, and that it was not until 1980 that the courts in the United Kingdom recognised this lawyer's quirk, this rather super-clever form of action, so it was only around for two years in the U.K. before it was abolished.

So there is no claim, never has been, in dependence, for lost years as such, but what they get is their own lost years of dependency, if I might put it that way, so that if a woman loses her husband and is widowed, and the likelihood was that he would have survived if he had not been injured, survived for fifteen years, and during that fifteen years have supported her, paid for her upkeep, supported the rest of the family, the widow would be able to cover what it would have cost him to support her for fifteen years. And the way the courts do it is that for each dependent, the widow, the children, the aged mother or whatever, for each dependent, they work out how much the dependency was worth to that person each year. And they do this in a quite detailed way - they draw up a list of food, accommodation, clothing, entertainment, everything that a dependent might expect to receive from the person upon whom they were dependent, draw up this list, come to a grand total for the year, and then multiply it by the estimated years of survival, if there had been no accident, no injury. And that comes up with a lump sum which is then awarded to the dependent. There are of course, certain adjustments to make sure that when you add together all the dependents you do not exceed the total income of the person who has been killed, in other words that you do not arrive at a fictitious figure, and there are numerous cross-checks in that way. But basically it is the task of the court to work out how much each dependent received from the person who was killed and then give it to them.

MR. CHAIRMAN: So it is a kind of form of lost years, or at any rate ...

HON. RICHARD W. GROUND: It is a form of lost years, Sir, but I hesitate to use the term lest it confuse.

MR. CHAIRMAN: I understand why you hesitate, but ...

MR. W. McKEEVA BUSH: It is not lost years they can claim.

MR. D. EZZARD MILLER: I think the gating is coming down and dividing one side, which is this Bill presently before us, which deals with income, whereas the Tort Reform Law, as I understand it, deals more with expenditure on behalf of the individual to the family to keep the family's upkeep.

MR. W. McKEEVA BUSH: But as it is now, Mr. Second Official Member, nobody will be able to claim for loss of income for lost years.

HON. RICHARD W. GROUND: Well, perhaps the Member could explain what he means by loss of income for lost years.

MR. W. McKEEVA BUSH: Maybe you can explain it, you put it in the Bill. Are you taking it out?

MR. CHAIRMAN: I think the Attorney General has explained it several times, it may be difficult to understand, but my understanding ...

MR. W. McKEEVA BUSH: I think the House is being confused ...

MR. CHAIRMAN: Would you please listen for a moment. My understanding is, and I think this perhaps answers the point made by the Second Elected Member for George Town, that a dependent can expect to be granted under a Law that is, or to be able to claim, under a Law that is not affected by this Bill, money for future years, during which the deceased could ordinarily have been expected to live - whether you call that lost years or do not call it

lost years is perhaps a sort of legal quibble to some extent - but at least it is income for future years, or money that is designed to cover income that the individual would have received in future years from the deceased. Is that not right?

HON. RICHARD W. GROUND:

Yes, Sir, that is right.

MR. CHAIRMAN:

And therefore the dependents should still be able to put in claims just like they used to.

MR. W. McKEEVA BUSH:

Mr. Chairman, I am going to still oppose this Bill, this section. I have given my reasons why, and nothing the Member is saying is convincing me that a person will be able to claim for loss of income for lost years. The Torts Reform Law tells you nothing about loss of income and what he is actually doing is trying to justify taking out this section so that he can get this thing through in a hurry.

Mr. President, if a person had to go to court to that extent, again, to claim, make up a list as he is saying, or schedule, it has got to go through lawyers, lawyers who are going to represent insurance companies on both sides. And that has happened, we know what is happening. What do you think is going to happen to that poor person? The sum he gets, or she gets is not going to be very sufficient.

Nothing they can say today makes it any different. Government is removing a right that the people had to sue for loss of income for lost years. That is exactly what is happening, and nothing in the Law of Torts Reform Law says anything about it. All this legal jargon I hear going on here is not doing the job. I am still going to oppose it, and every Member in this House should oppose it, because it is taking away a right from the people. Laugh if you may, but if it was you, or one of us in this House, we would be crying on somebody's shoulder. We must stop taking away people's rights that they have, and this is exactly what is happening.

MR. LINFORD A. PIERSON:

Mr. Chairman, I have listened to the comments made by the Honourable Second Official Member, and it is much clearer now, but the Law that he passed across, the Law of Torts Reform Law, really does not satisfy the question which I raised regarding the income for lost years. This mainly deals with actions maintainable against persons causing death through neglect. And it states the procedures that can be followed in cases of fatal accidents. I can understand that he is saying that the section somewhat implies that loss of income would be looked after when assessing damages, but I do not think the loss should be in any way not clear, it should not be ambiguous in any way, it should be quite clear on this particular point, because if it is not clear you can have various judges having different interpretations of what it really means. I would have felt much more satisfied if it was much more specific on this particular point. And I was hoping that the Law of Torts would have clarified it, but it really does not. I am not saying that I do not support the overall Bill, but I am concerned that this is not as clear as I would like to see it.

HON. RICHARD W. GROUND:

First of all, may I just make it clear that the Law of Torts Reform Law is not limited to death caused by neglect, but is death caused by any wrongful act, neglect or default, and that may be legal language, but it embraces every single possible way that you might kill somebody in circumstances that would permit an action to be brought at law. So this covers the whole range of death giving rise to causes of action, and is exactly the same in its width as any claim for "lost years", if I might use that in inverted commas, any claim under the Estates Proceedings Law.

But turning to what I think was the thrust of the Member's comment, which is that this Law is not as specific as he would like it to have been, what the Law says is that every action brought under this Law shall be for the benefit of a dependent or dependents of the person whose death has been so caused, and shall be brought in the name of his personal representatives. In every such action the court may give such damages as it thinks proportionate to the injury resulting from such death to the parties respectively for whom and for whose benefit such action is brought. In other words, the court assesses the loss to the dependent and gives them recompense for that. The way of doing that, which I explained earlier, is something which has been developed and really quite finely

honed by the courts over many years.

Members will notice that this, our Law, originally dates from a Law of 1845, and it has been reenacted and amended at various times. The common law as it stands on this, which is as I explained it earlier, is something which has grown up and been polished over the intervening years, both in the United Kingdom and here. It is very well understood by judges and lawyers and has been defined at the highest levels of the court and the Privy Council, and in the House of Lords, and is something which the practitioners in this field, and I apologise if this seems to fall back upon the mystique of the lawyer, but to practitioners in this field it is something which is well known and very clear, and there are huge works on the subject readily available which set out in great detail the rules which are applied. I say in great detail because though I portrayed this as a fairly simple procedure of totting up how much the dependent received and multiplying it by a figure, in fact, there are innumerable sophistications upon that to deal with an endless array of circumstances that crop up in real life, not least the hope of education of younger children and so on. All of these have been plotted out and worked out in practice, by the courts in the common law jurisdictions. And, though an attempt could be made to boil all this down into a law and into regulations, you are going to end up with something very complicated which in the end only has the same result as what you have now. And in the end, to a certain extent, I have to say to Members, that you have to trust the courts and trust the common law to apply this Law as it has always been applied and as the precedents well laid down demand that it be applied.

MR. G. HAIG BODDEN:

Mr. Chairman, may I ask the Second Official Member through you, if the passage of this Bill would prevent a wife or other dependent from claiming from the person who had caused the death of her supporter, from claiming the monies which she would have had if the man had not died?

HON. RICHARD W. GROUND:

I think I can say categorically, that it will not prevent a wife or an orphaned child from claiming the monies that they would have received if the husband or father had continued to live. I think I can say that quite categorically.

MR. G. HAIG BODDEN:

In other words this would in no way limit the income which she could claim, say if the husband had been bringing home to the family a thousand dollars a month, could she sue to recover that thousand dollars a month from the time of his death to say, the end of his working life at age 70 or something like that? Because if this is so, I am afraid I cannot support the Bill. During the meeting I sent a question over which was answered, and my understanding of that was that the estate could not sue to recover this loss, but dependents could. Now it seems to me like it is not so, and I will have to withdraw all of my support from the Bill. Because it does seem that we are taking away an inherent right which existed, and although we have buried it up in the legal jargon, the fact is that dependents of people who have died will have no protection now, and this will be a field day for the insurance companies.

MR. CHAIRMAN:

I am not sure that I have understood you, because you were just told that the dependents could claim.

MR. G. HAIG BODDEN:

Well I am hoping that they can, but it seems to me ...

MR. CHAIRMAN:

The Attorney General said categorically that they could. I will let him say it again, but ...

HON. RICHARD W. GROUND:

What I had said was, and if I got a "not" in the wrong place, I apologise. What I had said was that I can categorically say that there is nothing in the amendment to the Estates Proceedings Law which will prevent a dependent from bringing an action for what they, the dependent, have lost. So in other words, in the case where a working man has brought home to his family all his money and has passed across his pay cheque to his wife, and said go out there and provide for yourself, the little ones and me, the wife and the children will be able to recover from the person causing the

death all they would have got from the husband, less that small amount that would have been spent on his own means. They will not get that back, but they would get everything for their own benefit. Where complications crop up is where the husband does not give everything to his wife and children, but siphons some off in other directions, and that is where the claim under the lost years, the claim that is being abolished, creeps in. But as far as your simple widow, your simple orphan, they can claim under the Law of Torts Reform Law, they have always been able to and they will always be able to, for the amount that they would have received from the husband for the rest of his life.

The courts of course, have to estimate how long he would have lived, and they are not always that generous in estimating how long he would have lived, but they use exactly the same method of guessing how long he would lived for proceedings under the Law of Torts Reform Law as they would use under the Estates Proceedings Law - exactly the same way of working out what is technically called the multiplier - the number of years by which you multiply the base annual sum. Exactly the same basis.

MR. G. HAIG BODDEN: Mr. Chairman, can I ask the Honourable Member if there have been representations from insurance companies to make this amendment?

HON. RICHARD W. GROUND: I may not be able to give a total answer to that. Nobody has made any to me, and nobody has made any that I know of. But I have read in the newspaper, insurance companies, on a report of the case that gave rise to this, insurance companies saying, well this will cost the community a lot. But I may not be the proper person to direct that question to.

MR. W. McKEEVA BUSH: This Bill came about because of the complaint in a newspaper?

HON. RICHARD W. GROUND: This Bill largely came about because of the suggestion of the Chief Justice that we take steps to bring our Law into line with the United Kingdom Law, and abolish a cause of action which many professionals feel is unnecessary, unwarranted and unfair.

MR. W. McKEEVA BUSH: Unfair? Unfair to the insurance companies?

MR. CHAIRMAN: Unless there is any further question, I will put the question.

MR. W. McKEEVA BUSH: One more question, Mr. Chairman for the record, to the Honourable Second Official Member. He states, is it not so that families - wife, children, are all part of an estate?

HON. RICHARD W. GROUND: Yes, it may well be that a wife and children are part of the estate. They may also not be, and there are numerous instances of husbands and fathers leaving their money elsewhere than to their children. And that is one of the problems with the Estates Proceedings Law cause of action, that the money may go off to people who are not dependent or connected.

MR. W. McKEEVA BUSH: But in ...

HON. RICHARD W. GROUND: If you would just let me finish.

It may also be that wives and children do benefit under the Estates Proceedings Law, and in many cases the size of that benefit will be exactly the same as the size of the benefit under the Law of Torts Reform Law, and the case where the husband comes home, hands his pay cheque to his wife and says, look after this for me, is going to be a case where the two causes of action produce exactly the same arithmetical result - it does not matter which one they went under. There are other cases when the family arrangements become more sophisticated, or more confused or more elaborate, where the two causes of action may not be the same. And dependents may do better under the Estates Proceedings Law or some of them might and others do not. It is fairly random the way it is spread around, it depends on the exact family circumstances.

MR. W. McKEEVA BUSH: So are you saying that a family that is part of estate will lose a right that they have, this right?

HON. RICHARD W. GROUND: No, I am not saying that. I am saying if the family is part of an estate, at the moment it has a simple choice. It can go under one or the other, or as is usually done in the courts, they go under both. And it is quite possible to sue under both.

MR. W. McKEEVA BUSH: And that is the way it is usually done?

HON. RICHARD W. GROUND: The way it is usually done is to sue under both.

MR. W. McKEEVA BUSH: But now with the abolition of this, they will not be able to do that, right?

HON. RICHARD W. GROUND: No, with the abolition of this they will, of course, only be able to sue under the one remaining cause of action.

MR. W. McKEEVA BUSH: Under which they would not get very much.

HON. RICHARD W. GROUND: I think I have explained this so many times.

MR. LINFORD A. PIERSON: Mr. Chairman, just a short comment, but to avoid, I think, any sort of misunderstanding of what was just explained here by the Honourable Second Official Member, I think in his answer to me, he mentioned that section 4(1) of the Law of Torts Reform Law, he read it, states specifically that in every case of action the court may give such damages as it thinks proportionate to the injury resulting from the death. So this would seem to include damages for loss of income for lost years, when the court is making their judgement on this. Is that a correct interpretation?

HON. RICHARD W. GROUND: The injury which is compensated under section 4 of the Law of Torts Reform Law is the injury to the dependent in other words, what that dependent has lost - the injury to the dependent. In other words, the amount of money or monies worth that the dependent has lost by reason of the death. That money or monies worth will extend throughout the period which is sometimes referred to as "lost years", will extend forward throughout the same period. But it is not - I like to avoid using the word "lost years" for it, and limit "lost years" to the claim being brought by the dead man, as it were, through his estate, for his own lost years of life. And that is where the term "lost years" came from. The claim by the dependent covers exactly the same period, going forward, so it covers the "lost years". It is just rather confusing if one keeps talking about it as lost years.

MR. D. EZZARD MILLER: I think the basic difference, Mr. Chairman, is the income of two different people, one deals with the income of the person who is dead, and the other law deals with the expected income of the person who is dependent on the person who is dead. And basically, therein lies the two differences, and that is what all the ...

MR. CHAIRMAN: But the expected income of the dependent of the person who is dead is related to the income of the person who is dead.

MR. D. EZZARD MILLER: Yes, but all this does is that you cannot claim - the dead man cannot claim his salary for the next twenty years - his own income.

MR. CHAIRMAN: Certainly it seems to me that in either case, whether you use the term lost years or avoid it altogether, people are going to get money which the person who is dead would have earned throughout the remainder of his lifetime had he not been killed. Whether you call it lost years or not lost years is perhaps a matter of legal technicality.

MR. W. McKEEVA BUSH: He is still going to get it.

MR. CHAIRMAN: Well, it has been explained ad nauseam.

MR. JOHN B. McLEAN: Mr. Chairman, if it was that simple, why was it not removed from the Law of Torts rather than this amendment which is before us?

HON. RICHARD W. GROUND: It is not in the Law of Torts.

MR. JOHN B. McLEAN: What I am saying is you tried to play one against the other - why was the amendment not done on the Law of Torts rather than the one which is before us? Mr. President, honestly, the more the Honourable Member explains this, the more complicated it becomes, and I cannot say that I am fully satisfied with what I have heard.

HON. RICHARD W. GROUND: If I can answer the narrow question, why was it not done in the Law of Torts Reform Law? There is nothing wrong with the Law of Torts Reform Law. It is fine as it stands. The problem has arisen on a legal interpretation which happened in the United Kingdom in 1980 on the Estates Proceedings Law, and so it is the Estates Proceedings Law that one has to amend to shut what in effect is a loophole that was exploited by the person who made that legal interpretation in the first place. So that is the law to amend to shut it. Once that is shut by amending the Estates Proceedings Law, we can go back to the position that everybody was in since 1845 until 1980, in other words, the position governed by the Law of Torts Reform Law, which is fine and does not need amending.

MR. CHAIRMAN: Let me now put the question, that Clause 2 do stand part of the Bill.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: Can we divide, Mr. Chairman?

MR. CHAIRMAN: Certainly.

DIVISION
NO.30/87

AYES: 10

NOES: 3

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mrs. Daphne L. Orrett
- Capt. Mabry S. Kirkconnell
- Mr. D. Ezzard Miller

- Mr. W. McKeeva Bush
- Mr. G. Haig Bodden
- Mr. John B. McLean

ABSTENTIONS: 1

Mr. Linford A. Pierson

AGREED BY MAJORITY: CLAUSE 2 PASSED

CLERK: A Bill for a Law to amend the Estates Proceedings Law 1974.

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AYES AND NOES

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

MR. CHAIRMAN: Certainly.

DIVISION
NO. 31/87

AYES: 10

NOES: 3

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. W. McKeever Bush
Mr. G. Haig Bodden
Mr. John B. McLean

ABSTENTIONS: 1

Mr. Linford A. Pierson

AGREED BY MAJORITY: TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: The next Bill before the Committee is the Judicature (Amendment) Bill.

THE JUDICATURE (AMENDMENT) BILL, 1987

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 14.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: Clause 3. Amendment of Section 15.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill. No Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: Clause 4. Amendment of Section 18.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill. No Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK: Clause 5. Amendment of Section 19.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill. No Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 5 PASSED

CLERK:
20.

Clause 6. Amendment of Section

MR. CHAIRMAN:
do stand part of the Bill.
Unless any Member wishes to
speak, I will put that question.

The question is that Clause 6
Unless any Member wishes to

QUESTION PUT: AGREED. CLAUSE 6 PASSED

CLERK:
22.

Clause 7. Amendment of Section

MR. CHAIRMAN:
do stand part of the Bill.
Unless any Member wishes to
speak I will put that question.

The question is that Clause 7
Unless any Member wishes to

QUESTION PUT: AGREED. CLAUSE 7 PASSED

CLERK:
30.

Clause 8. Amendment of Section

MR. CHAIRMAN:
do stand part of the Bill.
Unless any Member wishes to
speak I will put that question.

The question is that Clause 8
Unless any Member wishes to

QUESTION PUT: AGREED. CLAUSE 8 PASSED

CLERK:
Schedule.

Clause 9. Amendment of

MR. CHAIRMAN:
do stand part of the Bill.
I will put that question.

The question is that Clause 9
No Member wishes to speak, I

QUESTION PUT: AGREED. CLAUSE 9 PASSED

CLERK:
Judicature Law.

A Bill for a Law to amend the

MR. CHAIRMAN:
and enacting clause do stand part of the Bill.

The question is that the title

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

CLERK:

Clause 1. Short title.

MR. CHAIRMAN:
do stand part of the Bill.
I will put that question.

The question is that Clause 1
No Member wishes to speak, I

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK:
Section 6A.

Clause 2. Insertion of new

MR. CHAIRMAN:
do stand part of the Bill.
Unless any Member wishes to
speak, I will put that question.

The question is that Clause 2
Unless any Member wishes to

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK:
Section 13A.

Clause 3. Insertion of new

MR. CHAIRMAN:
do stand part of the Bill.

The question is that Clause 3
Unless any Member wishes to

speaking I will put that question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: A Bill for a Law to amend the Misuse of Drugs Law (Second Revision).

MR. CHAIRMAN: The question is that the title and enacting clause to stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: That concludes proceedings in Committee, on a Bill entitled the Grand Court Amendment Bill and other Bills. The House will now resume.

HOUSE RESUMED

REPORTS ON BILLS

MR. PRESIDENT: Please be seated. I make it about 4:28 p.m. There would be time to start on Report Stages if the House wished, though I doubt whether we should quite complete - but perhaps we could make a start.

THE GRAND COURT (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Grand Court Law 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 PENAL CODE (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Penal Code 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 CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Criminal Procedure Code was considered by a Committee of the whole House and was passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Estates Proceedings Law was considered by a Committee of the whole House and was passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE JUDICATURE (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Judicature Law was considered by a Committee of the whole House and was passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Misuse of Drugs Law (Second Revision) was considered by a Committee of the whole House and was passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2) I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

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 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., TUESDAY 28TH APRIL, 1987.

SECOND MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
TUESDAY, 28TH APRIL, 1987

(SECOND DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

SECOND MEETING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 28TH APRIL, 1987

(SECOND DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS FOR THE YEARS ENDED 31ST DECEMBER, 1985 AND 1986

TO BE LAID ON THE TABLE BY THE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL.

3. QUESTIONS TO THE HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.42: CAN THE HONOURABLE MEMBER SAY WHAT WAS THE COST OF SENDING THE DELEGATION TO LONDON REGARDING THE SHIPPING REGISTRY, INCLUDING AIRFARE AND ACCOMMODATION?

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

NO.43: CAN THE HONOURABLE MEMBER SAY WHAT WAS THE VALUE OF OF THE POLICE BOAT WHICH WAS RECENTLY WRECKED AND WHAT WERE THE CIRCUMSTANCES SURROUNDING THE WRECK?

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.44: CAN THE HONOURABLE MEMBER GIVE AN UP-TO-DATE COST OF THE ROAD PROGRAMME IN THE EASTERN DISTRICTS REGARDING THE STRAIGHTENING OF CURVES WHICH WAS APPROVED BY FINANCE COMMITTEE IN 1986?

4. GOVERNMENT BUSINESS

1. BILLS

FIRST AND SECOND READINGS

- (1) THE PRISONS (AMENDMENT) BILL, 1987
- (2) THE PARTNERSHIP (AMENDMENT) BILL, 1987
- (3) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987
- (4) THE TRUSTS (FOREIGN) ELEMENT BILL, 1987.

COMMITTEE THEREON

- (5) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
- (6) THE PRISONS (AMENDMENT) BILL, 1987
- (7) THE PARTNERSHIP (AMENDMENT) BILL, 1987
- (8) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987
- (9) THE TRUSTS (FOREIGN) ELEMENT BILL, 1987

REPORTS THEREON

- (10) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
- (11) THE PRISONS (AMENDMENT) BILL, 1987
- (12) THE PARTNERSHIP (AMENDMENT) BILL, 1987
- (13) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987
- (14) THE TRUSTS (FOREIGN) ELEMENT BILL, 1987

THIRD READINGS

- (15) THE GRAND COURT (AMENDMENT) BILL, 1987
- (16) THE PENAL CODE (AMENDMENT) BILL, 1987
- (17) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987
- (18) THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987
- (19) THE JUDICATURE (AMENDMENT) BILL, 1987
- (20) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987
- (21) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
- (22) THE PRISONS (AMENDMENT) BILL, 1987
- (23) THE PARTNERSHIP (AMENDMENT) BILL, 1987
- (24) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987
- (25) THE TRUSTS (FOREIGN) ELEMENT BILL, 1987.

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TUESDAY

28TH APRIL, 1987

10:12 A.M.

MR. PRESIDENT:

Member of Executive Council.

Prayers.

The Honourable Fourth Elected

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 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, who 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:

Presentation of Papers and Reports. My understanding is that as the Honourable Third Elected Member of Executive Council has been temporarily called away, the Paper standing in his name is to be laid by the Honourable Fourth Elected Member.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members, I beg to lay on the table of this Honourable House, the audited financial statement of the Port Authority for the years ended December 31st, 1986 and 1985, and this is in accordance with the provisions of section 4(7) of the Port Authority Law.

MR. PRESIDENT:

Member for West Bay.

So ordered.

Questions. The Second Elected

QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 42: Can the Honourable Member say what was the cost of sending the delegation to London regarding the Shipping Registry, including airfare and accommodation?

ANSWER: The cost of sending the delegation to London regarding the Shipping Registry, including airfare, accommodation and subsistence was C\$16,494.33.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Can the Honourable Member say who the delegation consisted of?

HON. THOMAS C. JEFFERSON: The delegation was comprised of the First Elected Member of Council, the Third Elected Member of Council, the Second Official Member of Council, myself on the official side, and one lawyer from the private sector.

MR. PRESIDENT: If there is no further supplementary, the Member may ask question number 43.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 43: Can the Honourable Member say what was the value of the police boat which was recently wrecked and what were the circumstances surrounding the wreck?

ANSWER: Police boat Lima II was bought new from the Bertram-Whittaker Corporation, Miami, in October 1979 at a cost of US\$75,000 and was insured for that amount when it was wrecked.

The circumstances of the loss of the boat are:

(1) On Monday 9th March, 1987 at about 11:00 p.m. the police received a report by telephone from Port Security that the weather had deteriorated and the police launch, Lima II, was in danger of being damaged against the Government dock.

(2) Police Sergeant M. Bodden of the Police Marine Section was contacted and went to check on the vessel.

(3) Police Sergeant M. Bodden, on arrival at the dock, found that the launch was already being damaged against the dock wall and decided to take immediate action to move the vessel to calmer waters. He elected to go around the North West Point into the North Sound to anchor at the police moorings at Governor's Sound. The police do not have a permanent mooring in South Sound.

(4) In attempting to go around North West Point in rough seas in the dark, and in driving rain, the launch, under the command of Police Sergeant M. Bodden, went aground on the reef opposite Villas Pappagallo shortly before midnight. Inspector G. McLaughlin was immediately informed and left from East End for Governor's Sound to attempt a rescue in police vessel Lima III. Other members of the Marine Section were turned out.

(5) Lima III reached the area about 1:00 a.m. on Tuesday, 10th March, 1987, but was unable to go alongside Lima II because of heavy seas. Attempts to tow Lima II off the reef failed. The rescue was abandoned until daylight when Police Sergeant M. Bodden was taken off Lima II. A pump was then used to no avail and eventually Lima II filled with water and

settled onto the reef.

(6) Arrangements were then made to take Lima II off the reef using a floating barge and crane. Unfortunately, the weather conditions again deteriorated and the operation could not be put into effect until Wednesday, 18th March, 1987, when the vessel was lifted off the reef onto a barge and put ashore and secured at Governor's Sound. It was found to have sustained extensive damage beyond economical repair.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Can the Honourable Member say whether some of the cost has been received by way of insurance?

HON. J. LEMUEL HURLSTON: A claim has been filed with the insurance company, and the inspection on behalf of the insurers has revealed that the claim is going to be honoured. But the actual settlement has not yet taken place.

MR. W. McKEEVA BUSH: So you do not know what the settlement will be like?

HON. J. LEMUEL HURLSTON: That is correct, Mr. President, because there is a certain value in the wreck, for example, I believe the engines have a value estimated at around \$20,000.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Can the Member say whether Government is satisfied that the Marine Section is properly manned?

HON. J. LEMUEL HURLSTON: Yes, Mr. President, Government is satisfied.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. When I say "properly manned" I guess I should have explained myself. Is the Government satisfied that you have people who want to be in the Marine Section, who are capable of being in the Marine Section, handling a boat, know something about the Marine Section? Is the Government satisfied that the crew should not be somewhere else in the police department perhaps the drugs squad?

HON. J. LEMUEL HURLSTON: I can only reiterate my earlier answer, Mr. President, the Government is satisfied with the calibre of employees attached to the Marine Section, and no one is working within the Marine Section against his will.

MR. D. EZZARD MILLER: Supplementary, Mr. President. In the answer given, the Honourable Member states that the police do not have a mooring in South Sound. Does the Police Boat not normally carry an anchor?

HON. J. LEMUEL HURLSTON: Yes, Mr. President, it does, but it was decided to go around to the North Sound where permanent moorings are situated, and it was on the basis of that decision that the accident occurred.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Is the Honourable Member inferring that the decision to go around North West Point in an impending Nor'wester rather than to the safe harbour of South Sound, which is much closer and much more protected, the correct decision?

HON. J. LEMUEL HURLSTON: Mr. President, that is asking for an opinion, Sir.

MR. W. McKEEVA BUSH: Mr. President, the Member referred to calibre. I just want to say, I am not supposed to make a statement, but I want to clarify something - that I was not talking about personal reputation, or anything of the sort - so I would not want my question to be misunderstood as casting some aspersion on the crew as to their reputation. That is not what I am doing.

MR. PRESIDENT: Very well, unless there is any

further supplementary ...

MR. D. EZZARD MILLER: Mr. President, the Member intimated in a supplementary that the engines on the boat were worth approximately \$20,000. Can he say what, if any, attempt is going to be made to salvage these engines. Because I looked at the boat up till yesterday, and it looked to me like they are being left there to seize up.

HON. J. LEMUEL HURLSTON: Mr. President, all necessary precautions have been taken to secure the vessel and the engines, and the value of whatever is salvageable will be salvaged.

MR. PRESIDENT: The Member may now ask question number 44.

MR. W. McKEEVA BUSH: Mr. President, with your permission, Sir, before I ask that, I wonder if the Member could give this House an undertaking that he will do some sort of internal investigation into the Marine Section of the Police Department?

HON. J. LEMUEL HURLSTON: Mr. President, I am afraid I cannot do that, because I have no basis on which to undertake.

MR. W. McKEEVA BUSH: All right, Mr. President, I am satisfied. I will put a Private Member's Motion. That will give him some basis.

MR. PRESIDENT: Question number 44, then.

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. 44: Can the Honourable Member give an up-to-date cost of the road programme in the eastern districts regarding the straightening of curves which was approved by Finance Committee in 1986.

ANSWER: Expenditure to date (24th April, 1987) for the cost of the road programme in the eastern districts regarding the straightening of curves is \$175,091.49.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary, Mr. President. I wonder if the Honourable Member could give us some idea of when it is expected that this work will be completed?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, May the 22nd.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. And at that time, the full amount, which was approved by Finance Committee will have been spent?

MR. PRESIDENT: It sounds like a statement but I take it you meant it as a question?

MR. W. McKEEVA BUSH: Well, I did say it was a supplementary question, Sir.

HON. CAPT. CHARLES L. KIRKCONNELL: As the Member knows, there was a total of \$568,358 allocated in the 1987 Estimates for the Spotts realignment 1 and 2, and the Lower Valley road realignment, and that leaves a difference of \$393,266.51. The Public Works Department have told me that they are within estimates.

MR. PRESIDENT: If there is no further supplementary, that ends Question Time, and we move to Item 4 in today's Order Paper, Bills, First Reading of the Prisons (Amendment) Bill.

GOVERNMENT BUSINESS

BILLS

FIRST AND SECOND READINGS

THE PRISONS (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE PRISONS (AMENDMENT) BILL, 1987.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Prisons Law is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE PRISONS (AMENDMENT) BILL, 1987.

HON. J. LEMUEL HURLSTON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Prisons Law.

The Prisons Law was originally enacted in 1975, at which time it was known as the Imprisonment Law. In 1981 it was amended and renamed and given its present name, the Prisons Law. This Bill primarily seeks, Mr. President, to make a number of unconnected amendments to bring that piece of legislation in line with present-day requirements.

The first two clauses of the Bill are minor amendments. Clause 2 removes a reference to discipline as this is now a consequential amendment, having had the necessary provisions made in subsidiary legislation. Clause 3 removes the necessity to have the Governor in Council to give approval for the making of standing orders.

The first significant amendment in this Bill comes in clause 4, which amends section 8 of the principle Law. Section 8 of the principle Law deals with powers of officers. This clause seeks to insert two new subsections. First, it seeks to confer on prison officers the same powers and privileges as constables, but it is restricted to the extent that the prison officers may have such power only when on duty and in uniform and the power is limited in relation to the duty of the prison officer. It is further limited by the proviso that any action taken by a prison officer shall as soon as practicable, be handed over to a police constable, or the individual concerned should be taken to the nearest police station.

The second new subsection that is being proposed is to confer the ability on prison officers to make arrests without a warrant in certain circumstances. And the circumstances that are envisaged in such an exercise would be where a prison officer was in hot pursuit of an escaped prisoner, and in the course of that pursuit found it necessary to enter premises or to arrest someone in connection with that duty, without first having to have a warrant for the purpose. Again, any action taken in this manner is subject to immediate hand-over to the nearest police station or to a Royal Cayman Islands Police.

Clause 5 of the Bill provides for the supervision of female prisoners by officers of the opposite sex where the Director of Prisons may so authorise. This has been found a desirable recommendation to make in light of past experience, where we have limited officers and often times, particularly during the daylight hours when officers are engaged on escort duties and other matters, it is sometimes difficult to have female prisoners always supervised by female officers.

Clause 6 of the Bill seeks to amend section 14 of the Law to remove what is regarded as an unnecessary and over-generous provision for medical attention. Section 14 of the Law provides that all convicts should be medically examined on reception and at least once every thirty days by a medical officer. The proposed amendment seeks to substitute twelve months for thirty days. This, it is believed, is more in keeping with the norm of the society. Certainly, few people ever submit themselves to

medical examination every thirty days. If one is not ill, one does not seek the doctor. This does not preclude persons from receiving medical attention if they need it, but as a routine examination it is felt that to have a routine examination every thirty days is certainly an over-generous provision.

The next significant amendment comes in clause 7 of the Bill, which provides for the transfer and removal of prisoners to foreign jurisdiction. This is in keeping with the Council of Europe Convention on the transfer of sentenced prisoners to which a number of countries, including the United Kingdom, are signatories. We as a Dependent Territory, have had the convention extended to us by an Order in Council, and the relevant United Kingdom legislation is quoted in this amendment to enable us to effect the necessary transfer of non-Caymanian prisoners to serve the remainder of their sentences in their home countries. This will principally affect American prisoners currently serving their sentences at Northward, could possibly affect a number of other countries as well, but we are actively pursuing a transfer arrangement with the United States, and in fact, it is anticipated that if successful, the first transfers should take place within the very near future.

Clause 8 of the Bill provides for clarity that a person on the commencement of sentence on an appeal, or a person appealing a sentence or a conviction, may elect to have the remand time counted as part of the sentence, and such an election cannot be revoked.

Clause 9 seeks to insert a new subsection immediately following section 42 to enable the Director of Prisons to allow persons to visit the prison on such conditions as he may impose, and if he considers that such visits would be in the best interests of prisoners. This is, of course, trying in an attempt to liberalise the visiting of prisoners by persons who are considered to be closely connected with the prisoners, persons whose best interests would be served by allowing them to visit inmates, and whose inmates' best interests would be served, as well.

Finally, clause 10 provides a penalty for offences committed under the Prisons Law, and the penalty being recommended for offences is \$5,000 or a term of imprisonment not exceeding twelve months, or both.

These are the proposed amendments, Sir, and I commend them to the Honourable House.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Prisons Law be given a Second reading.

The Motion is now open for debate. The Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH:

Mr. President, on seeing the Bill I had hoped to give it my entire support. However, the Honourable Member has said nothing to clarify my objections to certain sections. He has not said anything in any detail, therefore I will have to vote no on certain sections of the Bill.

Just a few months ago I brought a Motion to this House asking for an investigation into the Northward Prison. I had hoped that the report of that investigation would have been tabled today so that, as far as I am concerned, I could better understand, perhaps, the reasoning for some of these uncalled for, on the face of it, sections.

The first section that I make objection to is the amendment of clause 7 of the principle Law. Clause 3 seeks to take away the necessity of standing orders made by the Director of Prisons having to be approved by Governor in Council, having to be approved by Executive Council. The Member moving the Bill did not give any reasons why this should be done. I moved out of the Chamber for a minute, but I not hear him do so.

In this day and age, when there are so many questions arising in this Colony concerning corruption and other matters, you would want to think that the Members of Executive Council would want to have their hands on everything in this country, that they could know what is going on. And yet, day after day, time after time and meeting after meeting in this Assembly, Bills come forward from the Government bench where they, as far as I am concerned, are abdicating their responsibility to this country. I have seen it in many Bills where as far as I am concerned, the buck is passed on to some department. What are the reasons for it, so that

when they are called to question, they can say I do not know anything about it? It is ridiculous in this country for the ruling arm of Government not to have a say in the making of the standing orders for something as important, in this country, as Her Majesty's Prison.

Mr. President, clause 6 of the Bill seeks to change to every year from every thirty days, the interval for the periodical medical examination of prisoners by the Chief Medical Officer. Again, why in the world is this being done? Just a few months ago, and one of the reasons I asked for an investigation of the prison, there were complaints that there was some dreaded disease at the prison. Parents called and letters were received from inmates. I would think that in something so closely quartered as a prison, that every step would be taken to make medical examinations as often as possible.

The Law, in section 14, provided that all convicts shall be medically inspected at the beginning of their sentence and at least once per month thereafter until discharged. That was in 1975. Numerous amendments have come forward since 1975, and nobody asked that this be done. Why is it being done now especially with the emergence of new diseases in this country? Morally and socially it is wrong. Prisoners, regardless of what they are sentenced for, they must pay the price if they commit a crime - I support that one hundred per cent - but they are human beings, they are somebody's child. Commit them to their full punishment, but what this is doing as far as I am concerned, is not in line, is not proper, and I am not going to support that particular section. It may be that every month might be a little too often, but I would not go any further, or any less than every quarter, and even at that, with, as I have said, the emergence of new diseases, is a little bit too long. Prisoners are not kept forever in a prison, they come back out and they mix with society.

I am very happy to see the Bill providing for the transfer of prisoners. I do not know whether this will help the situation that I asked to be looked at in 1985 I think it was, to send away those prisoners, or expatriate prisoners at Northward to serve their sentence in their respective countries. I trust that this is what it means.

Clause 10 seeks to insert a proposed new section, 43A, into the Law, creating an offence for any person not being a prison officer to act in contravention of any subsidiary legislation made under the Law. Now, Mr. President, I take it that "any person" means the general public. Now are you are telling me that the general public, if it contravenes this section, or any section, will be liable to a fine not exceeding \$5,000 or to one year imprisonment. But am I to understand that a prison officer can contravene?

I trust that in his summary, the Honourable Member will explain in some detail, my doubts about certain points on sections that I have raised. I will restate that the most obnoxious clause in this Bill is clause 3. Government is not now going to have a say in the making of prison regulations. Government is not going to have to approve the standing orders. I see no reason for this clause. I trust that the Member will explain in great detail the reasons why this Bill is here today, and I would again say that it would have been fit and proper to table the report on the investigation. But I put you on notice, when it does come, I will have my say on it.

Thank you very much.

MR. PRESIDENT:

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

MR. G. HAIG BODDEN:

Mr. President, I find the most obnoxious section to be the amendment in clause 5, where it is sought to put prisoners under the direct physical supervision of a person of the opposite sex. If we allow this to happen, we could have male prison officers turning down the beds at night for the female prisoners. This is a strange and a dangerous provision to subject female prisoners to the direct supervision of male officers. And what might even be worse, to put male prisoners under the direct physical control of female officers. I do not think this ever happens in any prison, and should not have been mentioned here at all. This clause must come out. The Member presenting the Bill did make an honest effort to justify this amendment but the reason he gave is not sufficient. He said that there might be a shortage of officers of the correct sex, because officers are engaged in moving prisoners up and

down, and so on. But this has to be utter nonsense. We cannot allow this to happen at the prison. No prisoner should be put under the direct physical supervision of a person of the opposite sex.

There is an amendment, which will allow the standing orders to be made by the Director of the Prison without the approval of Executive Council. One can only wonder why the Executive Council has behaved so much like Pilate in completely washing its hands of all the dirty work. I can understand that the standing orders which are for the day to day operation of the prison, could well be made by the senior officers at the prison, and the senior officers should have the right to change these standing orders. But certainly, there should be a provision whereby the Standing Orders would go into effect immediately, but always be subject to some other control. Who knows, one day we may have a very sadistic person in charge of the prison, we could get all kinds of strange orders, there would be no appeal and there would be no control over this person.

Not because today we can boast of two or three fine officers at the head of the prison, this may not continue, and while they should be given the right to make the orders and to change them, and to put them into effect immediately, I still feel that these orders should be subject to scrutiny by the Executive Council at some time - it should not be left entirely for the officers to make the rules and enforce the rules and discipline under the rules. When I say rules, I am really referring to standing orders, because I know the distinction between the prison rules, which are still subject to the scrutiny of Executive Council, and the Standing Orders which are for the ordinary operation. In an institution like the prison, I imagine it is necessary every day, or every month, perhaps, to change the orders, and the Director can be given this authority. But there must be some control. We find that Executive Council has passed everything it could onto somebody else. Everything that comes up, the blame is put on the civil service, is put on the Principal Secretary, it is put on the head of the Department, and Executive Council has shirked its responsibilities in many areas.

There are other provisions of the Bill. One mentioned by the Member from West Bay was the change in the regular medical examinations. I agree that having the prisoner examined on a monthly basis was perhaps, a bit generous, and did put too much work on the doctors and the prison staff that would have to be involved in the examinations. So I can support the change from monthly examinations, but I think, since they have been used to monthly examinations, it might be better if we made the change to have the examinations done biannually or twice a year. Because in most jobs which require medical examinations, the examinations are done every six months, and a lot could happen in twelve months. We know that Cayman, like other countries, has now been touched by AIDS, and we know that AIDS is common amongst certain types of people. It seems to afflict certain occupational groups, certain people that are in peculiar situations, and it would be good to have the checks done every six months rather than every twelve months. The prison population has grown to where it is, to have a hundred and odd people examined every month really becomes a big job, and you would probably need a resident doctor at the prison if we continue with the monthly examinations.

The prison officers have been given the powers of police officers and I am glad that the Member mentioned that these powers are qualified and limited to work connected with the prison, limited to the officer being in uniform and so on. But we have to be careful when we are giving to prison officers the powers of a policeman, because the prison officer has not received the same training as the police officer, and if we are going to give to them the wide powers of a police officer, we will have to provide additional training for the prison officers.

Section 10 of the Bill sets out fines which are excessive, fines which can be imposed on any person who acts in contravention of any regulations, rules or standing orders. This is indeed wide. If this applied only to offences under the Prison Law, maybe we could put up with it, but how can an ordinary person, say a visitor who goes to the prison, know every little standing order or every little rule that has been made up? And suppose we do get in the future, as I mentioned, a sadistic Director who wakes up one morning and makes a strange rule, or a strange standing order that on Sunday morning no-one can have on a flowered shirt, and a visitor comes into the prison with a flowered shirt on, and he is fined \$5,000. This has to be utter madness, to make this so

wide, applying to everybody, with the rules being made up as you go. What is the Government thinking about anyhow?

The Bill, while it has merits in some parts, has gone to the ludicrous in some areas, and while I will support some of the amendments I am afraid I will have to vote no to the entire Bill, because we have seen yesterday that Members lack the mettle which it takes to defeat a Bill, or any section of a Bill.

MR. PRESIDENT:

I think the time has come when customarily, we suspend for a brief mid-morning break, and I will accordingly now suspend proceedings for approximately fifteen minutes.

AT 11:16 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:36 A.M.

MR. PRESIDENT:

Resumption of the Second Reading debate on the Prisons (Amendment) Bill.

Does any further Member wish to speak? The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, may I also join in congratulating the mover on the able presentation of the Bill, which is a Bill for a Law to amend the Prisons Law. I think he did a very admirable job indeed.

However, there are three clauses in the Bill which I wish to comment on. This is particularly inspired, that is my comments, from some of the experiences which I have had in respect to the operations of the prison, which I find directly related to the provisions contemplated in this amendment Bill.

Accordingly, Sir, I find it impossible to support the Bill in its entirety, even though I find certain sections of it that I can support without any problems. Specifically I wish to comment on clauses 3, 5, 6 and 7 of the Bill, and I may touch on one or two others as I go along.

Clause 3 of the Bill seeks to take away the necessity of standing orders made by the Director of Prisons having to be approved by the Governor in Council. My concern here is not based on the fact that I do not believe in the integrity of the Director of Prisons, this is far from the truth. I believe that he, and his Deputy, are men of integrity, and that they are well experienced in the job that they are doing. But this Law will be a Law that will apply to others after they are gone, and in amending any Law or in enacting a Law, we must bear in mind that a law, for it to be as effective as possible, must be a good law and one that is free from any misinterpretations.

In the past I have received reports from prison officers of what they feel is an unwholesome situation existing in the prison. You are aware of this, Sir, because I have brought these to your attention. But I was very surprised to learn from the prison officers who came to see me that after they returned to the prison, attempts were made to find out who they were so that they could be victimised, or worse yet, fired.

I hope that this is not the case, because I feel that any officer, be they a prison officer or from whatever section of our civil service, should have the right to discuss any matter with their representatives, and I would hate to feel that this is a correct statement that I received. The person that I received it from is a man of integrity, and I have no reason to doubt that what he said he heard, he in fact heard. But I hope that it was just a wild rumour.

This is one of the reasons why I feel that it may be wrong at this stage in the development of our prison services to amend this section where it will no longer be necessary for the standing orders of the prison service to be approved by the Governor in Executive Council. I will not, Sir, try to be trite in this matter, I will not go as far as to say that a lot of things will happen which I feel would not, but my biggest fear is that this section can be abused. With approvals being done by the Governor in Executive Council, at least, we had a check on what happened and what amendments were made to standing orders. But this will be taken away and it will be left to an individual, or perhaps two, to make decisions on this very important issue.

Clause 5 - it is sought to confer on the Director of Prisons the discretion to allow a prisoner to be placed under the direct physical supervision of a person of the opposite sex. This carries two dangerous areas, and I will deal with number 2 first. A male prisoner or male officer, for example, could be put in a very compromising position if for some reason or the other, a female inmate takes a dislike to him. That male officer could be accused of many things if he is allowed the direct physical supervision of that female inmate. I feel that if this law is to be passed without amendment, that at least two officers of the opposite sex should be responsible for this. Dealing with the first problem Sir, I do not feel it is appropriate for officers of the opposite sex to have direct physical supervision of inmates of the opposite sex. This is not correct. I believe that we have sufficient officers at the prisons, both male and female, that can deal with prisoners of their own sex. I cannot see the need for this, it was not presented, or expanded on by the mover of the Bill. Perhaps in his summary, he will tell us why it was seen to be necessary to put this amendment into the Law.

And clause 6, Mr. President, this seeks to change to every year from every thirty days the interval for the periodical medical examination of prisoners by the Chief Medical Officer. I cannot support this. I do not think that this is right. Regardless of what we, in this Legislative Assembly or the public may feel, our prisoners are still human beings. From reports I have been hearing on the medical attention given to prisoners it would appear that the situation is shabby enough as it is. I say this not from hearsay, but from discussions I have had with inmates face to face on my visits to Northward Prison. I can recall even writing to the Medical and the Chief Medical Officer on the situation, and by the way, he is a gentleman for whom I have a lot of respect, but to date I have not had the courtesy of a reply. Of course I have written this down to his very busy schedule, and I trust that in due course I will be hearing from him one way or the other, as I feel it is only due respect that I should get a reply. But I was surprised that on my visit to Northward Prison, in discussion with the individual that I wrote about, I was told that I would not be receiving a reply, because it was felt that it was not necessary. I hope this is not true, because whether the Chief Medical Officer or any officer of Government likes the position and role that we, Members of the Legislative Assembly, have to play, they must realise that we are put here to represent our people, this is the reason we are put here. I do not like it any better than they do, that I have to approach them on these matters, but we have to look to the interests of our constituents. This is exactly what I intend to do. My people have put me in here and by the help of God I am going to give them good service. And I trust Sir, that when I have to write to a member of Government, or to a civil servant, that they will have the courtesy to reply. If it is a matter that they feel that they cannot deal with, then I am sure that they can deal with it through their portfolio. It is not very often that I write, or bother these officers, but when it is necessary for me to do so, I would hope that I would be shown the courtesy of a reply.

Because of this and because of many other complaints I have received, I think it would be a backward step today if we agreed to change the visitations of doctors at Northward Prison from every thirty days to just once a year. This is wrong, it is morally wrong, it is socially wrong, it is just wrong in all its areas. We are dealing with human beings, we are not dealing with dumb animals. With the number of doctors at the hospital, there is no reason why the visitation rights of every thirty days cannot continue. This is totally wrong, and I trust that this will not be supported by the entire Executive Council and Government bench here today. I feel that this should be amended, or at least a more appropriate period put into this Bill, perhaps three months, before this Bill is accepted. To leave this as it is and to jump from one month to twelve months is ridiculous.

The last section I propose to deal with, or the one before the last, is clause 7. Clause 7 of this amendment Bill seeks to make provision by way of a proposed new section 26, to "regularise the transfer of a prisoner in respect of whom a warrant has been issued under Acts of the United Kingdom, for the service of his sentence elsewhere". We have done our part here in the Cayman Islands, to make it possible for prisoners to be returned to their country and I know Sir, from correspondence I have received from you and from the action taken by the Second Elected Member of

Council the Honourable Norman Bodden and myself, that we too have been trying our best to help our people here in Grand Cayman. But I believe Sir, that more could be done to put some more effort and pressure on countries like Jamaica so that they will realise that when our prisoners are over there we would like to have the same courtesies extended to the Caymanians as we now extend to their people.. They are telling us that they have not amended their laws so that they can send our prisoners back here. Whether this has to be done through the Commonwealth or however it is going to be done, I feel that it is high time that we pressure the Government of Jamaica at the very highest level, so that we can have the same courtesies extended to the Cayman Islands.

Clause 10 seeks to insert a proposed new section 43A into the Law, creating an offence for any person not being a prison officer, to act in contravention of any subsidiary legislation made under the Law. Comments were made on this, and I should say that the implication is that the prison's regulations would apply where a prison officer is concerned. But I am sure that the mover of the Bill will clarify this point. I do not think that the intention of this amendment is to put the prison officers above the law. I do not think that this is the case, but we know that prison officers have their own regulations, and I trust, Sir, that they will be subjected to the regulations. They cannot be exempted and they are not above the law, and I do not think this is the intention.

Again, Mr. President, in summing up, I wish to congratulate the mover of this Bill for the fine job he did in presenting it, but as I said, in view of these points which I have raised, I find it somewhat impossible at this point to support the Bill in its entirety. And I trust that in Committee stage, appropriate amendments will be made, in order that I can support it.

Thank you, Mr. President.

MR. PRESIDENT:

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

MR. JAMES M. BODDEN:

I will have to begin debate on this amendment by saying that generally, I am not in favour of the amendments, and would have to question why some of them are being placed before us.

For instance, we are preparing to amend section 5 of the principle Law, the Prison Law, Law 14 of 1975. We are saying in that section:

"And such persons shall be subject to the same discipline as police officers of equivalent rank."

We are deleting that in this amendment, and I wonder why that is necessary, and whether we could have it explained to us in view of the further advancement in the position of the prison officers that we will encounter in certain other amendments in this Bill. Why, if we are going to enhance their position, should they not be subject to the control and the discipline that was in the original Law?

Section 8. We are proposing a change to that. Section 7, an amendment is being proposed to that one. And in section 8 we are now giving them the same responsibilities and duties as officers in the Police Force. Why, then would they not be subject to the same rules and regulations of the Police Force. And I question why in section 8(3) that an officer can only arrest an officer of equivalent rank or of a rank lower than that of the arresting officer. When we go on in the final paragraph of it by saying:

"that the officer shall, as soon as practicable, deliver over the person so arrested to a constable or, in the absence of a constable, take him to a police station."

If a crime is being committed, and it is being committed in the presence of a prison officer or a police officer, in my opinion, that person should have the right to act whether it is the Chief of Police, the Chief Prison Officer or yourself that is involved. He should not be limited to being able to make that arrest if the officer has a higher rank than himself.

I would have to support what the previous speaker has said in regard to increasing the doctor's

visitations from once a month to once every twelve months. I can see the reason why once a month, with the amount of work that I imagine the doctors have, that it might become onerous for them. Maybe I could support 60 days on that, but I do not think there is any way I could support a year.

But, as I read the numerous amendments to the Laws that are being made by our present Government, I have to keep wondering why we are giving up the power and shirking the responsibility of the enforcement of that power in so many respects. I also agree with the previous speaker in his submission on the dealing of an officer with the opposite sex. There has been too much happening in the past by rumours in that respect. We have a rumour rampant in the community now about the Girls' Home, and it seems like nobody is doing anything about it but shirking their responsibility once more. The same thing could happen in this instance, if we agree to it. I am not saying that the parties may be guilty, but at least, it will fuel the rumour mills if we make these changes. I hope that in the final submission on this Bill, someone will see clear to give a reason why they think these amendments should be made, why they are being made, and tell us why responsibility is being shirked once more.

Thank you.

MR. PRESIDENT:
speak?

Does any other Member wish to

Member who moved the Motion to exercise his right of reply if he wishes.

MR. J. LEMUEL HURLSTON:

Mr. President, I would like to thank Members for their contribution to the debate on this Bill, and I will try to respond to some of the comments that were made during the course of the debate.

First, of all, I think the record should stand corrected that the most recent enquiry conducted at Northward was not an investigation into the prisons, but it was an inquiry into alleged drug abuse by inmates at the prison. And let the record also reflect that the report on that subject will be laid during the course of this meeting.

The three most obnoxious sections of this amendment Sir, seems to deal with, firstly, the question of standing orders and their approval, secondly, the frequency of medical examinations, and thirdly, the supervision of inmates by officers of the opposite sex.

Can I first say, Sir, that in moving the Second Reading debate, I thought I had made it clear that a number of these amendments have been brought as a consequence of years of experience of operation of the prison, and I thought I had also pointed out that it was six years ago since the last amendments to the Prison Law were made. So that some of these proposals have emanated from the maturing and the experience gained in the operation of the service over the past number of years. It is because of the experience and maturity that a number of autonomous provisions can now be considered.

One of them is the question of approval of standing orders. And just like in other disciplined services, the head of those services are authorised to write and issue directives to their officers, so should the prisons, once they have demonstrated the ability and capability of so doing. The approval of standing orders was perhaps vested in the Governor in Council in the beginning, because one wanted to ensure that the experience was gained first before passing on the delegation. It is purely on the basis of that experience that it is now felt that the service is capable of directing itself on purely operational matters of standing orders.

On the question of medical examinations, perhaps we are misunderstanding the intention of the amendment when we say that we are changing the frequency of examinations from thirty days to twelve months. Perhaps some people will understand that to mean that inmates will only be examined every twelve months. I think the emphasis here has to be that inmates will be examined no less frequently, they may be examined much more frequently, but certainly, under no circumstances, less. And in fact the standard of health services available at the institution have not only improved, but they are in the process of being improved even further. For example, Honourable Members may know that in the current year's Budget, provision was made for the creation of the post of

nurse to be employed and stationed at Northward. And that individual is in the process of now being recruited, so that there will be the screening and on-the-spot routine nursing facility at the institution that will be an improvement to the present service available. So, examinations are not going to be less frequent, but the mandatory provision for an examination every thirty days as a minimum was certainly considered to be too generous, and it was felt that twelve months as a mandatory minimum would be more appropriate.

Insofar as the supervision of inmates by officers of the opposite sex, let me assure the House that the Director of Prisons and his management team are more than anyone else, aware and conscious of some of the fears that have been expressed during the course of the debate on this matter, and that this recommendation was made only after very careful consideration of all the circumstances, and that it was carefully drafted in such a way as to ensure that the prior approval of the Director is necessary in each and every circumstance, where such supervision would be permissible. And in fact, it is simple yet significant to note that even in a simple matter of transportation on escort duties it occasionally becomes necessary to combine in the same vehicle, inmates of both sexes, and during the course of transporting them from point A to point B, it is sometimes difficult to ensure that there are always adequate numbers of the same sex in the vehicle at the time of the transportation. And so it is only when one is faced with an operational decision that one can really see the problem.

The institution is growing in numbers of population and its staff resources are not necessarily growing in proportion to that increase. The complexity of the service grows, and therefore the attitude of professional officers to their duties have to be carefully monitored, and their assignments placed accordingly. It is therefore felt that the Director is himself, the best person to assess the situation, and to use his professional judgement, should it become necessary to implement the supervision of inmates by officers of the opposite sex. This will not be done as a matter of routine, nor will it be done as a matter of preference. This is something that would only be done as a last resort, and under circumstances that the Director is himself satisfied that he has little, if any, alternative. It would be nice if I could say that under all circumstances we would like to have no supervision of the opposite sex, but this is not practical, and the recommendation was not made lightly, but made after very careful consideration.

One final point, Mr. President, is that a little confusion seems to have arisen as regards the difference between the powers of arrest contained in clause 4 of the Bill versus the penalty being provided in clause 10 of the Bill. The Second Elected Member for West Bay thought that perhaps the officers were being treated differently from members of the public as regards penalties. Well, the answer to that, Sir, is that officers are dealt with similarly to anyone else in respect of penalties under the general penalty provision, but in addition, officers are also subject to their own internal code of conduct, and their own prison's discipline of prison officers' regulations apply. So there is no escaping accountability. In fact, the officer is more accountable than are members of the public.

MR. W. MCKEEVA BUSH:
\$5,000, right.

But you are now charging them

MR. J. LEMUEL HURLSTON:

While on that subject, Mr. President, if I could just continue to say that the Discipline Regulations of 1984 were made, and it is therefore no longer necessary to have the reference to the ranking of discipline of police officers as it was in the old days when the prison service operated parallel to that of the Police Force. So that the First Elected Member for Bodden Town, in asking why is it that we are removing the reference to discipline of police equivalents - the reason that it is being removed is simply because provision has been made elsewhere, namely in the 1984 Regulations. So that reference in this legislation to discipline is no longer necessary.

With those comments, Mr. President, again I would like to thank Members for their contribution to the debate.

MR. PRESIDENT:

The question is that the Bill entitled a Bill for a Law to amend the Prisons Law be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:

Can we have a division?

MR. PRESIDENT:

Certainly.

DIVISION
NO.32/87

AYES: 9

NOES: 6

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell

Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Mr. James M. Bodden
Mr. G. Haig Bodden
Mr. D. Ezzard Miller
Mr. John B. McLean

AGREED BY MAJORITY: THE PRISONS (AMENDMENT) BILL, 1987 GIVEN A SECOND READING

THE PARTNERSHIP (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE PARTNERSHIP (AMENDMENT) BILL, 1987

MR. PRESIDENT:

The Bill entitled a Bill for a Law to amend the Partnership Law is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE PARTNERSHIP (AMENDMENT) BILL, 1987

HON. THOMAS C. JEFFERSON:

Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Partnership Law, 1983.

This short amendment is the result of representation made to me by an international investor, who attempted to use the Partnership Law for some of the structuring of his operation, but determined that the Partnership Law as presently stated, does not allow him to use it as an investment vehicle. And I will read what section 47(1) says - and we are talking about a limited partnership, Mr. President:

"A limited partnership may be established in the Islands for the transaction of any mercantile, mechanical, land holding and development, agricultural or manufacturing business, or any business for the development of tourism."

What we are seeking to do is to substitute, or to amend section 47 to say:

"... any lawful purpose or purposes to be carried on either within the Islands or elsewhere."

So that, if the Bill is approved, 47(1) would read:

"A Limited partnership may be established in the Islands for any lawful purpose or purposes to be carried on either within the Islands or elsewhere."

I recommend this short amendment of the Partnership Bill to the House, Mr. President.

MR. PRESIDENT:

The question is that a Bill for a Law to amend the Partnership Law, 1983 be given a Second Reading. The Motion is open for debate.

Bodden Town.

The Second Elected Member for

MR. G. HAIG BODDEN:

Mr. President, I must object to this type of amendment. According to the Honourable Member presenting the Bill, this Bill will be amended simply to accommodate a person, although once it is amended, other people in the same position will use it.

A partnership is altogether a different creature from a limited liability company, and also different and distinct from an individual. For years partnerships have been individualistic in their character, they had peculiar patterns of operation, peculiar patterns of being perpetual, and we should not be changing the Partnership Law to allow somebody to do under it what he could not have done in the normal course of business. What we should do is say to this person since you cannot operate, or you cannot do what you want to do under the type of Partnership Law we have, you should find some other vehicle, that is, you should form a limited liability company under which you could do the things which are sought to be done and the things which will be allowed once this change is made.

It is really disgusting when the Government operates in this fashion. If we keep changing up the Partnership Law and the limited partnerships, the time will come when there will be no practical difference between a partnership and a limited liability company. The time will come when the distinct advantages gained by having a partnership will disappear. This is bad government. We have our Partnerships Laws, we have our limited liability companies, we have our companies that are not limited, we have our partnerships that are not limited. And people coming here to do business should do business under the law as it exists, they should not expect the Government to change the Law to suit the individual.

Under the existing Law, a partnership of the nature we are talking about, could only transact certain specific businesses which were set out in the Law. Those businesses were the transaction of any mercantile, mechanical, landholding and development, agricultural or manufacturing business, or any business for the development of tourism. That is changed by this Bill so that under the Partnership Law, the persons involved can now transact any lawful purpose or purposes to be carried on either within the Islands or elsewhere. This is a dangerous situation, because there are some businesses that should not be carried on by partnerships. We are treading on very dangerous ground here today. I do not want to get into the subject of describing partnerships and limited liability companies, because that is a subject that would probably take up the balance of the day. Nevertheless, it is wrong to change the Law in this fashion merely to accommodate the wish of a certain lawyer or a certain client.

Bill.

I have no support for this

MR. PRESIDENT:
speak?

Does any other Member wish to

exercise his right of reply?

If not, does the mover wish to

HON. THOMAS C. JEFFERSON:

Yes, Mr. President.

I heard the Member, Mr. President, but I was not sure what he was saying, to be quite honest. I believe in telling the truth, and that is exactly what I did earlier, when I said that the amendment is put forward as a result of representation made to me. We do not have to tell that person who put the representation to me that he should find another vehicle. He has gone, Mr. President, he took the business elsewhere, so Cayman lost out. And what will happen if we have another hundred investors of that sort? Shall we stick to our guns and say leave the Partnership Law the way it is? Can anyone tell me why we should restrict it? Are we gaining anything by restricting it, or are we losing? And if an investor wishes to use a partnership as an investment holding structure, somebody tell me what is wrong with it, because I am unable to say. But the whole reason for Partnership Laws, Banking Laws and Insurance Laws, is to try to make it attractive so they will be used, so that persons who wish to establish business vehicles may use them. And if we amend this Bill, and we say that the partnership may be used for any lawful purpose, that satisfies me, Mr. President.

Thank you very much.

MR. PRESIDENT:

The question is that a Bill for a Law to amend the Partnership Law be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:

May I have a division?

MR. PRESIDENT:

Yes, certainly.

DIVISION
NO.33/87

AYES: 12

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson D. 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. John B. McLean

NOES: 2

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

AGREED BY MAJORITY: THE PARTNERSHIP (AMENDMENT) BILL, 1987 GIVEN A SECOND READING

THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987

FIRST READING

CLERK: THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987.

MR. PRESIDENT:

A Bill entitled a Bill for a Law to amend the Caymanian Protection Law, 1984 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987

HON. J. LEMUEL HURLSTON:

Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Caymanian Protection Law, 1984.

This Bill SIR, contains five principle clauses, four of which deal with and affect the areas of the Law dealing with the granting and/or the loss of Caymanian Status.

The first amendment in clause 2 relates to section 14 of the Law, which is the section that deals generally with persons who are deemed to possess Caymanian Status, and the various circumstances by which that deeming occurs, and one of the persons who are deemed to possess Caymanian Status is in section 14(2) where it says:

"Any person:

- (a) who is an eligible person;
 - (b) who is a child, or a step-child, or an adopted child who has been legally adopted in such manner as is recognised by the law of the domicile of such person at the time of such adoption, of a person who possesses Caymanian Status; and
 - (c) who is under the age of 18 years.
- shall ... possess ... Caymanian Status ...".

This area of the Law has given some considerable concern because it extended Caymanian Status to children whether they were legitimate or illegitimate. Members may recall the debate when the Caymanian Protection Law was being introduced in 1984, the debate that emanated as to whether provision should be extended to include illegitimate children as well as legitimate children. In the end it was decided that all children should be included. In practice and application, however, it has been found that this provision was perhaps, far more generous than Members had envisaged, and indeed that the number of illegitimate children who were by law, automatically being given Caymanian Status whether they had very close connections or associations with the Islands or not,

was somewhat disconcerting. There are cases of illegitimate children that have come out of the dark past, and by merely presenting themselves, have acquired Caymanian status by law. It has presented a number of difficult legal arguments, a number of emotional issues for the Caymanian Protection Board to administer, where children, whether legitimate or illegitimate are all thrown into the same category.

It was therefore felt, after considerable thought and attention, that a restriction should be introduced to limit Caymanian Status to legitimate children in the first instance. However, it was also felt that there were certain deserving cases, in which the Caymanian Protection Board should be given the discretion to grant Caymanian Status to an illegitimate child who would otherwise now be barred by this amendment. Therefore, provision is being made in this amending Bill, in clause 3, where a new subsection 6A is being recommended, that:

"Any person under the age of eighteen years who:
(a) is an illegitimate child of a person who possesses Caymanian Status; and
(b) has been ordinarily resident in the Islands for a period of three years immediately preceding the application,
may apply to the Board for the grant of Caymanian status."

So whereas as the Law presently stands, illegitimate children are automatically considered Caymanians, with this amendment, illegitimate children would have to apply to the Board for the grant of Caymanian Status, and the Board would have the discretion to grant it.

The other area of the Law that has been quite controversial at times has been section 18, which deals with the various categories of persons who may apply and to whom the Board may grant certificates of Caymanian Status. Upon close examination, it was discovered that perhaps an unintended advantage was being given to an adopted child of a Caymanian versus a child, one of whose parents was born in the Islands. And these provisions are contained in sections 18(2) and (3) of the principle Law. A child, one of whose parents was born in the Islands had to be ordinarily resident here for three years immediately preceding an application to the Board for the grant of Caymanian Status, whereas in Section 18(2) any person, regardless of age, who was an adopted child born outside the Island may, without any requirement of residency, apply to the Board for the grant of status. And it has been considered that that rather unfair advantage should not be allowed. Clause 3 of the Bill, Sir, therefore provides a suitable amendment to introduce firstly, that a residency period will be required, and also that reference to an adopted child in section 18(2) really applies only to persons in their minority. So we have specified in the Bill that it must be an adopted child who, before attaining the age of 18 years, makes an application. This will bring about a certain amount of consistency between consideration being given to adopted children versus consideration being given to children, one of whose parents were born in these Islands.

And as I mentioned earlier, clause 3 also seeks to insert a new subsection immediately after subsection 6, to introduce a discretionary provision that would otherwise have been removed by the amendment earlier mentioned, that is, that the Board may now entertain applications in respect of illegitimate children who have been resident for a period of three years, and who would otherwise have been debarred.

The next two clauses deal with the areas of the law that covers the loss of Caymanian Status. It was discovered quite recently, after the law was enacted that the new Law, the 1984 Law, contained inadequate provisions in respect of the loss of status where that status was granted under previous laws. Clauses 4 and 5 are therefore intended to rectify those anomalies, to make it abundantly clear that as was obviously the intention and the desire of Honourable Members, it was always the intention that persons could lose Caymanian Status under the circumstances defined in section 21 of the Law whether that status had been granted under the 1984 or any other preceding Law. Clause 4 provides that we insert reference to the revised law, which is the preceding law, in the appropriate sections of section 21 which deals with the loss of Caymanian status. And clause 5 similarly inserts the same reference to section 22 of the law which deals with the powers of the Court to recommend the forfeiture of Caymanian Status under certain circumstances. In other

words, the ability to forfeit or to loose Caymanian Status was somewhat hampered by the fact that the 1984 law did not make it abundantly clear that status could be lost whether or not it was granted under that or any preceding law. These amendments suffice to make that abundantly clear.

The final clause, Mr. President, clause 6, deals with a totally unrelated amendment to section 45 of the principal law, which provides for the detention of persons who have been refused permission to land. What this proposed clause is intended to do, is to enable an immigration officer to grant temporary permission to a person who would otherwise be detained whilst a deferral has been made in respect of whether or not to grant permission to land. This is principally to enable persons to be released temporarily because we have limited detention facilities for immigration purposes, and it is occasionally necessary to have someone temporarily landed until arrangements can be made for their departure. This amendment would enable an immigration officer to allow that person temporary freedom, notwithstanding the ability to cancel that freedom at any point in time.

With those comments, Mr. President, I heartily commend the Bill to the House.

MR. PRESIDENT:

The question is that a Bill for a Law to amend the Caymanian Protection Law, 1984 be given a Second Reading. The Motion will be open debate, but before declaring it so open, I think I will suspend proceedings for lunch, until approximately 2:15 p.m.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT:

Please be seated.
Second Reading debate on the Caymanian Protection (Amendment) Bill, 1987. The Motion is now open for debate.

The Elected Member for North Side caught my eye first.

MR. D. EZZARD MILLER:

Mr. President, I cannot support a Bill to amend the Caymanian Protection Law, 1984 for two main reasons. We have all agreed, Members in this Assembly, both privately and to some extent publicly, that the Caymanian Protection Law needs a major overhaul. I do not see, therefore, these piecemeal attempts to try and rectify certain sections of the Law achieving what a redrafting of the whole Law would do. To just take a stopgap approach to this Law is simply going to create more legal hassles for people instead of the Law being a thousand pages with two hundred amendments, it is going to be a thousand and five pages with two hundred and three amendments, and one amendment is contradicting the other amendment, and by the time you get through it, you do not know whether you are dealing with the original Law, or the amended Law or some laws in between. I think we need, as a Government, to take the Caymanian Protection Law, I think we have all agreed, that the Law which was drafted originally in 1975 or 1976, which was redone in 1984, does not serve the purposes, in most areas, that it needs to address in the country today. And correcting these few areas that this proposed Bill does is only going, Sir, in my mind, to complicate the issue and not really solve the problem. For instance, everybody knows my position on who should get Caymanian Status - it should only be two types of people - those who get it by direct descent, as far as grandfather, and those who get it by marriage with an added requirement of a number of years of successful marriage. Nobody else, period. We create a separate entity and call them registered aliens, or whatever we want, that can work, can abide, but that is it, they cannot get involved in the political process, neither by voting nor by standing for office.

I am particularly perturbed by this amendment. The second reason why I cannot support this is that this amendment appears to discriminate against illegitimate children. Now, call it reduction in the moral standard, call it sophistication or whatever we choose to call it, more and more young Cayman women are opting for single parenthood and are we going to tell a Caymanian who has an illegitimate child for another Caymanian (because there is

nothing in here that differentiates it) after he was born here, lives here, grows up here, he may apply for status and we are going to leave it up to some Board to turn him down, or to give him the status? The amendment says that people of Caymanian Status, but it does not go on to specifically provide for Caymanians who have illegitimate children. So if it is silent on it, we can get what God would - lost years, yesterday, we could get into the same kind of argument - those people who have been given Caymanian Status, they do not think they are any different from us, and they should not be. So if having Caymanian Status is one and the same as being a Caymanian, which we are telling people in one breath, then this Bill is saying that illegitimate children born of Caymanians, for Caymanians, will have to apply for status. And what are we going to do with them when the Board turns them down for whatever reason, put them on the island they are going to build out in the Sound? And give it a special title so that they do not need citizenship to work? I mean, we are giving an adopted child from Central America or Africa, or the Middle East, more rights in a country than an illegitimate child born of two Caymanians? I cannot support that, Sir.

I can support that there should be provision in the Law for status to be taken away, I have always felt that way, but again, I think it has to be done in the light of a comprehensive review of the Law, which is going to address all the other areas, like people getting status because they were on some list that went somewhere and got lost in some drawer or something else and it should be gazetted, but every Gazette I look in, I look for the names and I do not see any names. But I hear that this one got it here, that that one got it, this one tells me that he is now Caymanian and I have all the rights that you have in your country and everything else, because I was given Status retroactive to 1985. I guess that is a rumour too.

But you know, there is an old saying here, Sir, that a man from Bodden Town said that he heard a rumour that a girl was pregnant, and I will bet you, ten months after that, damn, she did not have a baby. So where there is smoke, there is some fire.

Mr. President, I feel we need to look at the Protection Law in the light of Immigration demands for Cayman today. My feeling on that is that it takes a comprehensive review of the Law. Piecemeal legislation to plug holes in the boat while it is still in the water, rather than taking the boat out and giving it a proper overhaul is not going to solve the problem.

I cannot support the Bill, Sir.

MR. PRESIDENT:
Member of Executive Council.

The Honourable Second Elected

HON. W. NORMAN BODDEN:

support a Bill for a Law to amend the Caymanian Protection Law, 1984.

I share the views with the Elected Member for North Side as regards the need for comprehensive and extensive amendments to be made to the Caymanian Protection Law to block certain loopholes and correct certain anomalies, but the amendments that are being brought to this Honourable House today are considered urgent, and putting our priorities in order, it was felt that rather than delay this any longer that it should be brought to the House for this meeting, and that other far-reaching and necessary amendment would be made later on in the year.

I should also point out that I too had some concern when I first read these amendments and considered them, as regards single parentage in the Cayman Islands, but I would refer the Member to section 17(1) where elaborate provisions are made for those cases of Caymanians. It deals with the acquisition of Caymanian Status by birth, and in subsection (a) and (b) it sets out there very clearly the provisions which have been made for the cases of single parentage involving Caymanians born in this country.

The change being made to section 14(2)(b) is actually only reverting back to what the Law said originally and prior to its revision in 1984. In my view it is necessary to reinsert the word "legitimate" because it has been found that in the past several years, the Law as it presently stands allows, a much larger number of persons to claim Caymanian Status as of right. This was never expected, nor intended. It increases the number claiming status as of right, it is also coupled with the fact that the revised Law in 1984 also removed the loss of status on a person reaching 18 years of age, as it stated that the person:

"... shall be deemed to possess and enjoy Caymanian Status both before and after the attainment of the age of 18 years."

This condition has helped, too, to swell the numbers. To my mind and my interpretation, the word "child" not defined by "legitimate" for example, allows those persons who have married Caymanians to claim status for their child or children born to them outside this country through a different relationship or connection. This is an undesirable situation which I think must be corrected urgently, otherwise the numbers of those claiming to belong to Cayman will go far beyond what was intended, and to my mind, will not be in the better long term interests of our country. This section will therefore hereafter apply to legitimate children, but provision has been made in a new subsection under section 18 for an illegitimate child, one of whose parents is Caymanian, to apply to the Board for the grant of Caymanian Status.

In dealing with the adopted children of Caymanians under section 18(2), the situation presently exists where the adopted child is placed in a more favourable position than the natural child of a Caymanian who was born abroad, simply because the natural child of a Caymanian must be resident in the Cayman Islands for three years before applying for status, while the adopted child does not have the three years required residency period. This was never intended to be the case, and the amendment in section 3 will correct this anomaly, and further make it clear that children adopted by Caymanians must be resident in the Cayman Islands for three years and that application must be made for status before the child reaches the age of 18. This again will avoid those unusual situations where cases are made to adopt persons, adults of 19 years, 20, 25, 30 years and older, which has been done in the past in order to give that individual a claim to Caymanian Status.

Other amendments in the Bill are intended to make the grounds on which status is lost applicable to those persons who also have gained status under the Caymanian Protection Law which was repealed in 1984. This deals primarily with any specific case whereby a person has obtained status by fraud, false representation, or concealment of any material fact, and additionally makes clear the power of the Court to recommend the forfeiture of status under the present Law and the repealed Law dealing with marriages of convenience which often end in divorce, and end up before our Courts.

The last amendment provides the procedure for immigration officers to follow to enable them to temporarily and legally land a person without detention, pending a decision as to whether or not that person should actually be allowed to remain as a visitor in the Cayman Islands.

Mr. President, these amendments, though few in number, are absolutely necessary, timely and reasonable, and they are being put forward totally in the long term interest of this country. We have expressed concern as to who should have and should not have Caymanian Status, we have expressed concern at the rate of growth, and Caymanians becoming a minority in our own land. These measures are intended to support that position, and help allay those concerns.

Therefore, Mr. President, I fully support the Bill. Thank you.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, my feeling on this Bill was the same as on all the other Bills I received for this meeting. They were couched in such language that you did not know whether they were saying yes, or whether they were saying no. But, I guess that is the legal man's way of doing things. I am not throwing any aspersions on his ability, but what I have just said is a fact.

I will not offer support for this Bill. As representatives of the people, we do not usually get to know much of what is going on. We hear stories that we have to do a little bit of digging up and we get some smoke. However, in this instance, I do know that we have certain problems regarding Immigration that we have to do something about. What I am not going to agree with is the grasshopper approach that the Government has taken in its administration of its policies. I know too, that Government has a lot of work, a lot of things facing them. Bills that

should have been brought to this House this session, coming back from 1985, that they committed themselves to, and they are boycotting it. They voted for it here and they boycotted it in Committee, instead of coming to the Committee meetings they form other meetings and claim that they are priority and they have to go.

This Bill is a grasshopper approach to the Immigration problem in this country which the Government will not set down a proper fundamental policy on Immigration and stand by it. One little piece of a Bill here to deal with it. A Motion over here to deal with another little thing. We must be man enough to say if you want people here or you do not want people here. You cannot pat some on the back and kiss some on the mouth. And that is what is going on, and that is what I take objection to. People must know where they stand in this country.

This Bill, as far as I am concerned, reeks of discrimination between the illegitimate and legitimate children. An illegitimate child, Mr. President, or any child, has no say in how it is conceived. I would say, and I will stand by it, regardless of who tells me I am wrong, that some of the illegitimate children that are coming into this country today deserve to be in this country as some of the people that we have granted Caymanian Status to.

I take strong objection to this Bill. Are you telling them they may apply to the Board for the grant of status? Some of the illegitimate children that come into this country saying that they are born by a Caymanian parent, have some sort of paper to prove it, what Government must do, is go out to the limit to find out by whatever means they can, whether that child is in fact, born by a Caymanian parent. And if the child is born by a Caymanian parent they must and should give him status, some kind of status, whether it is just "belongs" status or something else. It reeks of discrimination to illegitimate children, and I am not going to support that, Sir. I had to put up with that all my life, I am not now about to put it on somebody else, not this legislator.

Mr. President, this is a good time to ask the Government what is the position behind the people who got status because of copies of the confidential minutes of the Protection Board's meeting given them, then sued the Government for their privilege. Government should reply to me as a representative, because up until now my understanding is that Government has now given everyone on that list Status, but as the Member for North Side pointed out, has not published the list of people who got status, which is required by law.

I do not condone backscratching. If the other Government is at fault for something, why should this Government compound it? Mr. President, when I get up in this House, and make noise about the way we are treated as representatives of the people, you hear that we are a bunch of fools and only want to make noise. We have every right to make noise in certain instances, and in every instance that I have got on my feet in this House, I have had good cause to. If the Government cannot govern by straightforward policy, it should resign.

The Bill reeks of discrimination, it is a grasshopper approach that I am not going to support. If the Government of this country is finding themselves bogged down with work, then it is high time that they tell the people of this country, look, my hands are full, I have the Portfolio for A, B, C, D, E, F, and it is time that you take the sixth and give them to somebody else. The country is suffering because of it. Why do they not have the guts to get out, whether in this House or on a public platform, and tell the people that they need to do it to get the work done, and I know that this is one of the big problems. The Members are tied down. The day is going to come when that sharing of power is going to happen.

MR. PRESIDENT:

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

MR. G. HAIG BODDEN:

Mr. President, I think it is expected that I will have some mild objections to this Bill. It seems to me that Government's Immigration policy is now in a shambles. Immigration has always been a very difficult subject, because there is no denying the fact that no country is an island unto itself. We need people from abroad just the same as people from abroad need us. I consider the United States of America to be the greatest country in the world. It was built by foreign labour, it has remained great

because it has tapped the brain-power of the world. It is the people from the older civilisations that have really made America great.

Nevertheless, in a small country like the Cayman Islands, the problems of immigration are more intense. We find it very difficult to draw the line and it is not an easy job to police the immigration of an island. To bring in the labour we need, to bring in the capital we need, to bring in the expertise and technology we need, and at the same time keep out the undesirables, keep out the no-goods, keep out those who are selfish in their intentions and can mean the country no good. It is a difficult job. But at the present time, it is an impossible task, because it is lacking direction from the top. The Executive Council seems unable to make a straightforward policy decision, and although I do not yet understand what the Honourable Member meant by a "grasshopper approach", I like the phrase, and I am going to find out from him what it means. But I think it is a very fitting term to the immigration policies of the present Government. And this Bill is yet another example of the grasshopper approach.

This important Bill has not been published to the public - I know Honourable Members are going to jump up and say you did not see the date on that Bill? Published with Extraordinary Gazette of Thursday the 23rd of April, 1987. And did not you Honourable Members receive white copies? But certainly this is not the way to deal with an important and major piece of legislation. How it is that simple things like putting out a fish pot or taking of the spear gun from the little boy, or counting the green parrots - how it is these insignificant things, these minor things can receive so much publicity, can be aired on Open Line, can be broadcast in public meetings, can be put on the radio, can be discussed on the street, can be the subject of conversation at cocktail parties, can be the talk at the dinner table, and important matters like this are hidden and kept secret by the Government until the last minute? The green copy of these Bills came to us Monday morning. I opened mine on Monday morning, and in fact I think some of them were on my desk when I came in on Monday morning. And for the people who subscribe to the Gazette, many of them have not yet received in the mail the green copies of these Bills. So no publication has been given to them, and in fact the Government, because it knew the contents would be controversial, deliberately kept the Bill secret.

And the Bill is controversial. The Bill takes away the inherent right of a minority group, a right which had hitherto existed in the immigration laws. And I speak about the right of illegitimate children to Caymanian Status, which is taken away by the amending Bill when we amend section 14(2)(b) of the Caymanian Protection Law.

Section 14(2) said any person who met three requirements shall, for the purposes of this Law, be deemed to possess and enjoy Caymanian Status, before and after the age of 18, unless such status ceases under other provisions. And that person was (a) an eligible person (which meant that he had to be from a certain country or countries, had to be under the age of 18) and (b) had to be a child, step-child, or adopted child. But we are changing the word "child", which included originally, both legitimate and illegitimate children and confining the word "child" only to legitimate children. So by this amendment, we have taken away with a stroke of the pen an inherent right which the illegitimate child had or enjoyed under section 14(2) of the Law. And that right was that that illegitimate child, if he met the other two requirements of the Law, had been deemed to possess and enjoy Caymanian status.

Both the Elected Member for North Side and the Second Elected Member for West Bay dwell on the aspect of this action, and it is also clear to me that we are discriminating against the illegitimate child. And this is wrong, because if society frowns upon the parent who has an illegitimate child, it is still not right to burden that child with the act of his parents. So whether it be right in the eyes of man or not to be born an illegitimate child, there is no reason for the law of the land to stigmatise that child, to discriminate against him, to make him appear different simply because he had been born out of wedlock. Now those who seek to do this have tried to make us believe that the only reason why they are doing this is because the illegitimate child appeared to be in a better position than a child born under other circumstances or adopted under other circumstances. And if I were committing such an evil, such an atrocious act, I too, would try to put some salve upon my troubled conscience. But there is nothing that can be said that makes this action right.

The second amendment to the Law is aimed specifically at Jamaicans. Another discrimination, and I am talking about adoption. It is my understanding that this act has been prompted because a few Jamaicans have tried to bring in their relatives by claiming that they are adopted. And I even heard of one case where the adopted person was older than the adopting parent. But this action today, I think, is aimed specifically at Jamaicans, and is in my opinion, another sign of discrimination. The parents of the adopted child will now be able to apply, on their behalf for a grant of status. But this is not possible, in my opinion, if the child happens to be aged 16 or 17, because in order to apply now, the child, before he can get his grant through adoption, must have reached the age of 18 and must have been resident here for three years. So that if a parent adopted a child that was aged 16, that child could not now be eligible under this section for a grant of status until the child had been living here three years. By that time the child would be 19, and if the child had been 17, the child would be 20. His application would have to be denied because he was over the age of 18, because under this section he must meet both requirements of the Law. He must be under 18, and must have lived here for three years, and if he had been adopted at 17, this would not be physically possible.

I would like to read the section so that the public will know this is not my interpretation, this is what is written in the Law:

"Section 18 of the Principal Law is amended by:

- (a) substituting the following for subsection (2):
'(2) Any person possessing Caymanian status who has adopted a child in a place outside the Islands may, if that child:
(a) is at the date of such application an eligible person; and
(b) has been ordinarily resident in the Islands for the period of three years immediately preceding the application,
and before that child attains the age of eighteen years, apply on his behalf to the Board for the grant of Caymanian status to him.'"

So it is going to be very complicated to receive status if the person happens to be at these higher ages.

Now, I see in this another difficulty. We know that recently several Caymanians have adopted babies in the United States. What will be the position of these children? Well, in the first place, under the old Law, the child would have been deemed to have his status, or his parent could apply and it could be granted, but now they have put in a three years residence, which means that when the Caymanian parents adopt an American child, that child will not automatically get Caymanian status, will not administratively get it, but the child will have to put in his three years of residence and then apply. I imagine those parents who have already brought in these children from abroad will be okay, but for new ones coming in it would seem to me, that under this section if we put through this amendment as it is, that the child will have to be resident for the period of three years. Despite the provision mentioned by the Second Elected Member of Executive Council, in section 17 in dealing with another matter, that section will have no bearing at all on section 18 which we are now amending in this "grasshopper" fashion. And the irony of it is that the illegitimate child and the adopted child could be children with Caymanian parents. Why has there been no objection from the public to these sections? Because a very clever Government with a very industrious Gazette manager kept the thing under wraps, kept it covered up so nobody could object. And now they pass it through with the rough-shod machinery that they have used in the past.

Other amendments to the Bill deal with and tighten up the provisions regarding the forfeiture of Caymanian status dealing specifically with those who have been granted status under section 18(1). I have no fault to find with those sections, but because they form a part of the grasshopper Bill, I will have to vote against those sections in my attempt to defeat the two aggravating clauses which I dealt with earlier. And I would say that if the Government had the courage to tell its public what it would like to see as an immigration policy, and would publish in advance, these Bills - I do not mean the seven days prescribed by our Standing

Orders, I mean really publish so that people can see it - they would not find themselves in the dilemma that they have been in with this whole Meeting. What I am saying on this Bill now could have been said on the other half dozen Bills which we dealt with. Although I admit that the other Bills were not as important publicly, as this one is, and did not discriminate against two minority groups as this Bill does.

I think it is only fitting that I conclude by asking the Member to withdraw this Bill and present it at the next sitting of the House. There is no urgency to do this, I have heard nonsense about the Board being swamped with applicants who claim they are the illegitimate children of some illustrious father who procreated them in great numbers in some far-off days. Certainly, the Board can deal with this. If the person claims that he is the bastard child of a Caymanian woman, this fact can be easily ascertained from the records, and people will know who his mother is. And if the person claims that he is the illegitimate child of a Caymanian father, certainly, there are ways of attempting to determine whether the statement is correct or not. The child might be able to prove it from the registration records, he may be able to prove it through a blood test, the father may have been appointed a putative father by the Courts, and failing all this there may be affidavits to prove that his father had acknowledged his child, there may be receipts to show that he had supported him, and the Board could ask for proof and would not have to accept every applicant.

Of course, as the minister told his congregation when the farmer could not understand the difference between faith and knowledge, he said the six children are sitting there, they belong to the mother, that is knowledge - they belong to you, that is faith. And so the Board has the means at its disposal to determine whether the person who claims to be illegitimate is really the illegitimate child of a Caymanian parent. And even if they cannot be a hundred per cent certain, this is no reason for Government to discriminate against an entire class of people, the way the Government is discriminating in this Immigration Bill.

MR. PRESIDENT:

I think perhaps it would be a convenient moment to suspend proceedings for approximately fifteen minutes for our customary afternoon break, and I will accordingly now do so.

AT 3:24 THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:49

MR. PRESIDENT:

Resumption of the Second Reading debate on the Caymanian Protection (Amendment) Bill.
Does any other Member wish to speak?

In that case does the mover wish to exercise his right of reply?

HON. J. LEMUEL HURLSTON:

Mr. President, I would like to thank the Honourable Members who spoke for their contributions, and to attempt to summarise my understanding of the main areas of concern.

If I could begin by saying that this Bill was certainly never intended to be kept under wraps. It was never intended to be regarded as a piecemeal piece of legislation. It was, however, intended to plug a number of important loopholes that have come to notice during the recent experience of the 1984 Law, and it was presented after careful consideration by the Government and notwithstanding the possible need for a comprehensive review of the legislation, these particular amendments were regarded as sufficiently urgent and important to merit bringing a Bill at this meeting.

The major concerns that have been expressed seem to centre around the perceived discrimination and taking away of rights of illegitimate children, the amendment proposed in clause 2 of the Bill. As the Honourable Second Elected Member of Executive Council said in his contribution, this amendment simply reverts to the position that existed pre-1984 - that is, that the Law prior to 1984, specifically stated that only legitimate children were deemed to have possessed Caymanian status. It was therefore since the 1984 Law that experience has shown, perhaps, the inadequacies of the wisdom which went into making that provision in the 1984 Law.

The second concern seems to be centred around clause 3, which deals with the position in respect of adopted children, and contrary to the view expressed, this clause was not designed specifically to exclude, or aimed at any one nationality. But any nationality that is affected by its provisions will be treated accordingly, be they Jamaican or any other nationality. As I said in presenting the Bill, Sir, there was an unfair advantage being given under section 1 of the Law that did not exist in the case of section 18(3), and this amendment was simply being brought to do two things - to bring about the same three year residency requirement, but also to make clear the intention that the granting of Caymanian status in the case of adopted children is really intended for children, and not adults. It is true that numerically, a child of the age of 16 coming to the Island at that age for adoption could not qualify for the three year residency requirement. But that child could qualify under other provisions existing in the Law. In any event, we cannot possibly try to legislate for every conceivable combination of circumstances that might exist. In fact, it is those combinations of circumstances that has added a lot of confusion to the subject already. Therefore my view is to try to keep it in the most simple terms as possible.

Reference was made to the non-gazetting of a certain list of persons who were reportedly recently granted Caymanian status. Let me just add in passing that there was such a list, a number of persons were recently granted Caymanian status as a result of a Court ruling which dealt with one particular case, and the same point of Law extended to others and they were treated accordingly. The Gazette is now being made - the fact that it has not yet been gazetted is in no way an attempt to conceal the decision - they will be gazetted in due course.

There is sometimes, Mr. President, reason to regret the short notice that is given to some major important legislation prior to its introduction, and it is sometimes desirable and necessary to have public input and public consultation prior to so doing. In the case of the Caymanian Protection Law, whereas the general spirit of the Law is so important that public consultation is often desirable when amending it, in this particular instance, the amendments being of a tightening-up nature, it was considered unnecessary and undesirable to have public consultation prior to bringing the amendments forward. As I explained in introducing the Bill, some of these provisions are simply tightening up loopholes and making clearer the original intention, particularly in the areas regarding the loss of Caymanian status.

Again, Mr. President, I thank the Members for their contribution, and thank you.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Caymanian Protection Law, 1984 be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: Can we have a division, Mr. President.

DIVISION
NO.34/87

AYES: 10

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- 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. John B. McLean

NOES: 5

- Mr. W. McKeeva Bush
- Mr. Linford A. Pierson
- Mr. James M. Bodden
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller

AGREED BY MAJORITY: THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987
GIVEN A SECOND READING

MR. PRESIDENT: Bills. First Readings.

THE TRUSTS (FOREIGN) ELEMENT BILL, 1987

FIRST READING

CLERK: THE TRUSTS (FOREIGN) ELEMENT BILL, 1987

MR. PRESIDENT: The Bill entitled a Bill for a Law to deal with the creation of Trusts and matters connected therewith and incidental thereto, is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE TRUSTS (FOREIGN) ELEMENT BILL, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to deal with the creation of Trusts and matters connected therewith and incidental thereto.

The Memorandum of Objects and Reasons, although concise, I think, indicates the rationale for this Bill, and with your permission I would like to read it.

"The principal object of this Bill is to remove any doubt that upon the creation of a Trust, the parties may select the Law of the Islands to be the governing Law of Trust. And if so, that all questions concerning the Trust, including its creation, effect and administration, will generally be determined by the Law of the Islands, to the exclusion of the laws of other jurisdictions."

And the Bill also seeks to clarify certain other related matters.

This Bill Mr. President, is the result of approximately twelve months of study. It came to light, that under the Trust Law there have been a few cases where, if taken to Court, the Court in some cases has to determine which country's laws are applicable to this Trust. Sometimes the decision is based on the owner of the Trust as to where he or she is domiciled. And certainly Sir, there has been more input on this Bill than any other Bill I have ever dealt with. It has been commented on by the former Attorney General, it has been commented on by the Chief Justice, by the Registrar of Companies and Trusts, and also been studied since January of this year by my consultative committee of the private sector, who have recommended unanimously that this Bill be put forward.

There are some people or practitioners in the financial industry, perhaps in the past, Mr. President, since this matter came to light, who have been working under the assumption that the Trust Law which is presently in force covers the reasons for the Bill presently before us - that is, the conflict of laws of different countries. Although most recognise the uncertainty of these assumptions, that is, if it was to put it to the test as to which law governs the Trust, there is a very good chance that some other jurisdiction's law may apply. It depends on the domicile of the owner or sometimes they call him the settler. Some countries of the world prohibit the establishment of Trusts, or the transfer of assets outside of their country. In this case, it is uncertain which country's law would be deemed by the Court to govern the Trust. The Bill before us seeks to codify this conflict, Mr. President, and codification seems highly desirable, because of the points earlier made - the judicial authority, either here or in England, on these points, I understand, are scant and sometimes unsatisfactory.

The Bill, if approved, would serve to save a good number of Trusts, which validity have previously been doubtful, whether or not the parties were unaware of the doubt. And the drafting of the Bill, I understand - I have to say I understand, because I have no legal qualification - is deliberately kept general so that our judicial system will find some room for manoeuvring, hopefully, in our favour. The rationale behind it, and the gist, is that whatever Trust is created here, we want to make it abundantly clear to the Court that it is our wish that the Cayman Islands Law apply to all of them.

Thank you, Mr. President, I recommend this to the Honourable Members.

MR. PRESIDENT: The question is that a Bill for a Law to deal with the creation of Trusts and matters connected therewith and incidental thereto, should be given a Second Reading. The Motion is open for debate.

MR. W. MCKEEVA BUSH: Mr. President, I rise to my feet quickly in a happy mood, I should say, because this is the first Bill that was brought in detail that will do something to help the country. And I only rise to congratulate the Government and the mover on bringing this Bill.

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

HON. THOMAS C. JEFFERSON: Only to say thanks to Honourable Members who spoke and who did not speak for supporting the Bill, Mr. President.

MR. PRESIDENT: I will put the question that a Bill for a Law to deal with the creation of Trusts and matters connected therewith and incidental thereto, be given a Second Reading.

QUESTION PUT: AYES

MR. W. MCKEEVA BUSH: I would like a division, Mr. President.

MR. PRESIDENT: Certainly.

DIVISION
NO. 35/87

AYES: 14

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
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. John B. McLean

AGREED: THE TRUSTS (FOREIGN) ELEMENT BILL, 1987 GIVEN A SECOND READING

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled the Legal Practitioners (Amendment) Bill and other Bills.

HOUSE IN COMMITTEE

COMMITTEE ON BILLS

MR. CHAIRMAN: Perhaps I may start just by noting for the record that at yesterday's Sitting the Committee agreed that any printing errors and the like, in Bills we were then considering should be corrected as appropriate, by the Second Official Member, and I would take it that was the Committee's wish again today, and shall proceed on that assumption unless any Member voices a contrary view.

And secondly by saying that I have been given notice of and have given leave under Standing Order 52(2) for one amendment to be moved to the Bill that we are now about

to consider, that is a Bill for a Law to amend the Legal Practitioners Law. I have also been given notice of one amendment and have again given leave in respect of a Bill for a Law to amend the Prisons Law, which we will come to later, assuming we get far enough today. And the notice of amendment in respect of the Legal Practitioners Bill is an amendment to clause 2.

So, a Bill for a Law to amend the Legal Practitioners Law.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987

CLERK: Clause 1. Short title.

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

will put that question. No Member wishes to speak, I

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: Clause 2. Amendment of section 4.

MR. CHAIRMAN: Clause 2 is the clause in respect of which I said I had been given notice of an amendment. I hope all Members have received a copy of the amendment proposed and I will give the Honourable Second Official Member leave to move it formally now.

HON. RICHARD W. GROUND: Mr. Chairman, with your leave I move an amendment to Clause 2 of the Bill. The amendment is intended to fulfil the undertaking that I gave to the House yesterday to introduce an amendment to make it absolutely plain that the Clerk of the Court would only permit a legally aided person to go outside the Islands as a last-ditch necessity to obtain legal representation. In other words, that this Bill would not open the floodgates to foreign lawyers to come in to the Islands. And, in order to achieve that end and make it plain that that is the effect of this Bill, the amendment does two things.

First of all in the Bill as it was originally drafted, there appeared the word "impracticable" - and it was in the context where the Clerk of the Court has certified that in his opinion it is impracticable in the particular circumstances for a person to find representation in the Island and so on. "Impracticable" has been substituted by "not possible". And then secondly, a new subsection is proposed to be introduced. The new subsection will be a subsection to section 4, to be numbered (3), and it would read as follows:

"(3) The Clerk of the Court shall not issue a certificate under paragraph (b) of subsection (1) unless he is satisfied that every reasonable effort has been made to obtain the services of an Attorney-at-Law in the Cayman Islands for the person to whom the legal aid certificate has been granted, ..."

and then

"... and that there is no Attorney-at-Law in the Cayman Islands who is willing and able to advise or represent that person under the provisions of the Poor Persons (Legal Aid) Law."

In other words, the Clerk of the Court has to be satisfied of two things. First of all that every reasonable effort has been made to find an attorney to represent the legally aided person, and he has also got to be satisfied that those efforts have ended in futility. In other words, that there is no attorney on the Island who is willing and able to advise or represent that person. And I hope that this will meet the objections of those Honourable Members who said it would open the floodgates, and of those Members who were worried, and rightfully worried, about the position, for instance, of graduates from the Law School, whether they would be overlooked. Graduates from the Law School will be Attorneys-at-Law in the Cayman Islands, and if they are prepared to take on the legal aid representation of any

person, then of course, the Clerk of the Court will not be able to give a certificate under this section, and the representation of the legally aided person can and will be undertaken by that graduate from the Law School. So they will not be shouldered aside by a rush of attorneys from outside the Island.

MR. CHAIRMAN:

The question then is that Clause 2 of the Bill be amended, or really be substituted by the new Clause 2 which has just been explained by the Honourable Second Official Member.

debate.

The question is open for

MR. LINFORD A. PIERSON:

Mr. Chairman, I would like to clarify my position regarding the comments made with regards to the Law School. My major concern is not that the students of the Law School will find this type of work as a teething exercise, but mainly that our people here will get the best possible representation from the lawyers that are locally available.

I see this amendment, Mr. President, as really, semantics, and in fact not saying very much, because all that is being said here is in fact a repetition of what was already in the Bill. Because the major operative section of this amendment states that those who are willing and able, so it does not really change the situation. Willing has been the problem - most of the attorneys in the big firms are not willing, and this is where the problem is. So this subsection here is not clearing up the problem that was voiced yesterday. Our main problem was that the attorneys in the Cayman Islands refuse to take on legal aid cases because they are not lucrative. So by putting in here "willing" and "able", this is really not saying anything, it is not changing the situation any, because they will continue to say they are not willing to serve.

The point that we were raising yesterday is that there should be something done whereby the litigation lawyers in this country could be rostered, something could be mandatory, where they would be put on a roster and serve in a similar way as in the example I gave with regard to Justices of the Peace. They have made it quite clear that they do not intend to leave their lucrative practice to go into the Courts and take on legal aid cases. And while I have much respect for the mover of this amendment, I really do not see where this is in any way satisfying the problems that we addressed here yesterday.

MR. G. HAIG BODDEN:

Mr. Chairman, I want to agree with the Second Elected Member for George Town who spoke. The amendment does nothing at all to allay the fears which I mentioned. The amendment may fulfil the promises of the Honourable Second Official Member. I would rather see the Law itself, remain as it had been, with this amending Bill withdrawn, because I think it can be withdrawn at any stage, and when we meet again in June, for the Honourable Second Official Member to bring the Poor Persons (Legal Aid) Law with an amendment that hopefully will help the problem that exists. The problem that exists simply is that although we have an abundance of lawyers, the country is overrun with them, we cannot find any of them willing and able to carry out any of the legal aid work. It is true that the fees are small, and perhaps Government may want to look at increasing the fees.

So I am strictly against the amendment as I had been against the original Bill.

MR. JOHN B. McLEAN:

Mr. Chairman, I too share the same concern. This was one of the areas that I mentioned in my debate, and I am wondering if the Honourable Second Official Member could say whether "who is willing and able" could be removed from the section which is now being proposed or if he could give us a reason, really and truly, why it is there.

HON. RICHARD W. GROUND:

The words "willing and able" are there, if I understand the question correctly, simply, so that if there is nobody who is going to undertake, to make it plain, to make it beyond doubt, that before the Clerk of the Court can authorise a legally aided person to go outside the Islands, there must be nobody in the Islands who is prepared and able to undertake the legal aid defence of the person. There may be people who are prepared but are not able, because they are in another case, there may be people who are theoretically able but are not prepared, not willing to do it. So

"willing and able" are in there to recognise those two elements.

The comment that I am going to make now applies to all the points made by the Honourable Members who have spoken so far, and it is this: that before I could introduce a Bill that made it compulsory for lawyers to represent somebody, I would certainly have to think very hard about it indeed. And I would invite Honourable Members to think very hard about what that path, once embarked upon, could lead to. If by law you start compelling lawyers, or any men of business to do something in their commercial life, to take on a client when they do not want to, you are treading a dangerous path which it does not take much imagination to see where it leads. And that is a path which, in my understanding anyway, is not in accordance with the spirit in which business has been done in these Islands, and not in accordance with the spirit with which these Islands have been administered up to now. That sort of compulsion on any sort of man of business is, and I can only use the word again, is dangerous and a dangerous precedent. And it is for that reason, coming back to the question that I was asked, it is for that reason that the word "willing" and also the word "able" appears in this amendment.

MR. W. MCKEEVA BUSH:

Mr. Chairman, I am, as the saying goes, 'caught between a rock and a hard place', because I truly want those poor persons who are not able to pay to get a lawyer to have some legal representation. And, on the other hand, I want to be able to protect our young Caymanians who are just budding at the present time.

One way that - it is a possibility that I would suggest - is to have a public defender. This was something always in the back of my mind, but I bore in mind the cost to Government. But since members of the legal practice are not coming forward as should be their moral and social duty, perhaps Government could increase fees in such a way that you could have a public defender, and his costs defrayed by those increased fees. Maybe this is what needs to be done.

As I have said, I am caught between a rock and a hard place, I do not particularly like the phraseology used here, "willing and able" because, well there is no need to repeat what has already been said. But on the other hand, I would not want our people not to have some sort of legal aid if the need arose for them. But maybe Government would take my suggestion and look at it. Withdraw the Bill and let us look at that suggestion, and increase the fees to defray the cost of a public defender.

HON. THOMAS C. JEFFERSON:

Mr. Chairman, I think we might be looking too deeply into it, because the Honourable Second Official Member the other day said to us that there were something like 76 cases which were represented in this Island on legal aid. 72 of them were done by local lawyers, the other four were when we could not find someone local to carry out the defence of those persons.

It seems to me that a lawyer is no different from any one of us. You have to earn a living, you have certain commitments that you have to meet, and while we say that they earn significant sums of money, and I agree the majority of them do, it is illustrated by the seventy-two cases which they defended that they are not only earning a great deal of money, they are also willing to do these cases for lesser fees than they would earn commercially. I do not believe that the amendment which was recently put forward by the Honourable Second Official Member moves too far away from that point. I think my reading of it indicates that the amendment which is presently before us is certainly a lot clearer than the Bill was originally. I personally do not want to force somebody to defend a poor person or any other person, for fear that his defence might turn out to be mediocre, never mind how qualified and how experienced and how good they say he is. I think the amendment presently before us certainly creates a great deal of flexibility, both on behalf of the qualifying attorneys-at-Law from the Law School as well as other people who might be willing to do it within the Islands, before going outside to seek any representation. But certainly if all fails, you certainly, in my view, want to have the poor person represented by a lawyer. I think this amendment, in my view, meets that point.

MR. LINFORD A. PIERSON:

Mr. Chairman, I cannot support the views expressed by the Honourable First Official Member regarding the derogation of any professional responsibilities of lawyers, mainly because they feel they are being forced into a situation. I think

lawyers, like any professionals, have certain professional responsibilities and ethics. So I believe that if they were encouraged - I hate to use the word forced - to follow a certain path, if Government decided that is the way we are going to go, that lawyers, like any other professionals, would fall into line.

What is the major problem as I see it here is not so much that this year we had 72 out of 76 cases handled by Caymanian, or whatever the numbers, but it would be interesting to know what firms actually handled those 72 cases. And I believe if we were to check that it would narrow down to but a small few. What we have is a situation where certain firms on this Island bluntly refuse to have anything to do with legal aid cases. And because of that (I think this is known also by the Honourable Second Official Member) there are very few of the firms that will take these on. And I believe that this particular subsection here, I would reiterate, offers no comfort. It is totally unnecessary, it does not satisfy the problem which we expressed here yesterday in our debate, it is just put here for whatever reason, I do not know.

This Bill should be withdrawn. I think that the Honourable Second Official Member himself admits that it is a very serious situation, he admits that to ask lawyers to take on legal aid cases against their will is a serious situation. I do not see it that way. I do not see where we should be baby-sitting these guys. We should say to them that they have a responsibility to this country. But we are trying to find an easy way out for them. This is not right, Mr. Chairman.

MR. CHAIRMAN:

I am going to interrupt the Honourable Member, but we are now at past half past four, and I suspect that a number of Members probably want to have more to say during the Committee stage of this particular clause, and I think in the circumstances probably, we had better move back into the House, move the adjournment and continue the Committee stage debate tomorrow.

COMMITTEE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT:

Please be seated.

HON. THOMAS C. JEFFERSON:

Mr. President, in accordance with Standing Order 10(2) I move the adjournment of this House until 10 o'clock tomorrow morning.

MR. PRESIDENT:

The question is that this House do now adjourn until 10 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:32 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., WEDNESDAY 29TH APRIL, 1987

SECOND MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
WEDNESDAY, 29TH APRIL, 1987

(THIRD DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
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 FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

SECOND MEETING OF THE 1987 SESSION
OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY 29TH APRIL, 1987

(THIRD DAY)

1. PRAYERS
TO BE READ BY THE SECOND ELECTED MEMBER FOR WEST BAY

2. QUESTIONS TO THE HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE
FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 45: CAN THE HONOURABLE MEMBER SAY WHAT WAS THE TOTAL COST OF RECRUITMENT OF TEACHERS FOR 1986 IN THE UNITED KINGDOM INCLUDING OVERNIGHT ACCOMMODATIONS AND TRANSPORTATION TO THE INTERVIEW SIGHT, THE LENGTH OF CONTRACTS THAT WERE OFFERED AND HOW MANY TEACHERS WERE INTERVIEWED AND HOW MANY WERE RECRUITED?

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

NO. 46: CAN THE HONOURABLE MEMBER SAY WHEN WILL GOVERNMENT DEAL WITH THE IMMIGRATION PROBLEM CONCERNING CAYMANIAN SPOUSES AND ADHERENTS WHO HELD CAYMAN ISLANDS' PASSPORTS OR THOUGHT THAT THEY HAD CAYMANIAN STATUS, BUT ARE NOW BEING ADVISED THAT THEY CAN NO LONGER ACQUIRE A CAYMAN ISLANDS' PASSPORT OR THAT THEY DO NOT HAVE CAYMANIAN STATUS?

3. GOVERNMENT BUSINESS

1. BILLS

COMMITTEE THEREON

- (1) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
- (2) THE PRISONS (AMENDMENT) BILL, 1987
- (3) THE PARTNERSHIP (AMENDMENT) BILL, 1987
- (4) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987
- (5) THE TRUSTS (FOREIGN) ELEMENT BILL, 1987

REPORTS THEREON

- (6) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
- (7) THE PRISONS (AMENDMENT) BILL, 1987
- (8) THE PARTNERSHIP (AMENDMENT) BILL, 1987
- (9) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987
- (10) THE TRUSTS (FOREIGN) ELEMENT BILL, 1987

THIRD READINGS

- (11) THE GRAND COURT (AMENDMENT) BILL, 1987
- (12) THE PENAL CODE (AMENDMENT) BILL, 1987
- (13) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987
- (14) THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987
- (15) THE JUDICATURE (AMENDMENT) BILL, 1987
- (16) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987
- (17) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987
- (18) THE PRISONS (AMENDMENT) BILL, 1987
- (19) THE PARTNERSHIP (AMENDMENT) BILL, 1987
- (20) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987
- (21) THE TRUSTS (FOREIGN) ELEMENT BILL, 1987.

2. MOTIONS

1. GOVERNMENT MOTION NO. 2/87

A MOTION THAT THIS HONOURABLE HOUSE APPROVE A PROPOSAL FROM THE CENTRAL PLANNING AUTHORITY FOR THE AMENDMENT TO THE DEVELOPMENT PLAN OF THE CAYMAN ISLANDS.

TO BE MOVED BY THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. GOVERNMENT MOTION NO. 3/87

LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977 (LAW 17 OF 1977).

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL.

3. GOVERNMENT MOTION NO. 4/87

LOANS (CARIBBEAN DEVELOPMENT BANK) LAW 1977 (LAW 17 OF 1977)

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL.

4. PRIVATE MEMBERS' MOTIONS

1. PRIVATE MEMBER'S MOTION NO. 6/87
TRADE AND INDUSTRY INCENTIVES

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY
SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE

2. PRIVATE MEMBER'S MOTION NO. 7/87
MANDATORY PERSONAL IDENTIFICATION

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY
SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

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WEDNESDAY
29TH APRIL, 1987
10:09 A.M.

MR. PRESIDENT:
West Bay.

Prayers.
The Second Elected Member for

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 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, who 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:
West Bay.

Questions.
The Second Elected Member for

QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 45: Can the Honourable Member say what was the total cost of recruitment of teachers for 1986 in the United Kingdom including overnight accommodation and transportation to the interview site, the length of contracts that were offered and how many teachers were interviewed and how many were recruited?

ANSWER: Government did not recruit teachers from the United Kingdom in 1986.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH:

Supplementary, Mr. President.
Did they recruit for 1987?

HON. THOMAS C. JEFFERSON:

The answer to that question,

Mr. President, is, yes.

MR. W. McKEEVA BUSH: Then if they recruited for 1987, would the Honourable Member give me the answer then?

MR. PRESIDENT: The Member has given you the answer. If you wanted figures for 1987, you should have asked for them.

If you want them now - please be seated while I am speaking - if you want them now, I will certainly invite the Member who answered the question to consider undertaking to provide them for you, but you cannot expect them in an answer to a supplementary.

MR. W. McKEEVA BUSH: Mr. President, yes I can expect it, I knew I would not get it, but I can expect it, because the question was asked before and I did not get it.
Would the Member say where they recruited teachers from for 1986?

HON. THOMAS C. JEFFERSON: The recruitment of teachers in 1986 was from the country of Trinidad.

MR. W. McKEEVA BUSH: Can you say how many were recruited?

HON. THOMAS C. JEFFERSON: It would be wrong of me to say because I really did not get that information, but I know that they did do a recruitment in Trinidad in 1986, whether it was ten, whether it was eighteen, I am unable to say.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Is it possible for the Member to say why the change in country for 1986, because I believe they recruited in 1985 from England, and that they have done so in 1987? Was there any particular reason why Trinidad was chosen in 1986 instead of England?

MR. PRESIDENT: I think we are straying, really, rather far from the initial question. If Members want to find out things like that, they must put down questions. The initial question was about recruitment from the United Kingdom in a particular year, and specific information was sought.

MR. W. McKEEVA BUSH: Mr. President, a supplementary. In order for me to get my supplementary across, I need to say something before that.
The first of the year, a question was going to be submitted to the Member for HESS. I told him the reason why I wanted the information, and he said that he would get the information for me. Well, the information did not come, and that is why I have put the question down on the Order Paper. They knew quite well what I wanted. What I do not understand this morning is how the Honourable First Official Member came to get in contact with the question. I know you are going to say he is the Member for Finance.

HON. THOMAS C. JEFFERSON: Mr. President, there is no reluctance on my part to provide the information for the Member for recruitment of teachers in the U.K. for 1987, if he wishes that I will undertake to do it.

MR. W. McKEEVA BUSH: Mr. President, I will put down another question on the Order Paper for the September sitting, and with all due respect to the Honourable Member, I was not talking to him, I was referring to the Honourable First Elected Member of Council.

MR. PRESIDENT: If the Member wants information about recruitment to the public service, whether of teachers or others, the question should be directed to the Honourable First Official Member.

MR. W. McKEEVA BUSH: That would not be the first time the question was cut up to look the way you want it to look.

MR. PRESIDENT: Order! Order! If the Member has no further supplementary, he may ask Question Number 46.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 46: Can the Honourable Member say when will Government deal with the immigration problem concerning Caymanian spouses and adherents who held Cayman Islands' passports or thought that they had Caymanian status, but are now being advised that they can no longer acquire a Cayman Islands' passport or that they do not have Caymanian status?

ANSWER: The Government is dealing on an on-going basis with individual cases involving problems of the kind mentioned in this question. Almost all of the known number of cases involving such persons have been satisfactorily resolved.

It is necessary for persons to first possess British Dependent Territories citizenship in order to qualify for a Cayman Islands passport.

It is a prerequisite that persons applying for British Dependent Territories citizenship be free from immigration restrictions: such persons must therefore normally first possess Caymanian status or permanent residence.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary, Mr. President. If it is necessary to possess British Dependent Territories citizenship in order to have a passport, can the Honourable Member say why these people were given a passport in the first instance, if they did not qualify?

HON. J. LEMUEL HURLSTON: Mr. President, the British Nationality Act has undergone a number of changes since 1948, and in the earlier days, persons who had any close connection with the Islands, who were themselves British descendants by ancestry, were privileged to travel on British Cayman Islands passports, as they were then known. With the introduction of the current British Nationality Act, there is no longer such flexibility.

MR. D. EZZARD MILLER: Supplementary, Mr. President. If these persons qualified under the 1940-whatever Act, to the best of my knowledge - or can the Honourable Member state if these same people should not therefore have been deemed to have Caymanian status when the British Nationality Act came into effect in 1984?

HON. J. LEMUEL HURLSTON: Mr. President, we are mixing up two subjects, Sir. We are dealing with British Dependent Territories citizenship, not status. The persons who previously held Cayman Islands passports by virtue of their descent from a citizen of the United Kingdom and Colonies are now required to register as a British Dependent Territories citizen before obtaining a renewal of his passport. It is not a question of status. Those persons, by and large, already have status, it is a question of nationality, first being registered now.

MR. D. EZZARD MILLER: Supplementary, Mr. President. We are splitting hairs this morning, but I believe I can split them too.

Can the Honourable Member state whether those people who resided in British Crown Colonies prior to the British Nationality Act of 1984 were not given British Dependent Territory citizenship if they had all of the qualifications when the British Nationality Act came into effect in 1984?

HON. J. LEMUEL HURLSTON: The answer is that not all persons could be deemed, because not all persons fitted into the three new categories of citizenship created by the new British Nationality Act.

MR. D. EZZARD MILLER:

Supplementary.

Can the Honourable Member state what are the three categories of the British Nationality Act, and in what areas those people who qualified for a Cayman Islands passport as a citizen of the British Crown Colonies, to have a British passport, differed from those who now need to become a British Dependent Territories citizen, to get a renewal passport, which in most cases they have had for fifteen or twenty years?

HON. J. LEMUEL HURLSTON:

It does not matter how long a person has had a travel document, if the circumstances and criteria changes, then persons have to change to fit that criteria.

The Member should be aware that there are three new categories of citizenship created by the new British Nationality Act. They are, British citizens, British Overseas citizens, and British Dependent Territories citizens. Not everyone who resided in a Crown Colony fitted in all of those three categories. And in any event, a British Dependent Territories citizen's nationality, is restricted to the Colony in which the person is entitled to reside. So, being a British Dependent Territories citizen of one colony does not entitle you to be a British Dependent Territories citizen of another colony. Each individual territory has its own application and process.

MR. PRESIDENT:

I think we are getting into a danger that a complex piece of United Kingdom law, not Cayman law, may get misunderstood if further explanations of this kind are given, because I am not sure that they are altogether accurate. And if Members do want a fuller statement of the position, I think it would be advisable that their concerns should be made known to us so that we could seek clarification from the United Kingdom authorities, who are in fact, responsible for this law. It is not anybody here who is ultimately responsible for deciding whether somebody is or is not entitled to what is loosely called a Cayman Islands passport - there is no such thing as a Cayman Islands passport - there is a British Dependent Territories citizenship passport issued in the Cayman Islands - and whether or not somebody is entitled to one is a matter that is ultimately for decision by Her Majesty's Government in the United Kingdom in difficult cases. It is quite distinct from status, and I am not confident that the position is being fully and accurately understood this morning.

MR. D. EZZARD MILLER:

Supplementary, Mr. President.

Could we have an undertaking from you, then, Sir, as President, that we will bring down the necessary hundreds of experts from H.M.G. so that the Caymanians who are today being told, who have been travelling on passports for 20 years and they go away for medical aid, and they come back at the airport they are given two weeks, can go to these people and get their position defined?

MR. PRESIDENT:

I certainly do not undertake that hundreds of experts will come here, nor do I think hundreds of experts necessary. But my understanding is that individual cases are being dealt with as they come to notice, and that the individuals concerned, are being enabled to put themselves into a position where they can obtain status and passports. So far as I am aware, and I do not claim to be aware of all cases, all the cases that have come to notice have been or are in the process of being, satisfactorily resolved. I suspect that a lot of people were issued passports to which they had no entitlement in the past.

MR. W. McKEEVA BUSH:

Why did they get them in the first place, then, Mr. President?

MR. PRESIDENT:

I am sorry?

MR. W. McKEEVA BUSH:

Why did they get the passport in the first place, if they should not have got them?

MR. PRESIDENT:

them?

Did you say why did they get them?

MR. W. McKEEVA BUSH:

Yes, why did they get them?

MR. PRESIDENT:

By mistake.

MR. W. McKEEVA BUSH:

Mistake?

MR. PRESIDENT:

That would be my expectation.

MR. W. McKEEVA BUSH:

Well, if we are not even Caymanians any more, I guess, yes, that could be a mistake.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, a supplementary. I wonder if the Honourable Member would outline the procedure for correcting this situation, for the benefit of the listening audience? A lot of people have asked me questions which I could not explain, and if he would just outline how they should go about attempting to get it corrected.

MR. J. LEMUEL HURLSTON:

Certainly, Mr. President. As a matter of fact it may of interest to begin by saying that when the British Nationality Act became effective and the new Caymanian Protection Law was introduced as a consequence, I think it was the Second Elected Member for George Town, who raised the matter of public education of this topic with His Excellency the Governor. And at that time it was agreed that Government would look into the possibility of putting together a statement that would be digestible for public consumption that would try to explain what is really a complex matter. It so happens that that pamphlet has just been completed and printed, and a news release is in now the process of being issued to advise the public that such a leaflet is available, and it does attempt to explain how to go about it, how it is done, and the various procedures that have to be followed. As I said, a press release is coming out about it, the leaflets will be available at the receptionist at the Government Administration Building in Grand Cayman, and we can certainly make copies available at the District Administration Office in the Lesser Islands. I think that will go part way to explaining some of the difficulties that people may now be having.

MR. W. McKEEVA BUSH:

Mr. President, I wonder if the Honourable Member could give an undertaking to have a copy of this passed on to Members of the House?

HON. J. LEMUEL HURLSTON:

Certainly, Sir, I will do.

MR. W. McKEEVA BUSH:

Did I understand him correctly that they are now printed? Thank you.

MR. G. HAIG BODDEN:

Mr. President, I intend to ask a question, but I need to make a statement so that he will understand what I am talking about.

Some time ago the Honourable First Elected Member for West Bay approached me with what I thought was a very good idea. He said that there were so many people that were now on this questionable list that he thought a day could be appointed and somebody in the District, probably one of the MLAs, would sit in the Town Hall and receive information from all the people that believed they had a right to - I do not remember whether he said a Caymanian passport or Caymanian status - and after the information was collected it would be brought to Government, all the Members of the House would meet, and decide in an informal meeting, if any action could be taken to remedy this situation. Because there are hundreds of people out there in a dilemma now, they do not know whether they are Caymanian or not, they do not know whether they can travel or not, and I fully supported his idea. I wanted to ask the Honourable Member if he knows anything about this, and if anything has been done to dampen the enthusiasm of the Honourable First Elected Member. If anything can be worked out, I give him my assurance that I would personally assist in Bodden Town.

HON. J. LEMUEL HURLSTON:

Yes, Mr. President, I am aware of that suggestion. I supported it, and as far as I know, the First Elected Member for West Bay has made his intention publicly known, and it is now just a question of making the necessary arrangements with each constituency as to the appropriate dates on which such meetings would take place. And certainly, any means by which such cases can be brought to notice, is welcomed. The only constraint that one must recognise in so doing, is that we can only deal with a limited number at any point in time. So that if we get a hundred coming into the Caymanian Protection Board, or a hundred coming into the Passports Office all at the same time, we have to bear in mind that they cannot

all be sorted out and dealt with instantaneously. But on an on-going basis we are trying to sort them out as soon as they come to notice, and if we can get a batch being brought to notice, we can certainly start working on them in batches. But it does not necessarily mean that they are all going to be resolved immediately that they come to attention, because some of them are quite complex cases.

MR. PRESIDENT: Perhaps although I do not think I can properly ask questions, I could just invite the Honourable Third Official Member to liaise with Members of Council, constituency by constituency, to see whether something of this kind can be worked out, because I think it is a problem that probably does concern many members of the public and clearly does concern many Members of the Assembly. Would that be possible?

MR. W. McKEEVA BUSH: Did you say liaise with Members of Council?

MR. PRESIDENT: No, Members of the Assembly. If I said Council it was a slip of the tongue, I meant Members of the Assembly, and I certainly said constituency by constituency, because I think the suggestion is a valuable one, and I think it would be helpful to everybody to try to assist people to sort out. But it is only fair to say that some cases are very complex, and it is not possible necessarily, to sort them out overnight. However, that is no reason for not trying to assist each and every individual who is in an uncertain or a difficult situation.

That concludes Question Time. We were, when we adjourned yesterday, in Committee, and the Committee will now resume to continue its consideration of the Legal Practitioners (Amendment) Bill and other Bills.

GOVERNMENT BUSINESS

BILLS

COMMITTEE ON BILLS

MR. CHAIRMAN: Please be seated.
At the time when the House adjourned yesterday, we had, immediately before the House resumed, been in Committee, and we had been discussing clause 2 of a Bill to amend the Legal Practitioners Law. I think I am right in recalling that the Second Elected Member for George Town had just spoken. So the discussion on that clause, is in fact on the proposal to amend that clause by substituting a fresh draft of the clause, technically is what we were discussing I think. That discussion can now resume.
Does any Member wish to speak?
The Second Official Member.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987 (Continued)

HON. RICHARD W. GROUND: Mr. Chairman, yesterday the Second Elected Member for George Town had said that he did not know why this amendment was being brought forward, because it seemed to do nothing to change the original Bill. Perhaps it might help if I repeat the reason why it has been brought forward. It has been brought forward to fulfil an undertaking which I gave to Members that I would bring forward an amendment to make it plain that the legal practitioners in the Islands, and particularly graduates and new lawyers coming from the Cayman Islands Law School, would not be passed over, would not be ignored or prejudiced by foreign lawyers coming in on legal aid when those local legal practitioners, and particularly those graduates from the Cayman Islands Law School, were willing and able to take the case. And I hope, and I am sure in fact, that this amendment meets that undertaking, by making it absolutely plain that the Clerk of the Court will not give the certificate which is the key to going off the Islands, until the Clerk of the Court is satisfied that every reasonable effort has been made to find representation within the Islands, and that nobody is willing to do it, and that by

moving this amendment, I intend and hope to safeguard the position of those graduates in the Law School who would be willing and able to do at least, some of the work that comes on legal aid.

Now, Mr. Chairman, it was not intended by this amendment to change the substance of the original Bill, it was merely intended to take the word "impracticable" in the original Bill, and expand it to meet concerns expressed by some Members including the Second Elected Member for George Town himself, that Caymanian lawyers, and particularly Law School graduates, might be prejudiced.

I do not want to go much further into the principle behind the Bill, and the Bill is comprised substantially in clause 2, but I think I should repeat what I said earlier in this Committee stage discussion, that it would be wrong to force lawyers to undertake the representation of people on legal aid. A lawyer who is forced into representing a client is likely to be not a very effective lawyer, an unwilling lawyer is not somebody whom I would want to have represent me, and I am sure that if Honourable Members think about it, they too, would not want to be represented by a lawyer who had been compelled against his will and against his interests, to represent them.

The Second Elected Member for West Bay, in his comments on this amendment said that he found himself between a rock and a hard place, in that he did have concern for the man in the street, the poor person or the little man who might need legal representation, and might not be able to find it on legal aid. That is, of course, exactly the rock and the hard place that the Clerk of the Court finds herself in on occasion when seeking somebody to represent poor people on legal aid and it is to assist her and to assist the man in the street who needs legal aid that this Bill and this amendment is brought forward. In other words, to get that poor person out from between the rock and the hard place that they find themselves in.

The Second Elected Member for West Bay also mentioned the possibility of public defenders. In my reply in the debate on the Second Reading of this Bill, I had said that that proposal had already been made, and perhaps I might repeat what I said then now. That proposal has been made, it has been put forward by the Law Society and by the Chief Justice. At the moment, it is with the Law Society to make further proposals and firm up the suggestions that have already been made, it is something which Government is willing to consider further and go into further. It is something that will need working out in detail, and those details have not yet been worked out. But it is an idea to which Government is at least receptive. But I should say this, that even if a public defender is instituted, that public defender, if the court's lists remain as they are at present, is likely to be very hard pressed. And it may be that even in future, with a public defender in place, that cases will arise that are just going to be too big for him to fit into his schedule, taking into account, that there may be a time in the near future when two criminal Grand Courts are sitting at the same time. That is something that has already been made possible by bills that have passed their Second Reading in this House, and something which is highly desirable.

If two criminal courts are sitting at the same time, the public defender may not be able to be in two places at once. And so the problem which this Bill is intended to face, though it may largely be met by a public defender scheme, may not go away entirely. And so to have this residual power, this ability, in the last resources to, in legal aid cases, and only in legal aid cases, to go outside the Islands and bring in direct a lawyer from outside the Islands, is something which is not going to go away, and which is going to remain necessary for the proper administration of justice, and for proper servicing of the legal aid scheme, and the proper provision of legal aid representation to the poor man, the man in the street.

MR. W. McKEEVA BUSH: Mr. Chairman, a question to you. In regards to the public defender, I might not have been in the Chamber when that suggestion was made, the Member from the Brac and myself were discussing it, so I did not mean to steal his idea. But a question that I have is, since he says that the Law Society is coming forward with this, are they suggesting also, then, that their fees be increased so as to offset the cost of this public defender?

HON. RICHARD W. GROUND: I think it would be wrong of me

at this stage to discuss proposals that really are in their infancy. But ways of financing the public defender so that it will not be a burden, or too great a burden upon the public exchequer, is something which I and which I think Government, has very much in mind when approaching this scheme. But I do think it would be wrong for me to toss about ideas that have not yet been decided or fixed in any way.

MR. CHAIRMAN: I wonder whether it would be fair to say, though, that the Government could reasonably be expected to bear in mind when considering the matter, the views that have been expressed by Members of this House.

MR. W. McKEEVA BUSH: That was my specific recommendation, that their fees be increased in order to offset - I just want to put that on the record again.

MR. LINFORD A. PIERSON: Mr. Chairman, the Second Official Member made reference to my comments yesterday, but he is only dealing with a part of what I had to say. I am not that concerned about the Law School students being able to find a job when they come out, because most of them are already taken. My major point is, and I would like to reiterate it, is that the lawyers in this country, those that are on the big fat salaries, are point blankly refusing to take on legal aid cases. Now I was told here yesterday that some 70 out of about 76 cases were taken on by Caymanian lawyers. It would be interesting for the Second Official Member to state the names of those particular firms. And I believe it would be shown that they are the firms that each year take on legal aid cases, because the other firms refuse to do it. And I am suggesting here, and submitting, that this amendment is specifically designed to protect the interests of these lawyers who refuse to take on legal aid cases.

Might I suggest that perhaps the way to go about this amendment, because it is attracting so much controversy, is to withdraw this Bill and introduce a new Bill at our next sitting which would take into account the question of introducing the scheme where lawyers that do not feel that they can participate in legal aid cases might be interested in paying a certain amount for each one of the lawyers in their firm toward a fund that could be used to pay a public defender. And secondly, that the lawyers that are present here now could also perhaps be put on a roster. One of the other things that could be considered is that the legal aid fees be increased, because I too think it is ridiculous - I am not sure whether the fee per day is something like \$30, or what it is, \$100 ...

HON. RICHARD W. GROUND: It is now \$100, it was raised from \$30.

MR. LINFORD A. PIERSON: \$100 a day, which is not all that bad. But if it means that it would be more attractive to get the best lawyers, then perhaps we could consider \$125 a day, or maybe \$150. But to have your lawyers here refuse to take these cases on, I think is wrong. The other problem we are faced with, that if the cases that lawyers are brought in to look into are simple cases, then you could have a situation where you are not attracting the best calibre lawyers, or the most experienced lawyers into this country. These are the areas. And our people as a result, will not be getting the best legal representation. I cannot also agree with the Honourable Second Official Member that lawyers who are professionals in this country would abrogate the ethics of their profession because they felt they were forced to take on legal aid cases, and that they would give their clients mediocre representation. This is not correct, Sir.

MR. CHAIRMAN: It was the Third Elected Member for West Bay who first caught my eye.

MRS. DAPHNE L. ORRETT: Mr. Chairman, as Members are aware, when this Bill came before the House a few days ago, I did vote against it, I did not support the Bill at that time. However, since the Honourable Second Official Member has given quite a bit of explanation on this, I am now looking at this in a somewhat different light. For instance, he did explain that the majority of cases requiring legal aid had been dealt with or handled through local lawyers. There were only a few, and a very few, that needed to be handled by lawyers outside the Islands. I would suspect that in future, these few isolated cases, will still come up. I also

mentioned in my very short debate on the Bill that I felt that lawyers should be expected to contribute their time and efforts as anybody else, say, sitting in a Juvenile Court. However, on second thoughts, nobody sits in Juvenile Court for weeks on end handling any one case - perhaps only a few hours a day or whatever. Taking into consideration that certain cases may take as long as 20 weeks or more, it is difficult for any firm, it does not matter who it is or the number of lawyers which they have, to undertake to use that quantity of time to defend a case. What I am saying here is that I have not really heard anyone put forward an alternative suggestion to what has been put forward in the Bill. What I am saying is, even having a roster, and even having the idea of a public defender in future - of course it is unfortunate that this should happen, but in future, as all of us are aware, these cases will continue to increase to the extent where even one public defender would not be able to cope with it all. And so, Mr. President, having said that, what I am saying is, that I now see this Bill in a much different light than I had earlier on, because of the explanation which the Honourable Second Official Member has made.

MR. LINFORD A. PIERSON:

Mr. Chairman, my only comments on the comments made by the Third Elected Member for West Bay is that she perhaps obviously was not listening to some of the debate on this particular Bill. Because for her to say that she has not heard any suggestions made, I cannot see this. But I will not comment on that point any further. Three major suggestions were made, (1) that the Bill should be withdrawn, (2) that a public defender scheme should be considered, and (3) that we should consider increasing the legal aid fees so as to attract more lawyers. The point that she is making that there were only a few that were not taken by Caymanian lawyers, I still say that the major issue here is not that 72 of the 76 cases were taken up, but that there are lawyers in this country that refuse to take any of these cases, and that the same lawyers each year take up the legal aid cases because the others refuse to do it. If they are not going to do it, this is why there is such a strain on those that will do it, that they should contribute in some way toward it - and they are willing to do it - the Honourable Second Official Member has made it quite clear that the Law Society is willing to do this, because they are considering it now. Why, then should we rush this Bill, why then should we deal with it in an ad hoc manner, if we know that there is something more concrete being done now to solve the problem? This is my query.

MR. W. MCKEEVA BUSH:

Mr. Chairman, I see that any time one asks for one thing in Government now, especially staff, you are going to get three or four. The reference to the public defender having to spend, not being able to get to court because of the backlog of cases and all of this, Mr. Chairman, that is because little minor insignificant cases are going to court that should not be in court. Taking a child to court for a bicycle licence, putting them in prison for five days because his bicycle was not licensed - that is the reason why we need four or five judges here.

MR. CHAIRMAN:
Bodden Town.

The Second Elected Member for

MR. G. HAIG BODDEN:

Mr. Chairman, there is a strong case for the withdrawal of this Bill. As I said in my debate we should be looking at the Poor Persons (Legal Aid) Law, and I agree that we should increase the fees if the fees are too substandard. Recent events show that we are being penny-wise and pound foolish. We had to bring in lawyers from abroad to do the poor person's legal aid work, and it is my understanding, we will be bringing more. When we bring them we put them up on the Seven Mile Beach in a hotel, we have to pay for food, we have to find air fares, we have to find rented cars and whatever other out-of-pocket expenses they may have. And certainly, this is running more than \$100 a day. If we doubled the fees we would still be saving money and perhaps, lawyers might be more willing to accept these charity cases. Certainly, making this amendment today does not help. The problem is that Government is obligated to provide legal aid to poor persons that need it - once a person qualifies, Government has to pay. And Government should be examining the cheapest means of paying for this, which is not the system that we have used recently, to bring in outside lawyers. That is the most expensive way we can have. I know I have found the Honourable Second Official Member to be a reasonable man, in fact, the most reasonable that we have had in that chair in my fourteen years

here. And I would suggest that he simply follow his good judgement and withdraw this Bill.

MR. W. McKEEVA BUSH:

I agree that he is very reasonable.

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. Chairman, I would like to say Sir, that I feel that the amendment offered by the Honourable Second Official Member has gone a long way to allay the fears of the Members who objected to this Bill. There were fears expressed during the debate that the country would be flooded with cheap foreign lawyers, and he has made it abundantly clear in his amendment that the Clerk of the Court shall not issue a certificate unless he is satisfied that every reasonable effort has been made to obtain the services of an Attorney-at-Law in the Cayman Islands. The thing that has not been met, and I could not agree to, and that is, to make a lawyer, or make any lawyer, defend a case that he was unwilling to do. Because the defendant would certainly be at a grave disadvantage, and he would not be getting proper representation. Furthermore, if we should put a mandatory clause into this Bill, this would be setting a precedent. This is a free society. If you make it mandatory in this law, this would set a precedent for other laws. There is nothing to stop the Government if it follows this course, say for instance, the Second Elected Member for George Town, in his profession, making it mandatory for them to do free work for people. So I do not think, Sir, that I could support that suggestion that we make it mandatory.

The Honourable Second Official Member has said this morning again that the Law Society have suggested to him that they are prepared to pay or help pay for a public defender, of their own free will and accord. This is what I could support, and I think that this is a course we should pursue. We are in a free society, and this is what we are here to do, uphold that free and democratic society. I would like to say that the record clearly reveals that the Law Society have, over the past years, assisted people who needed legal assistance. Perhaps those people who have refused are not really lawyers who do practice in court - there are lawyers who do company work, or other work, and naturally if I am captain of a ship they cannot put me to fly a plane because I cannot fly it. This is what I think "willing and able" is trying to bring out. We have lawyers here. But the practising lawyers, lawyers who have the ability to defend people in a court are quite different from those who are doing other legal work.

I see no reason why we should withdraw this Bill. The fees - I remember we increased the fees, I think, sometime last year, and I do not think there is anyone who has objected to the increase in fees. Perhaps later on, if we find that the fees that we increased are too little, we can have a look at that again. But I see no reason for withdrawing this Bill. I think that the amendment offered is fair and reasonable and that we should proceed.

MR. LINFORD A. PIERSON:

Mr. Chairman, in a democracy we all have our right of speech, this is one of the tenets of democracy, and I am sure the Honourable Third Elected Member of Council understands this. He is a man for whom I have a lot of respect. But money is not everything. We have a responsibility in this country. My suggestion is that there are a number of lawyers in this country that have done extremely well. They are retiring in five years, they have done nothing to put anything back into the community. These are the people that are refusing to do anything to help in the community. If the legal aid fees are increased, as was suggested by the Second Elected Member for Bodden Town, I believe that this problem would be alleviated, thus going right back to what I alluded to earlier, that the whole problem is that of money. The lawyers that are refusing to assist the poor people in this country are doing it because they feel that the legal aid fees are not lucrative enough. It has nothing to do with other considerations. I am not here suggesting that we should make things mandatory under the law. I feel that it is a moral obligation for these lawyers to accept and assist. The Honourable Third Elected Member suggested that as a professional accountant, I would be reluctant to be forced to do something of a similar nature. I would remind the Honourable Member that as a professional accountant, many times I assist in my duties as a Justice of the Peace for \$16 a day, not \$100, and I do it gladly. Many times I do not even collect the money.

I feel that other professionals

in this country should have a similar obligation, and I think that the Honourable Third Elected Member with the Honourable Second Official Member, have indicated that this law is short - it has shortcomings because it was reiterated by the Honourable Third Elected Member, that maybe the Law Society's suggestion is a good one. Now if this is a good one, why cannot we withdraw this Bill for the time being, further study the suggestion made by the Law Society, the deliberations made on this Bill so far by the Members of this House. Why is it that we have to feel hard nosed about the situation, that we must push it through because we feel we may have a majority to do it. We are working here in the interests of our people, not just to show that we have a majority or that we have the power to push a piece of legislation through. I feel that we should give this very deep consideration and take all these factors into account.

MR. CHAIRMAN:

The First Elected Member.

HON. BENSON O. EBANKS:

Mr. Chairman, I have not heard any Member address the question as to why this Bill should not be, or this amendment, and therefore the Bill and Law, should not be in place while the public defender's post is being considered. Surely the two can run side by side, run parallel, and even with this provision in the law, once the public defender's role has been thoroughly worked out and legislated for, then the public defender naturally would take over and this would become redundant. But in the meantime, surely, this solves a problem that exists. I have not heard anybody address that question. The only remedy I have heard to the whole thing is to withdraw the Bill. But what happens in the meantime? I think the Honourable Second Official Member has indicated that the question of working out the mechanics of the public defender is not one that is going to be simple and achieved by the wave of a magic wand, it is going to take time. This would be a reasonable interim measure.

The other thing I have not heard addressed is where the money is going to come from to pay for those increased fees that I am hearing advocated. If I recall correctly, the Members who are advocating the increased fees are those who squeal loudest when Government tries to raise a dollar of revenue. And it is Government that is going to have to pay this.

MR. W. McKEEVA BUSH:

Mr. Chairman, I might have said fees, Sir, and I had better clarify that. I did not mean fees. I did not mean the fees that the lawyers charge when I say that Government should charge the lawyers to offset the cost of the public defender. I was meaning increase their licence fees - that is what I was meaning so I want to clarify that. I squeal sometimes, you see.

MR. LINFORD A. PIERSON:

Mr. Chairman, commenting on what was said by the First Elected Member, I would like to remind the First Elected Member that this amendment is not making any major improvement on what existed before. Because the courts in the past, did get people from off the Island to represent cases in this country. So this is not bringing something new in that respect. This was done before. Now he is asking the question, and I would like to comment on that, the reason why it is felt that this cannot work side by side while the Law Society considers the public defender scheme. And the reason is, that this particular piece of amending legislation will satisfy the problems that are being faced by those people refusing to assist in these cases. This will give them a way out, and there will be no need for them to then contribute to a public defender scheme. Because the system was working before where lawyers could be brought in specific cases, then there is no reason to have to rush an ad hoc piece of legislation, bearing in mind, that Government is aware that the Law Society now, is considering a scheme that would improve this whole situation. Why are we rushing it? It will not throw any mud in the face of Executive Council to withdraw this Bill. Why is it that we are so hard nosed about it? What is this piece of amending legislation doing that will improve the situation? What it is doing is making it worse.

HON. THOMAS C. JEFFERSON:

Mr. Chairman, I think if we go back to the basics of it, the Honourable Second Official Member told us yesterday that there were 76 legal aid cases in all, and 72 were represented by lawyers in the industry. And, realising that the Law School is going to produce, or scheduled to produce, five Attorneys-at-Law of the Cayman Islands in July, if, for some reason, in 1988 we have 144 legal aid cases, it is certainly going to mean

that all of those will be utilised, all those who are presently providing defence for people who are in difficulty, as well as the five who are scheduled to come from the Law School, and there is no alternative if the 144 turns out to be a realistic figure, but to go outside and to take them in in order to provide the defence for the individual who is in need. I think the amendment which was tabled yesterday by the Honourable Second Official Member goes a long way in answering some of the debate that I heard during the Second Reading as to the word "impracticability". And I think it is quite clear now that the Clerk of the Court cannot issue a certificate until she is satisfied that there is no-one in the Cayman Islands willing or able to represent the person who is in need. And we can talk until we are blue in the face that we are going to roster this person, we are going to roster the other. I have great respect for those who are putting forward that view, I know that in some cases it becomes a frustrating issue, but I do not believe that we can legislate for it, I think it is something that has to be worked out by Government and the Law Society and the individual law firms.

MR. LINFORD A. PIERSON:

Mr. Chairman ...

MR. CHAIRMAN:

If I may interrupt you just for a moment, I do not want anyone to go blue in the face. I think that the time has come for our customary mid-morning suspension, I will note that the Second Elected Member for George Town caught my eye and he shall have first go after the suspension. But I will now suspend proceedings for about fifteen minutes.

AT 11:15 A.M. THE COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 11:38 AM

MR. CHAIRMAN:

Proceedings in Committee are resumed. I promised the Second Elected Member for George Town that he would be permitted to catch my eye again.

MR. LINFORD A. PIERSON:

Mr. Chairman, thank you. I must say it would be a pleasure working with you as a politician, because during the break you did give me some food for thought, and I feel that what you had to say was very inspiring indeed, but I am not going to say that it influenced me in any way. But, I believe that we have debated this at length. I feel confident from the respect I have for the Honourable Second Official Member and other Members of the House that the undertaking given that they will indeed work with the Law Society with particular reference to the public defender scheme, and also perhaps, have a look at reviewing the legal aid fees, that maybe this matter will not prove as detrimental to the public as had initially been my fear. But I would hope that this particular scheme that is being considered by the Law Society will not go by the way when this Bill is passed, because I know it will be passed, I think there are sufficient Members here to support it.

I am nonetheless still somewhat concerned at the additional section which is section (b) which has been added here, as I do not see the necessity for this, because to say "willing and able" is really only reiterating 2(b) of the amendment. 2(b) is there mainly because of the people not being willing or able to do some of these jobs. This is the reason why we have to try and get people from abroad. So to put section (b) in there, or paragraph 3, it is really a repetition of the meaning and intent of section 2(b) of the amendment. So this is really, in my opinion, totally unnecessary, it is really putting forward the undertaking in writing that was given by the Honourable Second Official Member, and it is really somewhat unnecessary because it is already contained in 2(b), this is the meaning and intent of section 2(b) of the amendment.

With those few words, I feel that I can now look at this in a different light, but it is with the understanding that the Honourable Second Official Member will still pursue with the Law Society in what they are doing now.

MR. W. MCKEEVA BUSH:

Mr. Chairman, I am of the same opinion. As I said yesterday the amendment sort of put me between a rock and a hard place, because I wanted poor people to have proper representation, and at the same time, I did not want to open the

floodgates. I too will stress the point that I hope, as one Member of Council has already stated, that the public defender scheme will take time - I trust that this does not mean eternity. It is something that could well work in this country, it is needed, and I trust that at the time when that comes in the estimates, we would see a Bill for an increase of licence fees to the Law Society or to lawyers. With those words, Mr. President, I guess that I can give the Bill the support it needs.

MR. CHAIRMAN: It is in fact an amendment to clause 2 we are discussing, but I am sure that is what you had in mind.

MR. W. McKEEVA BUSH: I will support the whole Bill now, not just clause 2. You have a good Bill. That is trying to put words in people's mouth, Mr. Chairman, but it is the Bill I am talking about.

MR. CHAIRMAN: I always try to help Members when I feel they need assistance!

MR. W. McKEEVA BUSH: You have a good way of confusing us sometimes!

(LAUGHTER)

Do not get blue now, Sir.

MR. CHAIRMAN: I will have to, won't I! Well, perhaps now I can put the question, and just to remind Members, the question is that clause 2 of the Bill should have substituted for it, the amendment moved by the Honourable Second Official Member.

QUESTION PUT: AYES AND NOES: THAT THE AMENDMENT STAND PART OF THE BILL

MR. W. McKEEVA BUSH: I will call for a division, Mr. Chairman.

MR. CHAIRMAN: Certainly.

DIVISION
NO. 36/87

AYES: 11

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- 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: 1

- Mr. G. Haig Bodden

ABSTENTIONS: 2

- Mr. Linford A. Pierson
- Mr. John B. McLean

AGREED BY MAJORITY: AMENDMENT TO CLAUSE 2 PASSED

MR. CHAIRMAN: I did look up Standing Orders, as I was not myself absolutely clear whether when the whole of a new clause was in fact substituted for it, whether we had to treat it as an amendment of the usual kind, and vote first on the amendment and then on the clauses amended, or whether a different procedure should be followed. For an abundance of caution, I propose now to treat it as an amendment, so I will now ask Members to vote on clause 2 as amended. It is in fact voting on what we have just voted for, but I think that we should probably do that.

QUESTION PUT: AGREED BY MAJORITY THAT CLAUSE 2 AS AMENDED DO STAND PART OF THE BILL

CLERK: A Bill for a Law to amend the Legal Practitioners Law, 1969.

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill. No Member wishes to speak, I will put that question.

QUESTION PUT: AYES AND NOES

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

MR. CHAIRMAN: Certainly.

DIVISION
NO.37/87

AYES: 11

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
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

Mr. G. Haig Bodden

ABSTENTIONS: 2

Mr. Linford A. Pierson
Mr. John B. McLean

AGREED BY MAJORITY: TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN: That completes Committee discussion on that particular Bill. The next Bill down is the Prison (Amendment) Bill.

THE PRISONS (AMENDMENT) BILL, 1987

In the case of the Prisons (Amendment) Bill, I have had notice of one proposed amendment. The notice was given by the Elected Member for East End. It was a proposal that clause 6 be amended. I have given leave for his amendment to be moved. I believe that all Members have had a copy circulated to them, and we can come to it when we reach clause 6. Perhaps it is proper for me to say, in fairness to the Member, that he did, earlier, seek permission to include in his amendment, a proposal that two clauses in the Bill, I think it was clauses 3 and 5, should be negatived, but I discussed it with him and explained that in my view a motion that a clause be negatived is superfluous, and Standing Orders do say this, because you simply vote no against the clause, which has exactly the same effect as negativing it.

CLERK: Clause 1. Short title.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill.
No Member wishes to speak, I will put that question.

QUESTION PUT: AYES. CLAUSE 1 PASSED

CLERK: Clause 2. Amendment of section 5 of Law 14 of 1975.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill.
Unless any Member wishes to

Speak, I will put that question.

QUESTION PUT: AYES. CLAUSE 2 PASSED

CLERK:
7.

Clause 3. Amendment of section

MR. CHAIRMAN:
do stand part of the Bill.

The question is that clause 3

MR. W. McKEEVA BUSH:

Mr. Chairman, I object to this clause. As I have said already, I feel that the Governor in Council should have a say in the making of standing orders. I feel, Sir, that something as important as the prison, Executive Council needs to have that much more control over it and taking away the necessity of having Council's approval is, I feel, Council stepping away as it were, from their responsibility.

MR. CHAIRMAN:

Does any other Member wish to speak? The Elected Member for East End?

MR. JOHN B. McLEAN:

Mr. Chairman, this is one of the clauses which you spoke of earlier, that we could not really agree on. I do not wish to prolong the debate on it, but I would just like to say that I feel strongly that Executive Council should have a hand in approving standing orders for the prison. I see it as a safeguard more than anything else, I honestly hope and trust that second thoughts will be given to it, and that we would not take away that responsibility from Executive Council.

MR. LINFORD A. PIERSON:

Mr. Chairman, in my debate on this Bill, I also expressed my concern over the inclusion of clause 3 which seeks to take away the necessity of standing orders which were previously approved by the Governor and now vesting this authority in the Director of Prisons. I feel Sir, that something as important as the standing orders under which our prison system is run, should have the very closest scrutiny of our Executive Council. If I could see, or if it had been explained, the real necessity for this move, to my satisfaction, that is, I could easily lend my support to this inclusion. As I stated in my debate yesterday, there seem now to be problems at this level, not necessarily with the Director of Prisons, but I have had reports from officers of the prisons, that things are really not well. Rather than giving more power at that level, perhaps we should be endeavouring to streamline the whole system, with the assistance, and with the understanding that standing orders would still be overseen or still be approved by the Governor in Council. To take this authority away and to place it directly in the management of the prison at this time, especially in view of the development in the administration of the prison, I believe is being somewhat hasty, and I believe that we will live to see that this is not indeed a wise decision.

MR. CHAIRMAN:

Speak? The First Elected Member.

No other Member wishes to

MR. BENSON O. EBANKS:

Yes, Mr. Chairman, I would just like to point out that this amendment applies to standing orders only, and not to rules, so that Members will get the perspective of what is being done.

MR. CHAIRMAN:

the Second Reading debate.

I think that point was made in

question, that clause 3 do stand part of the Bill.

In that case I will put the

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:
Chairman?

Can I have a division, Mr.

MR. CHAIRMAN:

Certainly.

DIVISION
NO. 38/87

AYES: 9

NOES: 3

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell

Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Mr. John B. McLean

ABSTENTIONS: 1

Mr. G. Haig Bodden

AGREED BY MAJORITY: CLAUSE 3 PASSED

CLERK:
8.

Clause 4. Amendment of section

MR. CHAIRMAN:

do stand part of the Bill.

The question is that clause 4

MR. W. McKEEVA BUSH:

with this clause also. This clause is adding two new subsections, and the first one is:

Mr. Chairman, I have difficulty

"(2) an officer when on duty and in uniform has, in relation to that duty, the same powers and privileges as are conferred on a constable by the Police Law"

Now what I am finding difficulty with is that he "may without a warrant arrest any person...not being an officer". Are officers little angels or what? Why are the special provision being put in where if an officer finds another officer in some sort of wrong doing and needs to take action at that moment, he would not be able to do so? I cannot understand the reasoning behind this. Maybe the Honourable Member could elaborate.

HON. J. LEMUEL HURLSTON:

stopped after reading sub-item (a) of that section of the Bill Sir. If he goes on to read item (b), he will see that officers may be arrested providing the arresting officer is senior or equivalent to the officer being arrested.

Mr. Chairman, the Member

MR. W. McKEEVA BUSH:

could not arrest somebody in a lower rank?

What you are saying is that he

HON. J. LEMUEL HURLSTON:

lower rank, he may not ...

No, he may arrest someone of a

MR. W. McKEEVA BUSH:

lower rank ... no, no I was bearing that in mind. Are you saying that he cannot arrest someone of a higher rank?

He may arrest somebody of a

HON. J. LEMUEL HURLSTON:

what this amendment is saying.

Mr. Chairman, that is exactly

MR. W. McKEEVA BUSH:

hearing your reasoning for it.

Yes, why is that? I am not

HON. J. LEMUEL HURLSTON:

officers must be responsible for their actions, and the discipline that goes with the service suggests that it is improper from a disciplinary point of view, to have officers of lower rank with powers to arrest officers of a senior rank. It does not run in accordance with the spirit of the disciplined services, of which the prison is one.

The reason for that is that

MR. W. McKEEVA BUSH:

saying to me is that if a junior officer saw a senior officer conducting himself in an improper manner and carrying on, let us say

Well, Mr. Chairman, what he is

bringing drugs into prison, he cannot make a move. That is what this is saying.

HON. J. LEMUEL HURLSTON:

No, Sir. Mr. Chairman, this section deals with making arrests without a warrant of persons who are contravening provisions of this Law or of regulations, rules or standing orders made under this Law, and that the person making the arrest without the warrant, must be equivalent to or senior to the rank of the officer being arrested. There is a provision within the service for reports to be handed up the ranks to senior people, so if a junior officer sees something that needs reporting, he can report it to his supervisor who knows the appropriate action to take.

MR. W. McKEEVA BUSH:

And what action will he take? He will hand it to the senior officer. This thing is too wide, those reasons are not good enough. Let us not even say drugs, say something under the law. Suppose you are raping a girl there, say my imagination is broad if you like, but suppose he is committing rape.

HON. RICHARD W. GROUND:

Mr. Chairman, if I might just intervene and say a word. The clause 4 confers two separate sets of powers on prison officers. The first is that an officer on duty and in uniform has the same power as a police constable. A police constable has power to arrest without warrant, in cases of rape and in cases of drugs. And in such cases, an officer, against anybody, would have the power of arrest. The new subsection 3, which is the one the Member is addressing his attention to, is a power of arrest in respect of contravention of the Prisons Law or regulations, rules or standing orders made under the Prisons Law. And it is in respect of contraventions of the Prisons Law or the Prison's regulations, that it is felt that it would be contrary to good discipline if junior officers could call their senior officers to task, and by the use of the power of arrest, attempt to, as it were, discipline their senior officers. If a junior officer thinks that one of his senior officers is breaking the Prisons Law there are other lines of approach to the problem open to him. He should, of course, report it to the most senior officer or officer capable of making the arrest. But in all the cases which the Member has alluded to, cases of crimes against other laws than the Prisons Law, then, if an officer sees another officer, whether junior or senior actually committing the crime, then he will have the power of arrest as any police constable would.

MR. W. McKEEVA BUSH:

But not under this Law.

MR. CHAIRMAN:

Yes, that is just what has been told. Look at section 2 of the new section 8.

MR. JOHN B. McLEAN:

Mr. Chairman, I feel that was a very good explanation from the Honourable Second Official Member, and again it bears out the argument on clause 3. I think it strengthens our argument that that is one of the reasons that standing orders should be subject to Executive Council.

MR. CHAIRMAN:

You have made your point, but we now are actually on clause 4.

So, if I may, I will put the question that clause 4 do stand part of the Bill.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:

Can I have a division, Sir?

MR. CHAIRMAN:

Yes.

DIVISION
NO. 39/87

AYES: 10

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
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

ABSTENTIONS: 2

Mr. G. Haig Bodden
Mr. John. B. McLean

AGREED BY MAJORITY: CLAUSE 4 PASSED

CLERK: Clause 5. Amendment of section 13.

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

MR. JOHN B. McLEAN: Mr. Chairman, again this is one of the clauses that I had included in the amendment to the Bill. It was clearly pointed out during debate on this Bill certain dangers in this section. I believe Sir, that if careful thought is put into this it would be agreed with me, that it should be removed. What I am saying Sir, we have here that the Director may direct the supervision of a person of the opposite sex while in prison. We must face the fact that we are dealing here with a prisoner and a prison guard. If we have, for example, a female inmate who may have something against a prison guard, although that prison guard could be somebody of high character, I see this clause as something that could cause his character to be smeared. I hope and trust that as it says, discretion will be used in it, because I do not think if I stood or sat here all day and spoke like you referred to, until I turned blue in the face, I do not think it is going to be changed. But I would like to register that I fully disagree with this clause, because I see a danger in it.

MR. CHAIRMAN: I will put the question. The question is that clause 5 do stand part of the Bill.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: May I have a division, Sir?

MR. CHAIRMAN: Yes.

DIVISION
NO. 40/87

AYES: 8

Hon. Thomas C. Jefferson
Hon. Richard We. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett

NOES: 5

Mr. W. McKeever Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. John B. McLean

AGREED BY MAJORITY: CLAUSE 5 PASSED

CLERK: Clause 6. Amendment of section 14.

MR. CHAIRMAN: Clause 6 is the clause in respect of which, as I mentioned earlier, notice of an amendment was given by the Elected Member for East End, and I granted leave for him to move that amendment, so I will invite him to move it now.

MR. JOHN B. McLEAN: Thank you, Mr. President. The amendment is as follows:

"In accordance with the provisions of Standing Order 52(2), I the Elected Member for East End seek leave of the Chair to move the following amendment:

That clause 6 be amended by deleting the words 'twelve months' as they appear in the

second line and by substituting therefor the words 'three months'."

Mr. Chairman, my reason for this amendment is that I feel that what has been proposed in the Bill to change from every 30 days for a medical examination of prisoners to one year is really too much of a long span. I believe that we should change it to a lesser period, and I know the Honourable Member who moved the Bill tried to explain to us the reasoning behind it. I still believe that we should put a lesser period, and it is for this reason, that I presented this Motion.

MR. CHAIRMAN:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. Chairman, I will not cover the same ground as I did in my debate on this, but I would mention here that I feel that the change from 30 days, or one month, to twelve months, is somewhat out of line and somewhat unreasonable. I would fully support the Motion that has been made by the Member for East End because I believe that this would go a long way to making this amendment much more reasonable. I feel that twelve months is really not treating the prisoners the way they should be treated, and that the three months that is suggested here, would be a much more reasonable situation.

MR. W. McKEEVA BUSH:

Mr. Chairman, as you know, I raised that point when I was dealing with the Bill at the Second Reading, and I am very happy indeed that the Member for East End has put forward the amendment. To move from 30 days to one year would not be, in my opinion, a good health practice with a prison as small as Northward and overcrowded as it is most of the time. What with the diseases that are rampant at this time, I suggested in the Second Reading, every other month or every three months. The amendment is for every three months, I think that the Government would be wise to not try to pound us on the head, but to vote with us on this amendment for three months.

HON. J. LEMUEL HURLSTON:

Mr. Chairman, whilst the Government is not prepared to vote for the amendment as it is worded for the three months, if I could seek the mover's indulgence and ask him if he would be prepared in accordance with the same Standing Order 52(2) to seek your permission, Mr. Chairman, to amend his amendment to read "six months" instead of "three months", consideration could be given to supporting that amendment.

MR. CHAIRMAN:

I am just looking up Standing Orders for a moment if I may, as to what happens to amendments to amendments.

My understanding of Standing Order 27(1) is that it is perfectly in order for an amendment to an amendment to be moved. It would be possible either for the mover of the amendment, that is the Member for East End to say, as it were, that he accepted what was suggested and to amend his own amendment, or for the Honourable Third Official Member to move an amendment with or without the concurrence of the Member for East End, but I think the Honourable Third Official Member was offering the Member for East End an opportunity to say whether he would accept six months, and perhaps he would like to comment on that.

MR. JOHN B. McLEAN:

Mr. Chairman, on this side of the House we are not as bad as we may be painted. I believe that all those who had intentions here of supporting my Motion for three months would go along with six months, because I believe that a half year is much better than one year. So if the Honourable Third Official Member so wishes, I would ask for an amendment to my amendment, if that was okay with you.

MR. CHAIRMAN:

Yes, I certainly grant you permission. I think what you have now formally to do - I will take you as having formally done that, is to seek leave and be granted leave to amend your amendment, so that the word "six" is substituted for the word "three". I think, if I have understood it correctly, we now have to vote on the amendment to the amendment, then the amendment, and then the clause as amended.

So I put the question first.

that the amendment proposed by the Elected Member for East End to clause 6 of the Bill should itself be amended by substituting the word "six" for the word "three".

QUESTION PUT: AGREED. AMENDMENT TO AMENDMENT PASSED

MR. CHAIRMAN: We have now got to the point where the amendment originally moved by the Elected Member for East End reads "six months" instead of "three months", and what I put next is the question that the Elected Member for East End's amendment to clause 6 of the Bill should be made.

QUESTION PUT: AGREED. AMENDMENT AS AMENDED PASSED

MR. CHAIRMAN: The question now is that clause 6, as amended, should stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 AS AMENDED PASSED

CLERK: Clause 7. Insertion of new section 26.

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 33.

MR. CHAIRMAN: The question is that clause 8 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 8 PASSED

CLERK: Clause 9. Insertion of new section 42(a).

MR. CHAIRMAN: The question is that clause 9 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 PASSED

CLERK: Clause 10. Insertion of new section 43(a).

MR. CHAIRMAN: The question is that clause 10 do stand part of the Bill.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: May I have a division, Sir?

MR. CHAIRMAN: Yes.

DIVISION
NO. 41/76

AYES: 10

NOES: 2

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
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. John B. McLean

Mr. W. McKeever Bush
Mr. G. Haig Bodden

ABSTENTIONS: 1

Mr. Linford A. Pierson

AGREED BY MAJORITY: CLAUSE 10 PASSED

CLERK: A Bill for a Law to amend the Prisons Law.

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 the Committee's discussion on the Prisons (Amendment) Bill the next Bill for the Committee is the Partnership (Amendment) Bill.

THE PARTNERSHIP (AMENDMENT) BILL, 1987

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 47.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill.
No Member wishes to speak. I will put that question.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: May I have a division, Sir?

MR. CHAIRMAN: Certainly.

DIVISION
NO. 42/87

AYES: 12

NOES: 1

Hon. Thomas C. Jefferson	Mr. G. Haig Bodden
Hon. Richard W. Ground	
Hon. J. Lemuel Hurlston	
Hon. Benson D. 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. John B. McLean	

AGREED BY MAJORITY: CLAUSE 2 PASSED

CLERK: A Bill for a Law to amend the Partnership Law, 1983.

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill.
No Member wishes to speak. I will put that question.

QUESTION PUT: AYES AND NOES. TITLE AND ENACTING CLAUSE PASSED BY MAJORITY

MR. CHAIRMAN: That concludes discussion on the Bill to amend the Partnership Law and the next Bill for the Committee is the Caymanian Protection (Amendment) Bill.

THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987

CLERK: Clause 1. Short title.

MR. CHAIRMAN:
do stand part of the Bill.
will put that question.

The question is that clause 1
No Member wishes to speak, I

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK:
14.

Clause 2. Amendment of section

MR. CHAIRMAN:
do stand part of the Bill.

The question is that clause 2

MR. W. McKEEVA BUSH:
Mr. Chairman, I still object to
this clause to amend the Bill. Yesterday I said that it was
discrimination, and I will stand by what I said yesterday. Why are we
placing emphasis on legitimate and illegitimate children?
Discrimination! I will restate that some of the illegitimate
children, forms no problem to Government, whereas certain people
having status in this country have caused big problems and they have
been covered up just because of who they are. I am not going to
support this.

MR. CHAIRMAN:
to speak, I will put that question.

Unless any other Member wishes

HON. BENSON O. EBANKS:
Mr. Chairman, I would just like
to point out for the record, that this question does not in fact apply
to a Caymanian as such as was said in the Second Reading yesterday.
It applies to any person who possesses Caymanian status. So that the
application of this section need not be to a natural born Caymanian -
it could be to some person who has attained Caymanian status, it could
be the child of a person who has attained Caymanian status, and I
think that this is what the aim of the Law is.

MR. CHAIRMAN:
during the Second Reading debate. So I will put the question.

I think that was made clear

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:
May I have a division, Sir?

May I have a division, Sir?

MR. CHAIRMAN:
Yes.

Yes.

DIVISION
NO. 43/87

AYES: 9

NOES: 3

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Huriston
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mrs. Daphne L. Orrett
- Mr. John B. McLean

- Mr. W. McKeever Bush
- Mr. Linford A. Pierson
- Mr. G. Haig Bodden

ABSTENTIONS: 1

Capt. Mabry S. Kirkconnell

AGREED BY MAJORITY: CLAUSE 2 PASSED

CLERK:
18.

Clause 3. Amendment of section

MR. CHAIRMAN:
do stand part of the Bill.
will put that question.

The question is that clause 3
No Member wishes to speak, I

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:
May I have a division, Sir?

May I have a division, Sir?

MR. CHAIRMAN:

Yes, of course.

DIVISION
NO. 44/87

AYES: 11

NOES: 2

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
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. John B. McLean

Mr. W. McKeever Bush
Mr. G. Haig Bodden

AGREED BY MAJORITY: CLAUSE 3 PASSED

CLERK:
21.

Clause 4. Amendment of section

MR. CHAIRMAN:
do stand part of the Bill.
will put that question.

The question is that clause 4
No Member wishes to speak, I

QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK:
22.

Clause 5. Amendment of section

MR. CHAIRMAN:
do stand part of the Bill.
speak, I will put that question.

The question is that clause 5
Unless any Member wishes to

QUESTION PUT: AGREED. CLAUSE 5 PASSED

CLERK:
45.

Clause 6. Amendment of section

MR. CHAIRMAN:
do stand part of the Bill.
will put that question.

The question is that clause 6
If no Member wishes to speak, I

QUESTION PUT: AGREED. CLAUSE 6 PASSED

CLERK:
Caymanian Protection Law, 1984.

A bill for a Law to amend the

MR. CHAIRMAN:
and enacting clause do stand part of the Bill.
will put that question.

The question is that the title
If no Member wishes to speak, I

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED

MR. CHAIRMAN:
Bill for a law to deal with the creation of Trusts and matters
connected therewith and incidental thereto.

The one remaining Bill is the a

THE TRUSTS (FOREIGN) ELEMENT BILL, 1987

CLERK:
commencement.

Clause 1. Short title and

MR. CHAIRMAN:
do stand part of the Bill.

The question is that clause 1

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: Clause 2. Interpretation.
MR. CHAIRMAN: The question is that clause 2
do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: Clause 3. Application.
MR. CHAIRMAN: The question is that clause 3
do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: Clause 4. Governing law.
MR. CHAIRMAN: The question is that clause 4
do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK: Clause 5. Matters determined
by governing law.
MR. CHAIRMAN: The question is that clause 5
do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 PASSED

CLERK: Clause 6. Exclusion of foreign
law.
MR. CHAIRMAN: The question is that clause 6
do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED

CLERK: Clause 7. Prior actions.
MR. CHAIRMAN: The question is that clause 7
do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 PASSED

CLERK: A Bill for a Law to deal with
the creation of Trusts and matters connected therewith and incidental
thereto.

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: That concludes proceedings in
Committee on a Bill. I will now suspend proceedings for our lunchtime
break until approximately 2:15 p.m. When we come back, we will come
back as the House.

HOUSE RESUMED

AT 12:35 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.20 P.M.

MR. PRESIDENT: We concluded proceedings in
Committee on a Bill entitled the Legal Practitioners (Amendment) Bill
and other Bills. The House is therefore resumed and the Report stages
as listed in today's Order Paper, have now been reached, the first
being the Legal Practitioners (Amendment) Bill.

REPORTS ON BILLS

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: Mr. President, I have to report that a Bill shortly entitled a Bill for a Law to amend the Legal Practitioners Law, 1969 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 PRISONS (AMENDMENT) BILL, 1987

HON. J. LEMUEL HURLSTON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Prisons Law 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 PARTNERSHIP (AMENDMENT) BILL, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled the Partnership (Amendment) Bill, 1987 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 CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987

HON. J. LEMUEL HURLSTON: Mr. President, I have to report that a Bill for a Law to amend the Caymanian Protection Law, 1984 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 TRUSTS (FOREIGN) ELEMENT BILL, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled the Trusts (Foreign) Element Bill, 1987 was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

MR. PRESIDENT: That completes Reports. We pass on next to Third Readings.

THIRD READINGS

THE GRAND COURT (AMENDMENT) BILL, 1987

HON. RICHARD W. GROUND: Mr. President, I move that a Bill shortly entitled a Bill for a Law to amend the Grand Court Law be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Grand Court (Amendment) Bill, 1987 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE GRAND COURT (AMENDMENT) BILL, 1987
GIVEN A THIRD READING AND PASSED

MR. PRESIDENT: I think the practice really is for the Clerk to read the title first.

THE PENAL CODE (AMENDMENT) BILL, 1987

CLERK: A Bill for a Law to amend the Penal Code.

HON. RICHARD W. GROUND: Mr. President, I beg to move that a Bill shortly entitled the Penal Code (Amendment) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Penal Code (Amendment) Bill, 1987 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE PENAL CODE (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987

CLERK: The Criminal Procedure Code (Amendment) Law, 1987.

HON. RICHARD W. GROUND: Mr. President, I move that a Bill shortly entitled the Criminal Procedure Code (Amendment) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Criminal Procedure Code (Amendment) Bill, 1987 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987

CLERK: The Estates Proceedings (Amendment) Law, 1987.

HON. RICHARD W. GROUND: Mr. President, I beg to move that a Bill shortly entitled the Estates Proceedings (Amendment) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Estates Proceedings (Amendment) Bill, 1987 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: Of course.

DIVISION
NO. 45/87

AYES: 10

NOES: 3

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. W. McKeeva Bush
Mr. G. Haig Bodden
Mr. John B. McLean

AGREED BY MAJORITY: THE ESTATES PROCEEDINGS (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE JUDICATURE (AMENDMENT) BILL, 1987

CLERK: A Bill for a Law to amend the Judicature Law.

HON. RICHARD W. GROUND: Mr. President, I move that a Bill shortly entitled the Judicature (Amendment) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Judicature (Amendment) Bill, 1987 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE JUDICATURE (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

CLERK: The Misuse of Drugs (Amendment) Bill, 1987.

HON. RICHARD W. GROUND: Mr. President, I beg to move that a Bill shortly entitled the Misuse of Drugs (Amendment) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Misuse of Drugs (Amendment) Bill, 1987 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987

CLERK: The Legal Practitioners (Amendment) Bill, 1987.

HON. RICHARD W. GROUND: Mr. President, I beg to move that a Bill shortly entitled the Legal Practitioners (Amendment) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Legal Practitioners (Amendment) Bill be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Certainly.

DIVISION
NO. 46/87

AYES: 11

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. 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

ABSTENTIONS: 1

Mr. John B. McLean

AGREED BY MAJORITY: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1987

GIVEN A THIRD READING AND PASSED

THE PRISONS (AMENDMENT) BILL, 1987

CLERK: The Prisons (Amendment) Bill, 1987.

HON. J. LEMUEL HURLSTON: Mr. President, I move that a Bill shortly entitled the Prisons (Amendment) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Prisons (Amendment) Bill, 1987 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: May I have a division, Sir?

MR. PRESIDENT: Yes.

DIVISION
NO.47/87

AYES: 11

NOES: 2

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
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

Mr. G. Haig Bodden
Mr. John B. McLean

AGREED BY MAJORITY: THE PRISONS (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE PARTNERSHIP (AMENDMENT) BILL, 1987

CLERK: The Partnership (Amendment) Bill, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled the Partnership (Amendment) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Partnership (Amendment) Bill, 1987 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Yes.

DIVISION
NO.48/87

AYES: 12

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush

Mr. G. Haig Bodden

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

AGREED BY MAJORITY: THE PARTNERSHIP (AMENDMENT) BILL, 1987 GIVEN
A THIRD READING AND PASSED

THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987

CLERK: The Caymanian Protection
(Amendment) Bill, 1987.

HON. J. LEMUEL HURLSTON: Mr. President, I move that a
Bill shortly entitled the Caymanian Protection (Amendment) Bill, 1987
be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill
shortly entitled the Caymanian Protection (Amendment) Bill, 1987 be
given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Of course.

DIVISION
NO. 49/87

AYES: 10

NOES: 3

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. John B. McLean

Mr. W. McKeever Bush
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

AGREED BY MAJORITY: THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1987
GIVEN A THIRD READING AND PASSED

THE TRUSTS (FOREIGN) ELEMENT BILL, 1987

CLERK: The Trusts (Foreign) Element
Bill, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a
Bill shortly entitled the Trusts (Foreign) Element Bill, 1987 be given
a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill
shortly entitled the Trusts (Foreign) Element Bill, 1987 be given a
Third Reading and passed.

QUESTION PUT: AGREED. THE TRUSTS (FOREIGN) ELEMENT BILL, 1987
BE GIVEN A THIRD READING AND PASSED

MR. PRESIDENT: That concludes Third Readings.
Item 3 part 2 in today's order paper is Government Business, Motions.
Government Motion No. 2/87.

MOTIONS

GOVERNMENT MOTION NO. 2/87

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members, I beg to move Government Motion No. 2/87, a Motion requesting this Honourable House to approve a proposal from the Central Planning Authority for an amendment to the Development Plan of the Cayman Islands.

The body of the Motion reads:

"WHEREAS by virtue of subsection (2) of section 7 of the Development and Planning Law (Revised) the Central Planning Authority may submit proposals to this Honourable House for alterations to any Development Plan;

AND WHEREAS the Central Planning Authority has submitted a proposal that the existing Development Plan, being that referred to in subsection (5) of section 6 of the said Law, be altered by re-zoning from "Low Density Residential" to "Hotels/Tourism" a certain area in the West Bay North East Registration Section which proposal is annexed to this Motion;

AND WHEREAS such re-zoning is desirable to facilitate the proposed hotel development on that site;

NOW THEREFORE BE IT RESOLVED that this Honourable Legislative Assembly, pursuant to the said subsection (2) of section 7 of the Development and Planning Law (Revised) and to all other powers in that regard enabling, approve the proposal from the Central Planning Authority that the Development Plan be altered by re-zoning from "Low Density Residential" to "Hotels/Tourism" the area in West Bay North East Registration Section shaded purple on the plan annexed to the Proposal."

MR. PRESIDENT:

The Motion is duly moved. Does the mover wish to speak to the Motion?

HON. VASSEL G. JOHNSON:

Mr. President, this Motion is proposed by the Central Planning Authority and attached to the Motion is a statement submitted by the Chairman of the Central Planning Authority which is in accordance with the provision of section 7(2)(ii) of the Development and Planning Law (Revised). This is to request the Legislative Assembly to approve the proposed re-zoning as set out in the body of the Motion.

Also attached to the Motion is a sketch of the area in West Bay North East showing the area on which the proposed development is to take place. It will be seen that there are three shaded sections of the area. The blue area is now zoned "Hotel/Tourism" and the rest of it, Mr. President, is zoned "Low Density Residential". The proposal is to re-zone a portion of the northern section of the "Low Density Residential" plot into "Hotel/Tourism". The purpose for it is also stated in the Motion, and that is, to enable the developers to have a sufficiently large portion of land on which to build the proposed hotel.

I hope that I am not going to be accused of putting a proposal forward on behalf of a special interest group, as was said at the time when we brought forward the case of the Hyatt Hotel requesting an amendment to the Development and Planning Regulations to allow an increase in the height of their elevator tower. From a Government point of view, this development in the Barkers/Palmetto Point area is a very useful one for many reasons. First, that area is undeveloped. It is a dark area, one we believe is used for drug trafficking and other things, and it is therefore the consensus of opinion that developing the area into hotel business will open the area so it can also be useful to the residents of that area. I am sure that many of the other districts wished that they had a hotel near to them too - it helps in many ways. And so, I do not believe that Honourable Members will object to this Motion. As I have said, it is supported by Government and it is supported by the Central Planning Authority. There is as yet, no definite plan on the timing for the beginning of construction, but the developers have it very much in mind, and at least they have already submitted their application to the Central Planning Authority for outline planning approval, thus the reason why this Motion is here today.

I therefore ask Honourable

Members to give their kind support to the Motion. Thank you, Sir.

MR. PRESIDENT: The Motion is now open for debate. Does any Member wish to speak? If not, I will put ... the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I rise in support of Government Motion No.2/87 which is seeking some re-zoning of property in the West Bay/Barkers area. I am glad to see that this decision is being taken by Government. I have always contended that development of the West Bay area, the West Bay peninsula, is a key in the future development of our country, especially in tourism. The time has come, when we need to - and Government has to set the policy - start moving out of the George Town area and off the Seven Mile Beach area. Not only in tourism, but in other respects. I can remember when this stretch of property was just water, covered in swamp, just one little road, where as a boy, we used to go to search for land crabs, the white crabs and also sometimes use one or two good spots as a picnic area. And then two hotels came in - one had some problem. But the business establishment that made a difference in the Barkers area was when Villas Pappagallo was started. There were some doubts at that point too, but as an onlooker I said to myself if those people make it up there, it will be the beginning of development for West Bay. And I want at this point to congratulate them, I take my hat off to those developers. They not only built those condominiums there, but a very fine restaurant, one which has been very highly classed, has been established and is doing well.

Further, Government has completed the Barkers to Mount Pleasant Road, which I have asked to be named Ridley Powery Drive or Ridley Powery Road, I trust that it will not happen to that one, Mr. President, as what happened to Powell Smith Drive. But that is another issue which I will be dealing with later on. But that road, the Ridley Powery Road, has made a great improvement in this area, and, I want to stress the point to Government that now that they are giving approvals - and I am hoping that it is full approval for hotels and not approval for the sale of land - I would stress to Government that now that these approvals are coming with the consent of Government that they would look at other infrastructure in the Barkers area. It is no use passing permissions for development and refusing to spend the proper money on roads which will make it feasible for developers to go in. The Barkers road has been left unattended and even if it is a joint venture between Government and the developers, the road programme in that area has to be upgraded. It is a key factor in the development of West Bay, and not only a key factor for the West Bay's development, but a key factor for the future of this country's tourism, as far as I am concerned. It is, I would say, one of the best areas in this country, other than the Seven Mile Beach.

The other thing I am talking about, is all the other infrastructure. One thing will probably have to come in that area is some sort of slight dredging movements for beaches to be provided and such. And I support that one hundred per cent. I am trusting that the Honourable Member responsible is listening to what I am saying, and knows that he has my support on it, that when the time comes, as I said, we will not just find all the land sold in that area, but we will find buildings coming up, opening up the area.

With those few words, Mr. President, I give this Motion my full support.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to reply?

HON. VASSEL G. JOHNSON: Mr. President, only to say many thanks to the Members for their support, those who have spoken and those who have not spoken. Thank you, Sir.

MR. PRESIDENT: I will put the question. The question is that Government Motion No.2/87, the terms of which were read out by the mover, should be passed.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO.2/87 PASSED

MR. PRESIDENT:

Government Motion No.3/87.

GOVERNMENT MOTION NO.3/87

LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to move

Government Motion No.3/87, which reads:

"BE IT RESOLVED by the Legislative Assembly of the Cayman Islands, pursuant to subsection 1 of section 3 of the Loans (Caribbean Development Bank) Law, 1977, that the Legislative Assembly consent to the borrowing by the Governor in Council from the Caribbean Development Bank of the sum US\$1,775,000, on such terms and subject to such condition as have been agreed between the Governor in Council and the Caribbean Development Bank for the purpose of constructing a water storage transmission and distribution system to serve the George Town area of Grand Cayman."

MR. PRESIDENT:

The Motion is duly moved. Does

the Member wish to speak to it?

HON. THOMAS C. JEFFERSON:

Mr. President, the terms and

conditions in particular the repayment of the loan will be made in 60 equal and consecutive quarterly installments, with a 5 year moratorium. The interest rate is 8.75 per cent for the DCR portion, which is the hard rate, and the other rate is 6 per cent. The project is the construction of storage facility and a distribution system for the supply of water to the George Town area of Grand Cayman.

The source of water for the project will be a low temperature multi-effect desalinization plant which will be located in the existing compound of Caribbean Utilities plant. The plant will be owned and operated by a company which is a subsidiary of Caribbean Utilities Company. The plant will have a production capacity initially, of 450,000 imperial gallons per day, and the principle energy for this plant will be the waste heat from CUC's 4.2 megawatt diesel generators. Feed water for the plant will be obtained by deep saltwater wells and will have the same quality as sea water except that it will contain approximately 3 milligrams per litre of hydrogen sulphide.

A long term contract has been finalised between the Cayman Islands Water Authority and CUC's subsidiary for the supply of water to the project. And the project area is the main area of George Town from the waterfront east to Eastern Avenue including its side roads, North Sound Road, Crewe Road to the airport including the Airport Industrial Park, Shedden Road, Walkers Road to the school at Portuguese Point. The charge for the water by the Water Company will be CI\$13.00 per thousand gallon. I recommend the loan to Honourable Members and thus also seek their support.

MR. PRESIDENT:

The Motion is open for debate.

The Second Elected Member for

Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I must express

my alarm at the speed with which Government is borrowing money. When the estimates were prepared for 1987, the Government requested a large amount of loans.

The Finance Committee approved

the following loans for 1987:

Construction of roads	\$478,000
Airport development on Grand Cayman	\$115,000
Airport development on Cayman Brac	\$1,550,029
Water and Sewerage programme	\$4,731,359
Fire Service buildings	\$828,044

TOTAL	\$7,702,432.
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This sum, of \$8 million, to be borrowed in one year, is about equal to the total borrowings of a previous Government over an eight year period. So we have let the country slip back into the same style of Government we had prior to 1976 when the Government was heavily

indebted, when the Financial Secretary in one of his budget addresses, had to sound a note of alarm that it was taking about 10 per cent of the recurrent revenue to service the loans.

What has happened to the stimulation of the economy which was promised at election time to generate the cash so that some capital projects could be funded from local revenue rather than the majority of it being funded by loans? I realise that the capital projects do require loans, it is not possible to take from revenue the large sums of money needed. But what alarms me is that the vital areas are changing, and the ratio between borrowing and one's ability to repay have gradually degenerated since 1984.

We are asked by this Motion to agree to a loan from the Caribbean Development Bank for the purpose of providing a water storage transmission and distribution system to serve the George Town area. No project could be needed any more than a water system for George Town. This will be admitted by even the severest critics of the Government. What is alarming is that this water system will be more or less dependent upon Caribbean Utilities and their good graces for the supply of the water. What is even more alarming is the over-generous provisions of the agreement with Caribbean Utilities. Over-generous in that, Government did not even see fit to provide for itself a small royalty. I realise the Company may not have been able to pay a royalty to Government for its operation during the early years, but there is no review clause, there is no provision for royalties to be collected in the future if the business should prosper the way it is expected that it will.

So here we have the Assembly being asked to approve a loan which, in one sense, is for a much needed utility, but the agreement for the practical implementation is no better than the old agreements given to Caribbean Utilities and to Cable and Wireless in the past. It is really a shame on the country that the deal which has been worked out for CUC is so much one-sided in their favour and it is a pity that Government did not have some surplus revenue from their three years of operation which could have gone into this project.

MR. PRESIDENT:
speak?

Does any other Member wish to

his right of reply?

Does the Mover wish to exercise

MR. W. McKEEVA BUSH:

Mr. President ...

MR. PRESIDENT:
Member for West Bay.

Very well, the Second Elected

MR. W. McKEEVA BUSH:

Mr. President, I had not planned to speak on this Motion, but there are questions that have been raised concerning the lucrative, I think the word was, contract with Caribbean Utilities, or whatever the company, K-Sal I think the company is called, and while I am in favour of a water distribution system in George Town, and I hope in the not too distant future, for West Bay, and I hope to give my reasons for that when we get to debate the Economic Development Plan - they are not questions, they are accusations that have been raised in the House, and I am hoping that in order for me to vote a yes on this Motion, the Honourable Member will clearly outline those accusations. Yes, I am speaking to the Member, not the Member moving the Motion, Sir, the Honourable Member responsible for the Water Authority, because in my mind, I find it difficult to see if they are in fact going to get everything imported duty free, they are not going to pay any royalties to Government, then Government has to give an assurance of so much water per month or per day, my worry is at the end of the day, some day, we might find ourselves in a position where people are not buying the water, still using the water, in the case of the hospital where now we are having to strike off thousands of dollars because people did not pay, we would not want to find ourselves in that position - for more reasons than one. We are now having in the case of the hospital, to tell the people that before they get examined they are going to have to pay. I am just trying to draw a relation between the two.

I am skeptical at this point concerning the viability by Government of this project. As I have said, the Honourable Member knows, I have told him he has my support, but there have been accusations raised here, and this is a public company - I for one, would like to see who the share holders are in

this company. These accusations that have been made, not questions, I say accusations, by the Second Member for Bodden Town, and should be answered properly in this House.

MR. PRESIDENT:

I think in fact we have now reached or passed the time when customarily we suspend proceedings for an afternoon break. I will therefore at this point suspend proceedings for approximately fifteen minutes.

AT 3:22 P.M. THE HOUSE SUSPENDED

THE HOUSE RESUMED AT 3:41 P.M.

MR. PRESIDENT:

Other Member wish to speak?

Please be seated. Does any

The Fourth Elected Member.

HON. VASSEL G. JOHNSON:

Mr. President, I rise to support Government Motion No. 3/87, dealing with the raising of a certain sum of money from Caribbean Development Bank to finance the first phase of the George Town Water Project.

Mr. President, this project was presented in the budget for this year and given approval. It was known at the time that the funds would be raised through a loan, and the loan would come from Caribbean Development Bank. And so the resolution here today is only conforming with the provisions of the Loans (Caribbean Development Bank) Law of 1977 which states that any loan raised under the provisions of that law must be substantiated by a resolution of the Legislative Assembly. When the approval was given to the project in the Budget and it was known that the funding would be by loan, the rest of it was really by normal procedure of Government moving on with the project. First of all was the raising of the loan from Caribbean Development Bank which has been finalised, thus this Motion to confirm the legality of the loan presented to Government.

The Motion states that the loan is to finance the George Town Water Scheme. But that subject has been discussed and debated for quite some time. First was negotiation of an agreement for purchase of water and this was subject to an agreement between this Government and a company by the name of Central DeSal Ltd, which is an affiliate of Caribbean Utilities Company. The reason for that is because Central DeSal had to use the waste steam of Caribbean Utilities' generators in order to produce the water by that system. The agreement was entered into. It took quite some time to finalise the negotiation in order to bring the price down to where the poorer people in the public could afford it. I think the Government did quite well in obtaining the price which it had set out to obtain.

The agreement is quite clear in all its provisions and what will happen at the commencement of operation of the system: that Central DeSal will supply water to the Water Authority, and the Water Authority in turn distributes the water to the public. The price has been agreed on between Central DeSal and the Water Authority, and the Water Authority in turn has agreed on a price to the public. We recently published a notice to the public in the press outlining the manner in which the Authority would distribute water and in turn requested the public to make application to the Water Authority - those who wished to be connected with the piped water. The price was mentioned in that notice as well.

As to the statement that was made by one of the speakers that it was alarming to him the amount of loans which Government is negotiating, all I can say is this: that the machinery of Government must continue to operate, the various needs of the people must be met in one way or another, and when I say the needs of the public, I mean the essential things which are required and which Government have the responsibility to provide. We can rise in this Legislative Assembly and make many wild remarks, but if we are representing the people, we must bear in mind at all times what Government is able to provide, what is essential, and we must set about trying to achieve those things.

Now we can only provide essentials to the public when money is available, and Government can raise money in only two ways. One is by means of taxation. But I need not say very much here of what the reaction of even people in this Chamber is like when we bring measures here to

raise additional revenue. To decide on the avenues of taxation is another problem, because they are so limited. Nobody wants to pay taxes and yet everybody wants everything. That is a problem that legislatures are going to be faced with now and in the future - how and where do you raise your revenue? The only other source of financing to Government is by loans. The Government has set a level at which it will borrow money, that is always being looked at by the Financial Advisers of Government; no proposal is coming before this Legislative Assembly for the raising of a loan unless Government has the ability to service that loan. When people in this Chamber speak about being alarmed at all these loans being raised by Government, I think they should try to understand the finances of Government before making those wild and careless remarks.

As to the water system, the agreement is signed; it spells out clearly everything that anyone wants to know about it. Anyone who would like to read the agreement is free to come to my office and do so. I will place the report or the agreement at their disposal so they can peruse it and satisfy themselves of the commitment entered between Government and Central Desal. The owners of Central Desal are the owners of Caribbean Utilities Company Ltd. Nobody else is involved. It was convenient for them to incorporate a new company to do this particular project and to keep it out of the operation and administration of Caribbean Utilities itself. As to what Central Desal will make of the operation is another aspect that Government examined very closely and for a long time before any decision could be made on the sort of agreement between the two entities. Central Desal will not get any more from that operation, than Caribbean Utilities is obtaining from their operation of electricity. There are controls as to what one can obtain from this business.

As to whether Government is able in future to apply royalty to the operation of this water system was already made quite clear to this Honourable House that the water obtained by the Water Authority is being sold to the public at the negotiated price plus what it requires for overhead costs. Therefore, the public is obtaining the benefit of what would otherwise be paid to Government as royalty. If there is any profit to be made out of the operation by the Water Authority, that will in time be paid over to Government or be used for further investment by the Water Authority. So whatever way one wants to view the operation, the public is obtaining the benefit directly or indirectly from the Government because profits of the Authority will go to Government and Government funds are used for the benefit of the public.

As to the quality of the water, there is built into the agreement the understanding that unless the water is of certain purity then the Water Authority is not bound to take that water, and every endeavour will be made by the operators, Central Desal, to ensure that it produces water of the quality required. It does not matter where the water comes from, whether it is from the sea or the ground, that water is distilled water, and it comes out at a certain purity by which the generators will produce it. All these aspects are under proper control, because the suppliers of the generator will be here to ensure the operation of the unit for quite some time after the commencement of operation. This particular safeguard is being built into the agreement to buy the equipments; also the quality of the water from day one.

There are a lot of things built into the agreement to establish that system, Mr. President. Questions are being asked about it, and again I will extend the invitation to anyone who would like to come and read the report, they are welcome to satisfy themselves as to the contents.

Mr. President, I support the Motion.

MR. PRESIDENT:
Does the mover wish to reply?

Does any other Member wish to

HON. THOMAS C. JEFFERSON: Yes, Mr. President, just to be certain that we are all dealing with the true facts when we talk about public debt. If we look at the accounts which forms part of the 1987 estimate, page 9, we see that at the end of December 1985 the public debt was just \$19,000, let us say \$20,000 over \$11 million, or \$11,020,000. At the end of December 1986, the public debt was \$9,835,961. So while we are borrowing we must quote both sides, we are also repaying some of the loans that are presently on the books. And just to state one more fact which was made earlier, that we should

be using more revenue to fund our capital expenditure rather than borrowing. But I believe, the Member who made this point is quite aware that it cannot be done when you are dealing with projects such as water and sewerage. No country in the world funds them from local revenue that I know of.

But in the 1987 estimates, there is approximately \$6.6 million of capital expenditure that is funded by local revenue, so we are doing a little bit of both - we are borrowing when we need to and we are funding whatever capital expenditure we can from local revenue - that is the spill-over of excess revenue over the recurrent expenditure. I thank Members for their points, I think sometimes we need to get these things off our chests and then I think I need the opportunity to say what is the correct one as well.

MR. PRESIDENT: I will put the question.

QUESTION PUT: AYES AND NOES

MR. D. EZZARD MILLER: Mr. President, can I have a division please?

MR. PRESIDENT: Certainly.

DIVISION
NO.50/87

AYES: 9

NOES: 2

Hon. Thomas C. Jefferson
Hon. Richard Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. 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

AGREED BY MAJORITY: GOVERNMENT MOTION NO.3/87 PASSED

MR. PRESIDENT: Government Motion No.4/87.

GOVERNMENT MOTION NO.4/87

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move Government Motion No.4/87 which reads:

"BE IT RESOLVED by the Legislative Assembly of the Cayman Islands pursuant to subsection (1) of section 3 of the Loans (Caribbean Development Bank) Law, 1977, that the Legislative Assembly consents to the borrowing by the Governor in Council from the Caribbean Development Bank of the sum of US\$300,000 on such terms and subject to such conditions as have been agreed between the Governor in Council and the Caribbean Development Bank for the purpose of a ground transportation study to serve the Island of Grand Cayman."

MR. PRESIDENT: Government Motion No.4/87 has been duly moved. Does the mover wish to speak to it?

HON. THOMAS C. JEFFERSON: Just briefly, Mr. President. The objective of the borrowing is to conduct a Master Ground Transportation study with particular reference to the western peninsula of the Island that is from Tropical Gardens straight back to Bankers. This is the first phase of the exercise, Mr. President, and it is our intention to conduct a second phase which would take it from Tropical Gardens to East End once this exercise is completed.

Obviously those of us who drive up and down Seven Mile Beach, whether it is eight o'clock in the morning or five o'clock in the afternoon, or even at the lunch hour, will realise that some study should be carried out to find the best

alternative to the traffic problem as it is. Also the study, hopefully, will indicate what to do about George Town as well.

The terms of the loan, Mr. President - it is a sum, as I said before, of US\$300,000 to be repaid in 32 equal or consecutive quarterly installments with a two year moratorium, and the interest rate is four per cent with a commitment charge of half a per cent per annum on the amount of the loan not withdrawn from time to time. I think the terms are quite good indeed, and I recommend it to Honourable Members.

MR. PRESIDENT: The Motion is now open for debate. Does any Member wish to speak?
In that case I will put the question.

QUESTION PUT: AYES AND NOES

MR. D. EZZARD MILLER: Can I have a division, Mr. President?

MR. PRESIDENT: Yes.

DIVISION
NO. 51, 87

AYES: 10

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

Mr. G. Haig Bodden

AGREED BY MAJORITY: GOVERNMENT MOTION NO. 4/87 PASSED

OTHER BUSINESS

PRIVATE MEMBER'S MOTIONS

MR. PRESIDENT: Private Members' Motions, Item 4 on today's business paper. Private Member's Motion No. 6/87. Before I invite the Second Elected Member for West Bay to move that Motion, it may be convenient if I let the House know that he has twice sought my leave in accordance with the provisions of Standing Order 24(7) to amend the terms of the Motion, and on each occasion I have given the necessary leave. I believe that a paper which is headed "Amended (No. 2) Private Member's Motion No. 6/87" has been circulated to all Members, and my understanding is that the Motion to be moved is in the terms now contained in that paper, and I will invite the Second Elected Member for West Bay to move it.

AMENDED (NO. 2) PRIVATE MEMBER'S MOTION NO. 6/87

MR. W. MCKEEVA BUSH: Mr. President, I am not prepared to take the Motion this afternoon. My understanding was that the Economic Development Plan would take precedence over these Private Members' Motions for today, and I understood also that the Standing Orders hopefully, would have been suspended in order to take the report on the Economic Development Plan.

MR. PRESIDENT: With respect, the business paper which mentions the Economic Development Plan has only been issued this afternoon. However, if it is inconvenient or impossible for the Member to move his Motion now, subject to the convenience of the House, there is no reason why we should not now adjourn, postponing this Motion until tomorrow. There is in fact only another

quarter of an hour, twenty minutes left this afternoon. I am in the hands of Members. If all Members, or a majority, are in agreement that it would be more convenient to adjourn now and allow you to move your Motion tomorrow, I see no reason why that should not be done.

MR. W. McKEEVA BUSH:

Yes, Mr. President, I was really expecting to debate the Motion tomorrow, since Private Members' Motions were tomorrow and we had other Government Business down. So I would support moving the adjournment now.

MR. PRESIDENT:

The only question before I actually invite the Honourable First Official Member to move the adjournment and so that there is no misunderstanding, I think that technically the Economic Development Plan will come in the form of a Report from Standing Finance Committee, and I think that the Standing Orders provide - let me finish - provide that reports come before Motions. And therefore, it is likely that any debate which arises out of the laying of the Report of the Standing Finance Committee on the Economic Development Plan may take place before the debate on the Private Member's Motion - conceivably we may not therefore reach that Private Member's Motion debate tomorrow. I did not want you to say that I had said something that misled you after the event. But I think that is probably what will happen tomorrow, if there is a debate on the Economic Development Plan it could well last all day, and it may mean therefore that your Private Member's Motion has to wait a day or two.

MR. W. McKEEVA BUSH:

No, I am with you, Mr. President, I am also in anticipation of a very long debate on the Economic Development Plan, the Police Report, and the Prison Report.

MR. PRESIDENT:

One other thing, as to the Economic Development Plan, technically being a report from Standing Finance Committee, it would, in accordance with Standing Orders, be deemed to be accepted by the House. But it was quite clear when the Economic Development Plan was laid last November or December that there was an expectation that the House would have an opportunity to debate it, after Standing Finance Committee had considered it and my understanding is that the Honourable First Official Member would intend to move, if necessary, a suspension of Standing Orders in order to enable the debate to take place. But I think it is as well that the House should understand what the position is.

As to - you mentioned the prisons report. My understanding is that is simply being laid, but we will see.

MR. W. McKEEVA BUSH:

I did not understand that, Mr. President - on the Prisons Report.

MR. PRESIDENT:

My understanding is that the prisons report gets laid, if in due course a Member has questions about it, or wishes to move a motion in respect of it, he may do so.

MR. W. McKEEVA BUSH:

You mean, we cannot move a motion when it is laid on the table? That is what you are saying?

MR. PRESIDENT:

I am sorry?

MR. W. McKEEVA BUSH:

We cannot move a motion when it is laid on the table?

MR. PRESIDENT:

Not at the moment it is laid on the table, but you can move a motion in accordance with the ordinary provisions of Standing Orders. I will explain to you later if you wish.

MR. D. EZZARD MILLER:

In that case I would like to serve notice that I intend to move a motion to debate Government's response to the Report by Mr. Harry Brown, and I will deliver it to you in writing this afternoon if you want it in writing, Sir. Because this is not only a Report from the Prison, Sir, there is a Government Minute attached to this about actions Government intends to take, and Government Minutes are debatable.

MR. PRESIDENT:

Under what Standing Order?

MR. D. EZZARD MILLER:

There is no Standing Order that says they are or they are not, so we have to accept the democracy that they will be.

MR. PRESIDENT:

Oh, yes, sorry, I am not trying to tell you that the matter cannot be debated, I am only trying to explain to the Member because I suspect he was under a misapprehension that when a Paper or a Report is laid there is not automatically, an entitlement to debate that Paper or Report. The Member can come and see me and ask about it if he wishes, but that is my interpretation of Standing Orders. If a Member wishes to have a Report debated, it is up to the Member to take the necessary action in accordance with Standing Orders to enable the debate. That is all I am saying.

MR. W. McKEEVA BUSH:

Well, that is all we were saying, Sir.

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, I am not too clear on the order of things tomorrow, Sir, because I have always understood, and I have just looked up my Standing Orders about the Arrangement of Business. And it says "that on all days other than Thursdays, Government Business shall have precedence over Private Members' business".

MR. PRESIDENT:

That is perfectly true, and therefore a Government Motion or a Government Bill would be considered, on a Thursday, only after any Private Member's Motions had been dealt with. But it chances that the Report of Finance Committee on the Economic Development Plan will be dealt with as the Presentation of a Paper and a Report. That comes before all other business, if you look at the same Standing Order, 14(1), and it was because of that quirk in Standing Orders that I wanted to make clear that on my interpretation, anyway, the debate that arises out of that Report would have precedence tomorrow. I would be in the hands of the House if they wanted to change it around tomorrow, but I think if we followed Standing Orders, the report would be laid, the Honourable First Official Member would ask that Standing Orders be suspended to enable the Report to be debated rather than simply deemed to be accepted under Standing Order 67(4) and that debate would then take place. Or, at the time at which Standing Order 14(1)(e) says and before we come to Other Business, with is 14(1)(k). That is certainly my understanding of it, and that is what I was trying to explain earlier to the Member. But if the House wanted to debate Private Members' Motions before the Finance Committee Report was debated, there would be no reason why we should not arrange things that way tomorrow. I simply did not want the Member to think that his Motion was going to be debated first and then to be upset when he found that my normal ruling was that the other debate took precedence. But I think he has understood the position, and I hope I have made it clear to all Members.

Well, I wonder whether now the Honourable First Official Member would like to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, in accordance with Standing Order 10(2) 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 4.20 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 A.M. THURSDAY, 30TH APRIL, 1987

SECOND MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
THURSDAY, 30TH APRIL, 1987

(FOURTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE FOR
FINANCE AND DEVELOPMENT

HON RICHARD W GROUND SECOND OFFICIAL MEMBER RESPONSIBLE FOR
LEGAL ADMINISTRATION

HON J LEHUEL HURLSTON, JP THIRD OFFICIAL MEMBER RESPONSIBLE FOR
INTERNAL AND EXTERNAL AFFAIRS

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 LINEFORD A PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND
ELECTORAL DISTRICT FOR GEORGE TOWN

CAPT MARY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF THE LESSER
ISLANDS

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

SECOND MEETING OF THE 1987 SESSION

OF THE

LEGISLATIVE ASSEMBLY

THURSDAY 30TH APRIL, 1987

(FOURTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE SECOND ELECTED MEMBER.

2. PRESENTATION OF PAPERS AND REPORTS

1. REPORT OF THE STANDING BUSINESS COMMITTEE

TO BE TABLED BY THE HONOURABLE FIRST OFFICIAL MEMBER.

2. REPORT OF THE STANDING FINANCE COMMITTEE

(Meetings held on the 8th and 22nd April, 1987.)

TO BE TABLED BY THE HONOURABLE FIRST OFFICIAL MEMBER.

3. GOVERNMENT MINUTE AND REPORT TO PRIVATE MEMBER'S MOTION NO. 15/86

TO BE TABLED BY THE HONOURABLE THIRD OFFICIAL MEMBER.

3. PRIVATE MEMBERS' MOTIONS

1. AMENDED NO. 2 PRIVATE MEMBER'S MOTION NO. 6/87
TRADE AND INDUSTRY INCENTIVES

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY.

SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

2. PRIVATE MEMBER'S MOTION NO. 7/87
MANDATORY PERSONAL IDENTIFICATION

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY.

SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

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THURSDAY
30TH APRIL, 1987
10:15 A.M.

MR. PRESIDENT:
Elected Member.

Prayers. The Honourable Second

PRAVERS

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 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, who 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.

ANNOUNCEMENTS BY THE PRESIDENT

MR. PRESIDENT:

Before inviting the Honourable First Official Member to present the first of the papers noted in today's Order Paper, I just have two points that I would like to make myself.

The first is an apology to Members of the House for keeping you all waiting for about fifteen minutes - I do not think we started till nearly fifteen minutes past ten - because I had promised one Member that I would try and help him resolve a procedural problem. It took rather longer to find a solution than I had expected. It was my fault anyway that we started a little later than I had thought we might. And secondly, to mention that problem.

The Second Elected Member for West Bay told me that he wished to present a Petition to the House and showed me the Petition which he had given to the Clerk. So far as I can tell, and subject to the Clerk's endorsement in accordance with the provisions of Standing Order 16, the Petition is perfectly in order and prepared in the way in which Standing Orders lay down, and therefore perfectly capable of being presented.

But Standing Order 17 says that a copy of every Petition should be sent to the Clerk not less than five clear days before its presentation, and the Member was of the belief, as indeed I am of the hope, that this particular meeting may

not continue for another five clear days, and that it might therefore be impossible for him to present the Petition to the House during this meeting as he had wished to do. I said to him that I thought that all he could do would be to invite the House to agree in accordance with the provisions of Standing Order 83, that Standing Order 17 which is the one that lays down the five day requirement, should be suspended in order to enable him to lay his Petition at tomorrow's sitting, on the assumption the House does sit tomorrow. I added that it would be entirely a matter for the House whether the House granted that permission, not for me, but that was the way in which I thought he could go about the matter. And I suggested to him that if he wished to adopt that course, I would allow him, at this point in today's proceedings, to move the motion for the suspension which, if granted, would enable him to lay the Petition tomorrow. So it is now up to him if he wishes to move.

MR. W. McKEEVA BUSH: Thank you, Mr. President. Under Standing Order 83, I ask the House to suspend Standing Order 17 in order to enable the Petition to be put down on tomorrow's Order Paper.

MR. PRESIDENT: The question is that in accordance with the provisions of Standing Order 83, Standing Order 17 should be suspended in order to enable the Second Elected Member for West Bay to lay a Petition at tomorrow's sitting, to enable it to be put down on the Order Paper.

If no Member wishes to speak, I would put that question.

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, we would like to know what the Petition is all about, Sir.

MR. PRESIDENT: Really, I think in a sense the Petition is proper. It is a Petition that is signed by a number of people in West Bay making representations about the proposed construction of a deep water harbour in North Sound. But I do not think I had better go into it in detail further, otherwise I am in effect appraising the House of what the Petition is about - we are almost laying it. I have simply looked at it to make certain that it does accord with all the provisions of Standing Order 16, so far as I can judge. It is prepared in the way, and follows the rules, and does not break any of the rules that the Standing Orders lay down. Therefore it is perfectly proper to be presented, it is simply a question that it cannot be presented for five days unless the House agrees to its presentation earlier.

MR. G. HAIG BODDEN: Mr. President, since one Member has spoken on the Motion for the suspension - he did rise and say something - I feel that I should remind the House of the very hostile treatment they gave a Petition some time ago - the one which we brought on the Mutual Legal Assistance Treaty, a Petition that was in order in every respect, sufficiently timed and yet, because of the contents, they would not allow debate on it, they would not allow any variation ...

MR. PRESIDENT: With respect, I do not think there was ever a petition about the Mutual Legal Assistance Treaty. The matter that was not debated was a Motion to refer it to a Select Committee, is my recollection. There was talk about bringing a petition, but no petition was ever brought to the House or to me as Governor.

Is the Member for North Side wishing to raise a point of order - it has occurred to me there may be point of order that ought to be raised.

MR. D. EZZARD MILLER: Yes, Sir, I think before the Motion can be debated, I have to second it.

MR. PRESIDENT: I think you are quite right, that had occurred to me belatedly.

MR. D. EZZARD MILLER: I would like to second the Motion.

MR. PRESIDENT: The Second Elected Member for Bodden Town can go on.

MR. G. HAIG BODDEN:

Yes, Sir. I am not about to bend the rules for this. The House will be meeting in June again, and I think the Petition ...

MR. PRESIDENT:

If I could just correct the Member, I do not think the House is due to meet again until September.

MR. G. HAIG BODDEN:

Well, whenever the House meets again, in September, the Petition can be brought in the normal way. I think we will become the laughing stock of the world, because we apply one rule to one set of circumstances, and another rule to another, it depends on who brings it or what it is. We are not really abiding by any form of democracy where all things are given fair treatment. I certainly cannot agree with this suspension.

MR. PRESIDENT:

In due course the Second Elected Member for West Bay is entitled to wind up the debate, but he must give other Members a chance to speak first. The Member for North Side is entitled to speak because all he has done is formally seconded the Motion.

MR. D. EZZARD MILLER:

Mr. President, I cannot subscribe to what the Second Elected Member for Bodden Town has just said. I think in the instance he was talking about there was a completely different set of circumstances. In this case we are asking simply for a Standing Order to be waived to allow the Petition to be tabled in the Assembly and the case he is talking about, the Petition was duly laid, timed and everything else, the problem was the Standing Order which says that no item which has been resolved by the Assembly during the past six months can be raised in the Assembly. And therefore, because that petition dealt with taxes which had been done less than six months before, it could not be debated. I would urge the House to agree to the suspension of Standing Orders to allow this petition to be tabled. Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? Does the mover wish to reply?

MR. W. McKEEVA BUSH:

There is not much to reply to, Sir. Just to say that it is very clear what I am asking for. I thought that this meeting would have gone on into next week, but I have the feeling that it might end today or hopefully tomorrow, and that is why I am asking that the Standing Orders be suspended, Sir.

MR. PRESIDENT:

In that case I will put the question.

QUESTION PUT: AGREED.

MR. W. McKEEVA BUSH:

May I have a Division, Mr. President?

MR. PRESIDENT:

Very well.

DIVISION
NO. 52/87

AYES: 11

ABSTENTIONS: 2

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- 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 L. Kirkconnell
- Mr. D. Ezzard Miller

- Mr. G. Haig Bodden
- Mr. John B. McLean

AGREED BY MAJORITY: STANDING ORDER 17 SUSPENDED

MR. PRESIDENT:

I declare the Motion carried. Just so there is no doubt about it, the effect of that is that the presentation of the Petition can be added, subject to the Clerk's

confirmation that, as I believe, is in order in accordance with Standing Order 16 because it is for the Clerk to endorse it. It can be added to the Business Paper and can be put onto the Order Paper tomorrow and then laid. It does not get debated as I have made clear to the Member, it simply gets laid.

Next, Presentation of Papers and Reports, Item 2(1) Report of the Standing Business Committee. The First Official Member.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee. The Committee had one meeting on Friday 24th April to discharge of all the work, the Bills and the Questions that were in need of setting down for each particular day's Order Paper. And the Committee agrees that this Report be the Report of the Standing Committee to be tabled during this meeting.

MR. PRESIDENT: So ordered.
Item 2(2), Report of the Standing Finance Committee.

REPORT OF THE STANDING FINANCE COMMITTEE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Finance Committee which met to consider the Five Year Economic Development Plan (1986-1990).

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the Committee held three meetings. There was a meeting held on 28th January, and that Report has already been tabled. In addition, the Committee had two meetings, on Wednesday 8th April and again on Wednesday 22nd April.

The Committee examined the Economic Development Plan chapter by chapter, dealing rather quickly with Chapters 1.1 to 1.6 inclusive, because the majority of those chapters are really historical in nature; background information for the following Chapters which are the meat of the Plan. For example, Chapter 1.1 is a Brief History of these Islands, and 1.2 is on Physical Characteristics, and leading on to 1.3 the Early Economy, and 1.4 the Present Economy. The Committee did spend some time looking at Chapter 1.5 which is the Population and Manpower, and the various projections as to the population through the year 2000. Also 1.6, which deals with the Development Strategy. But I hope, before I finish my presentation, to go a little bit more deeply into the respective Chapters.

The Committee also looked closely at Chapter 2.1, dealing with Roads and Road Transport and the report, I think, is quite illustrative of the discussion that took place during those almost two full days of meetings. There was a question from the Elected Member for North Side about roads in the North Side area, and the Committee agreed that it should be left until the Master Ground Transportation Study of the eastern portion of Grand Cayman was undertaken. That does not mean that it is going to be undertaken in due course. As I understand it, the present study which the Resolution was made for yesterday to borrow US\$300,000 from Caribbean Development Bank, the first phase is to focus on that area of Grand Cayman from Tropical Gardens leading straight back to Barkers.

The Ports and Shipping Services, Chapter 2.2 it was agreed that the allocation in the Plan needed to be upgraded due to the extensive work needed on the finger pier and an increase of \$1.5 million was amended to the project cost of the port.

Chapter 2.3, Airports and Civil Aviation was found to be satisfactory with the exception of some questions of what to be done about the Little Cayman airstrip. That

will be an on-going matter to be resolved sometime in the near future.

Chapter 2.4, Air Transport was agreed, also Chapter 2.5, Telecommunications.

Chapter 2.6, dealing with Postal Services: it was agreed that the allocation of \$1.5 million for the Post Office should be increased to \$6.5 million, which will provide hopefully, adequate funds to fund not only the Post Office, but also the multi-storey car park presently under consideration.

Chapter 2.7, Energy was accepted, and Chapter 2.8: there was an amendment to delete a portion of the Chapter dealing with Cayman Brac. It was left that we had spent a sum of \$45,000 to do investigations in that Island.

Chapter 2.9, dealing with Physical Planning: the contents of that Chapter were not amended, since the development plan, the Physical Development Plan being prepared by the Central Planning Authority would undoubtedly replace the proposals contained therein.

Chapter 2.10, Survey and Land Registration: the contents were basically accepted. There were views that an automated plotting of maps, which is the use of computers, was thought to be not justified, at least at the present, because it is a very costly exercise.

Housing - Chapter 2.11 there was a question about the content of the fourth sentence of paragraph 4. Members were of the opinion that the \$400,000 being referred to did in fact refer to mortgage loans to civil servants rather than to the Self Help Housing Programme, and that is correct. It is the \$400,000 dealing with mortgage loans.

Chapter 2.12, Mosquito Control was accepted.

Chapter 2.13, Environmental Protection: there was a suggestion that a minor rewording should be done in that section especially on paragraph 8 dealing with Marine Parks and permanent ship moorings in George Town Harbour.

Chapter 2.14, Sister Islands: the contents of this Chapter was merely a summary of proposals covered in previous chapters, but the chapter highlighted the work, in particular, that would be undertaken in the Sister Islands.

Chapter 3.1, Banking and 3.2, Insurance: both were accepted.

In Chapter 3.3 dealing with Tourism: there was a little rewording, Mr. President, to clarify the number of staff in the Department, and where they were actually located. 40 staff including its Director was the total staff of the Department of Tourism, nine in Grand Cayman and the remainder are employed in the seven overseas offices at Miami, Chicago, Houston, London and Los Angeles as well as sales representatives in San Francisco, Atlanta, Dallas, and I must add, Toronto. I would ask Members to delete Toronto as being an overseas office and put it down as being sales representative in that area. I take the blame for this one, it slipped me when I looked at it.

The meeting then adjourned at 4:33 p.m. and reconvened on the 22nd April.

We looked at chapter 3.4. There was a change of wording there where the word (dealing with industry) factory was used, which we thought to be an inappropriate word, since to some people it could be interpreted that we were seeking to industrialise the Cayman Islands, with lots of smoke stacks going up and polluting the environment, which is the furthest thing from our minds. We changed that word to "establishment".

Chapter 3.5, dealing with Agriculture, and 3.6 dealing with Aquaculture were also agreed.

Chapter 4.1 dealing with Education: questions were raised about the practicality of building a composite school in the Frank Sound area. While some Members welcomed the idea, it was a concern of others that a project of this nature would not only cost a great deal to construct, but would also increase recurrent expenditure to about 100 per cent or possibly more, and while the proposals looked good on paper, there would be the great problem facing the Government to find the funds to maintain a second Middle School. As there was no provision in the 1987 budget for the commencement of this project, the Chairman suggested that the funds proposed in the Summary of Projects, being \$180,000 should be carried forward to 1988 and the 1988 and 1989 funds carried forward to 1989 and 1990 respectively. The information contained in the chapter under the heading Project 15(3), New Middle School and High School, would be

amended accordingly.

Chapter 4.2 dealing with Health: it was suggested that an additional paragraph should be added, and that paragraph to read: "There is a need for additional beds at the Faith Hospital, and \$100,000 was provided in 1988 to fund the extension.". The Summary of Projects at the end of that chapter would be amended accordingly.

Project 16(10), New Hospital, that is new hospital for George Town, or for Grand Cayman: it is unlikely that this project could commence in 1988, and it was subsequently suggested that estimated costs for 1988 and 1989 should be carried forward to 1989 and 1990 respectively.

Those comments having been agreed, we passed on to chapter 4.3, Social Services. The Committee noted that there was no provision in the 1987 budget to commence construction of the remedial facility listed as project 17(2) under this chapter. It was therefore suggested that estimated funds for 1987 and 1988 and 1989 should be carried forward in the Summary of Projects at the end of the chapter to read 1988, 1989 and 1990 respectively. That chapter was then agreed and chapters 4.4, Sports and Recreation, 4.5 Culture, 4.6 Broadcasting were all agreed on.

5.1 Police and 5.2 Judiciary: it was suggested that the estimated costs to provide an additional Summary Court slated as Project 12(5) should be deleted as there were currently under consideration, alternative plans to relocate this part of the Court in another Government-owned building. The Summary of Projects at the end of the chapter were amended as well.

That chapter, together with 5.3 Legal, were approved.

Chapter 5.4: we realised that there is a great demand for increased space in addition to that estimated for in the Legislative Assembly Building, and it was suggested that an additional \$15,000 should be added in 1988 to allow for this. We noted the air conditioning unit which was installed in 1972 is nearing its period of useful life, and is now considered a priority for replacement, since it has become necessary to have a stand-by compressor on hand should there be a breakdown when the House is sitting or otherwise. Replacement parts are also difficult to find in the United States. It was suggested that the estimated funds provided for 1988 should be increased to \$67,000 to allow for the replacement of this equipment. The chapter was thereupon agreed.

Chapter 5.5, Customs: it was suggested that the estimated funds allocated under project 11(3) for 1987 for patrol boats should be deleted and that in 1988 the sum should be increased to \$100,000 for the purchase of one patrol boat instead of two. The chapter was then agreed on.

Chapters 5.6 Immigration, 5.7 Fire Service and 5.8 Prisons were approved as presented.

Chapter 5.9 - Financial Services: the Chairman requested that the information recorded under Computer Services be replaced with the information contained in a document dated 31st December 1986 entitled Computer Services Plan 1987-1991. There were no further amendments to the chapter, and it was agreed, together with 5.10 Audit.

5.11 Information Services: in the final paragraph of this chapter, a recommendation was made that the Government should set up a small printing unit of its own. The Chairman advised that plans were in hand to implement this by using computer facilities, and it was now necessary to amend the paragraph accordingly. There were no further amendments, and that chapter was also approved.

Chapter 6.1 Total Financing Requirement and 6.4 were approved.

During that meeting as well, the Finance Committee considered the purchase of land. The Chairman advised that Government was currently involved in the process of compulsory acquisition of two pieces of property, being the Webster dock at George Town, Block 14BH parcel 136 at a cost of \$50,000 and land adjoining the Old Man Bay cemetery for extension of this facility at Block 57E part of parcel 17E at the cost of \$25,000. Members were advised that the funds provided under capital expenditure would be utilised for the purchase of these properties.

When we dealt with the estimates in November last year, there was a block sum of \$400,000 provided to be utilised in accordance with the priorities of Government. And this US\$75,000 is taken from that sum.

Mr. President, when I laid the draft Economic Development Plan last November on the Table of this Honourable House, referring it to Finance Committee in order to give Members the opportunity to have input in its contents, and to delete, amend or add to it, so that the political input could be included - at that time, I gave an undertaking that when I reported back to this Honourable House, as I am doing today, that I would take appropriate action to enable Members to debate it. I gave this undertaking for two main reasons. Namely because of the importance of the document and for the public to hear more of its contents. I believe this is a good point Sir, for me to move in accordance with Standing Order 83, the suspension of Standing Order 67(4) to allow the Economic Development Plan to be debated. But I hasten to add that I am not in any way concluding my presentation, but merely breaking it at this point to allow Standing Order 67(4) to be suspended, otherwise the debate cannot take place. And for the benefit of the listening public, in order for them to understand clearly why it is necessary, allow me to read Standing order 67(4):

"When the motion 'That the Finance Committee approves the proposal (or proposals) set out in the paper', or that motion as amended, has been agreed upon in the Finance Committee, and the report of the Finance Committee is laid on the Table the Member for the Government who moved the motion shall report the motion or the motion as amended in the Finance Committee; and the House shall thereupon be deemed to have agreed to the motion or to the motion as amended, as the case may be."

So, Mr. President, in accordance with Standing Order 83, I seek to move suspension of Standing Order 67(4) to allow the Economic Development Plan to be debated, but I have not completed my presentation.

MR. PRESIDENT:

For the information of the House, I agreed with the Honourable First Official Member that the procedure he is now following seemed to me likely to prove the most appropriate and convenient under the circumstances, because clearly, none of us had probably foreseen when we decided last December, I think, to refer this Plan to Standing Finance Committee, that we might get caught by the provisions of Standing Order 67(4) and it was never anybody's intention that there should not be a debate. But simply, in order to allow what I believed to have been the wish of the House to be realised, I thought it proper to invite the Honourable First Official Member to move the suspension of Standing Order 67(4) at this point, in order that the debate may take place.

So I put the question now put by the Honourable Member that Standing Order 67(4) be suspended in accordance with the provisions of Standing order 83 in order to enable the House to debate the report of Standing Finance Committee on the Economic Development Plan.

Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. THAT STANDING ORDER 67(4) BE SUSPENDED TO ENABLE THE REPORT OF THE STANDING FINANCE COMMITTEE TO BE DEBATED

MR. PRESIDENT:

In that case the Honourable Member may continue moving the adoption of the recommendations in the report.

HON. THOMAS C. JEFFERSON:

Thank you, Mr. President. Mr. President, a speaker a long time ago said as he surveyed the breadth of his subject, he could not help but think of Bishop Jones who was invited to speak before a great convention. A telegram he received from the programme committee read as follows:

"We should like to have you address our convention on the subject "The World, the War and the Church."

He gave the matter some consideration and felt he would like to address the convention but the magnitude of the subject bothered him considerably. So he wired them as follows:

"Gentlemen, I should not like to be cramped in my style or restricted in my remarks by such a narrow subject as 'The World, the War and the Church'. I should be glad to come if you would add to it 'the Sun, the Moon and the Stars'."

Today, Mr. President, I feel a little bit like Bishop Jones. Certainly I could interpret it as being cramped in my style. But when I think of the subject and the subject matters within the Economic Development Plan for 1986 to 1990, I can only say it is fairly close to "The World, the War, the Church, the Sun, the Moon and the Stars".

It has a Table of Contents, a Foreword by His Excellency the Governor, an Introduction by the Honourable Financial Secretary and the meat of the Plan is described in 45 chapters. I would speak later on the subjects of each chapter, giving a brief overview of the contents of each.

The preparation of the Development Plan was certainly a massive exercise for the Government, and it took over a year to actually prepare. It involved a considerable amount of research, analysis, discussion and development in all branches and at all levels of Government. In certain cases the private sector was also asked to contribute. The major philosophy adopted in these deliberations was to consider long term development aims over at least 20 years. And within this context, to establish as best we could a realistic five year programme which the country could afford.

This Development Plan represents the most detailed and comprehensive look that Government, to the best of my knowledge, has ever given to the future of the Cayman Islands. The major issues which affect the prosperity of the country, its life-style and its values are discussed frankly and in depth. Development aims and strategies upon which policies are based are set out clearly in each area for which Government is responsible. Although a great proportion of these matters may already be generally known or understood, it is the first time that much of this information and thinking has been published in an official Government document. This should therefore help to clarify a number of issues where some confusion or misapprehension may now exist.

Despite the small size and population of the Cayman Islands, the country has most of the institutions and services of a much larger and more sophisticated country. This is partially due to the need to create and maintain an adequate infrastructure to support its primary economy, and partially to the continual development of its social services which so affect the well being and culture of its people. The Cayman Islands today, and this is not boasting, Mr. President, it is just a fact, has a very high standard of living. Its gross domestic product per capita - or its per capita income - is perhaps one of the highest in the world, and it is certainly the highest in the Caribbean. The developments which have led to this situation have been extremely rapid, and have taken place in little more than one generation. This rate of development carries its own risk and dangers. It is vital therefore that the country should plan its immediate and long term future with very great care if it is not to lose its own particular individuality.

This is the exercise that has been carried out. As the starting point for future development plans to be updated annually, it represents an important milestone in the development of the Cayman Islands. By the movement on 14th March, 1985 of a motion by the Elected Member for North Side, and seconded by the Second Elected Member for West Bay (and which was passed), the Government was committed to taking a much greater forward look than that normally taken for an annual budget. But the exercise would also be much more than a five year budget. Long term aims, as stated earlier and strategies within which immediate policies and plans fitted would have to be agreed and specified. Short term plans under consideration to meet immediate requirements or relieve current situations might no longer be relevant to these long term aims. It was also necessary to translate plans into financial terms, as accurately as possible, in order to establish the extent to which they could be afforded. The rate at which development could proceed and the degree of priority which should be given to specific projects.

Work began on the Plan in May of 1985. The British Executive Services Overseas Consultant initially visited all Government departments, authorities and enterprises, and held discussions with the principals concerned. These visits also included the private sector directly related to the economy or to the

economic infrastructure. Submissions for each area of Government responsibility were then received. These were to cover developments to date, long term aims and plans or projects to meet those aims within the Plan period.

From these submissions, initial draft chapters were prepared by the consultant, agreed with each principal concerned and sent for agreement to the portfolio responsible. Other draft chapters were prepared directly by the consultant. And on request, the private sector also sent contributions to the relevant chapters. The completed Plan, in draft form, which we have today, was then submitted to the Executive Council. This was approximately one year after the work had been started. In turn, the Executive Council held a number of meetings before the final draft document could be laid on the Table of this Honourable House.

It will be clear from this that the Economic Development Plan, 1986-1990 has been meticulously prepared, and that many persons, both within and outside the Government, have been involved in some way in its preparation. The document is divided into six parts, and I will name them: part 1 deals with the background; part 2 the infrastructural development; part 3 the economic development; part 4 social development; part 5 development of other Government services; and lastly, and part 6 dealing with the Plan implementation.

Part 1, as I hinted earlier, covers the general historical and economic development of the Cayman Islands as a background to the present situation. It also covers the historical growth of population and manpower, estimates of current levels since the last census in 1979, and projections up to the end of the Plan period in 1990, and at the turn of the century in the year 2000. Finally, part 1 summarises national development strategy, with particular reference to employment, infrastructural needs and economic support.

Part 2 covers the infrastructural development areas upon which the whole economy depends, including roads, ports, airports, communications, energy, water supply and sewage disposal, housing and, not least, mosquito control. The major developments here during the Plan period will be completion of the West Bay Beach sewerage and sewage treatment works; completion of George Town water supply; continuation of the roads upgrading programme on all three Islands; and the upgrading of Gerrard Smith Airport at Cayman Brac to the same international standard as Owen Roberts International Airport here. It is also planned to proceed with the construction of the new general post office in George Town, and that building will also include a multi-storey car park.

Part 3 deals with economic development. This covers banking, insurance, tourism, industry, agriculture and aquaculture. The Government's main role here is supportive, although the last item is directly controlled, that is aquaculture, namely the turtle farm, is controlled by Government. The largest contributor to the economy, it is said is tourism - we will find out before too much longer that it is not, but we will keep saying it until we prove differently - followed by banking, (and I noticed the Second Elected Member of Council smiling, - he might be right, but we will see what happens) insurance - the largest contributor to the economy is tourism, followed by banking, insurance, and other components of the offshore financial industry. Tourism also accounts for most of the Government's annual expenditure in this area. The main capital projects are a farmers' market complex and consideration of an abattoir. Both will assist effective marketing as an incentive to local producers.

Part 4 is concerned with social development and covers education, health, social services, sports, recreation, culture and broadcasting. During the Planned period, considerable investment will be made in these areas, second only to the infrastructural investment covered in part 2. The major developments planned comprise a new hospital to replace the George Town Hospital, a new complex to house the Community College of further Education, and a second Middle School to meet the growing school population, and a residential remedial facility for children to meet all corrective needs.

Part 5 covers the development of other Government services, primarily concerned with protecting people and property. These include the Police, Judiciary, Legal Service, Legislative Assembly, Customs, Immigration, Fire Services, Prison Services, Financial Services, Audit and Government Information

Services. The main capital project in this area comprises: further computer equipment, and a new building for the computers; a new central station training facility and a new sub-station in Grand Cayman for the domestic Fire Services; more than doubling the accommodation for inmates and adding vocational training facilities at Northward prison; and the addition of a second court, which it is thought will be placed in another Government building. That court is not to be constructed, Mr. President.

Part 6 is concerned primarily with the method of financing the Plan's implementation and in addition a scheme for regular monitoring and updating of five year plans is included.

It is intended that the Economic Development Plan should be the starting point for a rolling plan - that is towards the autumn of this year we will update this Plan to delete the amount of capital work which has been completed, and to add one more year, that is 1991, so that the Plan will always be a five year rolling plan. Only in this way can future plans remain pertinent, accurate and current. In the simplest terms, this means that the present Plan will be updated each year by revising the list and summary of projects. This revision will also present a regular opportunity for Government to restate its current thinking on all relevant issues. It is also planned, however, that this annual revision will be carried out in conjunction with, and as part of, the annual preparation of budgets. As the present Plan has taken so long to prepare, and to some extent, has been overtaken by events, the first such exercise, as I mentioned earlier, will be undertaken later this year.

Before I leave this point, I would like to thank all persons who have contributed to this document, which I believe to be the most important Government publication in recent years. All Government departments, authorities and enterprises have been involved, and much time and effort has been spent. In addition, we are grateful for the contributions received from the private sector, including Cable and Wireless (WI) Ltd., Caribbean Utilities Co. Ltd., Texaco Caribbean, Esso Standard Oil and Home Gas Ltd. In particular, I would like to pay tribute to the B.E.S.O consultant, Mr. Michael Scott, who did the bulk of the work on this Plan.

The majority of the chapters in this Plan were updated in August 1986, and Honourable Members should take note that some of the facts in some chapters have been overcome by events over the last eight or nine months. It means that we have recognised some planned events that have been implemented or changed.

As I hinted earlier, this is the first time that a Five Year Economic Plan has been presented to this Honourable House, and I am personally thrilled to have been instrumental in putting this document before Honourable Members. It is timely that we should, in the last years of the 1980's, plan the way ahead, especially when the public hear us in this House refer to projects such as water supply, sewage disposal, a new hospital, a new road along Seven Mile Beach, new schools, a new terminal for Cayman Brac, a new fire station at Owen Roberts, a new post office building and so on, because the bill, at the end of the day, Mr. President, has to be paid by the public and we should get our priorities correct.

The Plan over the five years will cost \$72.5 million. \$3 million of that is capital expenditure which the Port Authority will undertake and also pay for. Therefore the Government capital expenditure is estimated to be \$69.5 million over the five year period 1986-1990. But \$6.7 million has already been spent in 1986, reducing it to \$62.8 million, and the 1987 Budget has provisions for \$12.5 million capital expenditure, leaving a commitment of \$50.3 million for the remainder of the Plan period. Of this total \$50.3 million, \$9.4 million has already been approved in loans - we heard some of the Resolutions just a day or so ago. So that the figure now reduces to \$40.5 million, the net sum to be funded over the balance of the Plan period, or \$13.5 million per year.

Mr. President, I do not intend to go into any more detail of the Plan. I think it might be of some assistance if we did say something about the development strategy which I referred to earlier, especially that dealing with the infrastructure.

MR. PRESIDENT:

If the Member is turning to a slightly different topic, would it be a convenient moment to break?

HON. THOMAS C. JEFFERSON:

Yes, Sir.

MR. PRESIDENT:

In that case we will suspend proceedings for approximately 15 minutes.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.52 A.M.

MR. PRESIDENT:

Please be seated.

HON. THOMAS C. JEFFERSON:

Mr. President, before we took the break for refreshments, I began to turn to chapter 1.6 dealing with Development Strategy, and will now commence.

The broad development philosophy of the Cayman Islands is one of steady development in established directions, and not one of radical change. This means the country will continue to rely on tourism and offshore financial industry sectors. Its primary development objective is thus to ensure the maintenance of the conditions and infrastructure in which these industries may thrive, and to improve upon them where necessary or desirable. The primary development objectives of providing support to tourism, the offshore financial industry and the economy generally is considered here at the physical, administrative and social levels. The development and aims of the physical infrastructure during the Plan period (and I will go through them, although they are very lengthy - I think it is good for the listening public to hear them), I begin by saying:

to upgrade the primary roads and junctions in the western peninsula of Grand Cayman, as part of the provisions and maintenance of a basic network of roads on each Island, which meets known future needs for development and access;

to examine the cost and ecological impact of developing a deep water harbour in the North Sound as a basis for both long-term all weather Grand Cayman harbour expansion and a totally new range of economic activities within the country's control;

to upgrade the Islands' airports to full international standards for the twenty-four hour all-weather operations of the largest short haul aircraft in Grand Cayman and Cayman Brac, and to ensure the continuation of daylight operations of light aircraft at Little Cayman;

to continue to operate a national airline to support the tourism and financial industries;

to ensure that the country continues to have an up to date national and international communications system;

to continue to operate postal services and progressively introduce express mail services to the major world business centres;

to ensure that the country's energy requirements are met, with particular reference to electricity and petroleum products;

to initiate a programme of providing public sewerage and piped water supply for the more populated areas;

to keep under constant review the need for low cost housing;

to maintain control over the mosquito population, and continue to reduce it where possible;

to ensure the maintenance of Marine Parks and keep under constant review the need to develop further schemes for the protection of the environment;

to provide a farmers' market complex for the marketing of local produce;

to upgrade existing primary schools to meet minimum educational and social standards and to extend all schools' facilities as necessary;

to build a community college to cater for further education, both technical and academic, specifically relevant to the commercial sector;

to upgrade district clinics to health centres covering full primary care;

to provide a community residential care centre and in association with service clubs, a community mental health and drug treatment centre;

to build a new hospital to replace the existing George Town hospital;

to provide an additional Summary Court;

to extend Northward Prison and increase its population from 80 to 160 for males and from 14 to 40 for females;

to build a multi-purpose remedial facility to meet all corrective needs for children, including both remand home and approved school;

to construct a replacement central fire station at Owen Roberts Airport for airport and domestic fire services, special fire training facilities and a new sub-station at West Bay.

The main development aims of the administrative structure during the Plan period are:

to revise the system of physical planning, both to simplify and speed up the planning application procedure for minor works, and to achieve a better intersectorial coordination for large scale planning projects affecting the whole community;

to appoint a Director of Trade within the Portfolio of Tourism, Aviation and Trade, to be responsible for trade and investment matters, including industrial development, and the object of promoting economic diversification;

to further develop the continuing dialogue between Government and the private sector, to keep abreast of developments, address problems as they arise, and meet, where possible, private sector needs including technical training and management development;

to extend the opportunities at home and abroad for future education and training of young Caymanians;

to further develop the Government data processing resources including the construction of a special purpose building to utilise the Government data processing resources to achieve more accurate and timely financial data, to automate repetitive procedures such as payroll, and to produce management information as a basis for more effective decision making.

The main aims at the social level during the Plan period are:

to develop an equitable method of assisting needy persons to purchase their own homes of a minimum acceptable standard;

to extend the range of further technical and academic education in accordance with the stated needs and planned developments of the private sector, and the requirements of the civil service;

to further develop health care at the primary level on a preventative medical basis, to minimize the need for secondary level attention;

to provide better and more efficient facilities for secondary level hospital care;

to provide a greater range of health care delivery at the tertiary level where this is economic;

to tackle social problems at an early stage before they become major ones by increasing the number professionals and support staff dealing with them;

to carry out a detailed study of social problems and develop a comprehensive data base for the preparation of future plans and programmes to deal separately with juvenile offenders in a remedial facility, and thereby ensure they are not mixed with children in either of the caring homes;

to introduce a national social security system;

to institute, in collaboration with private organizations, a programme to develop more and varied facilities and activities for recreation and leisure in order to promote the quality of life by providing healthy outlets for young people, preserving and promoting the cultural heritage of the Cayman Islands, and helping to ensure the enjoyment of leisure by all ages.

The economic support, Mr. President, during the year, besides the wide ranging infrastructural support to the economy, the Government gives certain direct support, and the main development aims in the area during the Plan are:

to introduce in collaboration with the private sector, an aggressive publicity campaign to increase the number of tourists as new hotel capacity becomes available, and to improve occupancy rates during the low season -

I am sure all Honourable Members have seen, in recent times, a significant increase in tourist arrivals here;

to continue to support the private agricultural sector through developing most suitable varieties and strains, demonstrating modern farming and horticulture methods, importing livestock for sale to farmers and assisting in the development of more effective marketing;

to continue to work towards the lifting of the Convention on International Trade of Endangered Species (CITES) ban on the import of turtle products from Cayman, and to support the diversification programme of the turtle farm.

In summary, Mr. President, the overall development strategy of the Cayman Islands may be summarised in this way:

to preserve and protect the stability on which the country's role as a major financial centre depends;

to preserve the environment for future generations and maintain the beauty of the Cayman Islands as a tourist resort;

to put the resources of Cayman Brac and Little Cayman to greater productive use;

to diversify the economy and provide more work opportunities for Caymanians;

to develop and train Caymanians to fill as many current or anticipated posts as possible;

to continue to improve the standard of living of Caymanians; and lastly, Mr. President, last on my list at least,

to preserve the way of Caymanian life as far as possible.

Mr. President, I move the adoption of the Report of the Finance Committee, and the Economic Development Plan.

MR. PRESIDENT;

The motion before the House is that the Report of the Standing Finance Committee meetings held on 8th and 22nd of April, to deal with the Five Year Economic Development Plan, and that Plan itself as varied by Finance Committee, should be adopted.

Does any Member wish to speak?
If no Member wishes to speak, I shall put the question. Very well ...
the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President ... you know, throughout this whole meeting I have been the one to have to get up first. I do not usually get up first to speak, but it seems to me no one wants to get up and speak, ... or they do not want to do it first anyway it seems ... and I would not allow this historic occasion to pass by without having a say on this Economic Development Plan.

I think the people, as has been already said, should clearly understand that Members of the House did not put this Plan together. Members of the House asked for the Plan by supporting a Motion brought by the Member for North Side and myself. The Plan was devised by other means. But we are going to have to implement it, we are going to have to vote money for its implementation, thereby it is right and proper that I rise to have a say.

I am a strong believer in planning, Mr. President. Some say I am a socialist. (Laughter). They called Christ many names also - they crucified him, and he rose again to be their Saviour, and is our Saviour today. I am a strong believer in planning. I say that any Government must have a policy or guidelines. That is a long term matter, but, I also say that any Government, and in particular any Government of the day in these Islands must also want and have a plan. That is a matter of today - what to start, when, where and how many things can we do at one time? And most important, priority - what must come first? And that, of course, brings us to the question of money. Where is it going to come from?

Today we boast of a strong economy in tourism and finance, industries which we have no control over except to keep doing the right things here on the home front - that is maintaining stability and such as a key factor. But we have no control over outside factors. We have practically no control over the essentials of a sound monetary policy. All except one of our banks are foreign institutions, our savings being all invested abroad. Our insurance companies, except one are all foreign. I look at these things as a young legislator, with concern as to what will be our position in the future.

It is admitted that the capital for development has, for the most part, been coming from abroad. But diversification can come. There are things which we must do to encourage development of our local industries in order to have more of a spread of money called Caymanian. We have said no to any sort of state bank which could help to finance the development of the local resources, the little that we have, but that question is not dead in my mind. It is something that is going to come one of these days.

We need, as well, to control as much as possible and the business community especially in the buying market must think about this - we must control as much as possible our foreign expenditure. Our basic problems will always defy solution as long as we refuse to control the essentials of economic planning. As I pose the question, where is the money coming from? I say Government must have, when they present this Economic Plan, saying what is needed for this country, Government must have a revenue plan. How they are going to raise the necessary funds, whether it is by taxes or by some other means. But Government must have a revenue plan. And Mr. President, that leads me to look at the various projects that are outlined in this Economic Development Plan.

The first is Ports and Shipping service. We have just had a big furor in this country concerning port and cruise ship facilities. I hold the opinion that there is not much more that can be done to the George Town port and the problem is not going to run away. It is something that legislators now will have to take into consideration. It is not something that we can, like Pilate, wash our hands of, because if we are true custodians of the people, then we will realise that this thing is going to, in the future, cause us problems and hamper the orderly development and day to day life of the citizen in this country here in this town. That is why I have made suggestions concerning moving the cruise ships to certain other areas of the country. One of the main problems is congestion, and the great congestion takes place when cruise ships are in the harbour. Now there are going to be cries of 'we do not know what we are talking about, and we cannot move them from George Town'. Why do certain people believe that Grand Cayman ends in George Town?

That this George Town makes up all of Grand Cayman, and you cannot do anything else unless you do it in George Town.

In 1980 Mr. President, when I first sought a seat in this House, part of our platform was to put a cruise ship landing, or a jetty, whatever you want to call it, in the district of West Bay, where the old dock or old wharf had been before. I talked to many of the older people who knew about this wharf, who knew about weather conditions in the country and they said it was one of the best places in West Bay. My reason for wanting it is that I believe that if we diverted a cruise ship to West Bay - and the anchorage in West Bay is big and good - we could divert two for that matter on days that you have four - business would begin to take hold again in West Bay. West Bay would not continue to be a dormant district. It would help to bring development to the district.

Well, 1984 came by and you see me holding our manifesto, our platform in my hand. This is what we ran on, and in this manifesto in No.11 it says that "when we are elected on November 14th it is our intention to restore the landing wharf at West Bay, thereby providing an additional landing site for cruise ship passengers, and helping to alleviate the present congestion in and around George Town". Well, this was well accepted. I did not just get up and have a public meeting. As far as going to the public is concerned, I went door to door and this was one of the things that was put to the people. Everybody knows that we had an overwhelming victory in West Bay.

Mr. President, just let the Government bench listen, I think I am on a very good subject, and anything they are saying now is going to detract. But this is a worthwhile subject, and they should listen.

The people had spoken on that subject. 1985 rolled in and it was one of the first places that we went. Everybody agreed that it could be done, and oh, we are going to get it soon. But now I am hearing that Government alone is not going to have the say on where and if this landing jetty is going to take place in West Bay.

Mr. President, it says that - in a question answered here the other day - that "whether the Watersports Association would influence Government's decision as to whether the tourist landing jetty should go in West Bay or not". The answer was "yes, the Watersports Association and public reaction could possibly influence Government's decision". I do not really think that the Watersports Association has been elected by the people. Sure, the Watersports Association has contributed and will continue to contribute to the economy of this country. But who are they to tell us that we should not put a landing jetty in West Bay because that area is a prime diving spot?

You know, Mr. President, I have never run from a fight in my life, and I only have one year and a few months left in this House, but I intend to fight that issue with everything I have because I see it as a means that would help our district. There are a lot of factors to take into consideration, but the Watersports Association has already had enough say in West Bay. You cannot even go fishing from South West Point to North West Point, but in one area. They cannot have everything in this country. And besides that, a landing jetty in West Bay would probably be of some use to them.

When it comes time - and I hope Government is going to move on it and make a decision quickly - I hope that the Honourable Member responsible, and the Honourable Member for West Bay on Executive Council will say to the public, we have taken this decision and we, along with the Watersports Association, are telling you that we are not going to put that landing jetty in West Bay. They should do that.

Dealing with the issue of the port, I could not leave that subject without saying something about the issue of dredging. The people in West Bay have also spoken on that matter. Whether I want it, or whether I like it, I am going to abide by what I feel are the wishes of the majority in the district. They have said that they do not want any big dredging operations in the North Sound - that is the majority have spoken - and our duty, my duty, is to say to them also the other side of the coin. And this is what I did in a public meeting I held on the subject.

At some point or another, this country is going to have to decide where they want a proper port put and they are going to have to decide whether Government is going to do it or whether private investment will do it. If Government do it, we

know that the cost is going to fall back on the public. If private investors do it, well, it is just that - private investment. But the people must understand that in the near future that decision is going to have to be taken. And I truthfully do not see any area that you can develop in this country for a port that you are not going to hurt something. As far as I am concerned, the decision should be to put the port where it will be of least damage to the country. But as a young legislator, I could not in all good conscience, get up and say we do not need any more port facilities, what we have is sufficient. I could not. So I trust that the Honourable Members of Government are going to be men enough to stand up and tell the public that. One thing I will ask them: do not come to me for one red cent for another study. They can reply to me on that subject.

MR. PRESIDENT:

I was wondering if the Member was switching to another topic, if so, it might be a convenient moment to break. In that case I will suspend proceedings until approximately 2:15 p.m.

AT 12:26 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:25 P.M.

MR. PRESIDENT:

Please be seated.
Resumption of the debate of the Report of Finance Committee. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, when we took the lunch break I had just finished dealing with the subject of Ports and now I move on to Water Supply.

As I mentioned in the House yesterday afternoon, the water project is something which I support but as a Member of this House, I would like to know the full details of a subject that is going to take so much money for development and thereafter because of how it is being set up. I believe it will cost the country more money. And, for those reasons, I would like to be kept up to date. As usual, Government Members on this side are not hearing very much about the little intricate dealings and a lot of things are hidden. There are some Members on the Government bench who are coming forward and letting us know some of the things that are going on, but others again feel that it is a privilege that they have and they are not offering to tell us so that we too can know the exact position and can report to our constituencies when we are confronted with these questions.

I mentioned yesterday afternoon, and I do not see why we cannot be told who the shareholders in this new water company are going to be. I have no personal grudge against anybody. But I am a legislator in this country.

Mr. President, the Honourable Fourth Member is offering to tell me who they are, and I will give way now for him.

HON. VASSEL G. JOHNSON:

Mr. President, I told this Honourable House yesterday the owners of Central Desal Limited were the owners of Caribbean Utilities Company Limited.

MR. W. McKEEVA BUSH:

I am sorry, Mr. President, I was not in the Chamber when the Member was winding up the debate yesterday afternoon, or when he was speaking on the motion yesterday afternoon. I do not know who the owners of Caribbean Utilities are, that is really saying nothing to me at this point. But bear in mind what I have said, I support the water project, and on looking at this Five Year Economic Plan, it says here that priority must be given to provision of piped water in the more densely developed areas of George Town which Government is about to do, and West Bay where water supply has become critical. But when I look at the summary of projects, I see George Town, George Town, George Town and West Bay Beach, all the way until 1990. I see nothing for West Bay and, as I told them before, the country does not stop at George Town. It goes a little bit further.

Mr. President, they are correct when they say that water supply has become critical in areas like West Bay. I can speak from experience. I am a person that could always use well water. I could always drink it. But in the area of my own

home where I have been living for eleven years, when I first moved there the water was fine. I could use it for drinking and cooking - it was potable. But today the water carries a stench, there is not as much, we cannot use it as often. So that tells me with what little knowledge I have about these things, that there is something wrong. Besides that, I have spoken to other Members of my constituency and they have given me similar examples. West Bay has grown in the last several years, and I believe that we too, if we have not yet reached desperation, we are close to it. It would be good to have proper samples taken from different areas of the district to see what the condition of the water is like. I would urge Government to, at the end of this year, when they will review this Plan, to put something in the summary. We go from 1986, 1987, 1988, 1989, 1990 and 1991. I think the Honourable mover said. So we should put something in one of those years for the district of West Bay as far as water supply is concerned.

Mr. President, I move on to Housing. As you can see, I have been calm, but this is one subject that I could become very hot under the collar about, because we are not going anywhere with housing. The day of the small man building a house out of immediate cash resources is finished. For a poor family to build a house, as every man in this Assembly is aware, is a tremendous problem. And it is not only in George Town and West Bay, it is all over the country. Cash resources are a problem to them. We have seen in the last couple of years an escalation of price in house lots. We have seen building materials following the same trend. Labour costs, to an extent, have gone up. But bad enough Sir, when things go up in price and there is money with which to buy but the problem which I am also finding, is land space. There is a problem, and we have to face it, housing problems in the low income area are going to multiply with time. Mr. President, there are some people in the private sector who have started their own housing schemes, and that is good. It has helped, has alleviated some of the problem. But Government have to come up with a proper scheme to help those in the low income category and do something about them.

Mr. President, you remember, I believe it was last year, in May if I am not mistaken, when I tabled a motion in the House concerning problems in my constituency, at least ten cases, and I even brought examples to show the seriousness of the problem. That day was a very trying and moving day for me, because instead of getting the support I thought I would have got, I heard all sorts of excuses. We have now come to another year and not that I know of, we have not touched any of the problems yet. In this review, Government is saying that "from 1986 there was supposed to be some development plan review project and environmental health/sanitary survey for 1986, which was supposed to provide qualitative assessments of housing conditions". I am wondering whether this was done and whether they found out exactly where the problems lay. If they did, and money has been lying around, why has something not been done about it.

Mr. President, when you come into this House and you bring the cases that you do, you get the excuses that you cannot provide people with help who are on drugs and should be working and is a drunkard, and all sorts of excuses. Sure, those things are some of the reasons why we are finding some desperate needs in our constituencies, and it is going to rise with time, because our people cannot cope, at least those in that bracket, with the changing times. We do not have time, or some of us as representatives, to be all that is required of us in our constituencies. Some yes, are not spending the time they should. But we really cannot be everything to all people. What I would expect is that when those of us that are prepared to make the sacrifice of getting out there and seeing that these people get proper help and proper direction - when we bring the cases to Government that they move with haste - do not get up and tell me that I have not supported the raise in taxes so I must not ask for programmes. You are not helping me. To leave the problem untouched is detrimental to the stability of this country.

Not because we live in good homes and drive good cars that we must stick up our nose like Master Willy and forget about those that we grew up with, that came in contact with drugs and alcohol and did not know how to handle it. Say by the grace of God, there go I. I take great exception when we confront Government with the problems, then you are told you are trying to help people who can do better. That kind of attitude is not helping the problem, but only compounding it. Staying in your office

or your work place and do not seeing the problem, and you will have a do not care attitude, because the people you get the information from, are people who do not care either.

Some time ago, the Member responsible for Housing - and we have two, one with Social Services and one in the Housing Development Corporation - said that he is going to review the Housing Development Corporation plan or guidelines, and I would agree - this is what I have been saying ever since I have come into this House. We are not helping our people with the Housing Development Corporation as it is presently organised. Now whether you are going to raise money from private sources or whether Government is going to put up the money from some other source, it has to start. There have been too many people who still have a life expectancy of ten, fifteen years according to statistics, who have applied to the Housing Development Corporation and cannot get a loan because the guidelines say they cannot get it. A person who is working now, has always worked and has some money saved too. The quicker we get into it the better. I am not going to say any more on this, I would hope that both Members listening will take what I have said into consideration, and when they get up to answer, do not call me a fool.

Mr. President, I come to Industry. I am not going to prolong the debate on this section, because the motion is on the Order Paper, put down by myself. But it is obvious that if Caymanians are going to share in the development of this country, and are going to share in the benefits from development in this country, we are going to have to take initiatives to help them. There is going to have to be some sort of protectionism, although people frown on it. But we have to.

The money that the small Caymanian can get his hands on is very little. There is no long term money to get and no bank with an A-class licence is encouraging it. They run a business, so I am not going to criticize them heavily, or say that we have to kick them out - God forbid, you cannot do that. But, my God, we as a Government have to do something about the situation. On the one hand you talk about fronting, you do not want to see it, and on the other hand things are not put in place where we can help the small Caymanian to get into business. The other problem he is facing is that those ... certain people in the expatriate community who can put their hands on money are getting into business which should have been left for Caymanians to get into, and that he can get into. But we are a free country, and competition is good, I guess. I spoke about fronting a minute ago, and you hear this is a big thing. And if a Caymanian comes up and wants to do a programme or a project you are now asking him to show you where his money is coming from. He provides it, he shows you where it is coming from, and puts up his business, ten feet down the road, somebody else comes in with big money and puts up an identical business alongside him. You want to tell me that you cannot offer some sort of protection? Your excuse is going to be that you have free enterprise.

I make bold to say that free enterprise in this country is for the big people, the big business people. And a good example of that, Mr. President, and as again I will say, it is why this Government has got the name of rich man Government. A good example is right here in the background chapter 3.1, Banking, which says "...in practice there is a moratorium on the entry of new institutions to conduct such retail businesses for fear that the system may become overbanked, resulting in a sharp fall in the profitability (and, therefore stability) of existing institutions". Who are you protecting? Who are you protecting? But you cannot see fit to offer some protection to the small Caymanian.

Mr. President, I move on to Education. At this time I am not going to get into any long debate about whether it is better today than five years ago. It is certainly better than when I was in school. They had a system then where a certain class of children were set up in the bush, and a certain class were sent to a nice school. I am not that old, you know, that is not too long ago. That was the worst system ever devised in this country, and it has hurt a lot of us too. I might have been the lawyer I wanted to be today if it was not for that system. There are still people in the country who say hurrah to that system. When the Honourable First Elected Member of Executive Council came to Government the comprehensive system came in and he is not doing everything that I had expected that he would do, but I will always give him credit for the part he played in education. And because I know he is going to speak after me, I am not going to debate it any further. But, Mr. President - no, I am not scared, you cannot

frighten me, do not worry about that - I would just like to give credit where credit is due, but remember when I am kicking you up that you deserve it.

Mr. President, the Community College is something that I support, have supported since its inception, and we have just begun to scratch the surface. One aspect I would comment on is the Trade School which is a section of the Community College. I mention it because a student said to me that he will finish his course in June and graduate in September, and he has not been on one job where he could get some on-the-job experience. He was disappointed, because although his training there is doing something with his hands, that is one thing, but it is another thing to actually get out there in the field and see how it works. I believe that if that is not yet in place, it should be put in place, that in the last couple of months in the course, they would be given some field experience.

Mr. President, the health situation is so poor that I am going to skip it. Nothing I am going to say here today is going to make any difference. I have talked about it from the time I came here, and I just cannot see where the improvement is. The only improvement in it is the doctors that we put there for 24 hour service, and in the plans to come, if they materialise, we could be well on the way. But no building is going to give us a better health service. I am going to say that first you have to have good management, and you take it from there. This is not a budget debate, and I do not want you to stop me before I get my points across, but what is wrong with the health service is wrong with a lot of other areas that you are scared to touch. And the problem only gets bigger and bigger.

There are a lot of plans for social services and I would like to think there is some improvement. Well, if there is an improvement in the administration, it is the opposite of what I said about improvement in the Health Service. If you improve the Health Service, improve the administration of health, the rest of the service would fall in place. This is different. I believe there has been some improvement in the management, as such, of Social Services. Certain plans have been laid. But there has been no improvement in the country at large, socially. Mr. President, you cannot sit down in your office and handle the problem outside effectively, you must mix with it, feel it and see it. I would like to think that some of the plans for Social Services are going to improve, but they are not going to improve if the workers are not on the street, living in the constituencies or in the districts, and mixing with the problem. I have to pick up an old lady and take her up to the Tower Building. Government is not paying me to be a social worker.

Mr. President, it is a good time for me, I guess, to say that I am not going to depend on Government. I have made my own plans for the constituency of West Bay. I have talked and am in the process of talking to the churches who, those that I have talked to, are agreeing that we try to raise our own money and get a social worker for our district. I hope that I will not be boycotted in that like I was boycotted with the community park. But that is something that I am in the process of doing, and I will get it, I know I will get it, I am optimistic enough. When I was told I could not get the bus for the West Bay school we went ahead and got it and it is there in operation. I am a go-getter. But I would hope I do not hear any pessimism on it, and do not hear that I am looking for votes, that is why I am saying so because every time I get up here and bring a problem to Government, you hear he is looking for votes.

Plans have been laid for sports and here again, we are far behind any other Caribbean country when it comes to these things. Mr. President, we need coaches. The Member knows it, it has been brought to his attention. I think he was talking to some. But when we bring a problem or a case to the portfolio, let us look at it in an optimistic manner. We have one young man from George Town who has been working, saving his money and going abroad for a short course. He comes back home, work, people help him get some money and this is how he is trying to finish his courses in football coaching. Government has to step in when they see that kind of commitment in our young people. You cannot laugh at them. People are getting discouraged. Young people are getting discouraged, and I do not know whether they are telling the Honourable Member so, but they are crying on my shoulder. We can find the money to do everything. We spend a million dollars for a study of the seabed to

see where you are going to put down an anchor, if you can put down an anchor. But you can tell me that you cannot help these kind of people, you have to wait until we can get it in the estimates. Well, you know what we have done. It did not do what talk did, but it broke down the dock.

Well, some of the Members might say that the debate is irrelevant, but if you leave these things that I have mentioned, that you know are close and dear to my heart, and you do not put priority on them, the country is going to fall and fall when you least expect it.

Mr. President, the police force has been a subject which every time I speak on you tried to shut me up, call me to order on some point or another, I do not even plan to look at it.

We come to the Legislative Assembly, and there are some plans for this building that I would hope we can get into it next year as the plans have been laid. One of these days I will see that an office of a Speaker is included. As a Member of the House, I feel that Government has to start thinking of continuing to build offices for Members and giving them the help that they need in their constituencies. How else can we serve our people? You cannot expect me to run to the Legislative Assembly staff who are already overworked, every time I want a letter done, or something done. For us to serve our people better, this whole way of operation needs to be changed. We are no longer operating in 1959 or 1965. Problems have multiplied in our constituencies and God bless those that have an office. But in a constituency like West Bay, we need an office where the people can reach us.

I will leave that and I will come to the Prison Service and because there is a report to be laid which I trust will be open for debate, I will leave my comments on that chapter.

Mr. President, on the Turtle Farm - we see that there are some plans moving ahead for the turtle farm. I would say, Mr. President, that if C.I.T.E.S. are not going to lift the ban on turtle products, turtle meat and such, I am prepared to wait until this last C.I.T.E.S. meeting is over but I will be making some strong recommendations. They might not be taken up, but many of our people are coming forward and although we do not have a plan before them at this meeting, I will not say what those recommendations are. But, Mr. President, we are going to have to change our policy. One of the things I will mention is that there are complaints concerning the Turtle Farm giving some concession to one local or one business establishment in this country ...

MR. PRESIDENT:

I hope the Member is going to tie this to the debate, because he is really straying rather far now. I have allowed him in other respects to, but this one does not seem relevant. If he can show me the relevance I will allow him to continue.

MR. W. McKEEVA BUSH:

Well, we are talking about plans, and that is what I am dealing with.

MR. PRESIDENT:

It appeared to me you were going to be dealing with some present arrangement at the Turtle Farm which is a commercially run operation, not with the plans for future Government capital expenditure which is what the Economic Development Plan deals with.

MR. W. McKEEVA BUSH:

Well, Mr. President, yes, I had to deal with the present problem in order to tell you how I feel about the future plans. But if you say desist, I will bow to your rulings. But as I already said, there will come a time when I am going to have a say on this subject.

One subject I hope you will not rule out of order is how Government can say no trading on Sunday and the Turtle Farm shop is open on Sundays? I guess you must have thought that is what I was going to talk about the first time.

Mr. President, I have finished what I hope have been some useful comments on this Development Plan. The Member presenting it has done a good job. I had hoped that it would be debated as an issue of national concern because it involves all the sectors and the interests of those sectors. I support the plans that are laid. I only hope, Sir, that now that plans have been laid, that we can find the money to implement these plans and I trust

that my district will not be left out.

MR. PRESIDENT:

I think perhaps this will be a convenient moment to take our afternoon break, and I will accordingly suspend proceedings for approximately fifteen minutes.

AT 3:22 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:42 P.M.

MR. PRESIDENT:

Please be seated. Resumption of the debate on the Standing Finance Committee report.

Does any other Member wish to speak? The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, as the Member who saddled the Government with the commitment and the responsibility of bringing this Economic Plan, I would like to wholeheartedly congratulate the mover. At times when you are speaking here and they are sleeping, you think they are not paying any mind, but either he went back to the minutes or he listened to what I said when I moved the motion on the Economic Development Plan. It has covered the areas with which I expressed concern that planning needed to be done, and that was infrastructure, the direction for the economy, the social and the necessary Government support services along with it.

This Plan does what I feel such a plan should do in that it represents the social and political philosophy of the Government. There is a lot of information contained in the document. Some of the information which they researched that went into the document brought to light things that Government has already taken action on, like the changing of the requirements for qualification to sit as a Member of the Assembly. I do not believe that it is necessary to go through the document chapter by chapter. I attended the Committee's meetings, and put my input there, and I feel that, like I said, basically it is a good plan. Of course it is a dynamic plan, it is going to have to be revised every year to deal with the year in line with the Government's annual budget which is going to be the finite economic plan for that year. The Member has made it clear that it is going to be a rolling plan, that each year they are going to add on another year, which satisfies me.

It is interesting to notice that the annual projection cost for the years up until 1990 we find that the infrastructural cost by Government far outweighs all of the other costs, and that it as it should be, so I hope that we will not see a letter signed by the President of the Chamber of Commerce in next week's newspaper that Government's Economic Plan is trying to direct private enterprise. This Plan pays attention to the areas of need in the infrastructure which will allow the private sector to develop the economy on the basis that it has done in the past, and to help direct it in the future by providing the infrastructure which is going to be necessary for such development to take place.

I have no trouble in supporting the Plan. I believe that we should not believe that the costs that are projected in this Plan for any of the projects are carved in stone. Certainly, everyone must realise that when a cost is put in for a project to take place in 1990, it is done at today's figures, and in most instances there is going to be upward revision of those costs at the time that Government sits down to implement that project in its annual budget.

Mr. President, I give my support to the Plan and I believe it is a step in the right direction. It is the first time, to my knowledge, that the Government has put in black and white so to speak, what it feels are the needs of the country, and what time frame it intends to address those needs. I believe that even if we have a change of Government in 1988 which brings about a change in the political philosophy, at least they now have a document that can be referred to which identifies the needs and they can then reprioritise as it were, to suit their philosophy what is contained in this Plan.

So, Mr. President, like I said, I would like to congratulate the Honourable Member on putting the document together. I had expressed reservations in the past at the time that they were taking to do it, but I believe now that the time was well spent, and with those few words I support the Plan.

MR. PRESIDENT:

Does any other Member wish to speak? In that case does the mover wish to exercise his right of reply? I am not sure whether the First Elected Member for the Lesser Islands was trying to catch my eye, rather belatedly, if he was, he may speak.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I too would like to congratulate the mover on the able presentation he made. I know the listening audience will appreciate his in-depth report on this Five Year Development Plan. I personally feel it is a good plan. I had the privilege of going over it in detail in the Finance Committee. I do not intend today to take a long time and delay the Assembly. I feel it is good planning, forward planning, that we know the priority of what major items are needed. We all realise that the Island of Grand Cayman and George Town in particular, being the capital, has many needs. Also the other districts will follow behind.

In looking at the Sister Islands, which are my direct responsibility in this House, I am very grateful that we will have an improvement at the Faith Hospital in the year 1988 if this Plan is implemented. Also I would like to ask the Member responsible for the Housing Corporation to continue to give most favourable consideration with loans there as there are several people in that community, who, like every other district I imagine, cannot qualify with the commercial institutions for assistance for houses, but do badly need to upgrade their living standard.

Of major importance to me in the Sister Islands, is our water situation. In the Finance Committee we decided that we felt in interests of the economy of these Islands it was not prudent to spend large sums to further develop the well fields as we did not feel that that would solve the problem. I made a suggestion on the floor of this Honourable House on a previous occasion that I would recommend that Government enter into a contract with the Cayman Brac Power and Light Company similar to what they have done with Central Desal, for the provision of providing desalinated water to the community in Cayman Brac. I have spoken with the managing director of Cayman Brac Power and Light and he is very receptive to the idea. So I am in hopes that something could be worked out that would provide potable water there. Right now we are experiencing a drought and water is not available to be bought because during the dry season it is usually also the tourist season, the only desalinated water available on the Island is at the hotels, and they have limited capacity for the manufacture of desalinated water themselves. The need is definitely there, and I would hope that something could be done as soon as possible to negotiate with the Cayman Brac Power and Light Company because I know it is not something that can be done immediately. They have limited financial resources themselves so it is something that will take some time to be negotiated, and it is a need that we needed yesterday, not tomorrow or in the distant future.

Another area of great importance in Cayman Brac at the present time is education. We have had a major problem with a declining population, a decreasing student enrolment, which has put economic burdens on the education system. But it is my hope President, that no steps will be taken that will in any way, damage the education of our young people in Cayman Brac and Little Cayman. As we know, there is no public school on Little Cayman, so the only education expenses in the two Islands is all on Cayman Brac. My concern is that nothing be done that would in any way reduce the staff in the primary schools now or in the future, because I feel the faculty of the primary schools, each and every teacher is necessary, and I would ask the Honourable Member to consider this. I know economy is important, but I feel the benefits of education will far outweigh the expense it is causing this Government in the long run. Without an educated population, the future would be very bleak for these Islands.

I also look forward to the completion of the air terminal at the Gerrard Smith Airport. This is long overdue, and I sincerely hope that as envisaged in this Five Year Development Plan, the construction can commence in the latter half of this year, and will certainly be completed during the period of this Five Year Economic Development Plan.

We also note with interest the view on the airport at Little Cayman. I do not at this time see the need for a new airport at Little Cayman. I believe if the present airstrip was acquired from its owners and improved, it could serve the needs for many, many years to come, and be a considerable saving to

our Government.

I turn now to our hospital. This Economic Development Plan clearly states that we have sufficient hospital rooms to cover us to the year 1990 in Cayman Brac. If we look at charts that probably is correct and that would be true if we had 50,000 or 100,000 or 200,000 people, ten hospital rooms or two hospital rooms less would make no difference. But we do not have private rooms, Mr. President, and that is what we have said, is why we have asked for them, and as I said we look forward to them being constructed during the year 1988.

I would like to thank all the department heads and all who had an input into this for their consideration to the Sister Islands and for the good job they have done in the preparation of this Plan. I think it is a good Plan. I know a lot of work has gone into it. I sincerely hope that it will be followed fairly closely, and as the time goes on, the most important projects will certainly be given priority. With these words, Mr. President, in closing, I would again like to congratulate the Honourable mover for his able presentation, and I have already alerted my constituents to listen tonight in order that they will hear a proper explanation of this Economic Development Plan, that they can better understand what it is all about.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak? In that case does the mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON:

Yes, Mr. President.

You know, somebody said to me the other day when I started talking about this Economic Development Plan, that I must be an economist - and it reminded me of a story I heard between a recently married couple - and it goes somewhat like this, Mr. President:

"I am glad you are so impressed dear, because of all these explanations I have been giving you about banking and economics" remarked the young husband. And the wife replied: "Yes, darling it seems wonderful that anybody could know as much as you about money - without having any."

I have a little bit, but it is not mine, it all belongs to the public.

But I want to thank Members for their kind words about the Economic Development Plan, their kind comments as well about the department heads who assisted in putting it together, and also the private sector's contribution, which I think helps to make the Plan a very good one. I am not going to prolong the debate this afternoon, but merely to say that I think one of the Honourable Members, made a point, he was trying to make a point, and I believe he did, about all the banks and all the insurance companies being foreign. And as I listened to his comments, on the fact that all of them with the exception of one in banking and one in insurance, all being foreign, it reminded me that - and this thought came quickly to mind - that it was not too long ago - as a matter of fact I believe it came pretty much to an end in the middle 1960's - that the majority of us, went overseas to search for this foreign money. And as a result, had to be away from our mothers and fathers and family or more intimately, wife and children, for one year, as that was the terms of employment which we had to agree to. Today that foreign money has come to our Island and we have many people employed as a result of it. We no longer have to be away from our families for long periods of time. And, Mr. President, excuse me, but as the lyrics are sung: "We've come a long way, baby".

Thank you very much, Mr.

President.

MR. PRESIDENT:

The question is that the Report of Standing Finance Committee on the meetings held on 8th and 22nd of April to consider the Economic Development Plan and that Plan, subject to the Report, be accepted.

QUESTION PUT: AGREED. REPORT OF THE STANDING FINANCE COMMITTEE ON THE FIVE YEAR ECONOMIC DEVELOPMENT PLAN (1986-1990) ADOPTED

MR. PRESIDENT:

Item 3 of number 2 on today's Order Paper, the Honourable Third Official Member.

GOVERNMENT MINUTE AND REPORT TO
PRIVATE MEMBER'S MOTION NO.15/86

HON. J. LEMUEL HURLSTON:

Mr. President, in accordance with the provisions of Standing Order 18(1) I beg to lay on the Table of this Honourable House the report of the inquiry into allegations into drug abuse at Northward Prison conducted by Mr. Harry Brown, C.F.M., during the period 29th January to 27th February 1987, accompanied by the Government's response to that report in the form of a Government Minute.

MR. PRESIDENT:

So ordered.

HON. J. LEMUEL HURLSTON:

In accordance with the provisions of Standing Order 18(2), I would make a few brief remarks. This inquiry, as Members are aware, came as a result of the Government's acceptance of Private Member's Motion No.15/86, and the inquiry was conducted in an independent fashion over a period of approximately five weeks, during which time the inquirer examined the background situation, the current situation, looked at security arrangements, staffing and establishment arrangements at the institution, looked at the procedures and came to interview every prisoner that was in the institution, every member of staff, every Member of the Legislative Assembly and every member of the public who desired audience with him. He came to make a series of observations and recommendations, the summary of which is that there have been, in the past, and there continues to be, a certain amount of illicit drug abuse at the Northward Prison. He cites eight methods by which contraband is generally smuggled into this and any other prison. Just to mention a few of the eight methods mentioned in the report, Sir, contraband can be thrown over the perimeter fence into the facility to await pickup; it can be smuggled in by prisoners on outside visits to the courts, to the hospital, dentist etcetera, obtaining the contraband from outside sources; it can be obtained by authorised visitors to inmates passing contraband through contact; through outside prison working parties picking up the contraband concealed at prearranged places; it can be smuggled in through hand-ins, through visiting work parties, etcetera.

Finally, the inquirer makes twelve recommendations that he considers would be an improvement to the current situation. These recommendations have been analysed and considered by the Government, and the responses to them are set out in the Government Minute.

The Government accepts, therefore, that there is a certain problem. It is not an enormous one, it is not of epidemic proportions, and it is certainly a containable problem. The Government will be taking steps, as recommended, to ensure that as far as possible, illicit trading of drugs at Northward Prison will be kept to its absolute minimum.

Thank you, Sir.

MR. W. McKEEVA BUSH:

Mr. President, under Standing Order 24(9)(viii) I would move that the report be debated.

MR. PRESIDENT:

I have hesitated because I am not quite sure - are you meaning that you move that there be a debate on a motion that the report be accepted, or something like that? If the motion is simply that the report be debated, technically you cannot discuss the report itself, you can only discuss whether it be debated. But presumably what you want to discuss is the report, and the response to it. In that case I think what you will have to move is that the report be adopted, or that it be thrown out or that something happens to it, then it would be, provided that the motion was acceptable, possible to debate the merits and the substance of the report.

MR. W. McKEEVA BUSH:

Are you saying that instead of (9)(viii) then it should be (9)(i), and I move that it be adopted?

MR. PRESIDENT:

No, no.

MR. W. McKEEVA BUSH:

All right, under Standing Order

24(9) (viii) I move that the report be adopted, as well as the Government minute.

MR. PRESIDENT:

Yes, I think that would achieve what I take it is your objective, and I think that there is no reason why you should not move that. So I suggest you speak to your motion.

MR. W. McKEEVA BUSH:

Mr. President, I am very, very disappointed that Government would spend time and money on this report, an important report such as this one, an investigation into drugs in Northward Prison; and to come into this House after this Member and the Member for North Side got them to consent to it, to come here and to make the report under Standing Order ... (whichever one it was that he laid it under) and spoke to it as a ministerial prerogative in order that we, on this side of the House could not have a say on this Report. It was a cover up. As all reports have been on any Governmental institution and it is one of the reasons why we will always have charges of corruption in this Colony.

Mr. President, they cannot govern alone, and it is time that the Government bench understand it. They need the support from this side, and they only have one year and some months left in their administration, and the quicker they understand that, the better.

Now, Mr. President ...

MR. PRESIDENT:

Could I interrupt you, it has just been brought to my notice that technically your motion should have been seconded. I am sure the Member for North Side intended to second it, I saw him sort of nodding, but if formally he would do so then we shall be quite in order.

MR. D. EZZARD MILLER:

Mr. President, I beg to second the Motion, Sir.

MR. PRESIDENT:

Now you can continue.

MR. W. McKEEVA BUSH:

Well, I hope the public understands that that little interruption there was not my fault. I believe things are done sometimes in this House to try to make me look like I do not know what I am doing.

MR. PRESIDENT:

I think the fault was mine, not yours.

MR. W. McKEEVA BUSH:

Oh, I am glad you admit it, Sir, I would not say that, but ...

MR. PRESIDENT:

I certainly was not seeking to blame you, I should not have accepted the Motion until it had been seconded, and I should not have allowed you to speak.

MR. W. McKEEVA BUSH:

Sir, you have been trying to keep on the good side now in this meeting.

MR. PRESIDENT:

Well, if you will try and keep on mine, I will try and keep on yours.

MR. W. McKEEVA BUSH:

Mr. President, I was very happy when the Government accepted my motion for an inquiry into allegations of drug abuse at Northward Prison, but for the record, I would point out that the first motion I tabled was for an inquiry into the Northward Prison - in other words, a full inquiry into the Prison and not just into allegations of drug abuse. Anyway, Government would not accept a full inquiry into the prison, but they accepted an inquiry into allegations of drug abuse.

Now, I did not get to talk to Mr. Brown. The day I was supposed to talk to him we were in session and he came by and told me that he had concluded his enquiry. Well, that was because we were caught up here in meetings and we did not find time.

Mr. President, my reasons I gave were because of the allegations, and I am happy with some of the recommendations. It has some startling - although they say it is not crisis proportions - it does have some startling and revealing comments. They found where they had seen cocaine free-basing and 30 per cent drug usage among inmates. One of the startling findings is

on page 10 of the report, "that common methods of smuggling contraband into the prison were seen to be coming from visiting parties such as P.W.D. engineers". If this report is telling me that P.W.D. is involved here, then they too need an investigation. It is one department that I have confidence in many of the staff. But you know, I have to question what is really happening in this country? What are we coming to if we are finding that more and more departments are involved in this thing? The report mentions, I believe, that one prison officer was being called back from Jamaica, and that they are taking precautions to control some of these. But it says nothing about what it is doing about corrupt prison staff. It does not say one, you know, it says some. And I am saying that I do not see anything in the report, I could have missed it where they are saying they are taking any precautions on prison staff, corrupt prison staff.

In the debate on the Bill to amend the Prisons Law yesterday, or the day before, I mentioned that I was disappointed that Government was not laying this report when they were bringing that Bill to the House, and the Member in his reply, proceeded to tell me that the Bill to amend the Prisons Law had nothing to do with the report on the investigation. I do not think that I am wrong. If you search the Hansard you will find where the Member said that. He said that at various times. Yet, I find that some of the amendments in the Prisons Law were taken directly from the recommendations made by Mr. Brown. And, for the sake of clarity, I will point out in the Prisons Bill, what I am talking about. It gave in or clause 4 of the Bill, amending section 8 of the principal law, it gave the prison officers the same powers as police officers. That is, the Bill to amend the Prisons Law. We find in the Government Minute that the powers of search and arrest were recommended by Mr. Brown. Now you are asking me why I am pointing it out. I am going to show you ...

MR. PRESIDENT:

With respect, I did not ask you that.

MR. W. McKEEVA BUSH:

You did not ask, but you are hearing. Why I am pointing it out is because it shows you that the Government bench will mislead you. It is not every time they get up on that side over there that they tell you the whole truth and nothing but the truth so help me God. But they swear up and down that we Members speaking on this side, are a bunch of idiots who do not know what we are talking about. That is the point I am trying to make. And that is not the only amendment in that Prison Bill that came from these recommendations. Some of the recommendations are good and proper, I am not going to prolong this debate, but I want to know what is being done concerning those corrupt prison officials that the report talks about. The report says, in section 45, that most of these mentioned have since left the service for one reason or another. And the operative word here is "most". Where in the world are the other ones? I only moved the adoption in order to be able to speak, but I am disappointed to see that this Report was trying to be covered up. I am only left to wonder whether in fact, this is a true report or whether this is the whole and full report.

MR. PRESIDENT:

With all respect to the Member, I do not really think that he can say that a report was being covered up when it has just been laid on the table and therefore has become a public document.

However, the Motion is now open for debate and if anybody ... but, sorry, it is only about one minute before 4:30 p.m. and I am therefore doubtful whether it is worth inviting any Member to start a speech if any Member does want to speak on the Motion. Does any Member wish to speak? If any Member does, we can postpone the debate until tomorrow. I thought so. In that case, I will invite the Honourable First Official Member to move the adjournment now.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, in accordance with Standing Order 10(2), I move the adjournment of this House until 10 o'clock tomorrow morning.

MR. PRESIDENT:

The question is that this House

do now adjourn until 10:00 A.M. tomorrow morning.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL
10:00 A.M., FRIDAY, 1ST MAY, 1987

SECOND MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
FRIDAY 1ST MAY, 1987

(ELEVEN DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMB, CUG - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON G 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 LINCOLN A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT FOR 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 WALE BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR B SZZARD 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

SECOND MEETING OF THE 1987 SESSION

OF THE

LEGISLATIVE ASSEMBLY

FRIDAY, 1ST MAY, 1987

(FIFTH DAY)

1. PRAYERS

TO BE READ BY THE ELECTED MEMBER FOR NORTH SIDE.

2. PRESENTATION OF PETITION

PETITION NO. 1 OF 1987

TO BE LAID ON THE TABLE BY THE SECOND ELECTED MEMBER FOR WEST BAY.

3. PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE AND REPORT TO PRIVATE MEMBER'S MOTION NO. 15/86

CONTINUATION OF DEBATE ON THE SUSPENSION OF STANDING ORDER 24(9)(viii).

4. PRIVATE MEMBER'S MOTIONS

1. AMENDED NO. 3 PRIVATE MEMBER'S MOTION NO. 6/87
TRADE AND INDUSTRY INCENTIVES

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY

SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

2. PRIVATE MEMBER'S MOTION NO. 7/87
MANDATORY PERSONAL IDENTIFICATION

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY

SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

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FRIDAY

1ST MAY, 1987

10:07 A.M.

MR. PRESIDENT:
for North Side.

Prayers. The Elected Member

PRAYERS

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 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, who 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 Petition in accordance with the agreement which the House gave yesterday to suspend the provisions of Standing Order 17. I now call upon the Second Elected Member for West Bay to lay on the Table the Petition standing in his name.

PRESENTATION OF PETITION

PETITION NO. 1 OF 1987

MR. W. MCKEEVA BUSH:

Mr. President, in laying this Petition I would point out to this Honourable House what the people are asking.

"We, the people of the Cayman Islands, and in particular the residents of West Bay, hereby ask the Government of these Islands to take into consideration our wishes as stated below:

(1) that no dredging for a deep water harbour take place in the North Sound as proposed; and

(2) that before any future approval is given to any investor, foreign or Caymanian for dredging operations of such magnitude, that we, the people of the Cayman Islands and in particular the residents of West Bay, be

consulted first of all and that our wishes be taken into consideration with utmost impartiality, and your petitioners as in duty bound will ever pray."

Mr. President, this Petition is sent in by Mr. Marvin Ebanks of West Bay and some 414 other signatories. I think that Government, will do well to take these wishes into consideration, and I would only thank those people, Mr. Harley Rivers and others, for getting the signatures and having initiated this Petition. I table it on their behalf.

MR. PRESIDENT:

Presentation of Papers and Reports.

Thank you.

Item 3 on today's agenda.

PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE AND REPORT
TO PRIVATE MEMBER'S MOTION NO. 15/86

MR. PRESIDENT:

This is a continuation of debate on the suspension of Standing Order 24(9)(viii). I am not quite sure that is right. I think what happened was that the Second Elected Member moved a Motion in accordance with the provisions of Standing Order 24(9)(viii) that the report of the inquiry into allegations of drug abuse at Northward Prison and the Government note thereon should be adopted. It is that debate that can now continue. The mover had spoken. The Elected Member for North Side had caught my eye just before we adjourned yesterday, and I invite him to speak now.

MR. D. EZZARD MILLER:

That is not the entirely correct position, Sir, but you had asked if anyone else had intended to speak. I would have preferred to have heard Government, but if they ...

MR. PRESIDENT:

Well, I had in fact asked if anybody wanted to speak thinking that if nobody had wished to speak I would have taken the vote last night. You did catch my eye and I did therefore say that we would adjourn. But I do not press you, if you wish to give somebody else an opportunity to speak first, you can do that. I caution you I will invite any Member to speak, and if nobody else rises and you do not rise in time, I will put the vote.

MR. D. EZZARD MILLER:

That is okay, Sir, I will speak, I will not miss my opportunity, and I promise you that when I am finished they will be up on their feet, they are not going to miss their opportunity either.

Mr. President, like the Second Elected Member for West Bay said yesterday, I too am dumbfounded and surely disappointed that Government chose to lay this report in the fashion in which it was done yesterday afternoon under Standing Order 18(2) which precludes debate on the subject matter.

Now, I had spoken privately with the Elected Members of Government, and they had assured me that they saw no reason why the report should not be debated, and that it would be laid in such a fashion. I believe they were kind of surprised yesterday when it was laid under 18(2). If they were not they did a good job of acting. But I believe some of them were genuinely surprised that no debate was going to be allowed on this very important subject. We not only have a report being tabled with conclusions, findings and recommendations based on a Private Member's Motion asking for an investigation, but we have a Government Minute attached which outlines Government's response and the action it has taken, is taking and is going to take, based on the recommendations, conclusions and findings in this report. Some of these actions that Government is going to take involve expenditure, involve legislation, and while it might be argued technically - and this week we have seen a lot of hair splitting by the Government side in this Assembly - that the act of laying the Report on the Table of this Honourable House under 18(2) is putting it out for public perusal and public information, and it is true that the public can come to the Assembly after the Report is laid here and get copies of it. But, Mr. President, our responsibility as a Government and as Members of this

Assembly goes beyond that in a situation like this. We should be allowed to expound, deliberate and debate the findings, conclusions, recommendations and Government's Minutes so that the public can be adequately informed on this Report.

The public heard the debate concerning the Private Member's Motion which brought about this report. Most members of the public do not have the time to come to this Assembly and get reports, and the public will have to pay for them when they come here anyway. But to put it in perspective, the news release on Radio Cayman this morning, based on a report which is 48 paragraphs long lasted less than one minute. Is that the amount of information that the Government wants to get to the public? They all know my position about Radio Cayman. Public perceives, rightly or wrongly, that it is Government controlled, and if they would take my advice and put it under public authority they would get rid of some of that.

But let us look at the events leading up to this Report, and then look at the findings in that perspective, and we will see how bad, how serious, this report really is. I will read the introduction by Mr. Harry Brown, C.P.M., to his Report. And it says:

"For some time past in the Cayman Islands, street rumours and speculative allegations have circulated to the effect that prisoners at Northward Prison have easy access to illegal narcotic drugs within prison confines, and that a flourishing drug trade exists there, linked to a high level of usage by inmates."

That is the investigating officer's introductory paragraph. And that is true. That is the reason why the Second Elected Member for West Bay and myself brought the motion in the first place, because we could not convince the Government Official responsible at that time for Prisons that there was anything wrong.

And now, having to do that in itself defeats the purpose of the investigation. We are raising the flag, we are informing the culprits concerned. We were announcing it for all and sundry to hear that an investigation is going to take place at the Prison. Compound that with the fact that when Government brought in the officer to do it, they made a big announcement on the front page of the Caymanian Compass.

Now all of that combined gives the culprits, the people who are involved in this illicit drug trade at Northward, notice to hold back. Then it is being speculated in the public's eye as to why they brought back a police officer who had been involved with the police force before to do the investigation. They go to all the expense of bringing in D.E.A. agents to a campaign on Seven Mile Beach to entrap citizens, and in some cases I support that, it is a necessary evil to break the back of the drug trade. Why was not the investigation into the prisons, an official arm of Government, done in like fashion? One Member suggested to me that what they should have done was convicted the officer in court and put him in prison for five days and then he would have really found out what was going on. No, they dragged this flag all over the Cayman Islands, we are going to investigate the prisons, be warned.

Mr. President, I know it is difficult for Government to admit that there is something wrong in the prisons. Because, like I said, the Second Elected Member for West Bay and myself could not convince the Honourable Member responsible that there was any substance at all to the rumours. Now I will admit that there has been a change in the structure of Executive Council since that time, and a change in the persons who occupy the seat. But worse than that, in laying this Report on the table, it is brought to my attention that one of the Magistrates in our courts was himself so concerned that he wrote a letter to Government asking for an investigation on 20th July, 1986. Government did nothing. Are you telling me now that the investigation had nothing to do with the Private Member's Motion, that Government was going to investigate it anyway? Well nothing was done before September when the Private Member's Motion was brought, because a simple way to defeat the Private Member's Motion was to say there is an on-going investigation, there is no need for this, we would have withdrawn the Motion. The Hansard of the House bears no such record. So my deduction is that this letter was ignored.

MR. PRESIDENT:

I think if the Member is going

to say that he ought perhaps to read and read out paragraphs 38 and 39 of the report.

MR. D. EZZARD MILLER:
and 39 of the Report, Sir.

I will read out paragraph 38

"38. The letter of complaint sent by the Resident Magistrate Hon. Kipling Douglas, to His Excellency the Governor, describing allegations from defendants in court that drugs were freely available in Northward, was investigated. The first subject of the letter suffers from a mental problem and was, at the time of his appearance before Hon. Douglas, under medication prescribed by the Government consultant psychiatrist Dr. Knight.

39. The second person mentioned in the Magistrate's letter has since been released from prison. He was interviewed on 11 February" (I assume the year is left out conveniently and that should be 1987, which is after the Private Member's Motion) "and although he declined to give a statement on the matter, admitted making the allegations described in the Resident Magistrate's letter. He claimed he was misunderstood and was in fact referring to a term he spent in prison in 1983 and 1984, when drugs were easy to obtain. He further stated that when committed to prison last year he found illicit drug use among prisoners still present, but that drugs were difficult to obtain because the system had tightened up from previous years."

What I am saying, Mr. President, that if a thorough investigation had been carried out at that time, there would have been no need for this investigation nor for a Private Member's Motion. So I still maintain that although there is evidence here that the two specific cases referred to by the Magistrate may have been, or were looked at, the whole principle behind his letter, and that drugs were available at Northward Prison, was ignored.

Now we also find attached to the report a list of convictions, 1982 we had two, 1983 we had two, 1984, four, 1985, four, 1986, two. So there was evidence before Government through convictions of court that something was wrong at Northward Prison. Yet the Second Elected Member for West Bay and myself were told repeatedly by the Member responsible at that time that there was no truth to those rumours, there was nothing going on in Northward Prison. It was just people trying to give it a bad name.

The conclusions and recommendations of this report, paragraph 40. Mr. Brown states:

"From information obtained from past official records, and from numerous interview sources, I am satisfied" (and this is Mr. Brown) "that illicit drugs, namely ganja (cannabis sativa) and cocaine (cocaine hydrochloride) have been regularly" (not occasionally or intermittently used, but regularly) "used by the inmates of Northward Prison in past years."

And that is a little bit of that same British diplomacy - it went on before, but it is not going on now. I still get as many complaints today as I got in 1986 when I brought this Motion. Because a recent inmate that I talked to from my constituency told me that he was shocked at what he saw going on there.

"And that they are still being used within the prison confines by present inmates."

he says that:

Paragraph 32, in his findings

"All" (not some) "all prison officers interviewed appeared to be aware of the numerous methods by which drugs and contraband can be smuggled into the prison and of the necessary preventative action they should take in such cases."

Now, what are we doing with officials who know the methods, who know the ways to stop it, but are not stopping it? The age old excuse, 33:

"It was generally felt by all prison officers interviewed that staff shortages at the prison had resulted in lower standards, particularly in the searching, surveillance and control of prisoners, at operational supervisory levels."

Staff is like information - sometimes when you have to make a decision you can always say, you can always prove, you can always justify, that you need one more. But like information, making a decision based on information, we have to work with what we have. We cannot sit down to make a decision and wait until absolutely all of the information is available. And do not tell me that the management at the prison cannot find a way to utilise their staff by shifting them around on any one of these duties to try to stop some of this. That is what Government is paying them to do as management. They can find all kinds of excuses when you want to visit a prisoner. It takes you two weeks, and then they tell you, you should go through management. I was talking to the Director of Prisons, I thought that was management, and he told me that if I wanted permission to visit someone I should go through management. But they cannot put their heads together. They are not so short staffed up there you know, they have quite a few.

What I do not understand, Sir, because if this report had been laid early on in the session, the Bill for Prisons that was brought to this Assembly should never have been brought. Let us take one aspect of the Bill. The Bill which was passed into Law and which I voted for, based on the information which was before me - and that is the job I have to do. Had I had this information, I would have voted against the Bill because one clause in that Bill reduced the number of mandatory doctor's visits from one every month to one a year. One of the recommendations in this report is that doctor's visits be increased. And they are talking about hiring a retired doctor to put there full time. So on one hand you feel that Government, through its Government Minute, has paid some attention to this report. On the other hand, you wonder if the Government Members have read the report. And you know, there is a saying "Jesus likes the truth". Now on my copy, I do not know about other Members' copies, but on page 14, and I will give the Government Members time to find it, page 14 next to recommendation number 5, somebody has handwritten the word "legislation". Now what is the significance of handwriting the word "legislation" there? The Bill had nothing to do with this report and the report has nothing to do with the Bill.

The second recommendation made by Mr. Brown is that:

"The establishment of a Prison Medical Officer must be considered and implemented as soon as possible. A retired doctor could be offered contractual terms to hold clinics in the prison. This should drastically reduce the number of outside visits by inmates and produce savings in transport and personnel costs to make the post viable."

Because in his findings, it is claimed by the prisoners who consume the drug and by the prison officers who should put a stop to it, that one of the places they are getting illicit drugs is at the hospital. Now it is beyond comprehension on my part that Government can have this recommendation before them and they can introduce a Bill in this Assembly to reduce the doctor visits from one a month to one a year.

No Member in presenting the Bill said that the reason why they could reduce the mandatory thing was because they hoped to put a doctor there as is recommended in this. Nobody needs tell me that a nurse put at the clinic can fulfil the role of a doctor, because that is illegal and if they start dispensing medications etcetera, they are breaking the laws of this country. If they put the doctor there, as is recommended here, they get the savings on transportation, they reduce one of the areas that the illicit drugs are getting into the compound. Then they might have some money left to hire all the staff that they need.

The third recommendation is to do with drugs being thrown over the fence. Now, Mr. President, you know I am not saying that it is physically impossible to throw the drugs over the fence at Northward, but it either has to be a fairly large quantity of ganga, an even larger amount of cocaine if the guy is going to throw it over the height of the fence and cover the

distance of no-man's land and get it into the compound or he has to package it in something that has weight to pelt it that far over the fence. Now the recommendation here is a logical one - if they are using sling shots, or maybe they are really using a crossbow, that the Honourable Second Elected Member wants eliminated, I do not know - to clear a larger area etcetera. The word legislation, you know, Sir, that is written on my copy has to do with the implementation of random urine tests and stuff like that. Mr. President, the report is fairly comprehensive. I think Mr. Brown did a good job, considering the circumstances under which the report had to be done, the flag waving, the announcing and everything else that went on. But you know, it leaves one to wonder how bad really is this problem. I mean if, after all of this hullabaloo of announcing it, this man goes in there and he finds it so blatant that it cannot be denied, I wonder what it is like under normal circumstances, under the normal day to day operation of the prison when there is no announcement that there is going to be an investigation. Is it better, or is it worse?

Now Sir, let us look at the Government's response to this report. The first paragraph says:

"Government has considered this report and accepts the conclusions and recommendations contained therein."

Addressing each of the recommendations in turn - now you see, it has fallen to my lot now to have to tell the people what these recommendations and Government action is, because the Honourable Member in moving the Motion did not do it. Why? You know, I am getting kind of tired of this Mickey Mouse game. The Members on this side must be given sufficient information in order to intelligently decide, because I feel like an idiot having voted for the Prison Bill and having read his report. Granted, the decision at that time was made in good faith on information available to me. But why could not this report and these recommendations have been laid before that Bill was discussed?

Some of Mr. Brown's recommendations have already been acted on, and I congratulate Government for that. But tell the public. Why must the public be left uninformed? They heard the debate on and the reasons why the Second Elected Member for West Bay and myself brought the Private Member's Motion in September. They are entitled and if Government has nothing to hide it should be willing, because it is able to have read the Government Minute for the public of this country because, make no mistake, when it is something that they want out, no effort is spared in the presentation. The Honourable mover of the Economic Plan yesterday - which was a good thing for this country - eloquently expounded the pros and the cons of the Economic Development Plan. The same should have been done with this report. It is just as important that the populace of this country who are entitled to know be told what went on with the prison report. And then when the people out there start making up their 'Anancy' stories, they can say well we laid it on the Table at the Assembly, you should go down and get it.

We are getting \$6.00 an hour to do this you know, to inform the public, and they are getting a lot more than that. The first item on the Government Minute:

"1) Staff Vacancies/Shortage:

Recent efforts resulted in five new recruits entering the prison service and the remaining nine vacancies will be filled by selective overseas recruitment currently in progress."

That is why it was not read, because we are getting to this thing that came up in the Throne Speech, about this selective recruitment from overseas. Mr. President, there are people in this country who can adequately perform these functions and Government has to find out why the Caymanians are not applying for these jobs and create the wherewithal for Caymanians to occupy these posts. If it is because of poor salary, then those selective recruits, if that is the determining factor, are going to be very tempted to get involved in illicit drug trafficking in the prison, because it is very difficult to survive in this country on a poor salary. Whether we like it or not as a Government, it is expensive to live in this country.

"Efforts will also be made to provide additional manpower resources adequate to carry out all security recommendations."

Now in the first instance here, Government has accepted the man's recommendation. They have acted by getting five new recruits, they are going to get nine from overseas, and then they are going to make additional efforts to increase manpower resources again. There is nothing wrong with that - except the overseas recruitment - because we are bringing in people from a different culture to deal with our own people. That is where we are going to get the prison officers hitting the prisoners over the head with a baton because he cannot understand when the man from West Bay say "Almighty God, but I want to go work this morning". And he thinks he cursed him a bad word, right? You know how it is Bushie, because you know you can't talk about North Siders it is your people who do not talk properly, I cannot help that, not because there are more in numbers. And that is a very simplistic approach to the problems that bringing in foreigners, putting them in these positions, has. The language is a basic problem, understanding the whole culture.

Because the people in prison have done wrong, Sir, I am not denying that they should be punished for doing wrong. But we have to make an effort to bring those people back as productive members of society. And no "pan head" or "limey" is going to do that for a Caymanian. So we have to find the root cause, and there is a reason why Caymanians are not applying for jobs as prison officers or police officers, or other jobs in the civil service. And it is not always money. But I have said it over and over again in this Assembly, it has been ignored, and I believe it will continue to be ignored. Somebody had better start listening, Sir, because the thing that has kept the Cayman Islands from going the way of the Eastern Caribbean countries, the way of Jamaica, the way of Turks and Caicos Islands, does not have anything to do with a constitution carved in stone, or no particular stage of constitutional advancement.

It is built on that this country had an honest, hard-working, reliable civil service, made up of Caymanians who put their efforts into their work - that is what this country's success is based on. But look at the brain drain in Government. I do not like what I see down the road in the Civil Service. And it is not money, that is not the total answer to the problem, nor is it the total answer to staff at the prison. And, bringing in somebody who has spent forty years in Africa, again, to do some reclassification or study of the Civil Service, to recommend increases in salary and reduction of other benefits, that is not the answer to the problem. We have to find a way to reward those people, those staff in these positions, who are doing hard work, and we have to motivate them to perform.

The second item on the Government Minute is:

"2) Provision of Prison Medical Officers:

"As a first step towards this end, a nurse is being employed and stationed at Northward Prison primarily to attend to minor incidents and reduce the number and frequency of hospital visits.

Steps will then be taken with a view to fully implementing the recommendation within the next 12-24 months."

Now I hope that this step is not what was done in the Prison Bill this sitting. This Government Minute does not have a date on it, you know, Sir.

"3) Outer Perimeter Fencing and Lighting:

This recommendation will be considered, subject to costing and availability of funds."

Nothing wrong with that.

"4) Prison Intelligence Unit:

Establishment of such a unit is contingent upon the implementation of Part 2 of the response to #1 above" (that is the staffing) "and will be undertaken simultaneously. It is envisaged that manpower should be made available for establishment of such a unit to commence within 12 months."

That is reasonable. But tell the public. When the Honourable First Official Member brings his budget in November, and the public hears me and other Members supporting increase of civil service and prisons staff, if this thing is properly debated and the public is properly informed about it there will be no hesitation in supporting such a request. But if this is simply laid on the Table and one or two Justices of the Peace or retired politicians who want to make hay in 1988 come down here and get it, and go out and tell the people half the story, it is going to be very difficult for Members to then convince their electorate that increasing the staff is justifiable.

"5) Random Urine Testing: Prisoners and Staff:

Provision already exists for random testing of staff and a number of staff have volunteered and provided specimens."

Now, Mr. President, that is a joke. Because it says that provision exists for random tests to be demanded. But Government is satisfied that some people have volunteered a urine test. I mean, anybody who wants to circumvent that, and not get caught, simply knows what the half-life, or the duration of any of these chemicals in the body is like and he gives the test when he knows none will be found. That is not random urine sampling. At least it is not my interpretation, and I hope that this is a misprint and it is not Government's interpretation, because random is like what we did here in the Assembly some months ago. Somebody got up and said we should do it, and I said, yes, I will provide the equipment to do it, and everybody did it that day. The prison officer should come to work and the equipment is there and they have to give it there and then. That is what they do to any little boy on the street in my constituency. They do not ask him, 'Sir, would you come to the police station one day next week or at your convenience and give us a sample of urine'. They might be giving somebody else's urine - that was done in the Assembly too, you know.

Mr. President, if it is necessary, this paragraph 5 goes on to say:

"Consideration will be given to having amending legislation introduced to enable samples of urine to be taken from inmates within the prison by prison officials and/or medical nursing staff, as deemed appropriate. The police now have certain specific powers in this regard."

Why was not this included in the Prison Bill? Insignificant, I guess; I mean if they are using it, they are using it, do not worry about it.

"6) Secondary Prison Institution (Remand and Short Term):

Such needs have been long agreed and will be represented very strongly during development planning exercises within the next year."

Nothing wrong with that, that is reasonable.

"7) Powers of Search and Arrest:

This recommendation is accepted and steps are being taken with a view to providing such enabling legislation as considered appropriate."

Now that was done in the Prison Bill. Now I want somebody on the Government bench to tell me how it was possible to address number 7, giving the police powers of search and arrest in the Bill that was just before the Assembly, and it was possible to ignore 5, the necessary legislation to allow random testing of prison officers, staff and inmates? Why? And do not bother giving me the answer now about the legal draftsmen did not have time to draft it. Because I am getting tired of that excuse too. There is some serious legislation that needs to be brought to this Assembly, and if the man is overworked let us admit it. We get help for everybody else, get him some short-term help so that he can get the Traffic Law that needs to come to this Assembly so badly and should have been here since 1985 and this is 1987 and it is not here yet. Get the man some help if he

needs it. Because seven or eight lawyers doing defence work, prosecution work and everything else, and one draftsman, five departments, four Elected Members of Executive Council presenting things that they need legislation on. The complexity of some of that legislation, each one of them needs a draftsman at times. And when it is presented to Finance Committee for additional revenue, they do it for everything else.

We just brought in people to measure the depth in the bottom of the harbour to make a decision not to use the anchors that were so expensively bought in years gone by. This is important. And if he does not have time, get him help, he is going to need help in the next couple of months, because we have the labour legislation, we have the social security legislation, and the Traffic Law - I do not expect to see that until 1999 or something like that. My son, or some other elected representative for North Side I guess will get the opportunity to debate that. Juvenile Law - we are all complaining that these things are not here. That is a good one, the Juvenile Law. The Committee must have handed in a report on that in 1984, because I have not heard anything about it in committee reports since 1985, certainly. Then we come down here and we amend eleven pieces of insignificant legislation in five days, and serious things like this - do not have a legal draftsman to do them.

You know, Sir, I have a lot of respect for that legal draftsman. I believe he does what he is told and what he is asked to do. He puts the priority where he is told to put it. Then it come down here, he cannot defend himself and tell us - the man is snowed with work, it is with the legal department, but they have so much work, they have all these murder cases going on - what has the legal draftsman got to do with that? He amended the Grand Court Law and all that so that we can get 72 jury members instead of 12 because some people might object. That was essential at that time. But that does not take three months to draft. That is a specific problem which required specific amendments which required specific wording. That is less than half a day's work.

"8) Visiting Facilities:

Plans are now in train" (I like that term, Sir, 'in train') "for the construction of suitable accommodation for visiting purposes."

I wonder where that train is, you know, Sir, because we have been complaining about this and we have been voting money for this for a number of years and a number of months. But that is a good word "in train", because we all know there are no train tracks on this Island. And if it is in train, how is it ever going to get from the Glass House to Northward and back - I do not know. But that could be the problem, it is in a train, and there are no train tracks for the train to run on. So I guess we have got to get some supplementary expenditure now to build some train tracks. That is one of the areas identified in here where the inmates are supposedly getting drugs from.

"9) Vehicles:

Introduction of vehicles more appropriate to the needs of the department commenced with a specially reinforced bus which went into operation on 6 April, 1987."

Now, Mr. President, "specially reinforced bus". Now I do not believe you know, Sir, that those people who were given the dope that people passed it through the bus. I mean, I think they were probably getting it when the door was open. And this bus has to have doors, so I mean, having a specially reinforced bus ... I mean maybe they were drilling holes in the bottom of it when it was up by the hospital, and putting the dope in through that, I do not know. So this one they have now, instead of having a thirty-second of an inch or a sixty-fourth of an inch steel body, what is it? Half inch steel?

You know, some of these things, Sir, are just what I normally call "wings flapping and no birds flying". In the case of Northward Prison and the problem identified with drugs in that establishment, we need the birds to fly and get to the root of the problem and solve it. Do not create these smoke screens of specially reinforced vehicles. It is not even that they have got to go over rough terrain road to get to the hospital or to get to the courthouse, maybe where they are fixing the road up around

Spotts the road is a little bit rough now, but I believe that old Ford van they had could get over it, my little old Japanese Nissan truck, four wheel drive it is true, but I do not have to use it to get over the road, it is not that bad. So let us not cover these things up about we solved the problem with transportation or with the inmates getting dope while transporting them. There again, it would take a perfectly accurate man with a sling shot, or a crossbow to put dope into that window while the bus is driving, I mean, you know, I used a sling shot a lot in my young days, I killed a lot of judas birds and chip chips with a sling shot, and I missed quite a few. We are not talking here about marbles or gravel rocks, we are talking about an expensive commodity, dope. You just cannot afford to pelt that at a van and hope that the man that you want to get it is sitting in his seat and it is going to fall in his lap.

You know, Members may think that I am being seditious, but I am treating this with the disdain that I think it needs to be treated with. And, if they can poke fun, I can poke fun too. But put all fun and jokes aside, this is a serious matter. When we bring the Private Member's Motion in September for a similar investigation of the police force - because we have been told all along "there is nothing there to worry about" - we got that assurance again this sitting. If there is nothing there to worry about, let us put the reports on the Table for the public of this country to see and restore the confidence in the police force that they are entitled to. But as long as those reports remain up in the Glass House in file number 1322 or 36 behind steel doors, the public of this country is going to believe that there is something in those reports which implicates the police force of this country in wrong doing. And you cannot blame them.

MR. PRESIDENT:

I must ask the Member to come back to the Motion - he strays and strays, and he is straying rather further than usual this time.

MR. D. EZZARD MILLER:

Yes, Sir, because they are straying here, you know we all stray. But I can handle interruptions, I can take them in stride.

We are talking about the reinforced bus and reports.

"10) Searches of Staff and Prisoners:"

You see Mr. President, if the Honourable Member in moving this Minute had done his side of the story it might not have been necessary for me to do this, and to stray and to wander. But I mean, he just put it there and gave us no direction to go, or from whence it had come. So you have to feel your own way Sir.

MR. PRESIDENT:

I can promise the Member I shall not interrupt as long as he is talking about the report and the Government note on it that are the subject of this Motion.

MR. D. EZZARD MILLER:

All right Sir, I knew I would get your attention with that little bit about the police, that was just to make sure you were staying awake, Sir. We will not talk about the police any more, we will talk about this report now.

MR. PRESIDENT:

I will try and oblige you, but it is difficult at times.

MR. D. EZZARD MILLER:

I know, I know. For both of us, Sir, for both of us.

Item number 10, Sir, Searches of Staff and Prisoners:

"Subject to availability of resources (manpower and space)" (are the resources identified) "efforts are being made to upgrade searching standards including searches of staff. Implementation of recommendation will greatly assist in addressing the problem of shortage of space."

You see, when you talk about no direction, Sir, implementation of recommendation - what? I assume he is talking about the new visiting quarters and stuff like that, but it is not stated there. They already did something about the manpower. That is another one of

those instances of the wings flapping and no birds flying. We have got good air conditioning up here, it is necessary to keep down the hot air some Members talk.

"11) Vehicle Searches and Visits:

Steps are being taken to reduce the flow of vehicular traffic in and out of the prison, as well as the number of outside vehicles entering the prison. Carrying out of recommendation #1" (that is the way the other one should have been written, you see) "will also allow some upgrading of the system of searching to be undertaken."

That is reasonable.

"12) Electronic Surveillance:

Subject to availability of funds, implementation of this recommendation will be undertaken in phases, commencing in 1987 with a view to completion by 1989."

That again is acceptable. But tell the public what we are going to do. Members know that I have always objected to Government increases in buying electronic equipment and radios and all that sort of stuff when it comes to budget time. If you identify it properly, I can support it. But the point raised by the Second Elected Member for West Bay yesterday, which is, if you stretch your imagination far enough and if you stray far enough outside of the wording of this Government Minute, you can probably sit down and hope that the problem is being addressed. And that is, Mr. Brown's reference to prison officers being involved in the distribution network at the prison. The report says some have gone. I ask the same question the Second Elected Member did. What efforts are being made to identify the remaining ones? What efforts are being made to discipline them, to take them out of the prison? And there is a quite serious allegation in that, that there is belief that Public Works engineers etcetera might also be involved in this thing. How are we going to cut down on their vehicular traffic? They have to go into the prison to do maintenance. And if they are not searching the vehicles now, something is seriously wrong.

Now Mr. President, as I said in starting, I am surely disappointed that this report was not expounded in more detail. We all know that the majority of the public in this country who we are privileged to serve listen to Radio Cayman to ascertain what is going on. I would hazard to say that more people listen to the broadcasts of these proceedings than read the Compass report. We have to be cognisant of that fact. It behooves every Member of this House when laying or presenting such a report to do it in such a way that the public gets the information it has a right to have. The flimsy excuse that they can come here and get a copy of it is not good enough.

I would like to congratulate Mr. Brown on this report. I think he did a good job, it is presented in a fair fashion. And I could even - I would like to be able to congratulate the Government on accepting it, but I cannot do that with a clear conscience when they accept it and put it on the Table and hope it falls underneath. They are big men, Sir. After getting a report like this, which is fair. I believe it is worse than the report says, because for the reasons I gave earlier, that we waved all kinds of flags in announcing that it was going to be done. But the report is fair. Let the public know what the report contains.

Mr. President, I hope that in the future, when like reports, especially those that are the result of a Private Member's Motion, where the listening public in this country, the people who we are privileged to represent, have heard the rationale, the reasons and the debate as to why an investigation or whatever is called for, that I will never have to exercise my brain to look through Standing Orders again to force a debate on a report such as this.

Thank you, Sir.

MR. PRESIDENT:

I think the time has come, indeed it is past when we normally suspend for a few minutes as a morning break, and I will accordingly suspend proceedings for approximately fifteen minutes.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED 11:40 A.M.

MR. PRESIDENT:

The Second Elected Member for

George Town.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

I feel somewhat unprepared to speak on this very important report, because it was laid on the Table of the House only yesterday, and copies of this report were made available to Members since that time. With a report as extensive as this one, with some 16 pages to study in addition to the Government's response to this report, it would have made a lot of sense if the Motion proposed here yesterday had asked for this report to have been debated in the next sitting of this House, rather than trying to rush it through this present sitting. As a result, any Members trying to make any contribution to this report and to the response thereto will be doing it in somewhat of a haphazard manner. And as the House and the listening public know, I always wish to have myself properly prepared before speaking in this House.

I would nonetheless congratulate Mr. Harry Brown, C.P.M. for what I regard as a comprehensive report which I read in a few minutes while sitting in these Chambers this morning. I also wish to congratulate the Honourable Third Official Member for the Government's response to this report, even though I feel that certain areas of the response require comments, and that perhaps the presentation of the report, the way in which it was presented, could be criticised in certain areas. But I nonetheless wish to commend him and congratulate him for what is a good response indeed.

The previous speaker, the Member for North Side, dealt in much detail with this report, and he is due to be commended. But I believe his enthusiasm sort of carried him away when he suggested in this House that there were certain Members of this Legislative Assembly who may have used other Members' urine samples when we took urine samples here some time back. That is a very ... would the Member wish to speak?

MR. D. EZZARD MILLER:

Yes, please.

Mr. President, I would humbly apologise to Members if in fact I gave that impression. What I intended to say was that Members could not have used other people's urine. If I did give that impression, as the present speaker, the Second Elected Member for George Town has said, it was in fact a slip of the tongue, and I apologise both to the Members and to the listening public for doing so.

Thank you, Sir, and thank the Member for giving way.

MR. PRESIDENT:

And thank you for the explanation. I think the Second Elected Member for George Town is quite right, because I was surprised by what you said, and, well, at least, I too understood it as he understood it. So it is useful to have your clarification.

MR. D. EZZARD MILLER:

Yes, Sir, I apologise to Members.

MR. LINFORD A. PIERSON:

Thank you, Mr. President, and I thank the Member for North Side for clarifying that point. So I will not comment on that further.

Mr. President, As I said, the report is quite comprehensive, and I have been able only to make a cursory attempt at reviewing this, but I would nonetheless wish to comment on certain paragraphs of this report. The first paragraph which I wish to comment on is paragraph 22 of the report, which states:

"None of the inmates I saw wished to give written statements, many said they feared the consequences, and could not be reassured by the confidentiality I promised."

This is somewhat of concern to me, especially in view of the fact that

I have heard the same sentiments expressed by not only the inmates of Northward Prison, but indeed the officers of that prison. This was particularly highlighted on a visit to me, which I have already stated in this House, when officers visited me with a complaint which I subsequently conveyed to His Excellency, and I was then told later by them, not to mention their names, because it was circulated around Northward Prison that if their names were heard they would be severely punished and even dismissed from the prison service. This is an unwholesome situation, and it could have the effect to stymie the information which would otherwise come to the Governor and to the officials dealing with the prison. I trust that this is not correct, and that no attempt will be made by the top echelons of the administration of Northward Prison to hide any information or facts which could lend to improving the conditions in that prison.

The second section which I would wish to comment on is paragraph 25. It states:

"Many long term prisoners expressed the opinion that the supply of drugs has fallen off considerably in Northward over the last year, and said they were no longer as easy to obtain as in 1984 and 1985."

I am happy to see this, and unlike some of the comments we have heard here, the situation does not appear to be as dark and as gloomy as the listening public is hearing here today. I am not suggesting that there is not much that could be done at Northward Prison, but let us not just take sections of this report and comment on them in isolation. We should take the full report, and comment on it as a total report. Because by taking little bits and pieces and giving them to the public, they could get the wrong impression of what is actually happening at Northward Prison. Some put this decline in supply down to the present court's policy of deterrent sentencing in drug cases. I know the courts have been doing a great job, and they are to be congratulated. It is my feeling that unless the penalties are increased and made exceedingly restrictive, the incidence of drug cases in this country will continue to increase. I feel that this should be without any sort of curry-favour, regardless of the people involved in these offences, I feel that they should be brought to justice, there should be no favour given in this respect.

Paragraph 30 of the report states:

"All Prison officers, when asked to give an opinion on the current level of illegal drug usage by inmates, said they believed it to be low."

This is a part of the report referred to, the report prepared by Mr. Harry Brown, C.P.M., and this is an integral part of this report. But it seems to have been conveniently left out, only the negative aspects of the report were commented upon. We must take the report in its entirety if we are to give the listening public the right impression of what is going on. I am not here suggesting that there are not problems at the Northward Prison. What I am saying is that those problems are being recognised, and that something is in the pipeline, to be done to cure some of these problems. However, he went on to say that:

"Many qualified their opinion by stating that a serious prison drug problem would probably produce the following inevitable 'spin-off' effects:"

And it is important to note this, because these spin-off effects would show to the prison officers and the administration whether there was a very high usage of certain drugs in Northward Prison:

- (a) An escalation in assault cases amongst inmates, leading to a rise in disciplinary cases.
- (b) Internal conflict between ethnic inmate groupings, seeking to control a rising drug trade.
- (c) The manifestation of drug 'highs' amongst inmates, signs of physical dependency amongst addicts, and possible overdosing problems."

But follow what he said about that:

"None of the above signs have been recognised by prison staff to date."

This is also a part of Mr. Brown's report. So why stand here and give the listening public the feeling that everything is rotten at the Northward Prison. I also criticise the prison when I think things are going wrong, but all things are not going wrong at Northward Prison. There are certain things that are going right. And if you follow the report right through, you will see in the last paragraph written by Mr. Brown, that he said:

"In closing, I must state that many of the above recommendations have been proposed to Government in past years by the Director of Prisons ...".

So, Mr. President, it is not that something has not been done in the past. Now whether Government was as vigilant in dealing with these problems as they should have been is another question. But this does not reflect adversely on the top administration of the Northward Prison in a way that it would show that they have not been doing their job and trying to do it well. It would more reflect on the Government for not trying to implement the recommendations made by the Director of Prisons.

Paragraph 34 states:

"Most senior prison officers expressed the opinion that although they consider present drug usage levels amongst prisoners to be low and contained, they believe they are likely to increase in the future, unless steps are taken to realistically upgrade existing security at the prison.

I intend to deal with this in more detail when I am dealing with the recommendations made by Mr. Brown. Because I feel that we should not say in a matter like this, if and when funds are available, if this is a priority in the report to Government. We must make it a priority and we must find the funds. If it means that we must put a thirty foot perimeter fence around the prison, that illegal drugs could not be thrown over the fence, then it should be done with immediate effect. And, we should try to follow the recommendations of Mr. Harry Brown as closely as is possible. He went on to say:

"The constantly rising level of long term (sophisticated) prisoners, convicted of drug offences, many of whom are users, indicates that the illegal use of cocaine amongst prisoners, will almost certainly increase in the future."

This is something that we should think seriously about. Up to maybe a year or two ago, this country had the main problem of dealing with what is commonly known as ganga. But today, it seems that the drug users have become more sophisticated and they are using much harder drugs like cocaine, rock, whatever it is called. And, if Mr. Brown is saying to us that it appears that this problem could increase in the future, not only in the prison but perhaps outside the prison, then whatever his recommendations are in this respect to try and curb this problem, I feel that we should not hesitate in implementing that particular recommendation.

In paragraph 35 Mr. Brown dealt with what he termed the most common methods of smuggling contraband into prison that came to light from the interviews which he had with prison staff, the inmates of the prison, ex prison officers, and ex prison inmates. I feel that it is important to the listening public that they too should have an idea of what these methods are, so that they can also guard against any of the problems they see or they may hear expressed in these methods. They too have a responsibility to this country, the responsibility is not only with the officers at Northward Prison and the police, but each one of us citizens of the Cayman Islands, has a responsibility to our country. These methods are as follows:

"i Contraband being thrown over the perimeter fence into the Prison, to await pickup."

We all need to be vigilant and if any member of the public sees this happening they should bring it to the appropriate authority's attention.

"ii Prisoners on outside visits to courts ..."

Let us watch them, see what is happening when they come to the court house, or the hospital, or visit the dentist, to see who are contacting them, who are meeting them, and watch them very closely. Do not leave it all to the prison officers. It is our responsibility if we see something happening to do something about it.

"iii Authorised visitors to inmates passing contraband through contact."

It is a recommendation by Mr. Brown that there should be a much closer search of some of these people going to the prison. I feel they should be implemented forthwith.

The fourth of eight methods which he expressed in this report is:

"iv Outside prison working parties picking up contraband concealed at pre-arranged places, adjacent to the prison."

These are areas - many of us visit Northward Prison to visit the prisoners there - I do on many occasions, and I feel that regardless of who the individual is, be he a Justice of the Peace, a Member of Executive Council, the Governor himself, if there is any reason to suspect that that member of the public, or official, is carrying or doing something that would be in contravention of the rules and regulations of the prison, then that person should be subjected to the same search as an ordinary person on the street.

"v Hand ins"

These are things that are carried into the prison, like toothpaste, cigarettes and so on should all be checked, because there are very sophisticated ways of concealing certain drugs; things they call rocks and other things. These are little small pieces of compressed cocaine, and they can be easily hidden away and these should be checked thoroughly at the prison gate.

"vi Visiting work parties, such as P.W.D. engineers, construction workers ..."

This is important, drugs can be carried in by these people, construction workers, people who supply water at the prison, these could all be hidden in the vehicles, and these are points raised by Mr. Brown in his report.

"vii Prison 'trusties' working outside prison confines, unsupervised, obtaining contraband from outside sources and smuggling it into the prison."

I am sure that Mr. Brown had good reason for pointing these methods out, so that he could bring these to the attention of the officers and the powers that be. They should not be ignored, Mr. President. Each one of these methods should be addressed, seriously addressed, with immediate effect, so that all loopholes can be closed.

And last, but not least, we have a situation where corrupt prison staff supply drugs to the inmates. We have a situation right now which is no doubt sub judice and I will not call the name. But we have a situation where we are trying now to bring back an ex-prison officer for such an offence, but no more said on that point.

Mr. President, in paragraph 38, I was somewhat saddened to see a letter addressed to yourself as Governor from Mr. Kipling Douglas, and since it is a part of this report it is public knowledge. Section 38 of the report states:

"The letter of complaint sent by the Resident Magistrate, Hon. Kipling Douglas, to His Excellency The Governor, describing allegations from defendants in Court that drugs were freely available in Northward, was investigated. The first subject of the letter suffers from a mental problem" (so he's pointing out that the first subject of the letter was a mental case) "and was at the time of his appearance before Hon. Douglas, under medication prescribed by the Government consultant psychiatrist, Dr. Knight."

What is of importance in Mr. Kipling's letter to yourself, and I will not read the full contents of the letter, was that he sees that the addiction of prisoners, prisoners that are addicted are not being treated properly at Northward Prison. They are being sent into a penal institution when in fact, they should be sent to a hospital to dry out. They are sick, they are diseased. Addiction is a sickness, it is a disease, and it is not being properly treated when the addicted person is sent to Northward Prison. All that is happening is that we are delaying a situation that could get worse. We should have a psychiatrist checking these people, and where it is seen that there has been a record of habitual use and suspected addiction, those individuals should be given medical attention. We do not have the facilities here for that, but they should be sent abroad, because as the previous speaker said, the prison should not only be a penal institution, but it should be an area and a place for rehabilitating individuals that go there. This is the reason why I felt so strongly about the Bill that came before this House that sought to extend from one month to twelve months the period that a doctor would visit that prison on his regular rounds. And, I was glad that the Member for East End, in his wisdom, saw fit to bring an amendment to this House that at least gave us half of that period, and reduced it to six months.

I cannot overemphasise the importance of Government addressing the need for the proper establishment of an institution that will deal with people under the addiction of drugs. Sending them to Northward Prison is not the answer. Those people are sick, and like somebody having any physical ailment, they need to be sent to a place where they can be made better, they can be made whole, they can be helped.

Mr. Brown went to much detail, not only in the body of the report, but also in his conclusions and recommendations. He said, in paragraph 40:

"From information obtained from past official records, and from numerous interview sources, I am satisfied that illicit drugs, namely ganja and cocaine have been regularly used by the inmates of Northward Prison in past years, and that they are still being used within the prison confines by present inmates."

That is one section of his report, but he goes on to say:

"All information gathered with regard to the rate of illicit drug usage in Northward Prison, indicates this to be at a low irregular level, based on opportunity and limited supply."

So we cannot just take one section of this report and comment on it. When we do that we give the listening public the wrong impression. Mr. President, that is not good representation. We must give the full four corners of the report, whether we like it or not, we must say it as it is. It goes on to say that:

"It is not at an uncontrolled epidemic level ...".

It can be controlled. And from the minute I have seen in response to the report, I am satisfied that the Honourable Third Official Member, with the assistance of Government will do all in their power to try and deal with this problem. But, I am going to show here where Mr. Brown has also said that this is not a phenomena in the Cayman Islands, and it is not a situation that will be cured easily; And that he is recommending areas where this can be helped out, where this problem can be solved to a certain extent, but it will not ever be fully solved. So let us not fool ourselves, or try to tell the listening public that it is a phenomena that is only used or subjected in the Cayman Islands - it is something that happens the world over, it is not only peculiar to Cayman. We do not want to emulate the worst areas of things that happen in other countries but we must be realistic and not let the listening public believe that what happens in the Cayman Islands exists only here and nowhere else in the world. We are fortunate in this country. We have much to be happy about. And, like any other responsible citizen in this country, I too am concerned that things could be better. But at the same time, I am very happy that I live in this country, and I still rate the Cayman Islands as one of the best places in the world to live today.

He went on to say in paragraph

42:

"Nothing came to light during the enquiry to suggest that an organised drugs supply ring exists within the prison ...".

We are not talking about a Mafia situation. And we are hoping that because of this report, and because of the concern of the Government bench, and other Members of the backbench, that this will be nipped in the bud, and with the assistance of our good Magistrate Kipling Douglas, (some people call him Crippling); but with the assistance of his help in the courts I believe that we will go a long way to discouraging users, pushers and potential users and pushers of the drugs. I understand that the new magistrate is almost as good. And this is good, and I hope Mr. Ramsey will also be as vigilant, and as tough as Magistrate Douglas. It says here, and I would like to repeat this:

"Nothing came to light during the enquiry to suggest that an organised drugs supply ring exists within the prison ...".

It is not organised, it is something that happens even in your back yard. But we want to stamp it out, I am not condoning it. I do not take drugs, I do not smoke. So as far as I am concerned, it should not be used. But I am realistic. We do live in a world - I wish we lived in heaven, we would not have these problems. But as long as we live in a world with human beings, we are going to be subjected to the frailties of the human nature.

Paragraph 43:

"There are eight main areas in which contraband smuggling can be carried out ...".

And he dealt with this, I dealt with those methods previously. He pointed out each area, and this was not only for the prison officers, but as Members speaking on this mentioned, it is now a public document, so each member of the public has a responsibility to their country in being vigilant in matters to deal with contraband smuggling, whether it be into the prison or into a public office or wherever, it is our duty to be as vigilant as possible.

It says here, and this is of some concern:

"A substantial increase in the use of cocaine amongst inmates could create serious attendant security problems."

As I pointed out earlier, that areas of this concern that were checked would not indicate that there is a serious use of the serious drugs such as cocaine in the prison. If there was serious use of this, then the signs would be there. But so far as he was able to see, there were no signs to indicate that there was indeed serious use, or high usage of cocaine within Northward Prison.

Mr. President, paragraph 45, as I stated, made reference to a case where an ex-officer is currently awaiting extradition from Jamaica. So because it is in this report, it cannot then be considered sub judice or it should not have been included in this report and laid on the table of this Honourable House. Because it now becomes a public document, and it is being debated.

MR. PRESIDENT:

I think if I can just assist the Honourable Member, it is perfectly proper to mention the matter, but one cannot comment on the details of the case or say anything that might influence the courts that have to determine whether the extradition should be allowed. If the Honourable Second Official Member thinks any Member is tempted to stray beyond what can properly be said in respect of the matter, I am sure he will rise on a point of order.

MR. LINFORD A. PIERSON:

Thank you, Mr. President. I am aware of the procedure in this respect, and I will confine myself to what is in the report, as I am not aware of the details of the case myself, and I will just mention what is here in the report. It states:

"Evidence and information received during the enquiry confirm the past involvement of corrupt prison officers in drug smuggling at Northward. Most of those mentioned have since left the service" (this is encouraging - they were found, and they have left the prison service) "for one reason or another and one ex-officer is currently awaiting extradition from Jamaica on serious charges of drug trafficking."

This report would indicate to me that Government has been very vigilant, has put their hands on these corrupt officers, and that they have been doing a good job indeed in trying to screen them and to bring them to justice. They are to be congratulated in the job they are doing in this respect. It goes on to say:

"Internal surveillance and intelligence gathering within the prison is the only way of combating corruption amongst prison staff."

It is indicative of the success that the Prison Department has had in identifying these people that they are indeed working very hard in this respect.

I made a note in the paragraph while reading this, that this is a reasonable admission that I am going to deal with here, and it deals with paragraph 46 of the report:

"It must be said at this juncture, that it is impossible to prevent the smuggling of contraband into prisons."

The most you can expect is that the very best attempt will be made to reduce the incidents, but he states here that to totally prevent it is an impossibility. And he goes on to say:

"No system has yet been devised anywhere in the world to bring this about and it is unlikely, within the free world, that this will ever be achieved."

This is a sad, sobering, but realistic statement. It is sad that this is the case, but it is a true and realistic statement. This makes it all the more necessary for not only the police officers, the prison officers and other officers involved with keeping the peace, but each member of society, each citizen of this country to become involved in the process of keeping peace in this country. He says:

"It is with this compromise concept in mind, that I respectfully make the following recommendations."

The following recommendations are the most important part of this report, because it is on the recommendations that the Government has made a response to the report by Mr. Harry Brown. And his recommendation number (i) states:

"The most urgent priority should be given to addressing the staff shortage situation ...".

This would seem to be a very logical first move, because without the manpower and the equipment, it is impossible to do the job properly. He said:

"... all other security recommendations depend on adequate manpower resources to carry them out."

The Government's response to this was:

"Recent efforts resulted in five new recruits entering the prison service and the remaining nine vacancies will be filled by selective overseas recruitment currently in progress. Efforts will also be made to provide yet additional manpower resources adequate to carry out all security recommendations."

As the previous speaker said, I am somewhat also concerned with the high number of vacancies that will be filled by overseas recruitment, but I am also realistic and knowledgeable of the situation, and I realise, Sir, that we do not have all the trained staff available here that are necessary to carry out the recommendations and to implement

all the recommendations being made by Mr. Brown in this report. We have to be realistic. Many of our Caymanians still require some training, and it is foolish for us to suggest in this House that people should be put in position mainly because they are Caymanians. I too am very supportive of Caymanians filling top positions, and filling positions in this country, because I am very nationalistic at heart. But I am also a realist, and I know that it would be foolhardy for us to put people in these important positions before they are properly trained, just because they happen to be Caymanians.

I resent certain remarks I hear made toward "pan-heads" and I hear made toward "limeys". Those derogatory remarks should not be made in this House. Refer to them by the right national name, Jamaicans and British or English men. Let us have some respect in this House. I would hate for anybody to call me silly names. So I hate to hear it used in this House. Let us bring to bear respect in our debates in this House. We have an intelligent listening public, and we should be ashamed of ourselves when we get up in this House and behave in a manner that would cause not only the House disgrace, but would cause the public to frown at our behaviour.

The second recommendation that is made by Mr. Brown states:

"The establishment of a prison medical officer must be considered and implemented as soon as possible."

I would like to read that over, and I am doing this in view of the comments I made on the amendments to the Prison Bill that was brought here.

"The establishment of a prison medical officer must be considered and implemented as soon as possible."

Yet we have just passed an amendment here that wanted to remove visitation rights by medical officers from one month extended to a year. Happily, as I said earlier, it was reduced to six months. But Mr. Brown is seeing this as such importance that he is saying not only was that a silly amendment, but that the medical officer should be full time at that prison. We are dealing with human beings, we are not dealing with animals.

I have had many complaints about this, I am very concerned, and I must say I am very happy that Mr. Brown also saw the need for this. He said a retired doctor could be offered contractual terms. I would not like to see somebody that is entering the grave up there, but there is nothing wrong in offering the position to a retired man providing he is physically and mentally able to fill that position. He says this would drastically reduce the number of outside visits by inmates, and produce savings. I am sure the Honourable Financial Secretary would like to note this - it would produce savings in transport and personnel costs to make the post viable. So I am sure that he would be the first, that is the Honourable Financial Secretary, to support this particular recommendation, because not only will it facilitate the inmates at Northward Prison, but it would be cost effective. It would reduce the costs and produce savings in transport and personnel costs.

The Government's response to this recommendation states:

"As a first step towards this end, a nurse is being employed and stationed at Northward Prison ...".

This is a first good move, and Government is to be commended for this move. It says:

"... stationed at Northward Prison primarily to attend to minor incidents and reduce the number and frequency of hospital visits."

We heard earlier where it is suspected that some of the drugs going into Northward Prisons come about as a result of inmates visiting places like the courts office and the hospital. So if we can reduce this, we will also effectively be reducing the contraband items entering Northward Prison. Government minute goes on to say:

"Steps will then be taken with a view to fully implementing the recommendation with the next 12-24 months."

I hope that it is before November 1988, because if it is not, I promise my people that if I have anything to do with it, it will be shortly after. So I would put the Government bench on notice so that they try to implement this very important recommendation before that time. Twenty four months will put them outside that limit, but I hope it will be done within the next 12 months, because this is one area that I would totally support. I think it would be money well spent, since the people at Northward Prison, as I stated are human beings, and they should be treated as such. But for the grace of God, many of us could be in the same position. So let us not treat them like they are subhuman beings or animals. They deserve respect, they deserve to be treated like human beings.

states:

The third recommendation

"A major source of contraband smuggling is from drugs and other items being thrown over the prison fence from outside."

And this is Mr. Brown's suggestion and recommendation to deal with this. In reading the reply, or response by Government, I cannot say that I was overjoyed by the reply that they have made when they said "subject to costing and availability of funds". I made a note here that a cost benefit analysis should be done to determine whether this would not be expenditure well spent and whether it should not be given top priority, and not sort of put aside, subject to costing and availability - subject to costing I can understand, but the section dealing with availability of funds, it could be put off, as was the civic centre, indefinitely. So we have to be very careful with this. Mr. Brown went on to say:

"To reduce this threat, a clearly delineated area of land approximately 30 feet around the perimeter fence needs to be acquired (by compulsory purchase if necessary) and cleared."

This is money that would be well spent, if we want to deal with the motion that was brought to the House by the Second Elected Member for West Bay. If we want to effectively deal with the report that we have from a very qualified man, then we must follow the recommendations. Wherever it is necessary for funds to be obtained from, we should investigate those areas. But this is a priority, we cannot brush it aside. He said:

"A subsidiary barbed wire fence should be erected as an outer perimeter, past which no unauthorised persons must go. This area would be gazetted as a 'protected place' to which there is no unauthorised access and with severe penalties in law for transgressions. Where land acquisition would interfere with the access of private owners to houses or land, other arrangements would have to be provided by Government, to compensate. Extra security lighting would be necessary to illuminate these outer perimeter areas at night."

The reply by Government, in response to this particular recommendation states:

"This recommendation will be considered, subject to costing and availability of funds."

I hope that this is a conservative way of stating that it will be given top priority, and I trust that this will not be put into drawer 13, but that in fact it will be given urgent and immediate attention, because if we want to effectively deal with the problems at Northward Prison, then we have to do, Government has to do whatever is necessary to assist the Prison officers in combating the problems that they are experiencing at Northward Prison.

Brown states:

In recommendation (iv) Mr.

"The immediate establishment of a Prison Security/Intelligence unit to gather, process, collate and monitor information, from all sources, and carry out daily security inspections throughout the prison, under the control and direction of the Chief Officer."

The Government response was:

"Establishment of such a unit is contingent upon the implementation of part two of the response to #1 above.";

which states:

"Efforts will also be made to provide yet additional manpower ...";

so they are referring to manpower here.

"It is envisaged that manpower should be made available for establishment of such a unit to commence within 12 months.".

A very positive statement indeed, and Government is to be commended on this. They are not pushing this problem aside, as we have heard here this morning. They are trying to deal with it, and in areas where I feel they should have given more priority, I have highlighted these, Mr. President.

In dealing with recommendation (v) of the report made by Mr. Brown on the prison, it states:

"The immediate implementation of random urine testing for prison inmates and staff, on a regular basis.".

And I would support what the Member for North Side said in this respect, and that is that staff should not have any idea when they are going to be tested, the same way that the little man on the street, and by this Members of the Government bench understand fully what I mean when I say "little man on the street" would be subject to random testing at any time. I feel that any member, any citizen of this country, from the Governor right down, if there is need for suspicion, should be given a random test. The officers at Northward Prison should not be above this. And I believe that Mr. Brown in his report, and the response made by Government would not try to conceal this. I believe that it is the intention that they should be subject, as it says here, to random testing. It says here:

"At the present time only police officers have the power to institute the urine testing of suspects. Such powers must be given to prison officers ...".

And I fully support this recommendation, and I feel that appropriate legislation should be forthcoming to make this a possibility. Such powers must be given to prison officers to carry out the tests independently, within the prison confines, under the control of the Director of Prisons, or such officers as are authorised by him. The answer to this states:

"Provision already exists for random testing of staff ..."

Very good, I would like the public to hear that this is happening, and it is not a situation where officers are told a week or two weeks in advance that we will be doing a urine test on you in a weeks time. This is not the case. It is being done at present on a random basis. A number of staff have volunteered. They have not been forced to do it. I am happy to see this, like we did in this House. We volunteered to have our urine samples tested. Because it is like Reagan said, when he was asked to do it, he had no problem, because he knew what went inside, and he knew what would come out. And this is the way I felt - I will take a random test anytime, because I know the way I live, and I feel that any Government official, any Member of Government, any member of the prison service or of the police force or whatever, should have no reservations, should have no hesitation when they are asked to give a random sample.

The Government response to the report continues:

"Consideration will be given to having amending legislation" (a point I just raised, I am very happy to see this) "introduced to enable samples of urine to be taken from inmates within the prison, by prison

officials."

I would like to see included in this also, and perhaps the Honourable Third Official Member could comment on this - that officials of Northward Prison would also be subjected to this, and not just the inmates. That the amending legislation would enable samples of urine to not only be taken from inmates, but also from prison officers, especially in view of the admission made in this report by Mr. Brown that there have been corrupt prison officers in the prison in the past. So I do not think that the officers should be above this particular proposed amending legislation. The police officers now have certain specific powers in this regard, and there is no reason why this should not also extend to the prison officers.

Recommendation (vi) is a very important recommendation. It states:

"The separation of prisoner categories is essential to the maintenance of prison security, besides having important social consequences, and this problem should be examined as a matter of priority."

It should not be pushed aside.

"I would recommend the establishment of a secondary prison institution to accommodate short term and remand prisoners."

I am fully supportive of this, because many times I know of cases where prisoners are held in remand and really, they should not be allowed to mix with some of the hard core people we have inside Northward Prison. It says:

"A suitable site will be required, preferably within a few miles of Northward Prison, to allow easy exchange of staff for routine and emergency purposes. Top security and medium security prisoners could then be adequately housed in Northward."

The reply from the Government, states:

"Such needs have been long agreed and will be represented very strongly during development planning exercises within the next year."

So Mr. President, Government has not ignored this. They have given us an undertaking that they will deal with this. I too am critical of the Government bench, when this is justified. But if we see that we have a written undertaking that something will be done, why give the public the impression that nothing is being done and that it is being pushed aside. This is dishonest, and it is not good representation. We should tell our listening public and our constituents the truth - and this is why we are put here, to represent them fairly and this is why, when the time of reckoning comes.

It will be like the ten people that had their lamps trimmed - there will be but a few that will enter in through the gates in 1988, because the people will say that those few have given them very good representation. And they may call this playing politics today, but it is the truth. We will see in time how the people feel about a lot of the garbage they hear spewed in this House. They want to hear facts. And they want to hear the truth, not just a lot of talk. We waste our time so much in this House just talking because we have a mouth. If we could only record ourselves before then we would hear how much nonsense that should not even be brought to this House being said in this House. Recommendation number (vii) states:

"Prison officers should be given power within the law to effectively protect their prison charges outside of prison confines."

This is true. They should be given the power to do this.

"Such powers should apply only to uniformed prison officers on duty ...";

not to just somebody that is off duty, out of uniform, but they should

be uniformed and on duty.

"... and should include authority to search premises whilst in 'hot pursuit' of escaping prisoners, and the arrest and detention of accomplices assisting escapees - or otherwise unlawfully interfering or attempting to interfere, with the custody of lawfully detained prisoners. Close liaison with the Commissioner of Police would be necessary in the drafting of such legislation."

Government response to this states:

"This recommendation is accepted ...".

Simply, squarely, they state that the recommendation is accepted:

"... and steps are being taken with a view to providing such enabling legislation as considered appropriate."

Mr. President, I can only say that I congratulate them for this admission, and for undertaking to take steps, immediately, to deal with this problem.

MR. PRESIDENT: I wonder if the Member may be continuing for a little further time, and I sense he is not near the end of his speech yet, it may be convenient to break now.

MR. LINFORD A. PIERSON: Yes, Mr. President, thank you.

MR. PRESIDENT: In that case I will suspend proceedings until approximately 2:15 p.m.

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Please be seated.
Resumption of the debate on the Motion of the Second Elected Member for West Bay concerning the report of an inquiry into allegations of drugs at Northward Prison.
The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, at the lunch break I was dealing with paragraph (viii) of the recommendations of the inquiry into allegations of drug abuse at Northward Prison, as prepared by Mr. Harry Brown, C.P.M.

Paragraph (viii) of the recommendation states:

"The present system to accommodate authorised visitors on visiting days is insecure. A purpose built visiting room should be constructed to allow for maximum surveillance by supervising prison staff. Ideally it should be near to the Prison boundary to permit secure access for visitors, without allowing them into the main prison area."

Government's response in their minute to this recommendation states:

"Plans are now in train" (which means in the pipeline or in progress) "for the construction of suitable accommodation for visiting purposes."

It has long been recognised that this is a major need at the Northward Prison, and I am happy to see that Government has indicated here in their response to this report that they are already taking the necessary action in this respect.

Paragraph (ix) of the recommendations states:

"Some prison vehicles used for transporting prisoners are totally insecure. They are ordinary vehicles which

allow prisoners to speak to outsiders through open windows, through which goods can be passed. The use of such vehicles should be discontinued as soon as possible, and replaced with designed vehicles with secure mesh windows and reinforced doors etc."

Government's response, which I think is a good one, states:

"Introduction of vehicles more appropriate to the needs of the department commenced with a specially reinforced bus which went into operation on 6 April, 1987."

We see from the response that action has already been taken in this regard.

In looking at paragraph (x) of the recommendations made by Mr. Harry Brown, we see:

"The present system of searching prisoners leaving, and entering cell blocks and the prison gate should be upgraded to the highest possible standard together with a continuing programme of random strip searches, which should include prison visitors."

Mr. President, I had to smile when I read this, because many times as a Justice of the Peace I am asked to go up there and see prisoners. I would hate to feel that once I enter the gates I am stripped down before everybody. I have not gotten that brave yet, Sir, so I hope if this is the plan I can know well in advance. I would hope that this is not the intention.

"Prison officers should also be subjected to random searches at the prison gate by senior staff."

Government's answer to this recommendation is as follows:

"Subject to availability of resources (manpower and space), efforts are being made to upgrade searching standards including searches of staff. Implementation of recommendation will greatly assist in addressing the problem of shortage of space."

Here again, I would hope that Government would treat this matter as a priority, since they have stated here that this would be subject to availability of resources. I feel that in accepting the recommendation by Mr. Brown that priority should be given to this particular point so that the recommendation can be implemented as soon as possible.

In paragraph (xi) Mr. Brown states:

"The effective searching of motor vehicles is difficult and highly labour intensive work, but essential if security is to be maintained. Consideration must be given to reducing the number of outside vehicle visits to a minimum, to stop the present practice of some P.W.D. vehicles, and others, employed on utilities maintenance, from entering and leaving the prison several times in one day."

He recognised this as also an area for concern.

"Such visits should, unless essential, be strictly limited."

Government's response, Mr. President:

"Steps are being taken to reduce the flow of vehicular traffic in and out of the prison as well as the number of outside vehicles entering the prison."

A very positive step indeed.

"Carrying out of recommendation #1 ..."

which means to deal with filling the staff vacancies and shortfall in staff:

"... will also allow some upgrading of the system of searching to be undertaken."

All through the response made by Government in their minute, it is clearly seen that they have attempted to deal positively with the report from Mr. Brown. Of major importance, I see this as a very important area of the report, and I feel that Government should deal with this with urgency. Mr. Brown states (in paragraph xii):

"There are no electronic surveillance methods in use in Northward Prison, and I feel that they could provide useful assistance, particularly in monitoring cell blocks, the prison yard, and perimeter, at night. The time might be appropriate for a qualified survey of the potential of security video monitoring within Northward Prison."

I think this would go a long way in dealing with some of the problems we have with drugs going into the prisons. The answer to this in the response states - and here again, I feel that we cannot implement every one of the recommendations overnight - but we should look at these and give them priority. This is one area that I feel that funds should be found to implement this particular recommendation. However, the response states:

"Subject to availability of funds, implementation of this recommendation will be undertaken in phases, commencing in 1987 a view to completion by 1989."

This would be a major capital undertaking and would cost quite a bit of money to implement, so I can understand that this would be phased over one or two years. I am happy to see that we have been given the undertaking that this would be done starting this year.

Mr. Brown has commended the Director of Prisons and his staff and stated that the recommendations which he has proposed in this report have in the past years been submitted by the Director of Prisons. But he did state, and this is sad, that approval appears to have been delayed. But he qualifies this "because of financial constraints". He did not say that it was pushed aside and that no interest at all was shown in the recommendations made by the Director of Prisons and his staff. But he did say that this was due to financial constraints.

Mr. President, in closing, again I wish to congratulate Mr. Harry Brown for this very comprehensive report. My congratulations to the Honourable Third Official Member of Council for the very comprehensive response which he has given to the report that Mr. Brown has submitted. I nonetheless feel that there is no room for complacency at this point. As I stated in my short debate on this, there are certain areas of the response which I would like to see given more positive and urgent attention, and given some more priority. Much is needed to be done at Her Majesty's prisons at Northward. But I feel confident that with united efforts of the prison's officers and with Government that much can be accomplished.

I do not want to leave anyone with the impression that I do not recognise that there are problems at the prisons. There are problems there. But I am satisfied that Government has given the undertaking that they will try to deal with this matter as quickly as possible. I am aware of many problems there as are the Members of this Legislative Assembly. Those problems as stated by Mr. Brown are not peculiar only to the Cayman Islands prison system, but these are problems that are found the world over.

Government is to be congratulated on demonstrating, through their response to Mr. Brown's report their willingness to deal effectively and to endeavour to combat these problems. I will be, as many Members of the House will be doing, watching very intently to see whether or not Government will indeed honour the commitments that they have made to this House in their response here today, and I will be watching very carefully to see that these responses are implemented.

Mr. President, may I again congratulate Mr. Brown on this comprehensive report, and the Member responsible for the very comprehensive manner in which it was dealt with. Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak? The Honourable Third Official Member.

HON. J. LEMUEL HURLSTON:

Mr. President, when I laid the report and the Government minute on the Table I did so in accordance with the provisions of Standing Order 18 and 18(2) of those Standing Orders, Sir, provides that the Member of Government presenting a paper may make a short explanatory statement of its contents. I interpreted that Standing Order, Sir, to mean that I should not go on and make a lengthy speech. I therefore tried to summarise in a few words what was contained in the 47 paragraphs of this comprehensive report. I did not move a motion that the report be adopted, because Members had not had a chance to study it. And perhaps, as was said by the Second Elected Member for George Town, a debate on a matter of such importance could have perhaps been more appropriately placed on the agenda for another meeting. Indeed, the September meeting would not have been too late to entertain debate on this subject.

MR. W. McKEEVA BUSH:

How was it going to get there?

MR. PRESIDENT:

about it.

Any Member could move a motion

HON. J. LEMUEL HURLSTON:

We were, however, Sir, given notice from as early as Wednesday that certain Members had certain anxieties about wishing to debate this subject even before seeing the contents of this report. We also heard on Wednesday from the Chair that any Member of the House may move a motion for the adoption of a paper and for a debate to ensure. Therefore I am not at all surprised at the debate that has ensued.

If I could turn briefly to respond to a number of comments that were made by previous speakers. The Second Elected Member for West Bay advised the House that I had said in the Second Reading debate on the Prisons Amendment Bill that nothing in that Bill related to anything contained in the prison drugs inquiry report. And he drew reference to the fact that the powers of search and arrest were recommended in the report and were in fact dealt with in the Bill. Therefore he came to the conclusion that I had made an incorrect statement and that in fact there was a direct relationship between the report and the Bill. I could not remember having made such a statement, and so I asked the Deputy Clerk yesterday afternoon if she could please transcribe the relevant portions of the tape for me to refresh my memory. That was done, and I do not wish to read it because I have shown it to the Member concerned and I think we are all satisfied that the record does not reflect that I have made such a statement. Let me assure the House now, that there was never any attempt by the Government or anyone else that I know of, to cover up or to contain the dissemination of information arising out of this inquiry.

The Private Member's Motion that was accepted by the Government to undertake the inquiry, made known publicly, that an inquiry was going to be undertaken, and therefore there was no need to have the inquiry conducted in secret. There was no need to curtail the announcement relating to the appointment of the inquirer or announcing an invitation to members of the public who may have felt that they had information to volunteer for the benefit of the inquiry. I do not think Sir, that we splashed any unnecessary announcements on the front page about this topic. I believe that we announced the arrival of the inquirer, citing his terms of reference, the objective of the inquiry, and invited members of the public to cooperate. It was an open inquiry, conducted in a professional manner, and its conclusions and recommendations have been professionally recorded and in many instances, have already been acted upon.

It was also suggested by the Elected Member for North Side that he found it difficult to understand why anyone should find it hard to admit that there was a problem, meaning a problem in relation to drug abuse at Northward. There was no difficulty in anyone accepting that. That was the reason why the Private Member's Motion was accepted. Everyone admitted and continues to admit, that there has been, is and will continue to be, a certain amount of drug abuse in this and any other prison. Because it is a fact of life that life in a prison represents a microcosm of life in the society in which the prison exists. And, as long as there are drugs in the community, there will continue to be a certain amount of drugs in our prisons.

It was also said that the Government appears to have ignored the letter from the Magistrate addressed to His Excellency the Governor about this subject. I would suggest that it is to the contrary. The letter from the Magistrate to the Governor is proof that the matter was brought to the attention of Government and that Government was aware of the problem before the Private Member's Motion was introduced in September. So the Private Member's Motion did not for the first time bring the matter to Government's attention. The Government, having received the correspondence from the courts, was acting upon that correspondence when it received the Private Member's Motion, and therefore it was no problem in accepting the Private Member's Motion. The inquiries had already revealed that in the one case cited in the Magistrate's letter, the prisoner concerned did appear to be under the influence of drugs, because there were drugs that were being given to him as a result of the prescription by the psychiatrist. So the Government did not ignore the Magistrate's representations, Mr. President.

It was also said that prison officers and members of staff knowing of the various methods of smuggling, appears not to be doing anything to prevent the smuggling. Yet, attached to the report, we see a list of 14 incidents in which inmates were either prosecuted and convicted or investigated for various drug related offences. These cases Mr. President, were in all instances, brought to the attention and dealt with by prison officers. So to say that the staff appears to not have done anything is somewhat confusing to me, Sir.

It was also said that there is a conflict between the provisions of the Bill that was passed a few days ago in relation to the frequency of medical examinations and the recommendation in the report that a doctor be provided at the institution. I do not see the conflict, Sir. The amendment in the Bill that was passed provided for an increase in the frequency for examinations which is to provide for the existing set of circumstances, that is, the circumstances where there is no doctor on a full time, or even a part-time basis, at the institution. If and when such an officer is available, consideration can then be given to reducing that mandatory minimum examination. But at the moment, there is no such staff available. Therefore it is important to provide for what is reasonable under the present circumstances.

The Government, in its response, has said that it will consider providing a doctor at the institution, as and when that becomes justifiable. And it goes on to say that that, hopefully, could be entertained and put in place sometime within the next year or two. But we have to cater to the situation at the present time, so the amendment to the Bill was to cater to the present situation, and not to the future. So there is no conflict.

As was said, Mr. Brown recognised and acknowledged that some of the recommendations that he made and that are contained in his report are not of his own making. He gives credit to the Director of Prisons for having made some of these recommendations previously. And indeed, it will be seen that for example, the provision in the current year estimates that has enabled the employment of a nurse for the institution was provided in the estimates long before the idea of an inquiry was accepted.

Also, the recommendation from the prison in connection with the powers of officers to arrest under certain circumstances were recommendations that were made prior to the undertaking of the inquiry. One of the interesting provisions is the provision of the authority that prison officers now have in relation to their duties, certain powers and privileges identical to those conferred on a constable by the Police Law. So that the prison officers now, for the first time, may exercise certain powers in relation to their duties that they could not properly hitherto fore undertake. And we were told in another context during this meeting, Mr. President, that for example, prison officers can now take action for certain offences whether they are being committed inside or outside the prison as long as it is in relation to their duties and responsibilities, they can take certain action. One of those things is that in relation to the Misuse of Drugs Law, if there are reasonable grounds on which to suspect abuse of drugs, prison officers, like constables, may require the taking of urine specimens. And so in reply to the suggestion that nothing has been incorporated in the Bill to cover the point of urine testing, the point is in fact covered by the authority now vested in prison officers. In addition the Government minute clearly states that authority already existed

for staff to be randomly sampled - random testing to be done by staff. That is not a requirement of law, that is a requirement under their terms and conditions of employment, and a violation of that would result in disciplinary proceedings.

I think that the Second Elected Member for George Town, in reading out the various points in the report and comparing them one by one with the Government's response has served the purpose well of informing the public of perhaps what I should have done when I tabled the report yesterday. I was attempting to be somewhat brief, and perhaps as a consequence I was too brief.

Nevertheless, I hope that this matter will be given sufficient attention by the public, through the press, the radio and whatever other means, that everyone concerned will understand and appreciate that there is continuing to be a drug abuse problem in our society and in particular in our prison, that this problem is not an easy one to solve, but that steps are actively being taken to minimise the opportunities by which these abuses can take place, and that the public will also appreciate that since receiving Mr. Brown's report, the Government has already taken action on fifty per cent of the recommendations contained in the report while others are yet under active consideration. It will therefore be seen that speedy action has been and will continue to be addressed to this serious topic, and that no breaches will go ignored. It is a problem, there is no easy solution to it, but we are working diligently at it and hopefully, the public will understand that by making this document public, as we have done, that the Government in no way is seeking to cover up anything whatsoever in relation to this or any other matter.

I thank you, Sir.

MR. PRESIDENT:
Bodden Town.

The Second Elected Member for

MR. G. HAIG BODDEN:

Mr. President, the whole problem with the matters at the prison could well be summarised in the conclusion to Mr. Brown's report. He said, in the penultimate paragraph:

"In closing, I must state that many of the above recommendations have been proposed to Government in past years by the Director of Prisons, but approval appears to have been delayed because of financial constraints, or other reasons."

This is perhaps true. The prison was built and went into operation in the early 1980s. It was a new facility on these Islands. Although Government at the time did everything to start it off on the right foot, problems cropped up which no-one had anticipated. Perhaps it had the best start of any department in Government, an entire prison staff was brought in and they worked side by side with people who would replace them when their contracts were up. In this stipulated time, all of the English officers went back and the local officers took over. Since that time, problems have arisen at the prison, recommendations according to this report, have been made to Government and Government did not adopt all of the recommendations. Even if the Government had adopted all of the recommendations, I imagine there would still be problems. Governor Maddocks once said of the New York prison system: "If you want a better prison, you will have to get a better type of prisoners".

That drugs have been found at the prison is no surprise to anyone, when we consider that more than fifty per cent of the prisoners at Northward are there because of drug related crimes. Some of them are there for consumption, possession, others are there for the crimes that go along with supporting the drug habit: theft, burglary, robberies. So it is no surprise that the inmates, having been there because of their drug connections, would somehow or other find drugs. The demand is there, and where there is a demand, the law of supply will provide the demand.

I can find no fault with the Honourable Third Official Member of Government, that is, no fault personally. Because I believe in whatever manner he presented this report, he had the full backing of the Government. I am certain there had been a discussion in Executive Council as to how this matter would be handled, and so if there is any blame, it is not fair to single out the Honourable Member who is bound by collective responsibility, but place the burden on the full Executive Council.

The debates and the recent

reply of Government, or comments on the report have shown that Government has taken some steps and has actually implemented parts of the report. Perhaps we could say that the Honourable Member was too modest to mention the great good that he had done.

From Day 1 following the last election, I have criticised in this House, the attitude of Government to the drug problem. My main criticism has been that they attach far more importance to spear guns, green parrots, stray dogs and wild turtles than they do to the severe drug problem. They have spent far more money putting out propaganda on marine parks than they have in advertising this report, or drug education. It has received lip service, but not very much support, or had very much importance attached to it from the Government. I have too often criticised the actions of Government. I have done it so often that it is unnecessary for me to repeat it this evening. But they have taken a soft line on drugs. Whether they admit it or not, they took out the mandatory prison sentences for hard drugs. They took out the mandatory sentences for repeated offences. They have paroled prisoners. They are making extensive use, or made it easy for the courts, to use extensively, the suspended sentence for drugs, the community service orders for drugs. They have become really soft indeed. The Government needs to harden its attitude to drugs, not only to the pusher, but to the user, because we have found that looking at this report in the prison, it is not the supply only, it is the demand that brings the problems.

I sympathise with the Member for North Side who regretted that he had supported the amendment to the Prisons Law. He had given support to an amendment which, in a sense, is contrary to the report. I can comfort him by saying that I never fall in that dilemma because I do not support anything they bring, and perhaps he too, should learn a lesson. It is very dangerous to support some of these piecemeal and grasshopper amendments which come flying by us. So while some of them may have merit, I do not think anyone should eagerly get up to support amendments that have been brought.

The report shows one thing, and that is that the drug problem at the prison is not as bad as it is on the outside. The offences within the prison have not escalated like the ones on the outside. We see there have been fourteen cases over, I think it is a six year period or a five year period, and with the size of the prison population, this is not an alarming number of cases. In some years there have been as few as two instances, although the report does mention there were times when suspicion was strong, although no cases were brought, no convictions were made. If we look at the police report, which I believe was tabled in this House in the last meeting, we will see the dismal picture of drugs on the outside, and this is where I believe Government's action is needed. We see from that report that in 1985, 138 cases involving the use of ganga had been reported. In the next year, the number had risen to 232, a 69 per cent increase.

The use of cocaine, which had been almost non-existent prior to 1984 had risen alarmingly. In 1985, 24 cases involving the use of cocaine were reported. By the end of the next year, 1986, 165 cases had been reported, a 700 per cent increase. Miscellaneous drug offences were up by an astounding 330 per cent from 178 in 1985 to 568 reported cases in 1986. The ancillary crimes that go with drugs, burglary, theft and robbery, were also up - 762 reported in 1985 and 921 reported in 1986. I will not change my belief that it is the permissive attitude of Government to drug offenders that has caused this escalation.

Here in this meeting Government again, seem unable to help themselves, are compounding the problem. They have just made it legal for a prison officer of the opposite sex to be in charge, physical control of a prisoner. If you believe it had been easy in the past to get drugs in to prisoners, you watch it from now on. This madness created in this meeting of the House will go down in history as one of the worst actions of the present Government.

The report, I think, was factual and fair, and has shown both sides, it has given credit to the prison officers, it has condemned the actions of some. I know that the Government wants to reduce the evils of drugs and I would like to see them put this on a priority list, put it ahead of stray dogs, and wild parrots and conservation matters, because we will not need any conch or lobsters if we lose a generation of young people to drugs. I honestly believe that they want to help, but all their actions up to

date have produced a different result from what they expected. So now I believe it is time, if it is not too late, for them to get down to the business of educating the public about drugs, and toughening up the laws. I am talking about life imprisonment for the dealers.

MR. PRESIDENT:

I have allowed the Member a lot of latitude to talk about the drug problem generally. I do hope you will get us back onto the particular report that we are supposed to be discussing, which is allegations of drug abuse in the prison rather than the drug problem in the community at large.

MR. G. HAIG BODDEN:

Thank you, Mr. President, for enlightening me on the problem with the Government. They do not understand that the problem in the prison stems from the problem in the public - God help them.

MR. PRESIDENT:

I was not meaning to stop your speech altogether, but if you have nothing to say about the prison, perhaps it is appropriate to close on that note.

Does any other Member wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Mr. President, I will do my best here with limited voice volume which I have this afternoon.

But I found the report, although I did not have a whole lot of time to study it, I found it interesting indeed, in fact, I would like first of all to congratulate Mr. Brown for the time and effort which he put into getting this report together, and as well to offer my congratulations to both the uniformed and civilian staff at the prison, the inmates and as well, members of the public who made any contribution whatsoever in having this report compiled.

In looking through the report, I do not seem to see that there was any hesitancy on the part of the members of the prison staff or others to divulge what information they had. It did indicate that there were certain inmates who were reluctant to put anything in writing. However, I feel that for the most part, what is seen in this report, is a very accurate picture of what the situation is at Northward Prison.

One Member indicated that he was somewhat relieved, or encouraged, that the drug problem in Northward Prison seemed to be of much less magnitude than outside. And, although I will make my remarks quite brief, what I would like to say here is that I personally know of many young people who went to Northward Prison because of drugs, because of their involvement in drugs. It is out there in our society and it is a very startling situation.

However, I am encouraged that there is also another side to the story, and that is, that many who have gone in there have received help and certainly, any availability of drugs in the prison did not prevent their leaving there, leaving that institution a better individual. In West Bay, for example, I can think of quite a number of young people who are doing extremely well in spite of the fact that they were severely addicted to illicit drugs upon entering Northward Prison. Efforts are made in that prison - I believe this with my whole heart that every individual in there that can be helped is certainly being helped in one way or another. I do not advocate a prison as a solution for anything, but I stand here to say that I think that in my district, as well as other districts of this Island, we would see many a young person either dead or in a hopeless situation if it had not been that they had been snatched in time and spent some time in Northward Prison, where they were able, at least, to get the time to think.

The availability of drugs in the prison is sad, it is the truth, but there are many recommendations which have been cited in this report. The Honourable Third Official Member mentioned that at least 50 per cent of those recommendations are already in place, and that others are under active consideration and implementation of many of them, I am sure, will be seen to be done in the near future.

Mr. President, I do not think at all that Government had any reason to withhold from Members of the House nor from the public, anything which is in this report. I feel that it can only do all of us good to know what the situation is so that we know exactly what action we need to take. The investigation was requested, it was carried out, in fact, I thought it was carried

out in a much shorter time that I had initially anticipated. Recommendations have been made, Government is satisfied that the problem did exist, and perhaps still exists, but there are ways of at least curtailing much of what goes on. As I mentioned to one Member today, perhaps it can be likened to high blood pressure - you never ever get rid of it, but that gives you no reason not to do everything possible to hold it down and to minimise its effect.

I feel that this is an area that we need to look into seriously. I noted with concern that just about 25 per cent of the inmates are employed. Boredom is something which young people especially, should not ever have to put up with. Since time began, and it will always be, that the devil finds work for idle hands. I would hope that plans are in place, or will soon be, where we might find other areas of having the prison inmates employed, doing something that they will find themselves occupied and using their time wisely. Their energies must be exerted, and if these are not channelled in doing something that is for the benefit of them or other people, then of course they are going to be channelled in the wrong direction. And those, especially, who are in there because of being addicted to drugs, will find that there would be a tendency to obtain these in whatever way possible. It is a shame that certain, perhaps, members of the public, friends or others would even dare to think of trying to get drugs into the prison, but we live with this, it is all over. However, I would not want anyone to interpret my remarks here as saying that we have to be complacent and throw our hands up and say there is nothing that can be done - there is something which can be done, but it will involve not only Members of Government, members of the prison staff, but it will involve every member of the public to work toward a solution for this dreadful evil that is in our society.

I wish to say that I feel that Government has taken the right step and I believe that each of us here are equally concerned that the good and the benefit which has been received by many inmates in that prison will continue to be the case. There are many areas in which they receive help. There are some of them, when they go in there, they never darken the door of a church nor receive any religious counselling or help, and they are exposed to this when they get there. Many of them have been helped by the prison ministry, the ministers of religion, lay members and other of the churches which have visited, and they are to be congratulated and held in high esteem for the efforts which they have put forth in trying to help the young people of our Islands.

There are many worthwhile efforts that have been made to rehabilitate the young people who have gone into Northward, and as I mentioned, although there is a problem with drugs getting in there, believe me when I say, many of them have been helped because of the plans which have been in place in the prison, and the prison staff should not be held directly responsible for this. As we have seen from the report, there are many ways and means in which these drugs could be obtained.

I wish to congratulate once again, Mr. Brown and all those who had any responsibility at all in putting this report together. I think that perhaps there was some criticism that notice was given that the investigation was going to be carried out, but on second thoughts, I felt that if members of the public were to be able to come forward and to contribute in any way the knowledge which they had, they could hardly do it if the investigation was being carried on in a secretive manner and especially since much of what has been placed in this report, I have no doubt has come from members of the public as well as those within the prison and those directly responsible for its administration.

Mr. President, I am pleased to see the efforts that are being put forward in getting all these very worthwhile areas of help for the prisoners at Northward, I certainly am pleased to see that the report has come forward and that Government is doing all possible to institute the recommendations that were made.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? Very well, yes, the mover may reply.

MR. W. McKEEVA BUSH:

Mr. President, I suggest that we do not take the evening break, but go right through and try to finish business.

MR. PRESIDENT:

I am sorry?

MR. W. McKEEVA BUSH:

I say I suggest that we do not take the evening break, the afternoon break ...

MR. PRESIDENT:

That is what I was intending to do. A number of Members have told me they hope we can finish the business today, and I thought I would dispense with the afternoon break. So if any Member wishes privately to go out ...

MR. W. McKEEVA BUSH:

Yes, let them go.

Mr. President, it is a good thing that this Member has raised, can raise, motions in this House. Otherwise there would not be much going on sometimes. I have quite a bit to refer to, but I will guarantee you that we will get out in time to drink the champagne they got for us in honour of you leaving.

Mr. President, the gist of what some Members have said is varying. One point made was that the public should not have been misled. I have never come to this House to mislead the public. I saw the report, I had the report from Wednesday, and I comprehend what it means. I have never been dishonest to the people of this country.

When this year came in, I heard several old timers remark that this is the funniest weather they had ever seen. One minute it was to the north the next second to the northeast and right round and round. And that is how some of the Members of this House are.

A point made was that we had tried to say that the report was not fair, or correct. Far from the truth. I am so worried because I believe it to be fair, and I believe it to be correct. My main objections were the fashion in which the report was tabled to this House, and some of its recommendations, especially the recommendations for corrupt prison officials. I did say that Government was trying to cover up, and I will stand by that. When it comes to the public service, no politician has ever wanted to touch it. This Government has not been much better than any of them in previous years. Every time you get a change of portfolios and Members, Officials come into this House, they take their personal dislike to hear you stand up and ask a question, or make your thoughts known. They forget that I have a charge to keep, a responsibility to the people of this country. I do not care who it is, if it is my sister, if she is wrong, she is wrong. That is the whole matter of the public service in this country and in other areas. It depends on who it is at times.

Mr. President, great objection and much talk and delay, although I get blamed for it, has been because we rose to debate, to put the motion to debate, and, Mr. President, I stand in this House and say if we did not put that Motion, the report would not have been debated. If Government wanted the report debated, the Member would have moved for the report to have been laid on the table, and he would have moved his adoption motion, which he did not. That is my duty, I brought the Motion, and I was not going to let him, or the whole Government, or that report, go unchallenged.

Now it would seem that every Member in this House that got up made big because we moved that Motion. Why did they not get up and move it? Debate in September - how in the world would it have got debated in September - somebody explain that to me. Mr. President, I can see ...

MR. PRESIDENT:

explain to him ...

The Member is inviting me to

MR. W. McKEEVA BUSH:

Yes, Mr. President, I can see you want to get into this debate and I am ready for it.

MR. PRESIDENT:

No, all I was going to say was that I have explained it once, it would have been open to the Member himself to have moved a motion in September just as he has moved it now.

MR. W. McKEEVA BUSH:

Mr. President, when that Motion was moved, that it be laid on the table, the next motion was for him, for the House to accept that he read it, under standing Order 18(2), which in my opinion, is a ministerial prerogative stopping any Member of the House from replying. You, then, in your capacity as President of the House did not give any indication that you were going to move for anybody to make a motion of adoption.

MR. PRESIDENT:

Perhaps I should just make it quite clear for the benefit of all Members and of the public what the procedure is when papers and reports and the like are laid, which they are regularly - would you please sit down until I have finished.

MR. W. McKEEVA BUSH:

I think it will be just a waste of time, Mr. President.

MR. PRESIDENT:

I have noted your opinion, but I propose to continue.

I think it will be just a waste of time, Mr. President.

It is a quite regular practice, and a not infrequent practice, for reports, papers and similar documents to be laid and a number have been laid during the present meeting of this House. One was the report of the Housing Committee for the years 1985 and 1986, I think, another was the accounts of the Port Authority, and there were reports from the Standing Business Committee, all in addition to the report of the inquiry into allegations of misuse of drugs at the prisons. There is one procedure prescribed in Standing Orders in respect of all these kinds of papers, and that is the procedure prescribed in Standing Order 18 which lays down that the Member may present the paper and make a short explanatory statement of its contents - no more. At any stage thereafter, subject to the provisions of Standing Orders, it is possible for any Member to move a motion in relation to that report - he can move that it be adopted, he can move that it be rejected, he can move whatever he wishes. It is also possible - and this is sometimes done - under Standing Order 19 for the Member of Government who presented the report, to move a motion that the House resolve itself into a Committee of the whole House to consider the particular report. That has rarely been done here, but it is another possible course of action. Now on this occasion, the Second Elected Member for West Bay sought leave and was granted leave to move a motion and has moved a motion under Standing Order 24(9)(viii). That he was able to do without giving notice, but if he had chosen another course of action it would have been possible to put down a substantive motion commenting on the report in whatever way he wished, of which notice would have had to have been given.

So there is no reason to say that the Government had treated this report in a different way from other reports, all reports are laid. Those who lay them make brief statements on them, and there is no immediate debate. But it is possible, thereafter, for any Member, either the Member who laid the paper or a backbench Member, to initiate a debate - and that is what has been done on this occasion.

The Member may continue.

MR. W. McKEEVA BUSH:

Yes, Mr. President. With due respect, Sir, I think the time of the House was wasted, because this is all I have been saying - what I have been saying is he did not intend for us, and I stand by it, to debate it - the Government did not intend for us to debate it. He moved it under 18(2), he should have moved it if he intended for us to debate it, he should have moved the same Standing Order that I moved.

MR. PRESIDENT:

What I have been trying to say is that he is not obliged, and it is not the normal practice for him to enable you to debate it, to take action which automatically leads to a debate. It is up to you, in the case of any particular paper, to take the action if you wish the thing to be debated. We did not have a debate about the Port Authority's accounts, we did not have a debate about the Housing Development Corporation's annual report, we did not have a debate about the report of the Standing Business Committee. The same procedure is followed each time and the initiative is left to any Member who wishes to start a debate. Nobody is trying to silence you, nobody can silence you in the sense that you have rights prescribed by Standing Orders, which you have exercised. I am sorry if I have not made myself plain, but the fact of the matter is that it is not an obligation on a Member of Government laying a report to ensure that that report is debated. By laying a report, he gives an opportunity to all Members of the House to initiate a debate. That opportunity has been given in the normal way, you have taken it. I do not see that you have cause for complaint.

MR. W. McKEEVA BUSH:

Mr. President, once again I say they did not intend for us to debate it. It should have been debated, they should have anticipated it, because when we moved the Motion,

when I moved my Motion, I said that we hope you will come back for us to debate. So do not come here talking these kind of stories. It was a cover up! Furthermore, the other report from 1983 should have been laid for us too, so do not try to defend anybody here this afternoon.

The Housing and Port Authority reports did not come by way of Private Member's Motion, this report came because of a Private Member's Motion I put here. They did not intend for us to debate it. No other Member got up or had any intentions of doing so. You did your usual thing, you sat there and you would have moved on to the next item of business if we had not got up. So do not try to make the public think that I did not know what I was doing.

MR. PRESIDENT: That is perfectly true. But you had your opportunity and you have taken it.

MR. W. McKEEVA RUSH: What I am complaining about is this big thing about it could have waited until September. He is talking about September, another time, how could it be done?

MR. PRESIDENT: Is the Member asking how it could have been debated in September?

MR. W. McKEEVA RUSH: No, Mr. President, please let me carry on with my debate unless I am out of order.

Debate of the report has taken place to allow all sides of the report to be aired for the public. I just was not going to comment on one aspect of it. I did the honest thing, which none of the other Members were prepared to do. But another point I am not going to miss is that Members said that they did not have time to study this report. Why not? We received it on Wednesday. We knew that it was going to be tabled. I started making my preparation. Our obligation and responsibility is to be prepared for that sort of action that they were taking. And that is what I was prepared for. But you want it to wait for debate until September. It is no good waiting until September.

Among other things in my introduction of the Motion, I complained about certain sections. The report said that there was no organised drug ring, but my concern is that there was usage, there was usage and that officers of the prison, not officer, officers were mentioned, it was one of my reasons for putting in the motion to bring the report. Officers were mentioned as being part of the cause of the drug problem. Now from all sides of the debate, and all sides of the political spectrum in this Chamber it has come that the cause is being laid at the feet of the one officer who was caught. I do not feel that that is right. The report says, on page 9 paragraph 35:

"The most common methods of smuggling contraband into Prison that came to light from interviews with prison staff, inmates, ex-prison officers and ex-prison inmates were seen to be:

...
viii Corrupt Prison staff supplying drugs or contraband to inmates commercially, or for other reasons."

That is one point. It goes on to say, in the recommendation on page 11, paragraph 40:

"From information obtained from past official records, and from numerous interview sources, I am satisfied ..."

I am sorry, I am reading the wrong paragraph. Page 12, paragraph 45, says that:

"Evidence and information received during the enquiry confirm the past involvement of corrupt prison officers in drug smuggling at Northward. Most of those mentioned have since left the service for one reason or another ..."

There is clear evidence that it was not one, and that he is awaiting extradition from Jamaica. I do not feel that the recommendations are

enough to deal with them. Why not? In fact, there is no recommendation to deal with it.

One Member went on for quite a long time crowing the virtues of the Government. They went on to talk that there was nothing to be worried about; because there was no great problem, it was only at 30 per cent. Well, should I, as a representative, put my head in the sand like an ostrich and ignore the 30 per cent usage? That is what they came in contact with.

In a prison that holds 145 or 150 inmates, 30 per cent would be 45 inmates, when the prison is full, 45 out of 150 are using drugs. Now consider the disruption at the prison that these people could cause and do you believe that if it is only 45 that it is not going to spread to the other 105? And they get up here to make a big thing, oh everything is happy, everything is good, it is only 30 per cent. It would seem to me that they are so well supplied that they are happy. There is going to be no big problem, there is going to be no big fight there, everybody is getting some little thing. Not because it is happening in other prisons that I must be satisfied for it to happen here. No. I would want to make it quite clear that I was not blaming the Honourable Third Official Member personally. He too said we could have waited until September. He said there was no attempt to cover up, he was only acting with the wishes of Government, that is my opinion. He made reference to the motion that brought about this report. Mr. President, let it be known, I did not ask for that particular motion, I asked for an investigation into the prison. But that was not accepted. But because that was the only one that I could get in, I was satisfied for it to be put that way.

MR. PRESIDENT: I wonder if I could just make one thing clear. I think you are meaning that you could not win Government's support for it, not that I had ruled the type of Motion you originally had in mind out of order. What you said was ambiguous and could have misled the listening public. Perhaps you would just confirm that I am correct. I never ruled a motion for an inquiry into the prison out of order or inadmissible.

MR. W. McKEEVA BUSH: I did not say you did.

MR. PRESIDENT: No, but you said it was not accepted, and most people would construe that as meaning that you were not allowed to put it down, that I ruled it out of order, if you say it was not accepted.

MR. W. McKEEVA BUSH: Well, Mr. President, I do not know how or why it was not accepted.

MR. PRESIDENT: Let us make this quite clear. My recollection is that you asked to put down a motion like that. I said that you could put it down, it was in order, in other words, I did not, as President, refuse to accept it. But you, after discussion with some Members of the Government or others, decided to put down a different motion.

MR. W. McKEEVA BUSH: Mr. President, I will leave you alone with your thoughts. (LAUGHTER)

I just want it to be known to the public, and on record in this House that the motion that I put was not accepted, by whom, I do not know. You told me that - what you are saying now, I will give you that much.

MR. PRESIDENT: I confess I have not gone back and checked the records, and I will do so with pleasure if you wish. But I really cannot believe for a moment that I would have told you that I would refuse to accept, as being inadmissible, a motion in the sort of terms you just said you originally had in mind, because it would have been quite admissible. I think you found you would not get support for it, and you decided to move a different motion. That is a rather different thing.

MR. W. McKEEVA BUSH: Well if you had not started so much about what you did not do and what you did, I would have come round to that, Sir. (LAUGHTER)

Mr. President, you know, it is no wonder that some Members get up in the House and talk about all the foolishness that is carried on. But I am not going to take the blame

for it. The first motion was not accepted, this one was. It does not do everything and it is not everything I would like to see, and there are some grave implications here, and I am trusting that Government will act on it and do something about it, and not because it implicates public servants, that it will be hidden.

To the Member who made the point about foolishness being brought to the House, I can give a good account of my stewardship to this House. The people know that to be true. Some Members of the Government bench were very happy when that was being said. I want to let them know that 1988 is going to be right around the corner, and not many of them are going to get McKeeva's 'X' if I am here, so they can fight very hard to kick me out. And a lot that think they are going to get it are not going to get it. If I am here I will be putting an 'X' for McKeeva, let that be known too.

As I said, debate has been like the weather this year, round and round, so you will excuse me if I have to do the same in reply. But the Honourable Third Official Member made a point that I had said in the opening of the Motion, that we should have had the report along with the Prison Amendment Bill. What the Member said was that the amendment was in part, a consequence of years of operation of the prison. Still denying, still denying. But the report is there for all to see, even on the photocopies is the word by the paragraphs that were used, the recommendations that were used, is the word "legislation". Not in Harry Brown's writing, either. It should have been laid with the Prison Bill, before that Bill was laid.

Mr. President, it would be unfair of me, having replied to everything everybody else said, not to reply to what the Member for Bodden Town raised, and I am not going to forget the lady with the lampshade hat.

Facts bear out that cocaine, since 1980 in this country has been on high increase - since 1980, that is a fact. Not such a thing like cocaine was nearly non-existent before 1984. I would dare to say from reliable information that cocaine started to be used in this country in late 1979, heavily. The problem is that Government is now catching every little boy and every little girl and putting them through a test and they go to prison, the majority of the time. It has only served to highlight the fact that there is much usage, and the increase has been high. Government has been capturing these users, these little barefoot boys, I would say. So it is not correct to say that cocaine was nearly non-existent before 1984. I do not agree with that. But I agree with him that it is only the small ones that are being caught.

The lady Member made a reference that we should not hold the prison staff responsible, because there are many ways for the drugs to get into the prison. I hold her, too, responsible, because she comes in here and gives the Government that is not going to do anything about these officials, all the support they need. But I am not going to waste time replying to her, most of the time she is asleep. If she was doing her job in this House, I would not have to raise these motions. But I hold her and I hold the Government responsible. When they are right, I will support them, when they are wrong, they cannot get my support. If she would do that and stop being an extension cord, the country could be run a bit better.

Mr. President, there is no more need for me to say any more than I have said. If I carry on, you are surely going to interrupt me and cause a big disruption in this House, as you usually do.

MR. PRESIDENT:

Order! order!

MR. W. McKEEVA BUSH:

That is the truth, Mr. President. So with those few words, I hope that the recommendations made, some of them have already been put in the Prison Amendment Bill, and I trust that they will find ways and means of arresting the problem of the prison officials. I hold some of them in very high regard, I have, personally, nothing against anyone. They have a duty to do, and I have a charge to keep. That goes for the whole public service.

MR. PRESIDENT:

The question before the House, which I will now put to the vote, is that the report on allegations into misuse of drugs in Northward Prison and the Government note on it be adopted.

QUESTION PUT: AGREED. GOVERNMENT MINUTE AND REPORT TO PRIVATE MEMBER'S MOTION NO.15/86 ADOPTED

PRIVATE MEMBERS' MOTIONS

AMENDED (NO.2) PRIVATE MEMBER'S MOTION NO.6/87
TRADE AND INDUSTRY INCENTIVES

MR. PRESIDENT:

Private Member's Motion No.6/87. I think I did explain to the House before that this had been amended twice at the request of the mover and that it is the amended version No.2 that I understand is now to be moved.

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I move Private Member's Motion No.6/87, amended (No.2) which stands in my name:

"WHEREAS many Caymanians show interest and have a desire to start their own businesses;

AND WHEREAS commercial interest rates are high and long term loans are hard to get;

BE IT RESOLVED that Government, as soon as possible, introduce to this Honourable House a comprehensive law on trade and industry which would include incentives for Caymanians to start their own businesses;

AND BE IT FURTHER RESOLVED that in the interim period the Government revise its present guidelines with regard to Government incentives for trade and industry, including the requirements and guidelines for loans from the A.I.D.B."

MR. PRESIDENT:

Is the Motion seconded?

MR. D. EZZARD MILLER:
the Motion.

Mr. President, I beg to second

MR. PRESIDENT:

I declare the Motion duly moved and seconded. Does the mover wish to speak to his Motion?

MR. W. McKEEVA BUSH:

Mr. President, I believe this Motion to be a good thing and I trust that Members will see it that way and give it full support in order to get safe passage.

The Member that is going to reply to this I have a lot of respect for he has treated me with the same, and I know that whatever he says he will do - I can always depend on him.

The first resolve section is asking Government to introduce a comprehensive law on trade and industry which would include incentives for Caymanians to start their own businesses. I believe in the Development Plan there is some suggestion also for a comprehensive trade and industry law. There can be no doubt in anyone's mind that there is a high level of economic activity. Tourism is high, at its peak, and attendant development keeps coming on stream, bringing about full employment for these Islands. Mr. President, this is good today, but we have no say over external factors which control finance and tourism. That is why it is most important for us to have a policy of diversification.

Caymanians might not be able to build a hotel, which would take a lot of cash, or provide a factory which would be labour intensive and which is not the best thing anyway for our small labour force, but there are many smaller scale businesses, or business opportunities, which Caymanians could get into, if the long term cash was available.

I believe, as I did mention somewhere before, there are substantial possibilities for the expansion and development of existing businesses as well as new types of industries. At present the small local businessman is having a very difficult time. While there is much money to be made, the country is paying a very high price for it. The cause, a very high lending interest rate and short term loans instead of long term loans.

Let us look quickly at one instance of how this affects the businessman and the public. You take a man who puts up a building, gets a five year loan instead of fifteen years to pay off the loan. He then has to charge a very high rate for rental and the man who rents the space in the building then passes on his costs to the man on the street, resulting in a very outrageous cost of living in this country. That is the case of a man who is lucky enough to get a five or seven year loan. So there is a borrowing constraint, and I feel that Government must move ahead to provide better incentives for local businesses in regards to better custom tariffs and some means or other of assisting in long term loans.

Also, for the sake of local businesses, some relevant protectionist policy. I would not advocate too stringent a protective policy, but something should be done. I realise Sir, that customs import duty is a high revenue earner, and I am not now suggesting a wholesale waiver of customs duty for every single business. The present Government guidelines give some assistance as far as import duties are concerned for building materials, machinery and equipment and production inputs used in the manufacturing process for export oriented businesses with an investment over \$50,000. It also has an incentive for a local production business with an investment exceeding \$25,000. This is all good and well, but I do not think it helps Caymanians any, if they are not producing something. But, there are other businesses which Government could look at and offer something in the same scale.

Someone paying \$10,000 in customs duties, is a lot to a small business. It is the difference of having a cash flow and not having a cash flow. As I mentioned yesterday, we talk a lot about 'fronting', well, this is one of the reasons, this is one of the instances where fronting comes in. A Caymanian wants his own business, but because of him not being able to get a long term loan and the incentive is not there because he is not in manufacturing or production, he then has to look elsewhere for investment capital. He then finds a foreigner who is quite willing to put in probably more money than the Caymanian himself has in the company, therefore at the end of the day, the foreigner ends up owning more of the company than the local person. We have to do something about this situation. The Agricultural Industrial Development Board helps to an extent, but I feel also that their guidelines must be redefined in order for that Board to take on more of a development bank role in this country.

The big local businesses, and businesses of long standing have to play a greater role in buying Caymanian. What I mean by this is that if you look at people, for instance, who are now building apartments and if you go around the country you will find there are many apartments being built. They in turn go abroad and purchase, let us say, their furniture, without even going to the dealer and saying this is what I need, twenty sets of this and twenty sets of that. The furniture dealer here, when someone is going to buy on a large scale like that, should be able to produce a better rate which would be compatible with at least the Florida area. But this is not happening. I am not telling them now that if they did go to these people and they found that they could not get a good rate, that they should stay and buy from them. No, that would not be good business sense. That is one case.

One way of Government offering better funds and in discussing this Motion with the Member responsible for Trade and Industry - we talked about this - is for Government to try to obtain funds into a pool to be loaned as soft loans for Cayman businesses or business development. And, perhaps I would say it could be structured in a similar way to what we are now thinking about, or along the lines of the Housing Development Corporation. Government could perhaps liaise with banks and establish a facility where money can be lent at favourable rates for specific types of investment.

The incentives are there, yes, for local production, somebody producing something. But there has to be much more encouragement. I do not see the Member responsible for agriculture here, but presently what is happening there is that a good thing is turning into a bad thing. For instance in the demonstration farm which was successful and is successful in demonstrating to the farmer that it can be done, but now the whole Agricultural Department is getting in the competition. How will you as a Government, set policy and tell the farmer that he can get out there and produce more, you are producing the same thing that he is trying to produce and you have cheaper labour because you have got Jamaican labour - it is hard

to say it, and I am not being derogative in any manner, but it is true. You do not have to pay for a work permit. These are facts, I know that they do not like to hear me talk, but as I said before, I have a charge to keep.

Before I get onto the next subject, to continue on this agricultural thing, the money that Government is taking to invest, Government should be taking that money and lending to the farmers to better help themselves.

We have an alarming import and export rate, a very high trade deficit. In 1980, imports amounted to \$85 million. Exports were only \$2.2 million, leaving us with a trade deficit of \$83.8 million. And in 1983, imports were at \$108 million, exports \$1 million, a trade deficit of \$107 million. In 1985, imports were \$120 million and exports were \$1.5 million, a trade deficit of \$118.5 million.

To the man on the street, on the surface this means nothing, but I am certain Government realises what this could mean if our invisible trade surplus was to move to a bad position. If it were not for the invisible trade surplus created by the service industries, which is tourism and finance in particular, we would be in poor shape with a very unfavourable balance of trade. What I am hinting at is what every sound person should be thinking about. The future. What if years down the road there is a decline in finance and tourism? Where would the money come from to cover the deficit? Where would this country get the hard currency to purchase the high volume of imports if there is a decline in hard currency due to a fall in economic activity in the service industries - insurance, banks, companies and tourism? We are too dependent on imports. A study recently proved that to us, and we really did not need a study to tell us that. But it is a fact.

I made mention yesterday that we have practically no control over the essentials of a sound monetary policy, that all our banks saving one and all our insurance companies save one are foreign owned. I was not really crying them down I never do, or I was not saying that we do not need them, I never do say that we do not need them. I was born in 1955 and I grew up in Cayman, I know what they mean to us. But what happens if they leave? That is why I say that diversification must and can come. There is ample room for it. There are some things which we must always import because the internal production of these goods would not be profitable. However, there are many goods and services which Caymanian businesses can provide, and every bit of help should be given in these instances. I would not expect to see a Ford motor company started here, but certainly there are things like pharmaceuticals, cosmetics, computer software that can be done here, where the profits can stay here in these Islands, building up more Caymanian cash. But, Caymanians are not going to be able to get into these areas. We need lower interest rates and better availability of funds, and all I am asking is that Government actively encourage this process. We just appointed a Director of Trade and Labour, and I believe Government is seriously committed to the timely and consistent diversification of the economy and increased economic activity by Caymanians now in business and those who want to get into some kind of business.

MR. PRESIDENT:

Sorry, at the risk of irking the Member, I must interrupt him because it is 4:30 p.m. I think I would invite the Honourable First Official Member to move the suspension of Standing Orders, because quite a number of Members did indicate to me they would like to try to finish business today, and as long as the Member speaking is not going to be too long with this Motion and his next, we might be able to. I shall have to leave by about 5:45 p.m., I am afraid, I have another commitment, but I can manage until then.

HON. THOMAS C. JEFFERSON:

Mr. President, in accordance with Standing Order 83, I move the suspension of Standing Order 10(2) so that the proceedings of the House may continue.

MR. PRESIDENT:

The Motion before the House is that in accordance with the provisions of Standing Order 83, the provisions of Standing Order 10(2) shall be suspended in order to enable the sitting to continue. Unless any Member wishes to speak?

MR. G. HAIG BODDEN:

Mr. President, I have to object to this suspension, on the grounds that the Motion before the House is too important to be hurried, and there is still another important

matter on the agenda. If I were to speak on the Motion before the House it would certainly take me past six o'clock. In addition to that, this is Friday evening - some Members may have commitments, they have been sitting here all week, it is unfair to the staff of the Legislative Assembly, and I do not think the business before this House should be hurried, particularly when we are dealing right now with the most important matter on the entire agenda for the whole of this meeting. So I certainly will not support the suspension. I think we should come back on Monday morning and give this Motion the treatment which it deserves.

HON. VASSEL G. JOHNSON:

Mr. President, I am not objecting to the suspension of the Standing Order to enable the Legislative Assembly to continue its proceedings, but I only want to give notice that I have a commitment and have to leave here at five o'clock.

MR. PRESIDENT:

I am entirely in Members' hands, it was simply that a number of Members had expressed to me the hope that proceedings could be completed today. I would certainly accept that if there is little prospect of completing the debate on this Motion, and on debating the second Motion today, without going on very late indeed, then really we would be best to accept that we must assemble again on Monday. To an extent I am in the hands and would be guided by the wishes of the mover of the two Motions, if he wishes to speak, to continue speaking at some length on this Motion, perhaps to wind up at some length and to speak at some length on the other Motion, then certainly I should not wish to cut him short, and we might do better to determine that we will meet again on Monday. Other Members might wish to be guided by his views, it is up to them, obviously, but perhaps he would express a view one way or the other.

MR. W. McKEEVA BUSH:

Mr. President, I was on my last page of notes on this Motion, and with regards to the other one, I had just one point and was just going to allow it to be debated or be put to the vote.

MR. PRESIDENT:

I do not know whether the Second Elected Member for Bodden Town was teasing us, as sometimes he is prone to when he said that would keep us going all by himself well beyond six o'clock on this one Motion, or whether that was said with due seriousness. If he was teasing us, perhaps we could now agree to continue sitting, say, until 5:15 p.m. and see if we can complete our business during that time, which might not inconvenience anybody too badly. If we do not complete it, we do not.

MR. G. HAIG BODDEN:

No, Mr. President, I am not joking, I really wanted to deal at great length with the difficulties of a small person starting a business in these Islands. The expense of starting a business, and so on, the need for incentives for the local people. So I could speak at great length.

MR. PRESIDENT:

I have no doubt whatever that you could speak at great length, it is a question of whether you intend to! What suits Members, would it be reasonable to say we will go on until 5:15 p.m. and see how we get on? I see a number of Members nodding, perhaps I could interpret the Motion that has been moved, which was open-ended, as implying that we will go on until 5:15 p.m., and that the adjournment would be moved then. I will put the vote on that basis.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:

May I have a division?

MR. PRESIDENT:

Yes, of course.

DIVISION
NO. 53/87

AYES: 12

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks

Mr. G. Haig Bodden

Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeava Bush
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

AGREED BY MAJORITY: STANDING ORDER 10(2) SUSPENDED TO ENABLE THE HOUSE TO CONTINUE ITS BUSINESS UNTIL 5:15 P.M.

MR. PRESIDENT: The Second Elected Member for West Bay may continue with his speech.

MR. W. McKEEVA BUSH: Mr. President, when we took the interruption I was just about to close by saying that Caymanians must get direct benefits from development, or it is useless to have the kind of development we are having, if we are not going to get our benefits directly from it. I hope the Motion will get a safe passage.

MR. PRESIDENT: The Motion is now open for debate. Does any Member wish to speak?
The Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I rise to speak to Private Member's Motion No.6/87 dealing with trade and industry incentives.

The Motion makes several points with which I agree. Firstly, it is true that commercial interest rates are high, and of course it is also a fact that long term loans are not that easy to get unless of course, you have substantial collateral to support your loan application. And thirdly, it is also true that there are many Caymanians who would like to have their own businesses and rightly so. Caymanians are strongly independent, and to own and operate your own business is an admirable ambition. I have said many times before from different forums that Caymanians must be able to share in and benefit from, the development and growth of their own country, and Caymanians owning and operating their own businesses is one sure way of doing this.

I am therefore very supportive of the idea of Caymanians getting into the business of their choice, and to be factual, the records will show that for a small, young country, many Caymanians have in fact established themselves as competent and capable business people, and do play an important role in our business community.

A great deal of this has been made possible through the banks that are established and conduct business here. It has also been made possible through what Government is doing through trade and industry, and the Agricultural and Industrial Development Board, the A.I.D.B., which has proven to be a source of financing for several Caymanians. The desire and ambition to own and operate their own businesses will continue to increase in our country, especially as Caymanians become more educated, more informed and more aware of the business opportunities available to them in their homeland. I therefore also strongly believe that Government as well as the private sector, must do all within their power to help and encourage our own local people to become an important part of our progressive and buoyant business community.

Recognising, of course, that in our free enterprise system there is a limit as to just how far Government is able to provide assistance to the local businessman. Because while being willing to help, it must be recognised that Government cannot afford to undermine its own revenue earning capabilities, specifically from import duties, nor provide more favourable conditions to any Caymanian businessman to the detriment of the other Caymanian. We must bear in mind that we have mainly a service oriented society. Some provide services, some buy and sell merchandise and other commodities. And there are many Caymanians who, years ago, at much sacrifice, set up their own businesses and to my mind, what has to be considered is, would it be fair to now provide more favourable conditions to another Caymanian for him to be able to put the other out of business by having more advantageous financial arrangements? Great care and caution must be exercised because in our system, competition should be fair and equitable.

I would cite here the case of Puritan Cleaners Ltd., which many, many years ago set up a dry cleaning business in this country. This is a business owned and operated by a Caymanian. To the best of my knowledge and understanding, the cost of the building, the necessary equipment was all dutiable, and all paid for. What comes to my mind, would it be fair today, to provide more favourable conditions for another Caymanian to set up a dry cleaning business that would be in direct competition with somebody who has worked and sweated years ago to get going in business? Would this be considered by the average businessman as discrimination against one Caymanian in favour of another? These are questions that must be answered and given consideration of what is being presently debated.

Of course, obviously, as well, banking institutions must base their positions on sound business practices and decisions. Nevertheless, having said all this, local persons who would like to start their own business and who attempt to start from scratch do have very serious obstacles to overcome. I can state this, because I, for one, like many other Caymanians, can provide first hand knowledge, and I can assure anyone it is not an easy road. Cayman National Bank came to my rescue years ago and still does, and I am sure that they, as well as other banks, have helped many Caymanians to get started and to remain in business.

On the other side of the coin, proper help and assistance to Caymanians is definitely preferred to fronting, as has been mentioned by the mover of this Motion, because fronting has become in our country today a serious problem for the Caymanian Protection Board in providing necessary protection for locally and wholly owned established businesses. What happens is that quite often, fronting only places other fellow Caymanians at a very serious competitive disadvantage, because after the foreign partner gets himself well placed and gets to learn the ropes in the Cayman Islands, he or she attempts to dump the local fronting partner, and this results in resentment which in turn breeds unrest and discontent. So it is definitely in the interests of our people and the future of our country, for both Government and lending institutions to provide all reasonable assistance to Caymanians aspiring to have their own businesses.

Now turning directly to the trade and industry incentives which are in place. These were obviously designed to encourage the setting up of small, light industries, mainly for the export market, as well as to provide local employment opportunities. Duty concessions are offered on building materials and equipment, and the Board is only advisory in its capacity. Its guidelines are aimed at diversification of the economy to whatever extent possible, and I agree that any attempt for diversification of our economy should continue, recognising that tourism and finance are fickle economies. However, diversification is a deep and far-reaching project. Obviously times and circumstances have changed, and as the Member will note, which he mentioned in his presentation, Government had decided that the existing trade and industry guidelines should be revised, and that eventually a comprehensive trade and industry law be introduced to this Honourable House. These decisions were taken in order to strengthen and clearly define Government's resolve to provide encouragement and assistance, where possible, to the local businessman.

MR. PRESIDENT:

If I might interrupt the Member for a moment, with apologies, I am told the tape is about to run out within the next few seconds. A new one should be on within a minute or so. The Sergeant-at-Arms will let us know as soon as they have effected the change over. So I suggest nobody leave the Chamber, but if we could just suspend for a moment.

AT 4:53 P.M., THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:56 P.M.

MR. PRESIDENT:

The Member may resume.

HON. W. NORMAN BODDEN:

Thank you, Mr. President. As I was saying, the Member in his presentation acknowledged what was provided for in the Economic Development Plan. As is well known, this Plan was tabled in this Honourable House yesterday, and I would just

like to read the section of chapter 3.4 of the Plan, which deals with Industry. Under the section dealing with Government plans, as item (1), it states:

"Revise the guidelines issued in 1977 as an incentive for the promotion of local industries."

In point (5), under the same heading, Government Plans:

"Consider special provisions for group enterprises. The object would be to encourage young Caymanians to form group enterprises on a cooperative basis in a way which would promote commitment and responsibility. Guidelines would be issued to interested groups on how such an enterprise could be organised, whether the enterprise would be feasible, and its organisational rules fair and equitable to each member of the group. Assistance in obtaining loans up to 80 per cent of requirements would be considered."

In point (7) of the same heading, Government Plans:

"Repeal the 1950 Pioneer Industries (Encouragement) Law, and enact a comprehensive industrial development law."

So it is correct to state that what Government has been doing through A.I.D.B. to assist Caymanians with favourable financing, coupled with its plans to revise trade and industry guidelines and, in due course, I think the Motion says "as soon as possible", introduce legislation. All of this, to my mind, fully recognises the need. And so, this Motion from the Second Elected Member for West Bay, clearly and definitely coincides with Government's position in this matter.

Therefore, Mr. President, I have no hesitation in supporting the Motion. To use his words in his presentation, "when he is right he will have my full support, and when he is wrong, he cannot get my support". As I have said, the incentives are still to be determined by Government, and I must again make the observation that great care will have to be exercised in deciding just how the mechanics of such an arrangement would work, and just what the implications are.

With those few words, Mr. President, I support the Motion. Thank you.

MR. PRESIDENT:
Does any other Member wish to speak? Does the mover wish to reply?

MR. W. MCKEEVA BUSH:
Just to say that I am happy that they are accepting it.

MR. PRESIDENT:
In that case I will put the question.

QUESTION PUT: AGREED. AMENDED (NO.2) PRIVATE MEMBER'S MOTION NO.6/87 PASSED

MR. PRESIDENT:
We can move now to Private Member's Motion No.7/87. The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO.7/87
MANDATORY PERSONAL IDENTIFICATION

MR. W. MCKEEVA BUSH:
Mr. President, I move Motion No.7/87 standing in my name:

"WHEREAS in recent years these Islands have experienced a high proportion of growth;

AND WHEREAS there is much movement of different nationalities in and out of the country;

BE IT RESOLVED that the Government institute a programme of mandatory personal identification for the people of these Islands."

MR. PRESIDENT:
Motion seconded?

MR. D. EZZARD MILLER:
the Motion.

Mr. President, I beg to second

MR. PRESIDENT:

I declare the Motion duly moved and seconded. Would the mover wish to speak to the Motion?

MR. W. MCKEEVA BUSH:

Mr. President, the Motion is brief and very clear in what it is seeking to do. I will be very brief in my introduction.

My reason for bringing this Motion is that I feel that it is time, with the development that we are having, the problems we are facing, to have personal identification of some sort, whether it be a specially personal identification card, or whether it be a driver's licence, whichever way it comes, I feel that we should have it.

Mr. President, we go to banks, and up until today it was driven home to me while standing in line at the bank, a person went to the bank and was asked whether he had any ID cards, and it was not a foreigner, it was a Caymanian. He said, "No". "Do you have an account here?" "No." "Well you should go to the other bank that you have an account with." Personal identification would solve that problem, it would help immigration, it would help the police, and it would, Mr. President, I hope if it is passed, and I am not suggesting that it be a licence for the police to stop every citizen and say show me your ID. That is not what it is all about.

One of the greatest reasons for bringing this Motion is that we do know that there is a problem today where young people aged 14, 15, 16, are going into bars, are going into night clubs and they are buying liquor and they are getting into the night clubs, and we say, we tend to blame the bar tender, we tend to blame the proprietor of the night club. But how can we, when some of our young people are just as big as any full grown person? It is hard to say what the age is. I can give this example. Just the other night, a young girl age 14, walked out of her parents' home when they thought that she was in bed, went to the Islander Nightclub. I personally checked into the matter and asked them how could they let her in, and this was one of the answers given. A similar situation at another nightclub, and they said, you know, the girl looks as old as your wife, she is as big as your wife. So I would suggest that Government, if they are not going to accept this Motion, that they think of some means or another of alleviating those problems that I have just outlined.

MR. PRESIDENT:

Does any Member wish to speak?

The Motion is open for debate.

HON. J. LEMUEL HURLSTON:

Mr. President, brevity seems to be the order of the afternoon, and I assure you and Honourable Members that I will not depart from the standard so set.

It is unfortunate that the Member bringing this Motion did not do a certain amount of consultation within Government circles prior to putting his Motion down. Because his Motion does not mention what seems to be one of the principle purposes for which the Motion is intended. And that is to prevent unauthorised disbursement of alcoholic beverages to young people. I do not think that his Motion, if that is really the intention, I do not think that the Motion introducing a mandatory personal identification is necessarily going to, in itself and of itself, solve that particular problem.

The Government therefore finds itself in a position that it is unable to support the Motion. Many Caymanians, young and old, already have methods by which they can establish their identity. They have passports issued at quite an early age, they have drivers' licences issued, and in many occupations and professions, employers are now issuing identification cards to employees. At first, I thought that this was something the Motion was seeking to address, but I gathered from what the mover said, Sir, that part of the problem, one of the major problems that he is seeing, is in young people being served alcoholic beverages illegally. That is a matter that has to be addressed in an entirely different manner, under an entirely different set of circumstances, and a mandatory identification card is not going to solve that or similar problems.

It is also not going to help the Immigration authorities, because the Immigration authorities are not so much concerned with Caymanian identity as they are concerned

with the identity of non-Caymanians moving in and out of the country. And all non-Caymanians moving in and out of the country are required to have identification.

the Motion, Sir.

I cannot, therefore, support

MR. PRESIDENT:

Does any other Member wish to speak? The Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, as the seconder of the Motion, it goes without saying that I support the Motion. I am disappointed that Government is not accepting the Motion, and most of the points raised by the Honourable Third Official Member who replied to the Motion, do not really address, or justify I should say, Government not accepting the Motion.

He is in a good position because civil servants all have IDs, paid for by the tax payers of this country. When they go into a nightclub, or anywhere else, they have an ID card that has their birth date, their picture and everything else on it. The average Caymanian has nothing except a passport, and if he takes his passport to a nightclub for the purposes of identification, and loses it, then they are going to tell him he cannot get one for another ten years when that one expires. So he is grounded, or maybe since a passport these days is strictly a travel document, there is no harm in issuing two or three.

The driver's licence people have does not serve the purpose, because it does not have a birth date on it. If and when, some time in the distant future, the Traffic Law ever gets to this Assembly, I hope that at that stage, the driver's licence will carry a birth date and it can be used as a form of identification. But I disagree with his argument that personal identification does not help in the prevention of the sale of alcohol to minors and I do not know under what other law that he is talking about that we have to address it. Because it is already in the Liquor Law which prohibits the sale of alcohol to people under the age of 18. We cannot have a law in the country, and expect the law to be enforced if we do not provide some sort of mechanism for the people to abide by that law. This is one of the things that personal identification would provide, along with the other cheque cashing, etcetera and other cases when one needs personal identification. The onus is on the person selling the liquor not to sell it to people under the age of 18 but there is no official identification that he can accept, and I do not know how we expect him to do it.

So I was hopeful that Government was going to accept the Motion, it was not brought with any ulterior motives, it was brought to alleviate what is a real problem in our society. Maybe Government does not see it as a problem. But, I hope that they can find some other way which is a better way than personal identification to assist people in complying with the law and assist the populace of this country in being able to identify themselves.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

MR. W. McKEEVA BUSH:

Just briefly, Mr. President. It seems also that one of their points is that it is mandatory identification I am asking for. Well, like the Motion which we just passed, which they got me to agree to change so that they could pass it, and a Motion bringing about the report changed that they could pass it, why did they not ask me to change this one? But it would not be effective if it was not mandatory. That is as far as I am concerned.

Thank you.

MR. PRESIDENT:

I will put the question. The question is that Private Member's Motion No.7/87 be passed.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:

Divide, Sir.

MR. PRESIDENT:

Certainly.

DIVISION
NO. 54/87

AYES: 3

Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. D. Ezzard Miller

NOES: 7

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Capt. Mabry S. Kirkconnell

PRIVATE MEMBER'S MOTION NO. 7/87 DEFEATED BY MAJORITY

MR. PRESIDENT:

That concludes the business on the Order Paper. I invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, I move the adjournment of this Honourable House until the 7th September, 1987, and in doing so, as it is your last meeting as President of this Honourable House, I wish to say a few words before I take my seat.

TRIBUTES TO MR. PRESIDENT

HON. THOMAS C. JEFFERSON:

Mr. President, you assumed your responsibility as Head of State of these beautiful Cayman Islands approximately five years and four months ago. I too assumed the post of Financial Secretary five years and one month ago to the day. So the accomplishments of this Government over the period is well known to both of us.

We assumed our duties at a time when the Cayman Islands were receiving much negative international publicity. Some of it even going as far to indicate that these Islands were sinking because of the weight of billions of dollars deposited by drug dealers. Approximately two years ago we signed the Narcotics Agreement, because we wanted to demonstrate to the world that what was being said about these Islands was incorrect. Today almost three years after we signed that agreement, the total certificates received from the United States Attorney General under it is about 45. And, in the majority of cases, the money was no longer here, only the records that it passed through these Islands.

Two years later, in July of 1986, we signed the Mutual Legal Assistance Treaty. We have witnessed much progress in these Islands since the first quarter of 1982. We have seen the tourism figures rise from roughly 200,000, in 1981 (this is arrivals by sea and by air) to 437,000 in 1986. During this period as well, a real clean up of these Islands (that is the garbage and the old rusty cars and all the rest of it) took place. They were removed from the roadsides. Environmentally, we have established Marine Parks. Beautification committees have planted flowers. The Harquail Centre was constructed to improve the theatrical talents and provide proper facilities for its development.

In 1984 the civil service salary review also took place, during your term. It was a major review, and civil servants are grateful for it. We have also seen the country's budget grow from \$40.7 million in 1981 to \$74.1 million this year, an 82 per cent increase over the period.

On the negative side, we have seen the police force being examined by one of Her Majesty's inspectors; the increase in drug abuse; an increase in the criminal cases coming before the court; the retirement of two of the most senior civil servants, that is, Mr. Dennis Foster and the Honourable Vassel Johnson; and the increase in competition for Cayman Airways.

In all of this, you, Sir have assisted us as leaders and residents of these Islands, to overcome the difficulties and problems which presented themselves during your term.

On behalf of the civil service, we wish you and your family God's richest blessings for a long, healthy and happy retirement.

HON. BENSON O. FRANKS:

Mr. President, as this is the last meeting over which you will preside as President, at least in the Cayman Islands, permit me, Sir, on behalf of the Elected Members of Executive Council to say a big thank you for all that you have done for these Islands, both in your capacity as President of this Assembly, and that of Governor of these Islands, including Chairmanship of the Executive Council.

In the Assembly, we have tried your patience to the limit on many occasions, but you have managed always, Sir, to keep proceedings on an even keel. You have displayed a keen sense of fair play, and at times, humour, which has enabled us all to keep our sanity. Your guidance and wise counsel will long be remembered and is evident and will continue to be evident in the progress that has been made throughout these Islands during your time of office here.

I believe, Sir, that you can look back over your period of service in these Islands with a great sense of accomplishment and pride. In your position as Governor and Chairman of the Executive Council, you have employed a style of administration and management which has set a very high standard. The people of these Islands owe you a great debt of gratitude, and I wish to associate them with my vote of thanks for all that you have done, and especially my constituents.

Of course, Mr. President, I could not end without mentioning the efforts and work of your good wife, which I am sure was invaluable to you, but in her own way, and in her own right, she also contributed much to the welfare and development of this territory, or these Islands, during your stay with us.

In closing, Sir, may I wish for you and your good wife, Mrs. Lloyd, a long, healthy and happy retirement, and may God's richest blessings always accompany you both.

MRS. DAPHNE L. ORRETT:

Mr. President, I count it a privilege and an honour to be able to speak this evening to you as you sit in the position of President of this Honourable House for the last time during your tenure here. I am pleased because I do not know of anything I could say that perhaps would not be pleasing to the ear, and I want to thank you sincerely for the dignity and decorum which you have been able to display in this House at all times. There have been just one or two occasions when perhaps I could not see eye to eye with you, but those were few indeed, and certainly I thank you for the wisdom which you exercised and sometimes when the debates were hottest, you found it very convenient to adjourn to go to the Common Room. Just in the nick of time you were able to cool everyone down.

Mr. President, I thank you for the ways in which you have helped us here in the House. You have displayed a very good example of how best to govern, and I want to say that I can assure you that you have endeared yourself and as well, your very good wife, Mrs. Lloyd, to the people of these Islands. I cannot think of any Governor, and I have been here a little over 40 years now, that perhaps has become as well loved and admired as you both, and this has come about because of how you have involved yourselves in many areas from the Pines Retirement Home right on down to the schools. I want to thank you, and wish you God's blessings and that you will enjoy your retirement equally as much or perhaps even more, than the time you have spent in these Islands.

MR. W. McKEEVA BUSH:

Mr. President, the Member for North Side and the First Member from Cayman Brac have asked me to speak on their behalf - they appointed me really, but as usual the lady Member did not agree.

But I would like, on their behalf, to thank you on behalf of your work, your interest in the country. The Member from the Brac, as you will be going to the Brac, will be saying more to you, and I believe the Member for North Side in private moments will express his congratulations on your retiring and wishing you a happy retirement. I myself would do the same.

Personally, me and you have had quite a relationship in this House. I have tried your patience to the limit and you have tried mine beyond the breaking point. There were times, Mr. President, when I did not really appreciate how you acted as President, and while I think and believe you to be an honest man

and a good man, as a Governor I have to tell you that I believed you were not the best President we ever had.

But, Mr. President, I remember the first time that I met you, and I believe you remember it. As I told you in your office that if you did not do something about this situation existing in 1983, we were going to march. And you told me, well, march. Fifty thousand Englishmen march every bank holiday in London, that is not anything. And I said to you, Mr. President, yes, but you did not see 300 angry Caymanians on your lawn.

Mr. President, I have appreciated, as I have said, your stand as a Governor. You have done some personal things that I came to you personally for members of my constituency, and I really have appreciated your help in those instances. I came to you for other things and you gave me advice. I appreciated your help as a boy scout leader some time back. I appreciate your help and all the things you have done for the Boys Brigade. Just about last week, I think it was, you had the Girls Brigade down, the week before that was the Boys Brigade, and my little boy said, "Daddy, he's a nice man", I said, "That is outside the House". (LAUGHTER)

Mr. President, I have mixed feelings in seeing you going. While I disagreed with you practically every time I came here, I really do not know what I will be getting next. That is the hardest part. You know, I know how to deal with you, but I will not know how to deal with the next man.

I wish you every happiness in your retirement and I pray God's blessings on you, your wife and your family. One of these days when we are controlling everything, you might yet have to come to me and say, I want to come to the Cayman Islands, is that invitation still open?

Mr. President, I wish you God's speed.

MR. LINFORD A. PIERSON:

Mr. President, on behalf of myself and the absent Members under my column, I too, Sir, would wish to convey to you and to your very dear wife, Mrs. Lloyd, my very best wishes for a very happy and peaceful retirement.

As the previous Member said, I too, Mr. President, did not always see eye to eye with you on some of your rulings. This is inevitable, this is why we are individuals, we see differently. But in general, Sir, I think I can truthfully say that you always tried to bring to bear knowledge and wisdom in your rulings and judgements.

May I wish for you, Sir, all the very best and God's richest blessings as you take up your retirement. God bless.

Thank you, Sir.

MR. PRESIDENT:

Perhaps before I put the question to the vote, I may just say a word of thanks to Members for the kind, sometimes blunt words that they have spoken. And the Second Elected Member for West Bay says he learned how to deal with me, I can only say I wish I had learned how to deal with him! I will do my best to give my successor some advice, but I am not quite sure what to advise him. (LAUGHTER)

I think my advice to him will be to urge Members to reconsider the way they voted when there was a Motion for the appointment of a Speaker earlier this year. I do not really want to address that issue at length now, and I am not sure that it would be appropriate for me to, but there certainly are substantial arguments in favour of divorcing the Office of Governor from the Office of Speaker, quite apart from any arguments there may be for having a Caymanian as Speaker. I think those are matters that all of you, particularly, and Caymanians at large, would do well to ponder, because there is always a risk that a Governor who presides over your proceedings in these Chambers, despite the fact that for the most part the proceedings are carried on with decorum and good humour, can nevertheless, sometimes be drawn into controversy because some of his rulings, some of his decisions may appear to one person or another to be unfair or prejudiced. And, because there must necessarily be a question of whether somebody who is, at one moment presiding over Executive Council and over Government can, at the next moment, divorce himself from that function and be wholly impartial when presiding over the proceedings of this Assembly.

That said, it has been a privilege, and generally speaking, a pleasure, even if sometimes a

somewhat awkward task, to preside over your proceedings here, and I have in many ways gained immeasurably from the opportunity to do so. I am grateful to all of you for the way in which you have assisted me to carry out that task. I would only ask that if you do entrust my successor with the same task, as indeed as of now he certainly will be entrusted with it, you will give him the same assistance that you have given me.

I will not speak more generally of my time in the Islands now, which some of you have referred to, because perhaps there will be a separate opportunity to do that before my departure. But I would like, in saying good-bye to the House on my last day in it, to express my gratitude and to say what a pleasure it has been to be a colleague of you all, even if sometimes some of you have seemed to try my patience slightly.

Thank you very much indeed.

The Motion now is that this

House do adjourn until 7th September, 1987.

QUESTION PUT: AGREED. AT 5:40 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY, 7TH SEPTEMBER, 1987

THIRD MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

WEDNESDAY, 9TH SEPTEMBER, 1987

(FIRST DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 LINEFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT FOR 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
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
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CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

Q. E. D. E. R. M. A. P. R. A.

THIRD MEETING OF THE 1987 SESSION OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY, 25th SEPTEMBER, 1987

(FIRST DAY)

1. PRAYERS

TO BE PRAYED BY THE THIRD ELECTED MEMBER FOR WEST BAY.

2. BUSINESS: UNCONVINCABLE MEMORANDUM

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. 47: WOULD THE HONOURABLE MEMBER STATE IN REGARD TO HIS RECENT VISIT TO KENYA:

- (a) THE PURPOSE OF THE VISIT;
- (b) OF WHOM THE DELEGATION CONSISTED;
- (c) THE COST OF THE VISIT INCLUDING TRAVEL AND ACCOMMODATION EXPENSES;
- (d) FROM WHICH HEAD OF EXPENDITURE THE EXPENSES OF THE VISIT WERE PAID; AND
- (e) WHETHER THAT HEAD OF EXPENDITURE WAS, AS A RESULT, DEPLETED?

NO. 48: WOULD THE HONOURABLE MEMBER SAY WHETHER THE POST OF DRUG/TOBACCO PROGRAMME COORDINATOR, PROVIDED FOR IN THE 1987 ESTIMATES, HAD BEEN ADVERTISED AND FILLED?

NO. 49: WOULD THE HONOURABLE MEMBER STATE THE GOVERNMENT'S POLICY CONCERNING PAYMENT OF HOSPITAL BERRY?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 50: WOULD THE HONOURABLE MEMBER PROVIDE A BREAKDOWN OF THE CAPITAL EXPENDITURE PROGRAMME IN RESPECT OF THE 40.3 MILLION SPENT IN CAYMAN ISLANDS SINCE 1983?

NO. 51: WOULD THE HONOURABLE MEMBER PROVIDE A BREAKDOWN OF AVAILABLE COMPARATIVE RECURRENT REVENUE AND EXPENDITURE FIGURES IN RESPECT OF CAYMAN ISLANDS OVER THE PAST FIVE YEARS?

NO. 52: WOULD THE HONOURABLE MEMBER PROVIDE SEPARATE COMPARATIVE CAPITAL EXPENDITURE FIGURES FOR GRAND CAYMAN AND CAYMAN ISLANDS FOR THE YEARS 1985, 1986 AND 1987?

3. GOVERNMENT BUSINESS

BILLS

FIRST AND SECOND READINGS

- (1) THE LAND SURVEYOR'S (AMENDMENT) BILL, 1997
- (2) THE WATER AUTHORITY (AMENDMENT) BILL, 1997
- (3) THE REGISTERED LAND (AMENDMENT) BILL, 1997

4. OTHER BUSINESS

PRIVATE MEMBER'S MOTIONS

- (7) PRIVATE MEMBER'S MOTION NO. 12/97
MOTION TO RECTIFY PROBLEMS OF CASH DEFICIENCY
AT HOSPITALS ON ADMITTANCE.

TO BE MOVED BY : THE ELECTED MEMBER FOR EAST BAY.
TO BE SECONDED BY: THE SECOND ELECTED MEMBER FOR GEORGE
TOWN.

- (8) PRIVATE MEMBER'S MOTION NO. 14/97
MOTION FOR REPAIRS OF THE GOVERNMENT WHARF
IN THE NORTH SOUND, WEST BAY.

TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR WEST BAY.
TO BE SECONDED BY: THE SECOND ELECTED MEMBER FOR GEORGE
TOWN.

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WEDNESDAY

9TH SEPTEMBER, 1987

10:05 A.M.

MR. PRESIDENT:

Prayers.

May I ask the Second Elected Member for West Bay to

say prayers.

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 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, who 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.

MESSAGES AND ANNOUNCEMENTS

MR. PRESIDENT:

I apologise twice, once for not putting on the microphone and secondly for incorrectly not asking the Third Elected Member for West Bay to say prayers. I had understood you were not yet here. My apologies.

We have apologies from the First Elected Member for Bidden Town for his absence, and I am sure you will have noticed that the Serjeant-at-Arms, Mr. Cline Glidden, is absent. He is ill. I am sure we all wish him a speedy recovery. Serjeant Banks is standing in for him today.

Before we proceed to the business of the day, I ask the indulgence of Honourable Members to make a short statement. It is technically a Message from the Governor under Standing Order 29, but actually it comes from the heart of your Presiding Officer as he chairs his first meeting of this Legislative Assembly.

I am greatly honoured to join in the service of this House, with its long established tradition of democratic parliamentary process and I pledge myself to carry out the duties of the chair faithfully and impartially for the effective conduct of the business of the House and to afford full and proper opportunity for all Members to exercise their rights and privileges. Although I have served in legislative membership elsewhere for many years, this is the first time I have sat in this elevated, indeed, exposed, position. Like all Members, I am keenly aware that within these fortunate Islands and outside them many people are watching closely to be reassured that we shall maintain our treasured stability which is the basis of our domestic tranquility, and of our attraction to the world as a mature offshore financial centre and a well established high quality tourist destination. It is a very special privilege for me to join Honourable Members in maintaining the dignity and self respect of this House in the exercise of its heavy responsibilities to the people of the Islands. Thank you.

Now if we may move to Item 2 of the Order Paper - Questions. The Second Elected Member for West Bay.

processed by the Social Services Department.

To ensure payment is received, where appropriate, a deposit against charges is requested in non-emergency cases. No one is refused treatment as a result of this procedure.

The full policy as published in 1979 is attached hereto as well as a copy of the policies as they now apply, reflecting the revised fees as prescribed by the Health Services (Fees) Regulations 1983 and 1985.

MR. PRESIDENT:
comprehensive answer.

Members may like a moment or two to read this

SUPPLEMENTARY:

MR. W. McEEVA RUSH:

Can the Honourable Member say what is the position in relation to school children seeking treatment at the hospital?

MR. BENSIN FRANKS:

Pure medical fees for school children, Mr. President, are free - hospitalisation is charged for.

MR. PRESIDENT:

There appear to be no further supplementaries. Could I ask therefore the Second Elected Member for George Town to ask his question number 51?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

MR. 50: Would the Honourable Member provide a breakdown of the capital expenditure programme in respect of the \$5.2 million spent in Cayman Brac since 1985?

ANSWER: As the information being sought could in effect be viewed as duplicating that provided on a similar question on this issue, I am therefore of the view that what is being sought by the Member are the details of the budgeted expenditure which amounts to \$2,551,152. As any attempt to provide a detailed breakdown of this information verbally could be quite time consuming, the following summary is hereby provided:

BUDGETED CAPITAL EXPENDITURE PROGRAMME FOR CAYMAN BRAC INCLUDING LITTLE CAYMAN FOR THE PERIOD JANUARY 1985 - JULY 1987

SUB-HEADS	1985	1986	1987	TOTALS 1985-1987
40 Local - Vehicles, Furniture & Equipment	103,200	101,048	278,025	490,273
41 Local - Construction	729,200	443,471	1,290,965	2,465,636
42 Local Funds - General	-	741,000	1,000,029	1,740,029
43 European Development Fund	380,000	211,000	550,000	1,145,000
Total Budgeted Capital Expenditure	1,212,400	1,501,519	3,119,019	5,840,938
Total Actual Expenditure	691,394	1,261,464	601,294	2,556,152
Excess of Budgeted Provisions Over Actual	521,006	240,055	2,517,725*	3,284,786

* As Honourable Members will observe, the aggregate difference of \$3,284,786 between the budgeted capital expenditure programme and the actual expenditure for the period January 1985 through July 1987 is largely comprised of Government's commitments to various capital projects scheduled for completion or commencement in 1987. As of the date of reporting (31st July, 1987) the outstanding sum committed against these projects amounted to \$2,517,725 as set out in the schedule. At the end of July, the majority of these projects were still in progress, with the exception of reduced performance against the airport development programme, for which financing through Caribbean Development Bank will not be finalised before the end of October.

In addition to the preceding information, and for the benefit of Honourable Members, set out below are details in respect of some of the major projects scheduled for 1987. In the interest of brevity, details in respect of projects estimated to cost less than \$18,000 have been omitted.

	BUDGETED	EXPENDED	DIFFERENCE
41-001 Airport Development	605,165 (X)	221,812	383,611
41-006 Construction of Roads	400,100 (R)	257,816	142,151
41-013 Harbour & Docks Development	20,100 (R)	-	20,001
41-014 Medical Facilities Improvement	60,100 (R)	319	59,631
41-017 Police Station Improvement	18,100 (R)	1,415	16,745
41-020 Purchase of Land - Lock Site Little Cayman	110,100 (N)	-	110,001
41-023 Sport Centres - Playing Fields and Parks	30,100 (R)	2,945	27,051
Sub-Totals	1,243,165	484,417	759,191

42-003 Portion of loan financing of airport development to be made available by CDB	1,000,129	-	1,000,021
43-001 Portion of loan financing of the Airport Development Project to be made available by the European Development Community Fund. Agreement in this regard was signed on 27th May, 1987	550,100	-	550,001
	2,793,194	404,417	2,309,221
	=====	=====	=====

- (X) Release of funds is being made as and when requested by District Administration
- (R) All funds budgeted for 1987 have been released to the District Administration
- (N) Purchase is still under negotiation.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Did the Honourable Member state that approximately CI\$3 million of the CI\$5.2 million had not been spent in Cayman Brac as of 31st July 1987?

HON. THOMAS C. JEFFERSON: Mr. President, I realise it was rather a long answer, but the answer to the supplementary is that for the years 1985, 1986 and 1987 the total sum budgeted is CI\$5,840,938. The difference between that budgeted figure and the sum expended for 1985/86 and to July 1987 is CI\$2,956,152. The difference between the two figures is CI\$3,284,786.

MR. LINFORD A. PIERSON: Mr. President, it is noted from the answer that construction of roads was budgeted for CI\$400,000 and the amount expended was CI\$157,846. Would the Honourable Member say whether it is correct that the road on the Bluff followed a winding path through the property of a prominent Government Official?

MR. PRESIDENT: I do not think that that question is strictly in order.

MR. G. HAIG BODDEN: Mr. President, despite the amazing figures given, may I ask the Honourable Member if it is correct that out of the money budgeted for Cayman Brac over the three year period that more than half of it remains unspent after two and a half years? In other words, that the spending over the next six months will exceed the spending over the first two and a half years?

HON. THOMAS C. JEFFERSON: Mr. President, the answer to that question is all through the years 1985, 1986 and 1987 some of the major capital expenditure deals with the Gerrard Smith airport terminal. For instance, I am sure Honourable Members will recall that the sum, which has recently been agreed with the European Development Community Fund, CI\$550,000 has been in the estimates since then. The Government took a decision some years ago, Mr. President, when we were dealing with the Owen Roberts airport terminal that we could not to our satisfaction supervise two airport constructions at the same time, therefore the airport terminal operations in Cayman Brac, or the construction thereof, was deferred until we completed the Owen Roberts airport terminal building. One of the reasons also that there appeared to be some delay is that much to our surprise we learned that the agreement, that is the financing agreement for this CI\$550,000, when we were ready to concentrate on the Gerrard Smith airport terminal, we then had to get this agreement signed, which took quite some time. I believe, Mr. President, it was nine months. I hope that answers the Member's question.

MR. LINFORD A. PIERSON: Is the Honourable Member then stating that due to the capital programme in Grand Cayman the capital programme in Cayman Brac was neglected?

HON. THOMAS C. JEFFERSON: I am saying, Mr. President, that in this particular project the airport development in Cayman Brac and Grand Cayman, that project was affected because of inability at the time, we thought, to supervise the particular project. But even so, had we pushed forward with the Gerrard Smith Airport project, as we did later on, we would have found out that the agreement itself was not signed, so we would probably have had to wait to some other time, 9 months or more.

MR. LINFORD A. PIERSON: Mr. President, I would just like a simple answer. Is the Honourable Member stating - and this is for clarity - that the Grand Cayman capital projects were in fact given priority over Cayman Brac?

HON. THOMAS C. JEFFERSON: Mr. President, I do not think I talked about priority. I think when you are dealing with a budget you allocate a certain number of funds to capital works. The capital works in this case began with the Owen Roberts Airport terminal, to the best of my recollection, before we started thinking about the terminal

building in Cayman Brac, so that is basically the reason why we did not move forward with the Gerrard Smith Airport terminal then.

MR. G. HAIG BODDEN:

Mr. President, can the Honourable Member tell us how he is going to crank up the Government's machinery so that it will be able to physically spend more in the next six months, that is from July to December 1987, than it has done in the previous two and a half years?

HON. THOMAS C. JEFFERSON:

I am not sure that "cranking up" is the right word, Mr. President, but I accept what the Honourable Member said. The majority of funds to deal with the Gerrard Smith Airport terminal as we all see from the answer is tied to loans. So once we have made that decision, that we are going to proceed with the construction of the terminal building and other works necessary, a taxiway and apron for the Gerrard Smith airport, we are locked into approvals of these loans before we can move forward. As I mentioned earlier, the European Development Community Fund agreement has now been signed, it was signed on 17th May 1987, the Caribbean Development Bank loan of C\$11,029,000 is due to be placed before the Caribbean Bank Board of Directors for approval in October, with the proviso that any funds expended by this Government prior to October would be refundable. The system is, in all cases that I have seen dealing with CDB, that we spend our money first and then we claim. So we wanted to be sure that we were not getting ahead of their approvals, and they have agreed to do it in this way, that is, make the approval such that any expenditure on the Gerrard Smith Airport terminal building can be recouped from their loan funds.

MR. G. HAIG BODDEN:

Mr. President, may I ask the Honourable Member this question? His answer seems to deal with a period up to July 1987, a period which we have already passed. Can I ask him if it is a fact that at today's date none of that expected C\$3 million has been spent, so that whatever is left to be spent will have to be spent in four months rather than six?

HON. THOMAS C. JEFFERSON:

Mr. President, in respect of expenditure from that point only, it does not matter, if it is loan funds - if it is not spent this year, it will be spent next year. But certainly the Public Works Department has been carrying out work at the Gerrard Smith Airport, and Members are aware of it. I think we have spent in excess of C\$500,000 so far.

MR. PRESIDENT:

That was a very comprehensive initial answer and has been well followed up. Have Members any more supplementaries?

Would the Second Elected Member for George Town

proceed, please?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

MR. 51: Would the Honourable Member provide a breakdown if available comparative recurrent revenue and expenditure figures in respect of Cayman Brac over the past five years?

ANSWER: A breakdown of comparative recurrent revenue and expenditure for Cayman Brac and Little Cayman for the past five years is as follows:

	1983	1984	1985	1986	Jan-July 1987
Recurrent Revenue	703,560	911,134	908,428	1,016,090	662,182
Personal Emoluments	782,735	1,019,604	1,126,173	1,163,715	719,463
Other Charges	714,849	172,882	939,840	967,560	453,557
Total Recurrent Expenditure	1,497,584	1,912,488	2,066,013	2,131,275	1,173,020
Excess of Expenditure Over Revenue	(794,024)	(911,354)	(1,157,585)	1,115,185	(510,838)

SUMMARY

Total Revenue for period January 1983 - July 1987		4,251,391
Total Expenditure for period January 1983 - July 1987:		
Personal emoluments	4,821,692	
Other charges	3,948,688	8,770,381

Total excess of recurrent expenditure over revenue for period January 1983 - July 1987		(4,518,991)

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Would the Honourable Member confirm that, during the years 1983 to 1987 five year period, each year personal emoluments alone exceeded the recurrent revenue of the Sister Islands?

HON. THOMAS C. JEFFERSON: I so confirm, Mr. President.

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. Would the Honourable Member further confirm that this trend is a true indication of stagnation in Cayman Brac's economy?

HON. THOMAS C. JEFFERSON: I cannot confirm that, Mr. President.

MR. C. HAIG BODDEN: Mr. President, can the Honourable Member say if the deficit spending over the period was proportionately greater for Little Cayman than it was for Cayman Brac? Would he have this information?

HON. THOMAS C. JEFFERSON: Mr. President, I am afraid I do not have that detailed information that the Member is seeking.

MR. PRESIDENT: Is it possible for the Honourable First Official Member to provide it in writing at a later date or are the estimates not so broken down?

HON. THOMAS C. JEFFERSON: Certainly, Mr. President, it can be provided.

MR. C. HAIG BODDEN: Mr. President, can the Honourable Member say if he has been able to identify any item that has caused the large expenditure - any one item which is responsible for it?

HON. THOMAS C. JEFFERSON: I am not sure what the Member means by that, Mr. President. It seems the largest expenditure appears to be, in most cases, the personal emolument. But I hasten to add that we are talking about recurrent revenue and expenditure, not capital.

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

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. Would the Honourable Member state concisely for the interest of the listening public and confirm whether it is correct that between the period January 1983 to July 1987 that the total excess recurrent expenditure was in the amount of \$4,518,990, and whether or not this amount was subsidised by Grand Cayman?

HON. THOMAS C. JEFFERSON: The answer to that question, Mr. President, is that Cayman Brac has always been subsidised by the revenue collected by the three Islands, but mainly from Grand Cayman. I can confirm that the excess of recurrent expenditure over revenue for January 1983 to July 1987 is \$4,518,990.

MR. LINFORD A. PIERSON: A further supplementary Mr. President. Would the Honourable Member further confirm that the excess recurrent expenditure over this period exceeded the revenue of Cayman Brac for that particular period?

HON. THOMAS C. JEFFERSON: Yes, Mr. President, I think it is safe to say that I confirm that.

MR. PRESIDENT: There are no further supplementaries. Would the Second Elected Member for George Town put his third question, please?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

MR. 52: Would the Honourable Member provide separate comparative capital expenditure figures for Grand Cayman and Cayman Brac for the years 1985, 1986 and 1987?

Mr. President, I appreciate that some of this information has already been given.

ANSWER: Comparative capital expenditure for Grand Cayman and Cayman Brac for the years 1985, 1986 and 1987 are as follows:

	Grand Cayman			Cayman Brac		
			Jan-July			Jan-July
	1985	1986	1987	1985	1986	1987
Sub-Head 40 Local-Vehicle, Furniture & Equipment	11,681,576	1,374,474	241,224	81,134	36,928	92,131
Sub-Head 41 Local-Construction	14,971,487	2,164,263	922,805	610,260	391,902	509,163
Sub-Head 42 Development - Loan Funds	165,826	2,160,469	1,388,703	-	349,553	-
Advances: Airport Development					492,202	
Advances: Construction of Roads		26,153			50,879	
	16,831,809	6,325,359	3,552,732	691,394	1,263,461	601,294
Grand Cayman Total: 1985, 1986 and Jan-July 1987				\$16,911,980		
Cayman Brac Total: 1985, 1986 and Jan-July 1987				\$ 2,551,152		
				\$19,463,132		

MR. PRESIDENT:

We are certainly getting a lot of information this morning!

SUPPLEMENTARIES:

MR. LINDFORD A. PIERSON:

Mr. President, just to congratulate the Honourable First Official Member for a very comprehensive answer. Very well done.

MR. PRESIDENT:

That may not, however, prevent supplementaries! There appear to be no supplementaries. We are in no hurry of course, we have two minutes to go on question time. If there are no supplementaries I suggest we take our normal break now. Proceedings are suspended for approximately fifteen minutes.

AT 11.00 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.24 A.M.

MR. PRESIDENT:

Item 4. Government Business

GOVERNMENT BUSINESS
BILLS

THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987
FIRST READING

CLERK: THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987.

MR. PRESIDENT:

A Bill entitled a Bill for a Law to amend the Land Surveyor's Law, (Revised), 1987 is deemed to have been read the first time and is set down for the second reading.

SECOND READING

CLERK: THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987.

HON. VASSIL G. JOHNSON:

Mr. President, I beg to move the Second Reading of the Bill entitled The Land Surveyor's (Amendment) Law, 1987.

Mr. President, this is a very short Bill and the objects and reasons are set out in the Memorandum accompanying it. It reads:

"This Bill seeks to empower the Land Surveyor's Board by the insertion into the Land Surveyor's Law (Revised) of a proposed new section 8(2) to remove from the Register of Licenced Surveyors, the names of Licenced Surveyors who have died, whose licences have been revoked, or who, not being Caymanian, have not submitted a Survey of Authentication for the preceding twelve months."

Mr. President, the reasons are quite obvious in that if you have a board operating, performing a certain service, the board cannot properly function and carry out its purpose unless it has full membership, because very often in calling a board meeting you scarcely have a quorum. When there are people who are permanently not able to attend board meetings, then it makes it all the more difficult. Thus it was necessary to bring this amendment forward. You will notice that the people who would be struck off the Register of the Land Surveyor's Board are people who have died and those whose licences have been revoked, those persons who are not Caymanian, people who have perhaps left the Islands with no intention of returning or performing such duties in the Cayman Islands. And so it is recommended that they too be included as people who can be struck from the Register of the Board.

As I said, Mr. President, this is a very short Bill, to the point, and therefore I recommend it to Members here.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Land Surveyor's Law (Revised), 1987 be given a second reading. Does any Member wish to speak?

MR. G. HAIG BODDEE:

Mr. President, I would only like to say that with regard to clause 1 (c) of this Bill, the time during which a person can be struck off for not presenting a survey seems very short indeed, and it should be increased from 12 months to 36 months. I say this because it is common knowledge that a certain able surveyor was virtually pushed out of the Island because he dared to stand up to some of the irregularities carried out by certain Government departments, and now that he is gone his name could be struck from the Register with no hope of it ever being put back. I certainly feel that if this section of the Bill is intended to get rid of this individual, we should not allow it.

It seems reasonable that the Board should have the right to remove the name of a Licenced Surveyor who has died, or one whose licence has been revoked. But when it comes to taking away the licence from a person who has done no wrong and whose licence could not be revoked for any irregularity, it is unfair and unjust. I cannot support the Bill unless the time of 12 months is changed to give that particular individual or any other person who may be in such a position to present a survey in order to remain on the Register.

MR. PRESIDENT:

Does any other Member wish to speak?
Would the Honourable mover of the Bill wish to reply?

HON. VASSIL G. JOHNSON:

Yes, Mr. President. I cannot agree with the Member who spoke on this Bill by saying that the period of one year should be extended to 36 months. There, again, the Board will be faced with the same problem that it has met over the past.

It is interesting that the Second Elected Member for Bodden Town mentioned a particular case. What I would like to say to you, Mr. President, and to other Honourable Members here is that I too, at first, thought that it was an injustice to this particular individual that the Land Registry found that his work was very sub-standard and it decided that he should not be allowed to work here. It was after much investigation, Mr. President, not only by my Portfolio, but it was an investigation which took place with the Caymanian Protection Board, because his work permit was also at stake. No one did anything here until the Caymanian Protection Board made its pronouncement.

I am sure that if you go around town today, and ask certain people who had contracted work to this particular individual, you will hear some very awful stories of what happened. There is no doubt, Mr. President, in the minds of the Caymanian Protection Board and ours and in the minds now of other private citizens that the individual who is referred to in the debate of this Bill was a person who did not conduct his work in a very professional manner, and one who gave the Department very many problems.

Mr. President, if a person's permit or his licence is pulled, there is no reason why he cannot be reinstated if it is just a matter of being

absent from the territory for a period of time. The question of his ability, and his qualification is not at stake. But quite honestly, Sir, when you have a non-Caymanian, who, after working here for some time, leaves the Island, bringing the Board short of members, I think it is reasonable for Government to propose that he be struck from the membership of the Board and somebody else put in his place. Mr. President, as I said, I cannot go along with the proposed amendment by the Second Elected Member for Bodden Town, and so I would ask this Honourable House to give consideration to the Bill as it is presented.

Thank you, Sir.

MR. PRESIDENT:

I shall then now put the question.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BIDDEN:

Mr. President, may I have a division?

MR. PRESIDENT:

You may.

DIVISION
10.55/87

AYES: 13

NOES: 1

Hon. Thomas C. Jefferson
Hon. Richard V. Ground
Hon. J. Lemuel Hurlsten
Hon. Jenson O. Ebanks
Hon. V. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Yassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

Mr. G. Haig Bidden

AGREED BY MAJORITY: THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987 GIVEN A SECOND READING.

MR. PRESIDENT:
passed.

The Second Reading of the Bill is accordingly
passed.
The next bill, please.

THE WATER AUTHORITY (AMENDMENT) BILL, 1987
FIRST READING

CLERK: THE WATER AUTHORITY (AMENDMENT) BILL, 1987

MR. PRESIDENT:

A Bill entitled a Bill for a Law to Amend the Water Authority Law, 1982 is deemed to have been read the first time and is set down for second reading.

SECOND READING

CLERK: THE WATER AUTHORITY (AMENDMENT) BILL, 1987

HON. YASSEL J. JOHNSON:

Mr. President, I beg to Move, Sir the second reading of a Bill entitled The Water Authority Amendment Law, 1987.

In examining the Water Authority Law, which was introduced in 1983, and in relation especially to the functions governing stock matters and financial procedures - and I would say especially financial procedures - this matter was questioned by this Honourable House earlier this year when the Authority's Annual Report and financial statements were requested. But it was the view of Government that the provisions of the Water Authority Law dealing with these subjects, that is to say matters and financial procedures, be made similar to those provisions of the Civil Aviation Authority Law which was recently accepted by this Government.

Mr. President, the proposed amendments contained in this Bill would allow the Authority to better conform to procedures and standardise its administrative and financial procedures in a manner which would be acceptable to this

Honourable House. And this is very timely, that is to say, in presenting this amendment, because of the fact that the Water Authority is now embarking on the sewerage project for the Seven Mile Beach and a water system for George Town which are two very important developments for this Island.

In the Memorandum of Objects and Reasons accompanying this Bill, we see there that beginning with clause 2, it says that the Bill seeks to amend the Water Authority Law by introducing provisions relating to the ability of members of the Authority for acts or defaults of the Authority. Mr. President, this carries the words exactly as they are found in section 10 of the Civil Aviation Authority Law, and I will just read what is in the Civil Aviation Authority Law, 1987, section 10. It says:

"No member of the Authority shall be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the operations of the Authority." ...

... and we will find that those are the exact words contained in section 2 of this Bill to amend the Water Authority Law.

Going on to clause 3 of the Bill before us, Mr. President, the Memorandum of Objects and Reasons states that clause 3 seeks to confer on the Governor the power to second public officers in the terms and conditions therein mentioned for service with the Water Authority. Now the words of clause 3 of the Bill are exactly the words that are found in section 8(1) of the Civil Aviation Authority Law. And if Members would wish me to, I can read it. It says that:

"The Governor, in exercise of his own deliberate judgement and subject to such conditions as he may impose, may approve of the secondment of any public officer to service with the Authority."

That is in (a) of clause 3 and (b) of clause 3 also follows the words of section 8(2) of the Civil Aviation Authority Law, which reads:

"Any public officer seconded under subsection (1) shall, in relation to salary, pension, gratuity and the like and to other rights and to discipline, be treated as if he was not so seconded."

I am reading, Mr. President, from the Civil Aviation Authority Law, comparing the words there with the words in the Bill before us. No change, the same words, word for word.

Then we come to clause 4 of the bill before us, and those words are contained in section 11(2)(g) of the Civil Aviation Authority Law - word for word - if Members wish me to, I can read them. Then we go on to clause 5 of the Bill before us, and there again we find the same words, word for word, as they are in section 12(1) of the Civil Aviation Authority Law. It goes on to page 3 of the Bill before us.

And then, Mr. President, in the proposed new section 13(1) of clause 5 of the bill the words there are similar to the words in section 13(1) of the Civil Aviation Authority Law. The only difference in those words is that under section 13(1) of the Civil Aviation Authority Law we find that it begins "The Governor may, from time to time ...". Well, those words, "from time to time" are not included in the Bill before us, and that is the only difference between those two sections. In 13(2) of that same clause 5, we find again the same words as those in section 13(2) of the Civil Aviation Authority Law; in 13(3) also the same words as those in section 13(3) of the Civil Aviation Law; and in the proposed new section 14 of the same clause 5 are the same words, again, as found in section 14 of the Civil Aviation Law. And if there are any changes in the words, I will tell you, but they are word for word.

Over on page 4 of the Bill the proposed section 15 continues, and the words in the proposed new section 15(1) - "Reserve fund" - are again the same as those found in section 15(1) of the Civil Aviation Authority Law. The proposed new section 15(2) has the same words as those found in section 15(2) of the Civil Aviation Authority Law; and the proposed new section 16 has the same words that are found in section 16 of the Civil Aviation Authority Law. The new proposed section 17(1) contains the same words as found in section 17(1) and (2) of the Civil Aviation Authority Law. Proposed new section 18 - "Reports and accounts to be laid on table" - contains the same words as those found in section 18 of the Civil Aviation Authority Law.

Clause 6 of this bill, Mr. President, which is the last clause in the Bill before us, contains the same words as found in section 9 of the Civil Aviation Authority Law. Clause 6(1) of the Bill is a provision to give effect to the Authority for all its involvements over the years to its introduction, which was in April 1983. In other words, all the works and anything else that is owned by Government which were a part of the operation of the Water Authority are now vested in the Water Authority by virtue of clause 6(2) of this Bill.

I think, Mr. President, that it was the views expressed here that the Water Authority Law should be so structured as to provide especially for its accounts and report to be readily available year by year by this Honourable House. And so we went forward to arrange that the exact provisions of the Civil Aviation Authority Law be incorporated, by amendment, in the Water Authority Law.

And so I recommend the Bill to Honourable Members.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to Amend the Water Authority Law, 1982 be given its Second Reading.
Does any Member wish to speak?

MR. D. EZIARD MILLER:

Mr. President, I wish to support the Bill before the House, which proposes a number of amendments to the Water Authority Law, 1982. As the Member who has most bitterly and most vociferously complained about the lack of accounting procedure in the 1982 Water Authority Law, I am quite happy to see the proposed changes, and certainly give them my wholehearted support, especially 8G which requires the Authority to table their accounts along with a written report of its activities in this Honourable House, therefore giving accountability to its transactions to the public of this country.

Now, Mr. President, I am a bit concerned about the new proposed section 8A - 'Borrowing powers'. I would like to have seen those limited to capital expenditure by the Water Authority, but all the figures that I have been given over the years of which I have questioned the need and the justification for the Water Authority, indicates that the time shall never come, as I hope it will not, that the Water Authority should ever have to borrow funds for its recurrent expenditure.

So, Mr. President, with those few comments, I support the Bill before the Assembly.

MR. PRESIDENT:

Does any other Member wish to speak on this Bill?
I think, then, I shall ask the Honourable mover if he wishes to reply, although he was supported.

HON. VASSEL G. JOHNSON:

Mr. President, I would only like to remind Honourable Members that the Water Authority is a Government corporation, and that any of its acts must be in accordance with Government's policy and principle - in spite of the fact that the Authority operates under the provision of a Law. Careful wording has been given to the Bill as far as its borrowing powers are concerned, and this is, I would say, Mr. President, dealing with borrowing to finance capital projects. As far as its recurrent cost is concerned, until the present time Government has been meeting that from its public funds, but we hope that beginning next year, when the Authority moves into real business, we will be able to cover our expenses.

And not even that, Mr. President, let me say this, we have already asked Government for a schedule of all the monies that have been expended as that Authority and we intend to take this on board as a loan from Government. We hope that it will be interest free and we hope to provide a schedule of repayment over probably 20 to 25 years, depending on the amount it is. But it is the intention ... I see that the Honourable First Official Member is looking this way (LAUGHTER) ...

HON. THOMAS C. JEFFERSON:
President.

I am not certain about interest-free, Mr.

HON. VASSEL G. JOHNSON:
President, to repay all the money that has been loaned to the Authority.

... well, it is certainly our intention, Mr. President, to repay all the money that has been loaned to the Authority. Nonetheless, I would also say that as a public corporation, a Government corporation, all the surplus money available in the corporation must be paid over to Government's revenue at the end of the year too. So, the Government has the entire control of the operation and we will not be able to fiddle with the funds of the corporation because auditors will be in there to examine all that happens. We hope that one of these days it will grow to an institution which the Cayman Islands can be proud of.

Mr. President, I again request that Honourable Members give their support to this Bill.

MR. PRESIDENT:

I shall now put the question.

QUESTION PUT: AGREED. THE WATER AUTHORITY (AMENDMENT) BILL, 1982 GIVEN A SECOND READING.

THE REGISTERED LAND (AMENDMENT) BILL, 1987
FIRST READING

CLERK: THE REGISTERED LAND (AMENDMENT) BILL, 1987

MR. PRESIDENT:

A Bill entitled a Bill for a Law to Amend the Registered Land Law (Revised) is deemed to have been read the first time, and is set down for second reading.

SECOND READING

CLERK: THE REGISTERED LAND (AMENDMENT) BILL, 1987

MR. THOMAS C. JEFFERSON:

Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to Amend the Registered Land Law (Revised).
Over two years ago, Mr. President, we took steps to ensure, or to verify and make clear to ourselves, that there were not companies taking advantage of the situation as regards stamp duty. That amendment which was passed in May of 1985 gave companies that were not registered in the Islands but were foreign companies the opportunity to register themselves and to pay the stamp duty on land that may have been held by them. That amendment also went on, Mr. President, to say that as of 30th September, which is a couple of months notice, May to 30th September, if that had not taken place, if the company did not register itself and be formally and legally operating within the Cayman Islands, then the land would vest in the Financial Secretary for the disposition of the Governor in Council.

Now over two years old we have not come across any cases and we are satisfied that this particular aspect of that amendment - the amendment still requires that a foreign company is not permitted to hold lands on these Islands, but section 154A(2) could be said to be expropriating land that belonged to some foreign corporation. With that in mind, Mr. President, it was certainly not the intention, and we just wanted to ensure that we were not being taken advantage of. We have spent two years monitoring the situation and we are now satisfied that this subsection (2) of 154A can be deleted, and I recommend it to Honourable Members.

MR. PRESIDENT:

The question is that a Bill entitled a Bill for a Law to amend the Registered Land Law (Revised) be given a Second Reading.

Does any Member wish to speak?

MR. G. HACC BODDEN:

the House.

Mr. President, I am happy to see this Bill before

In 1985, I strongly objected to the amendments which were made to the principal Law on the grounds that they were confiscatory in nature and expropriated land which did not rightfully belong to Government. It was a blunder of the Government to have brought such a Bill to the House in 1985 and I am happy today that their consciences have pricked them and they are now willing to make amends. I hope I can live to see them correct some of the other blunders they have made.

MR. PRESIDENT:

scope of the principles of the Bill.

I think you are about to move slightly outside the

Would any other Member wish to speak? Would the

Member in charge wish to reply?

MR. THOMAS C. JEFFERSON:

Yes, Mr. President. It is not often that I get an opportunity to thank the Second Elected Member for Bodden Town for agreeing with the Bill as put forward, so I would not want to miss it on this occasion!

I am not certain that I would call it a blunder, Mr. President. It was a step taken to ensure that we had proper control of what was going on in this country. Now that we are satisfied that we have control over it we are happy to put the amendment here deleting subsection (2) of section 154A, and I thank Honourable Members for their support.

MR. PRESIDENT:

I shall now put the question.

QUESTION PUT: AGREED. THE REGISTERED LAND (AMENDMENT) BILL, 1987. GIVEN A SECOND READING.

MR. PRESIDENT:

As I understand Standing Orders, these three Bills, having passed their second reading, stand committed to a committee of the whole House on a date to be specified on the Order Paper.

We now proceed to item 4 of our business today - Private Members' Motions - Private Member's Motion No. 12/87. The Elected Member for East End, please.

OTHER BUSINESS

PRIVATE MEMBER'S MOTION NO. 12/87
MOTION TO RECTIFY PROBLEMS OF CASH DEPOSITS AT
HOSPITALS ON ADMISSION

MR. JOHN J. McLEAN:

Mr. President, I beg to move Private Member's Motion No. 12/87 standing in my name, which reads as follows:

"WHEREAS there have been certain restrictions placed at the hospital with regard to a deposit having to be made before someone is admitted;

WHEREAS this restriction is creating some hardship for certain people of these islands, as no one can plan when they will become sick;

WHEREAS not everyone has a chequing account or may not have the necessary money at hand at the time of sickness;

BE IT THEREFORE RESOLVED that this Honourable House agree to take the necessary steps to have this matter rectified by:

- (1) allowing the sick person in need of admittance to be admitted immediately;
- (2) by determining thereafter the financial status of such sick person; and
- (3) thereafter by billing such person if it is determined that any expenses incurred can be met."

MR. LINCOLN A. PIERSON:

Mr. President, I second the Motion.

MR. PRESIDENT:

Private Member's Motion 12/87 has been duly moved and seconded. Would the mover wish to speak to it?

MR. JOHN I. McLEAL:

Thank you, Mr. President.

Mr. President, let me say that this motion has been brought as a result of complaints I have received from persons in various parts of the Island.

I have received many complaints where such as are in the motion have occurred, but I do not wish to have the persons' names on the floor of the House. Mr. President, no one can plan his or her sickness - this is a fact of life. Therefore it is almost impossible to think that whenever someone becomes sick a cash deposit can always be at hand.

Quite recently I was told of someone who was taken to the George Town Hospital because they had had a blackout at work. On arrival, a deposit of \$300 was demanded before the person was attended to. I believe, Mr. President, that in a case like this it would be very hard to assess if this was a non-emergency case without having the person admitted and properly observed.

I would like to divert slightly to the answer given this morning to a question which was asked here - I would like to say that it is not as smooth as we were led to believe in the answer given to the question. What I am saying here is no hearsay - I got this from the horse's mouth - this complaint was brought to me by the individual who experienced this at the Hospital. I would say that the delay could have cost that person's life - yes the family member accompanying him had to go around and collect the \$300 from a friend, so that he could have the person admitted.

Now, another point I would like to touch on is the fact that at the end of his stay in hospital the bill did not amount to the deposit, therefore a refund should have been given, I would think, on the day the person was leaving. This, again, I feel is an injustice to the person - this is a poor person who was almost harassed to find \$300, yes it has been three or four months now, and they have not been able to get their refund.

Mr. President, Carman is no longer what it was 20 years ago. We have to be realistic about this. Some people say it all comes with progress. Our homes today are no longer as safe as they were 20 years ago. Therefore even if a poor person has \$300 or more, it is impossible to believe that he or she would have this lying around the house. The first thing they would think about is lodging it in the bank, and as we all know the bank hours are Monday through Friday. Therefore if such a case was to come about at the weekend it would be almost impossible to expect a poor individual to push his hands in his pockets and come out with \$300. Each time the Second Elected Member for George Town and myself mention this in the House we are ridiculed, but we have to face facts and remember that these Islands still have people whom we may term as 'little people - the less fortunate people', and this is a fact. We as Legislators must protect them, not pressure them.

Mr. President, I have to apologise, I have a cold and I tend to keep coughing.

MR. PRESIDENT:

I assure you, you are making yourself very clear.

MR. JOHN I. McLEAL:

Mr. President, let me say that I am aware that as much as possible, we have to collect hospital fees, but in whatever we do we must use discretion and it seems as though proper discretion is not being used in this case.

It was very distressing to talk to an old lady the other day who said to me that she would rather 'stay at home and punish' than go to the hospital and be insulted or be talked to roughly because she could not put her hand in her pocket and find \$300. Now regardless of what might have been said here this morning, I believe that somebody needs to be talked to and things put in place, because I know that

sometimes in small communities you can hear gossip, but what I am saying here is no gossip - I am basing my argument on facts. I believe, Sir, that health should come first, and I would like to quote here from the Governor of the State of Wyoming, Jack Ruess, when he said:

"In the riches of life, health has to come first. Then the privilege of working at an occupation you can enjoy."

Let us think of our people's health; let us think of which is more important - the people's health or a cash deposit - and I will leave that one with the Members.

Mr. President, too often I believe that we tend to compare our little Islands with the bigger powers that be such as the United States. I have heard it said many times that if that person went to the United States, before the doctor touches him or her, a deposit would have to be put down. That is sickness that we can say that can be planned for, such as if somebody needs to have surgery, they are advised that they can plan to have some money put aside. It is completely different from what I am talking about at the hospital. Therefore we cannot compare the two. Furthermore, we must realise that we are considered foreigners when we go to the United States. If that was a U.S. citizen, I assure you that he or she would be treated, regardless of if it was paid from Medicare, or whatever - they would have the treatment that was necessary. So why should we pressure our own people in their own land?

Mr. President, I know that there are some Members who tend to take issues such as this one on the floor of the House as a political football spending most of their debate in mudslinging the Member who presents the issue, but I am going to ask today that instead of ridiculing me or mudslinging that we take that time and have this matter rectified. This is a serious matter, and the longer we leave it, the worse it is going to get.

Let me again say, Mr. President, that when I bring a matter here to the floor of this House it is not something I am bringing to waste the time of the House or the time of Members. I bring it here for no reason but to benefit the people of these Islands, and I am sure the Secunder of this Motion has the same thing in mind. Let me stress that the majority of Caymanians are a proud people and especially where sickness is concerned he or she believes in paying their way - so why should we have such a restriction that will create a hardship for our people? I would say it is bad enough to be sick, but can you imagine being argued with, or ridiculed, or insulted, when you should be getting proper care and attention?

I would go on to say, Mr. President, that I know that this motion is based on three specific issues in its resolve section, but I would urge those with responsibility for the hospital to look into it a little further because I have received numerous complaints besides what I brought in this motion that I believe should be attended to immediately.

In conclusion, let me say that I hope this will be looked at as a national issue and that immediate steps will be taken to have it rectified. I appeal to each and every Member of this Legislative Assembly to give this motion their fullest support.

Thank you, Mr. President.

MR. PRESIDENT:

Does any Member wish to speak?

The Elected Member for North Side.

MR. D. EZIARD MILLER:

Mr. President, I wish to oppose the motion before the Assembly. I am at a loss to determine the motives behind it.

The mover of the Motion, like myself and the Secunder, is a member of the Public Accounts Committee - and the Secunder is the Chairman. The Public Accounts Committee has met and reported annually since it was appointed in 1984, unlike previous Public Accounts Committees; but the significance is that in each of its reports it has recommended that Government attack the problem of unpaid hospital fees at the hospital at the point of entry. Mr. President, at the point of entry means a deposit system at the hospital. It is quite clear in the policies handed out this morning is answer to a question that these deposits are required and asked for in non-emergency medical cases.

Mr. President, a medical emergency is defined as a threat to loss of limb or life. That is the medical definition of a medical emergency. People in emergency cases at the hospital, according to my information, are admitted and treated and it is only reasonable in this day and age - I agree that we are not living in the Cayman of 20 years ago - that people be asked to make a deposit for routine non-emergency health care, or to pay. This is nothing new. The Public Accounts Committee recommended it in its 1984 and 1985 reports. The Government minute of that year accepted it, and decided to act on it. It was recommended again in 1986 because they had not met our satisfaction in implementing the system.

Now, Mr. President, I would not deny that there may be some administrative problems in the collection of deposits, but that is no reason to bring a motion saying that the system should be dispensed with. And I can assure the Member moving the motion that in the good old free United States, where I happen to be a licensed hospital administrator in four states, if you do not pay, if you do not provide

some mechanism to pay, you do not get treated - emergency or non-emergency. The biggest problem is that country with Medicare and medical insurances in the late 1970's was the fact that people were left to die halfway inside emergency rooms in many private and public hospitals because nobody could ascertain at what point Medicare and insurance companies became responsible for the bill. So that part of his information is incorrect.

Mr. President, I believe the policies and the policies that require this deposit system were in place from the late 1970s at the hospital. I was an employee there at the time and I was part and parcel of the policies which were developed which required it. Unfortunately, for whatever reason, it was not implemented, but, certainly, it was in the policies and guidelines which were issued that it should be done. Now, whether those reasons were political or administrative, or whatever, I am not certain, but I could not with a clear conscience, with consistency in the positions that I have taken regarding public finance and the protection of the Treasury in this country, support this Motion - especially having been a party to the Committee which, as it were, forced and cajoled and demanded that Government implemented the system of deposits. I cannot, Sir, for any reason, political or otherwise, now ask Government to retrench that position which I have always believed to be the correct and proper way.

The people of this country have to realise that Government cannot continue to expend millions and millions of dollars on health care and collect no fees, or very little. The accounts of the Auditor General, the reports of the Public Accounts Committee and the Government minutes over the last three years have clearly shown that there is an astonishing amount of fees that are uncollectable. In fact, Sir, the only thing that the increase in fees in the past has done - because these decisions were not taken either administratively or politically - and enforced - has increased the uncollectable fees, and the record will clearly demonstrate this - there has been an escalating uncollectable fee at the hospital for the last seven to ten years.

Mr. President, as I said, I am satisfied that the protection lies in the policies for the 'little people' or the less fortunate in this country. There are adequate provisions in that policy and adequate guidelines and procedures in Government for those people to be adequately protected. We may need to improve the administrative running of the machinery to expedite this system, but again that is no reason to put us back where we were in the past with people wandering into the hospital, getting their medical care, saying "Good day, gentlemen", leaving no address, and everything else.

Mr. President, we have to be very careful in this country and increasingly more vigilant and realistic as to what this country can continue to hand out to its people.

Mr. President, I cannot support the motion before the Assembly for reasons which I have explained.

Thank you, Sir.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINCOLN A. PIERSON:

Mr. President, it really was not my intention to speak on this Bill, because I felt it was quite clear and even the most uninitiated should have understood it.

It is my opinion, Sir, that the speaker just before me is completely lost as to the resolve section of this motion. He says that the motion seeks to destroy the system. Mr. President, with his four states in the United States where he is qualified as a hospital administrator, it seems that there is still something lacking because I understand the resolve section of this motion to read very clearly. It says:

"BE IT THEREFORE RESOLVED that this Honourable House agree to take the necessary steps to have this matter rectified by:

(1) allowing a sick person in need of admittance to be admitted immediately;"....

... this is not destroying the system.

"(2) determining thereafter the financial status of such sick person;".

This is also, Mr. President, reasonable, and something that from a humanitarian point of view would be expected. This is not destroying the system. The third point, Mr. President, states:

"(3) thereafter, by billing such sick person if it is determined that any expenses incurred can be met."

Mr. President, fortunately for the mover and myself, we are both in a position to read, and read very well. Fortunately, in an answer given this morning, we were also given the current 1987 hospital fees' policies, and I will also be referring to them as I move on.

But my question, Mr. President, is where is the

social conscience of Members who get up in this House and so disdainfully refer to the 'little people', those less fortunate than ourselves? I have often referred to the 'little people' in this House because I recognise them. I love them, they are a part of me, they are a part of the Cayman Islands; but alas, these same little people that form the majority of our population are only known by some of the Members here when election time comes around.

Mr. President, I wish to congratulate the mover of this motion and to give it my full support. He has done a wonderful job. It took some amount of courage to get up in here and move this motion because ever so often we find that there are certain self-made experts who get up in this House and their only true answer is the answer that they give - they are qualified from this place and that place, therefore that makes them experts in every field. I understand that a certain Member of this House who falls in that category was seen a few days ago up at the water plants directing the engineers as to how they should do things. So I am not amazed that these experts will get up in here and try to formulate all the policies for Government. And we know that the objection against this Motion is basically because some of these policies were made with the cooperation of certain Members.

Mr. President, since 1984 certain backbenchers have been able to get a lot of support from the Government bench, regardless of how ridiculous a motion or matter is, and one such support has to do with the hospital policies. I can assure you I will make my debate very relevant and I will keep coming back to the subject before us. But the restriction placed at the hospital with regards to a deposit having to be paid before someone is admitted in all cases cannot be correct. This is not right. And I would like, Mr. President, to refer to the hospital policies which we have received here in this Honourable House this morning. It states, "Current 1987 Hospital Fees Policy". But before going into these, Mr. President, I will admit that, yes, I am the Chairman of the Public Accounts Committee, and yes, we have had to write off fees over the years. But this would imply, or indicate to me that the reason why the Finance Committee so readily wrote these off was because they fell in the category of very bad debts, and because the people involved could not pay them. This was the reason. It was not out of conflict that I am writing off or recommending that certain fees be written off, and here I am saying that the fees should not be forced on somebody if it is an emergency case. We have two different situations.

Mr. President, as I move on, I will point out exactly what I am saying.

"B(1): Patients are advised that fees are payable for medical consultation whether or not medication is prescribed.

B(1)(b): Individuals entitled to free medical care shall be exempted."

But, Mr. President, those individuals are still to be documented. How many of our people in this country who are not in a position to pay have been documented - have had their names placed on the computer - so that when they go to the hospital they can get immediate access to their names? The people admitting at the registration desk, admitting them, or collecting deposits, will know that Mr. X, Y or Z, is unable to pay. How long will it take for the Social Services Department, together with the Portfolio for Health, Education and Social Services, to carry out a proper survey to determine those persons who are in need? Yes, the policies are here, we are aware of that. But how workable are these policies?

Mr. President, I submit that if somebody goes to hospital, by the time it could be found out whether or not they could pay, time would have elapsed that could cause their death. Is this the type of policy that is most appropriate to the people of the Cayman Islands?

Mr. President, I further submit that the policies here are not workable - they are ineffectual. And the point is, the poor people as a result are suffering. We are told that, yes, the policies are there and you must abide by them. The Elected Member from North Side stated that it could not be done in the United States. Perhaps he forgets that he is representing a constituency in Grand Cayman, not the United States. We are interested in the people of the Cayman Islands. There are not a lot of our people who fall into the category that cannot pay, but for those who cannot pay, let us not deny them the opportunity to get medical attention.

Mr. President, I rarely get up in this House before researching any information I wish to speak on, so in this connection, I in fact spoke to a doctor at the hospital. I am satisfied that some of the doctors will admit patients for emergency cases regardless as to whether or not they are able to pay. You have heard the Member from North Side. There are others who will stick by the rules. We could have some of our people dying as a result. We are Caymanians. We believe in the Caymanian way. We do not want to have thrust on us the rules, the customs and the cultures of the United States or any other country.

I realise that there is a problem with the collection of hospital fees, I was aware of this long before I was made the Chairman of the Public Accounts Committee. My records will show that I also fill some very senior positions in Government, so I did not have to be appointed the Chairman of the Public Accounts Committee to appreciate this problem. I was also Principal Secretary for Health, Education and Social Services and I had the same problem there. I am aware of the problem,

but, Mr. President, I also have a heart.

If a proper survey was carried out it should not take a long time. Government seems to be able to get experts from everywhere to do everything - even counting parrots and advising on crocodiles - so why should we not be able to get the necessary help if a survey is needed to determine those who may not be in a financial position to pay hospital fees? This would result in the necessary passes being issued for those who are unable to pay. But let us not look down at those people, let us not disdainfully refer to them, let us not hold an axe over their heads and say they must die or die. What kind of country are we creating here?

In years gone by, Mr. President, the hospital worked very closely with the Social Services Department. I remember the days when the hospital could get on the phone to Mrs. Joyce Hylton and she had everything at her fingertips. She could tell them that Miss X, Y, Z or Mr. A, B, C needed attention. We are now in the computer age because we have advanced that far, but have we not conducted a proper survey and placed that information on our computer system? I am not asking that this information be kept in the heads of the people within that section, but I would say that it is our responsibility, and particularly the responsibility of the Honourable Member for Health, Education and Social Services, that this matter be given very urgent attention.

Mr. President, I could not and will not support any move that would seek to harm our people or to deprive them of their rights. A person needing to be admitted into hospital, as the mover said, cannot always determine when he is going to be sick. I wish that was possible for then we could all save for the day that we wished to be sick. We are talking about emergency cases. We are talking about treating our people. We are living in a democracy. We are not in Russia or Cuba, or some other communist country. We are in the Cayman Islands where we love the Caymanian way and where we love our people. Mr. President, certainly any objection to this motion would not indicate in any way that we really loved the people that we represent. There are many people in this country that cannot afford even a seal. I know this because I relate to a lot of these people. Some of the Members here would not know about this because the only time they see them is a few months before election, but, Mr. President, I see these people every day, and I know I can fully support the mover's motion because what he is saying here is true. People have been to me with the same problems. They do not have enough money to pay the fee, but yet they are told they must. I have had to take money out of my pocket to give to people and this is no fabrication, I never tell lies in this House or elsewhere. This is the truth; the hospital refused to give them attention and they needed it very badly.

Mr. President, let us not be so pig-headed in this House that we cannot accept anything coming from the opposition side. I do not expect that this motion is going to be accepted, in the same way that I do not expect other motions will be accepted in this House. But the people of this country will see that we, the Members of this side of the House, are trying our best, even though our hands are tied. We are trying our best and when you do your best not even angels can do better. I notice I am coming near to the time, Mr. President, and I assure you ...

MR. PRESIDENT:
say, three or four minutes?

Excuse me, how are you placed; can you complete it,

MR. LINCOLN A. PIERSON:

Yes, Sir, thank you.

MR. PRESIDENT:

Please do.

MR. LINCOLN A. PIERSON:

Mr. President, I believe that if the Government bench, and indeed, Members of this Honourable House, would consider more the interests of our people and less the political ramifications and implications of actions taken here we would be much better off. In particular, Sir, if the Government bench would not take so much advice from certain self-made experts in this House we would be much better off.

The mover of this motion, Mr. President, said that the motion was brought as a result of complaints, not only from the people of East End, but indeed from people of various parts of the Island and probably a lot of them came from North Side because it would seem that they could not otherwise deal with this matter. But regardless from where they came - whether they are from Cayman Brac or any of the districts in Grand Cayman - they are still Caymanians; they are still a part of us.

Mr. President, I was disturbed to learn from the mover that a patient who had almost been refused admittance into the hospital was also denied a refund of the excess deposit he had paid, and three months after he or she is still waiting to get this. Is this the efficient system that the Elected Member from North Side refers to? In my book that is no efficiency. There are many other areas directly relevant to hospital fees that could be touched on - one comes to mind - exemptions made to people who are able to pay. But alas, I should have taken your offer to speak longer on this, I would have had the time. Mr. President, I do not think I am going to finish by 11.45 p.m. I would like to go on with this, with your indulgence, Sir.

MR. PRESIDENT:

I indeed, but as you nearly said yourself, there are other areas which I think might fall outside the ambit of this particular motion. But you will be continuing after the break.

We will suspend now for lunch and return at about

2:20 p.m. Thank you very much.

AT 11:50 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 1:19 P.M.

MR. PRESIDENT:

Please be seated. The Second Elected Member for

George Town.

MR. LINCOLN A. PIERSON:

Thank you, Mr. President.

When we adjourned for lunch I was dealing with the current 1987 hospital fees' policies and the fact that the actual application of these policies is causing hardships on some of our people, on the less fortunate members of our Islands' communities.

Mr. President, I wish to make it abundantly clear that neither the mover of this motion nor myself wish to dismantle the present system regarding the hospital fees' policies. Anyone reading the motion will clearly see what we hope to get through introducing this Motion. Needless to say, I am sure that the people of the Cayman Islands recognise both the Elected Member for East End and myself as responsible people, and I do not think that anybody would think, other than maybe certain Members of this House, that we would want to dismantle the system. So I want to make that abundantly clear. The motion seeks to change the procedures of the hospital collecting deposits from the general public, and recognising those individuals less fortunate amongst us who may not be in a position to find the necessary funds in an emergency.

In the preamble to the motion, Mr. President, it is stated that the restrictions placed at the hospital with regards to a mandatory deposit having to be made before someone is admitted is causing hardship. It is causing hardship, Sir, for the little people, for those less fortunate amongst us. Why is it so difficult for Government to agree to take the necessary steps to rectify this problem? I hope that I am not preempting the good intentions of the Honorable First Elected Member of Executive Council because maybe he intends to support this motion. And if it is his intention to support this motion I convey to him my very sincere apologies. But we will see - he has just whispered that he intends to give us some support. The members of the public will see whether he is a man of his word. We all heard him say he will give us support. So let us see what he will do.

Why should the motion be brushed under the carpet? Mr. President, it is a simple motion. It is not asking that the hospital fees' policies be abandoned. It is not asking that the system be dismantled. It is showing in the preamble that because of the hardships to a certain group of people certain actions should be taken. Why should very sick people coming into the hospital sit there and suffer because it takes some while for them to be processed - for their financial status to be determined before a means test can be carried out? Give them immediate attention - where are they going to rest? We are asking that some amount of reasonableness be brought to bear in this matter. I wonder, Mr. President, if this motion would have been so vociferously attacked had it not been presented by one of the Members from this side of the House.

Mr. President, again - and I must stress this because sometimes it is a habit in this House to misquote people - I would like to make it abundantly clear to avoid any misunderstanding that this motion is not to seek to make void or to nullify the present policies, but rather to enhance the operations of those policies and to ensure that the interests of our people, not just the chosen few, but all our people are uppermost in mind and protected at all times.

Mr. President, on even the most casual, cursive view of this motion it is quite clear that all that is being sought is to establish a more reasonable and practical procedure for all Caymanians and for all individuals having to use our hospital - regardless of the financial standing of these individuals. Oh, yes, Mr. President, I am going to be told I did not read the policies properly, because the policy states so and so. But I submit that a policy, law or any regulation is only as practicable and workable, and as only worthwhile as its possible implementation. If these policies are hard to implement then they are worthless.

Mr. President, I would again strongly recommend that a survey be undertaken to determine the financial standing of those individuals in need who may request medical attention at our hospital. By no means should any member of the public again be denied medical care at the George Town Hospital, mainly and on the basis that that individual is unable to pay, or unable to find the money at the time of the emergency. As I stated, Sir, I do not think that this occurs in all cases with doctors at the hospital, but it has in the past occurred. It only needs to occur one time for us to have a fatality as a result, and it probably will be brought home most forcefully to the Members how unrealistic the policies are.

We must also, Mr. President, understand that unfortunately in the Cayman Islands we have only one hospital which is a Government hospital. We do not have any private hospitals. Because of this, we have to cater to the needs of all our people regardless of their station in life, regardless of the ethnic, financial, or other situation in life, we have to cater to all our people. Those who can afford to pay should not be exempted - I am not talking about those people - but there

should be a system so that we can ascertain those individuals who can pay. Unfortunately, many of the fees that we have had to write off have been in respect of people who could pay. But the system neglected to collect from these people. Yet the poor people who cannot pay are being penalised.

Mr. President, in the contribution made by the Elected Member for North Side he said, and I quote: "I am at a loss to determine the motives behind the motion". I cannot speak for the mover, but knowing him the way I do, I know that like myself, he has the purest of motives. His motive, like mine, I am sure, is in the interest of our people. I think it would be well for us if we do not read political ambitions and motives in everything that happens in this House. Some of us still have our social conscience, Mr. President, some of us still have a heart, and this is what it is all about. When we have retired from being politicians I hope that we can still earn the respect of the people of the Cayman Islands. For the world of me, Mr. President, I cannot understand why he or any other Member should have any difficulty in understanding such a basic, straightforward Motion. No complications involved. And with the professed intelligence I hear voiced in this House, there should be no problem in understanding it. Any sixth standard child should understand it. It is quite straight forward, unless, of course, Mr. President, as I hope is not the case, he is deliberately reading a lot of complications into this motion. I do not think that this is the case, and I hope not. But God help us in the Cayman Islands and in this Legislature if we are ever denied our democratic right to speak in this House - God help us.

MR. PRESIDENT:

Excuse me, excuse me one moment. Nobody has implied that you are going to be or have been denied those rights. I think that should be made clear.

MR. LINEOLD A. PIERSON:

Mr. President, with respect to you, Sir, if you would give yourself time to hear my Motion you would understand exactly what I am saying.

MR. PRESIDENT:

I am glad you have taken your seat. Thank you. Would any other Member wish to speak.

MR. LINEOLD A. PIERSON:

Mr. President, I am not through speaking, Sir.

MR. PRESIDENT:

Would you take your seat again, and I will then say something?

I would be grateful if the Member would not take offense so easily. I was pointing out that it is not polite to impugn the motives or character of Members of the House when, insofar as I have been Chairman here, they have not been brought into question.

Please resume.

MR. LINEOLD A. PIERSON:

Thank you very much, Mr. President. And I am very happy you reminded me of the Standing Orders, with which I am fully conversant.

Mr. President, as I said, God help us if we ever get to the stage where we are denied our democratic right.

MR. PRESIDENT:

I ask you to be seated. May I ask you to be seated? You are repeating the subject matter which I called to attention, which I thought you had graciously accepted. Please would you stick to the subject.

MR. LINEOLD A. PIERSON:

Mr. President, I will not at all take offence at your ruling, and I graciously bow to your ruling, Sir, because, as is my intention, I want to be fully cooperative with the Chair. Thank you, Sir.

Mr. President, I fully support this motion because I feel that it is in the best interests of our people, and in summing up, I would wish to reiterate the substance of this motion and to state specifically why I support it.

The preamble to the motion states that there have been certain restrictions on the hospital. Nobody has yet denied this, so this is a fact. These restrictions exist.

The further preamble to the motion states that these restrictions are creating hardships. Nobody has yet been able to deny that. Therefore, Mr. President, if it is accepted that the restrictions at the hospital are causing some amount of distress to our people then the motion is properly in order for us to ask this Honourable House to look into these matters which are creating such hardships and to allow a sick person in need of admittance on an emergency basis to be admitted into the hospital. Mr. President, we are talking about Cayman, we are not talking about the United States of America, we are not talking about the United Kingdom or any other foreign country. We are talking about the Cayman Islands - to admit a sick person into our Cayman Islands' hospital if that person needs attention and does not have the money. This is what we are talking about. And we are further stating, so as to be within reason, that the financial status of that person should be obtained subsequent to this if that person needs immediate attention. But, Mr. President, I suggested earlier in my debate that the proper way to go about this is to conduct a survey that would determine the financial status of those individuals that would fall in that category, and thereafter, Mr. President, to bill those people.

Mr. President, in closing may I thank you, Sir, for the opportunity to debate this Motion, and I feel, Sir, that as reasonable and honourable men in this House we will give this very serious consideration, because it is our duty as representatives of our people to protect their interests.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?
The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

Mr. President, I rise to speak on Private Members' Motion No. 12/87 in respect of a motion to rectify problems of cash deposits at hospitals on admittance.

I would hope that my contribution here would be rather short, but although I had not intended earlier to speak on the motion, I felt constrained, Sir, to make a few remarks here inasmuch as I am also a Member of the Public Accounts Committee.

The Public Accounts Committee is fully aware of the current policies set down with regards to hospital fees. It was the feeling and the recommendation of members of that Committee that bearing in mind the very large amount of outstanding hospital fees, which certainly caused us more concern than any other one item which we had to discuss, we felt that the policies in hand certainly had to be strictly adhered to. So the motion having been brought to the House does puzzle me somewhat.

However, I would like to bring to Members' attention that having listened to the debate, I am not sure exactly what the Elected Member for East End was told by the individual about having been requested to pay a fee upon admittance. However, looking over the revised hospital fees' policy here, I notice that for an emergency it is only a \$30 fee and not \$300 which is the figure as I understood he mentioned in his debate, and rather \$300 is what is paid up front for major surgery - and this is for routine hospitalisation, which, I guess, a patient knows of beforehand. Also mention was made, Sir, of a recommendation for a survey to be carried out, and in this respect I would like to bring to Members' attention while at the same time congratulating the Honourable Member responsible for Health Education and Social Services, but I notice that between 1979 and 1981 the list of free patients was renewed annually, whereas the 1987 policies have in place that the list of free patients is now reviewed monthly with Social Services and Personnel Department. This would seem to indicate to me that a proper survey is continually being carried out with regards to those persons who would be eligible for free medical care.

I would also like to point out that provision is made here in section 3 of the hospital fees' policies that where necessary in-patients will sign a promissory note to Government before being discharged. This would seem to indicate to me that there is a policy in place whereby a person can be admitted who perhaps does not have the funds up front, and having made this clear to the doctor or the admitting officer in charge, this can be done at a later date by signing a promissory note.

There are also other areas here, and I know, Mr. President, that it is highly unlikely that persons plan to be sick - I think very few people do - however, I personally feel that the policies currently in force provide adequately for cases of emergency. Having lived abroad for four or five years, believe me when I say that I believe we have policies which are amongst the best in the world for medical care I say this without reservation. I would also like to say here, Sir, that during our debates and discussions in the Public Accounts Committee I found the expertise and advice of the Elected Member for North Side invaluable because of his background knowledge of the subject at hand, and I would like to say that I appreciate all that he has been able to assist us with in that regard.

Mr. President, I cannot support the Motion. I feel that the policies in place are adequate. I feel that our people are well looked after. There is clearly an on-going effort by the Social Services Department to update the list of those persons who are eligible for free medical care; and, believe me, I have no doubt in my mind that a person would be permitted to lie in the emergency room of the Cayman Islands Hospital and die because somebody did not have a cheque to offer the admitting officer at that time. I do not think that the Motion is necessary. I do want to thank the Elected Member for East End for his interest, but I do not think that the Motion is necessary at this time.

However, before closing my debate I want to say that I question Government's policy as regards the lengthy delays in refunds being made to those persons who have paid a deposit up front. I see no reason why there should be any undue delay. I have had complaints, not only in this area, Mr. President, but in other areas as well including the Caymanian Protection Board, of persons who have found they have waited quite some time in order to get their refunds. In this respect I would also wish to question what Government's policy is with regard to deposits paid up front? But I do not find it possible to support the motion and I thank you for allowing me this time to make these few brief remarks.

MR. PRESIDENT:

Before inviting other Members to speak, I do not know whether you feel as hot as I do, and whether you would think you might wish to remove your jackets. Entirely up to you, I will follow your example.

MR. W. McKEEVA BUSH:

That is the evil forces, Mr. President.

MR. PRESIDENT:

Would any other Member wish to speak on this

Motion?

The Honourable First Elected Member of Executive

Council?

HON. BENSON D. FRANKS:

Mr. President, I was hoping that I would hear all of those other Members who did not intend to speak make their contribution before I was called on to make mine. But seeing that no-one else ...

MR. W. McKEEVA BUSH:

If the Honourable Member cares to give way, I will speak, Sir - because he might enlighten me.

MR. PRESIDENT:

The Second Elected Member for West Bay - would you

wish to give way to him?

HON. BENSON D. FRANKS:

If he would like to make a contribution, Sir, I will give way.

MR. PRESIDENT:

I cannot assess whether it will be a contribution,

that is up to him.

The Second Elected Member for West Bay then.

MR. W. McKEEVA BUSH:

Mr. President, yes, I wish to speak. I do not think I have ever stood on my feet in this house without making some contribution to the debate at hand.

Mr. President, this question of hospital fees and Government's policy has not entirely been settled in my mind. I have had queries and questions and requests for help for a long time even before I was a Member of this House because policies had been set in place from 1975. I believe that in 1976 there was a demonstration, I would put it, against fees, certain fees, and how they were paid and how much they were, and again in 1979 there was some reorganisation of hospital fees. So there has been a long history concerning these fees, and as I said it has not yet been settled in my mind why there are people who are experiencing difficulties when they go to the hospital for treatment. Mr. President, I believe that the Elected Member for East End is correct in saying that there are people who have experienced problems. Thank you, Mr. President, it could be that there have been administrative problems and also administrative mistakes made.

I am a representative, Mr. President, who does not believe in putting any great and sometimes unnecessary strain on the people of these Islands, no matter what Government's excuse is. With all this talk about situations and policies in other countries we cannot always take as examples those policies with regard to health services, because, for instance, in the United States medical services, I believe, are private enterprises with their own set standards and costs. What we are dealing with is a Government-run hospital, and Government, Mr. President, is the protector of the people.

When the question of money spent or money saved comes up we must take into consideration the position of our people. However, I can understand the problem Government is faced with when it comes to payment of bills. I am not a Member of the Public Accounts Committee. I was not one of the chosen few to be put on that Committee, however, I have been invited to sit there sometimes. But I am a Member of the Standing Finance Committee and I know and have witnessed the large amounts that have been written off that, I should say, non-residents owe this country which have not been paid. I feel, Mr. President, that there has to be a method of distinguishing the difference between persons actually living on the Island with a living address, not a postal address, persons that we have jurisdiction over. There has to be a distinction between that person and the tourist who just comes into the country to get free medical treatment - and this has happened. So, Mr. President, my support on this motion would be conditional.

The resolved section of this motion is the part we have to deal with and which is going to get action. The resolved section says that the House agree to take steps to rectify certain positions by allowing a sick person in need of admittance to be admitted immediately. As I understand it, this is already the case; this already takes place. It goes on to state: "(2) by determining thereafter the financial status of such sick persons; and (3) thereafter by billing such sick persons if it is determined that any expense incurred can be met." The mover of the Motion specifically pointed out that he is dealing, if my understanding is correct, with indigenous people.

I asked the Honourable First Elected Member of Executive Council to give way because he has information at hand and he can tell the House what the position is. Information that I do not have, he would have and I hope that information will be forthcoming in order that we can make a better decision on the motion. However, I believe that we have to take into consideration, as I said before, the difference between a person living here so we can get to them in our jurisdiction and we can bill them. People cannot come in and receive free medical treatment and just leave. So I believe that where a patient can sign a written contractual agreement immediately prior to receiving medical services, or, as I say, show a living address, that person could

be given treatment without having to put up any great amount of money.

I had an experience recently myself - someone near and dear to me had to be taken to the hospital and they were asked whether they could pay. The conversation did not get any further because right away we said payment was not the problem, we want treatment. And so, we told her, yes we could pay, and the person was admitted. I think there needs to be some clear understanding of what the position is. There are these health policies, but as I said before there are administrative errors and bangles that need to be straightened out. I will wait, Mr. President, to hear from the Honourable First Elected Member responsible for this subject what his position is. This is one of the reasons why I asked this question this morning was because I needed information.

Having said that, Mr. President and being that this is the first time I have spoken today, I would like to say that on the occasion of your swearing in ceremony, we as Members personally had not the opportunity of welcoming you to this House which you now preside over, and I would crave the indulgence of the House to welcome you on my part. You will find, Sir, that your seat is a hot one and that is so because all of us in this House are human beings and prone to make mistakes. I should hasten to say that my seat is a hot one too and that is so because of the great responsibility I have to my people. And so, Mr. President, I pray that patience and tolerance will not be lacking from the Chair, and that always I may get a fair hearing from the Chair. I would add that that would be a little bit more than I received from your immediate predecessor, and I, on my part, will endeavour always to be courteous to and reasonable with you. So, simply put, Sir, if you do your part, I will do mine. That is my welcome to you Sir. Thank you.

MR. PRESIDENT:

Thank you very much, that was very kind of you. I shall do my best to do my part also.

The Honourable First Elected Member gave way to the Second Elected Member for West Bar. Would you now wish to continue?

HON. BENSON D. FRANKS:

Yes, Sir, unless anybody else wants to speak. But I am prepared to go on now, Sir.

Mr. President, having listened to the debate, or most of the debate on this motion, it seems to me that the problem, if there is a problem that is seeking to be addressed, could have been more effectively and simply handled by a visit to the Portfolio of Health, Education and Social Services and some of the information which we have heard bandied about the floor here passed on to the Principal Secretary. And maybe, particularly in the case of the person who has not had the refund, that could have been accomplished by now, if nothing else.

I must say, Sir, that I am surprised to see the motion before the House, surprised especially that it should be brought by the Elected Member for East End because he is a Member of the Public Accounts Committee, and that it should be seconded by the Second Elected Member for George Town, he being the Chairman of the Public Accounts Committee. That Committee, Mr. President, has consistently and repeatedly recommended since its inception in 1984 to use their own words, "that every effort be made to determine methods of payment of hospital fees at the point of entry rather than when the patient is released from the hospital". That recommendation was substantially repeated in every report that has been presented to this House, and, Mr. President, it is unfortunate that this debate is taking place before the presentation of the Report of the Public Accounts Committee, which will be done later in this Sitting. I cannot go further because of Standing Orders, but Members will understand when they read that Report where I am coming from, and I hope that the press will take the opportunity to relay it to the public. But in that connection, Mr. President, I can say that it is my information that as a result of the introduction of the deposit requirement in January of this year, that to the end of June approximately \$150,000 more has been collected than was collected in the similar period last year and I believe that this has pleased some people tremendously.

Much has been said about the policies regarding the fees. The first recommendation of the Public Accounts Committee, when it was commenting in the accounts for the year ended 31st December 1984, under paragraph 30 - Revenue, sub-head 63-10 - Hospital fees, said:

"The Committee recommends that Government take necessary action to ensure that hospital fees, as outlined in the Portfolio directives, be collected."

And those directives, Mr. President, which I circulated with the answer to the question this morning state substantially exactly what the position is in those that are given for 1987. I said when I answered the question that the one for 1987 was merely, except in a few instances, updating the amounts as contained in the fees' regulations 1983 and 1985. But if Members will refer to the policies which were published in 1979, section 24B, subsection (2), one will see that it says that fees are payable on registration at the Records Office before seeing the doctor, or by appointment at routine clinics. And then in subsection (3) of that same section B one will find in cases of routine hospitalisation, for example planned surgery or obstetric cases, a deposit equivalent to three days upon admission is required.

So, Mr. President, the question of requiring

deposits is not new. The policies are old. It is true, Mr. President, that on and off, these policies have been in effect and not in effect, that is, not the policies, but the practice of taking the deposit. I wonder whether, in fact, the discontinuation of the taking of the deposit usually accompanies a run-up to elections similar to what we are in at the moment. But for some reason, those deposits are discontinued every now and again.

Continuing, Mr. President, on the question of the origin of the latest enforcement: when the accounts were done for the year ended 1985, the Public Accounts Committee again recommended the imposition of a system which collected money at the point of entry. And the Government's minute in response presented to the House dated 27th August, 1986, reads in part:

"Hospital fees. Acting on this recommendation, emphasis is now being placed in the collection of current fees ...", etcetera.

Additionally, Mr. President, the Honourable Financial Secretary, in reply to a question on this same matter in the House in September last year stated that Government was working on a system of taking a deposit and also producing the bill prior to the patient being discharged, and if my memory serves me correctly, he went on further to state that he hoped that when this system was introduced, all Honourable Members of this House would support it. There was no dissenting voice.

So, Mr. President, I wonder, in what I am hearing today, whether the Public Accounts Committee did not mean what it said, or that all of that was merely for public consumption?

MR. PRESIDENT: I wonder, Honourable First Elected Member, if this might be the moment to break for tea, if it suits you?

HON. BENSON D. FRANKS: At any time, Mr. President.

MR. PRESIDENT: Then we will suspend for tea break, for 15 minutes.

AT 3.14 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.31 P.M.

MR. PRESIDENT: To resume, the Honourable First Elected Member.

HON. BENSON D. FRANKS: Mr. President, as I was saying, I maintain that the policies are fair and reasonable, there is provision in both the 1979 regulations and those published with the question again for 1981 at paragraph 6 where in the case of an emergency, admission fees are payable within 14 days after discharge, so the question of the deposit is in respect of routine and planned hospitalisation. Naturally, if a person goes in, he might think it is an emergency, but the person to determine whether an emergency exists is the doctor, not a politician or even the patient. And it would be natural that the person would probably be asked if he is capable of paying the fees, and if he can, he will be asked to do so. But the fact that he does not have the money in his pocket does not prohibit him, or prevent him from getting attention once he is prepared to acknowledge his liability for the cost of the service. Because under paragraph 3, Members will note, it says where necessary, in-patients will sign a promissory note to Government before being discharged. So the mechanisms for allowing persons who do not have the money are there.

And we go on further and see that in cases where persons do not have the money at all are admitted, and determination is made by the Social Services Department as to whether the person is capable of paying. Mr. President, one speaker made much of the fact that it would not be known who can pay and who cannot pay, and that we should have a survey and get experts and all the rest of it. It might be of interest to note that at the moment there are 510 active free medical certificates in existence. In other words there is a system where, once a means test has been applied by the Social Services Department, the person is issued with a card. Once they carry that card with them, they have no more problem.

The statement was made, Mr. President, that some of the people who were being turned away at the hospital are people who cannot afford to buy a meal. It is difficult for me to accept that because I believe that anyone in Cayman in that condition is in fact receiving assistance from Social Services Department, and it would include a free medical card. But in the event that for some reason, that person has neglected to contact Social Services Department, if someone in that financial condition comes to the notice of a Member of this Honourable House, it would be my suggestion that it is that Member's responsibility to direct that person to the services of the Social Services Department, because the fact that free medical assistance is given to people who cannot pay is very well known, as well as assistance given for food.

Now I have heard criticism that the Social Services Department is too generous and gives persons food vouchers who do not need them and that maybe the people even use the vouchers for luxury items and not food, but I have never received a complaint that where a means test has been applied that the person has been

denied assistance, once they fall within the category of receiving assistance. Sir Mr. President, the mechanics are in place to take place of the "little man" as we are told, and we know that we have those. That was why the provision was in the policies. Nobody is denying that we have those people in the country, but, Mr. President, we have the wherewithal to deal with those people.

Now I am not prepared to stand here, Mr. President, and say that there cannot be some administrative snarl with these policies at the hospital that can be improved upon, or that in fact it needs to be radically overhauled. But I could not, Mr. President, in good conscience, stand here and accept this Motion which in effect, if it is accepted, would dismantle the system we have in place for dealing effectively with the collection of hospital fees. I cannot accept that to accept this motion it would only be dealing with those persons who cannot afford to pay. If we were to take this back and implement it, Mr. President, we would be back where we started. As one Member said, much of the fees that have been written off were fees not incurred by local residents - a lot of them were fees incurred by short-term residents, or persons who were only even visiting the country. And when an attempt has been made to reach these people, it is found they no longer exist in the country - there is no address, no forwarding address - and so Government is left holding the bag. And, Mr. President, if it was said that Government is the protector of the people, and since it is a Government hospital, we have to give the service, this is true, but no Government can return to the people, in the form of service which it has to pay for, service for which it has not taken the money in some form or another from the people to pay for it. A Government can only return to its people what the people have contributed to the Treasury in one form or another; and those who can pay should pay, those who cannot pay, Mr. President, we will see that they are taken care of.

I have noted the complaint. I will look into it. Members should see, for example, in the case of the refund, that No. 4 in the policies provide for appropriate refunds to be made, so that if someone has paid more than the three days and is entitled to a refund, I would like to have the name of the person so that I can take it directly to the Principal Secretary so we can check on it, and see where the hold-up is. If it is at the hospital we would like to speed it up, and if it is elsewhere, we would like to follow it through as well.

Mr. President, I think the Public Accounts Committee was right when it recommended the introduction of a deposit system. I understand it has been working well. I have questioned the staff at the hospital and to the best of their knowledge no one has been refused service. Therefore, Mr. President, I cannot accept that we must dismantle a system which seems to be working well because there may be one or two administrative snarls. I would like to know of those specific instances so that we can investigate them because we do not want any system in Government not to function at its best possible level. I have been assured, Mr. President, that nobody has been left to suffer or at the peril of death to await the deposit or to find out whether they can pay. The system is there, it works, but the doctor has never refused emergency treatment to anyone.

Therefore, Mr. President, when the time comes, I will be voting against this motion.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HALL BODDEN:

Mr. President, I would like to support the motion.

The motion claims that certain hardships exist for certain people with regards to making the deposit for admittance to the hospital, and I believe there is a real fear among some factions of the society in this respect. The idea behind the motion is to clear up this hardship. The motion states that not everyone has a chequing account or the necessary cash on hand to make the deposits, and I think this is where the trouble is because for many of our local people may not have the liquid funds to put up on a weekend or a holiday, or in the night, if they are called upon to make such a deposit. These may be honest people willing to pay their bills, but not able to provide the liquidity which the policy seems to require.

The resolved section of this motion which is clear. It has been misunderstood by at least two members, one who talked about the implementation of this motion dismantling the system, and the other who spoke about doing away with the system. Far from that, the motion would enhance the system and guarantee that the system would be tiled in such a way that it would flow smoothly.

The Honourable First Elected Member of Executive Council called upon the policy which is set out here and which was distributed this morning to back him up in his statement that no one would be refused admittance, and this is what I think this Motion wants to do - to make certain that the criterion for admittance is purely on medical grounds rather than one's ability to pay. However, if one looks at No. 2 of the policy and compares it with No. 2 of the previous policy, one will see that it appears that the policy is not to admit those who cannot put up the deposit. The last line reads:

"Evidence of patients' inability to pay will be confirmed by the Social Services Department if free service is to be granted."

So it is very clear that when a person without the ability to pay arrives at the hospital, if he is to get free service, his inability to pay will have to be confirmed by the Social

Services. And this current policy is what has caused the problem because this is a great divergence from the previous policy which simply read, in the same section, that evidence of patients' inability to pay should be made available. The old policy was that once the patient could satisfy the authorities that they were unable to pay, the treatment would be available. But the new policy is different in that it says that the patient's inability to pay will be confirmed. And I think in effect that means shall be confirmed by the Social Services Department if free service is to be granted. And I can see that a Clerical Officer at the hospital could wield a lot of authority simply by relying in paragraph 2 of the hospital policies, and a patient could well be denied treatment, or at least his treatment could be delayed or postponed until the Social Services Department attests to the patient's inability to pay.

Members have mentioned cases that have come to their attention in which people arriving at the hospital have been embarrassed by the attitude of the staff and I think this is the reason why the two Members have brought this Motion. And to try to rely on the Public Accounts Report or Government's minute is utterly ridiculous because the Report, in my opinion, was concerned with the large sums of money that have been written-off and concerned with the unpaid debts rather than being concerned with the few people who would be turned away because of their inability to pay. And it is this minority that this motion is intended to deal with. It is not really intended to deal with the public at large where most of them will pay and the others could pay, but will not. This is dealing specifically with those people who are really unable to pay.

The resolution of the motion asks that the House agree to take the necessary steps to have this matter rectified: (1) by allowing a sick person in need of admittance to be admitted immediately. And here again, this could be a simple matter. It may not actually require a change in policy; it would not require the dismantling of the present system; it would simply mean for the Honourable Member to communicate with the hospital. I think this is what is lacking - there is no communication between the Honourable Member and the administrative staff whereby the staff understand precisely what is meant in the policy. If the Honourable Member had agreed to accept this motion I believe all that would have been necessary to implement it, would have been for himself or his Principal Secretary to speak to the Hospital Administrator and make recommendations as to the proper implementation, bearing in mind that what the Members are asking for is that the decision to admit the person be based strictly upon that person's physical incapacity rather than on his financial incapacity.

The second part of the resolution is that once admittance is made, on purely medical grounds, to determine thereafter the financial status of such sick person. And here again it is indeed a pity that the Honourable Member did not accept this motion for he would have had a golden opportunity to implement this motion and so guarantee the smooth operation of his policy.

Finally, the motion seeks that once the person has been admitted and once his financial status is known, that thereafter the person should be billed if it is determined that any expenses incurred can be met. Here again it is indeed sorrowful that the Honourable Member has not accepted this motion and undertaken to carry out part 3 because it has been found over the years, and I think every government has found this out, that one of the greatest drawbacks to the collection of hospital fees has been the billing system at the hospital; and so by refusing to entertain this motion, he has in fact refused to accept a review of the billing system suggested here. I trust that despite the Honourable Member's speech a few minutes ago in which he denied the very essence of this motion, he will, being the sensible person he is, change his mind and accept this very worthwhile Motion.

MR. PRESIDENT:

Does any other Member wish to speak?
The mover may wish to reply.

MR. JOHN J. McLELL:

Mr. President, just briefly.

I was hoping that I would not have to reply because to me this was a very straightforward motion. However, there would be, as I warned, those who would come out politically or otherwise.

Mr. President, the Elected Member for North Side said he was at a loss to determine the motives for bringing this motion, and no doubt, as he continued to speak, he made his confusion more clear.

The motion clearly states the reasons and the first paragraph of my debate clearly explained why the motion was brought. I clearly stated that I agreed that fees had to be collected, my only concern was the manner in which they were collected. I also maintain what I said on emergencies and hospitalisation in the United States, regardless of his qualifications and experience, which I must say are not at all valid in the debate; and I stand by my convictions on this. The only thing this reminds me of are the words of one George Trevelyn, when he said "Education has produced a vast population able to read but unable to understand what they read". My argument was based on certain facts which were explained fully. Mr. President, one of the greatest problems in this House for some Members is that when they get in here they tend to boast of being professional, and knowing everything. But it is a bad day in a man's life when he believes he knows all.

My motion, Mr. President, was intended not to tear down the system but to help and strengthen it. My job as a representative of the people is to take to Government matters such as this one when they are brought to my attention, and I

as correct in the procedure which I took to bring the matter before the House. That is my parliamentary right and I follow the Standing Orders correctly.

I would just like to say that the debate which ensued by the Honourable Member does not in any way intimidate me. I would like at the same time to thank the seconder for his remarks, and I will assure each and every Member that we will continue to bring matters such as this one to this House for the benefit of the little people and our country as a whole.

The Second Elected Member for West Bay stated an incident similar to those which were mentioned in my debate, and I thank him for offering this contribution to this debate. At least it bears me out that there is a problem.

The Honourable First Elected Member of Executive Council did stress that the Public Accounts Committee made certain recommendations. I know that, and the seconder also knows that, but our motion is completely different from the recommendations made by the Public Accounts Committee. Furthermore, Mr. President, let us face it, he or any other Member cannot show me where the Public Accounts Committee made recommendations in the report for harassment to our people. That is what it boils down to and this is what we want to avoid in the future. However, Mr. President, at the end of the Honourable Member's debate I was most happy to hear him give us the undertaking that he will look into the complaint of administration as laid out in our motion. At least this is what we had hoped to achieve from the motion, and thank God that although he rucked the boat and knocked it and stated that he will vote against it, he has given us the undertaking to look into it. That is all I wanted from the motion, Mr. President. I do not want any pat on my shoulder.

Sir, Mr. President, I leave the motion to the conscience of each and every Member here - the day of reckoning is near, and I am sure everyone knows exactly what I mean by that.

Thank you, Sir.

MR. PRESIDENT:
Motion No.12/87.

I shall now put the question on Private Members'

QUESTION PUT: AYES AND NOES

MR. JOHN I. McLEAN:

Mr. President, may I ask for a division?

MR. PRESIDENT:

Will the Clerk please take the division?

DIVISION
10.56/87

AYES: 3

Mr. Linford A. Pierson
Mr. C. Haig Bidden
Mr. John B. McLean

NOES: 11

Hon. Thomas C. Jefferson
Hon. Richard V. Ground
Hon. J. Lemuel Hurleston
Hon. Jenson D. Ebanks
Hon. V. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Yessel G. Johnson
Mr. W. McKeever Bush
Mrs. Laphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

PRIVATE MEMBER'S MOTION NO. 12/87 DEFEATED BY MAJORITY

MR. PRESIDENT:

I declare the Motion lost.

Private Members' Motions continued - No.14/87. The Second Elected Member for West Bay, please.

PRIVATE MEMBER'S MOTION NO. 14/87
MOTION FOR REPAIRS OF THE GOVERNMENT WHARF
IN THE NORTH SOUND, WEST BAY.

MR. PRESIDENT:

The Second Elected Member for West Bay, please.

MR. W. McKEEVER BUSH:

Mr. President, I beg to move Private Member's Motion No.14/87 standing in my name, which reads:

"WHEREAS the Government wharf in the North Sound, West Bay, has for a long time been in a state of disrepair;

AND WHEREAS the wharf has been used for years by local fishermen, tour boat operators and the public in general, and is now a hazard to public safety;

BE IT RESOLVED that Government consider improving the wharf and restoring it to a safe and suitable condition."

MR. LINCOLN A. PIERSON:

Mr. President, I second the Motion.

MR. PRESIDENT:

Private Member's Motion No. 14/87 has been duly moved and seconded. Does the mover wish to speak to it?

MR. W. McFEEVA BUSH:

Mr. President, this motion should not require any long debate.

The manner in which the motion is prefaced tells the whole story. The wharf is owned by Government. It has been used for years by local fishermen, tour-boat operators and the general public. The wharf is in a very poor state of disrepair and is a hazard to public safety.

Mr. President, this wharf has been repaired, maybe replaced, probably several times over the last 30 years, if I remember correctly, and right now it probably needs replacing. In 1985, 1986 and 1987 I requested that this be done, however, no priority was put on it and its condition has not worsened. It needs to be fixed or, as I said, replaced as soon as possible.

Now, I know that Government relish the words "as soon as possible", but I trust that this will not mean it will be considered until eternity. I believe Government is going to accept the motion, Mr. President, however, I do hope that I am not told, as I have been in the past, that, "You did not support the raise in taxes, so you cannot ask for anything.". That old answer is now worn out. Work is at hand, and we must go about the people's work.

MR. PRESIDENT:

Does any other Member wish to speak?
The Elected Member for North Side,

MR. D. EZIARD MILLER:

Mr. President, while I can sympathise with the need for repairs to the wharf in West Bay because I have visited the site, and it does need repairing, and having the motion before us I respect and accept your ruling under Section 24(2) of Standing Orders.

Mr. President, I cannot help but ask why this matter was not raised at the Finance Committee meeting on 26th August 1987, because I believe that was the proper place and that the problem could have been resolved there. Monies could have been allocated if necessary, and maybe the work could have been completed this year. To go this way is simply going to prolong the process in getting the wharf built, but on the other hand it does offer more public exposure.

Mr. President, as I said, I sympathise with the need and if Government chooses to support the motion and provide funds, I can support it.
Thank you.

MR. PRESIDENT:

Would any other Member wish to speak?
The Honourable Third Elected Member,

HON. CAPT. CHARLES L. KIRICONNELL:

Mr. President, I agree with what the Second Elected Member for West Bay, the mover of the motion said, that we should have no long debate on this matter. I agree entirely with that, Sir, and I agree with what the Elected Member for North Side said that this matter could have been resolved in the finance committee meeting. I will go one step further, Sir, by saying that the Member could have come to my office, we could have done this administratively and gotten action immediately.

However, Sir, I do support what is before us and I would like to say that I will get the Chief Engineer of the Public Works Department to carry out a survey on the state of the present wharf to determine if it is indeed in need of repairs, or if it is repairable, and what it will cost us to repair it. Secondly, I will ask him to submit an estimate of what it would cost to construct a new jetty. When we have this information at hand a decision will be made as to whether it is advisable to repair the old wharf or construct a new one.

The Member moving the motion said that in 1985, 1986 and 1987 provision was made to repair this wharf. Mr. President, in 1985 and 1986 the money in that vote was used to repair the George Town Bartolomeo Wharf, and in 1987 no provision was made to repair the dock in West Bay. As no provision, Sir, has been made in the 1987 estimates to be carried out on this particular wharf, I will have to refer this matter to the Financial Secretary and ask him to make provision in the 1988 estimates so that the wharf can be repaired or a new one constructed in 1988.

Again, Sir, I would like to say that I support the motion, and I will have the Chief Engineer of Public Works Department carry out a survey and report his findings so that a decision can be made, and the cost included in the 1988 estimates.

I thank you, Sir.

MR. PRESIDENT:

Would any other Member wish to speak?
Would the mover wish to exercise his right of
reply?

MR. W. McEWEA BUSH:

Certainly, Mr. President.

Mr. President, I am glad to hear Government say that they are accepting the motion. There has been some manoeuvring with it, saying probably what somebody else wanted them to say but who never had the guts to speak. But, Mr. President, I can give a good account of my stewardship in this House, and I can give a good account of my stewardship to the people of this country.

I will deal first with the two items raised by the Elected Member for North Side. Mr. President, my duty and responsibility to the people of this country, and in particular the people of West Bay, is that when I see a problem I bring it to Government, and if Government does not act then I move further to get a commitment from them; and this is all I have done in moving this motion - to seek a commitment from Government.

Mr. President, the Elected Member for North Side asked why it was not raised at August meeting of Finance Committee - and I hear the Third Elected Member for West Bay saying that is right. Mr. President, to give you some history of this, on 20th November, 1985, the day in which this Government was sworn in, I handed a letter to the Honourable Third Elected Member of Executive Council which I will ask the Sergeant-at-Arms to pass around again.

MR. PRESIDENT:

Sirry, to whom are you asking it to be passed?

MR. W. McEWEA BUSH:

The Sergeant-at-Arms, Sir.

MR. PRESIDENT:

To ...

MR. W. McEWEA BUSH:

Pass the list around to Members of the House.

MR. PRESIDENT:

These are copies, are they?

MR. W. McEWEA BUSH:

Copies of the letter, Sir.

MR. PRESIDENT:

Thank you.

MR. W. McEWEA BUSH:

Mr. President, the letter reads:

"20th November, 1984

Honourable Charles Kirkconnell,
Communications and Works,
George Town,
Grand Cayman.

Dear Sir,

As elections are now over and you are the new Member for Communications and Works, I set out below works that are needed in West Bay. As I know that probably nothing can get done again this year, I am trusting that these things can be provided for in the budget for 1985. I am not expecting everything to be done in the coming year, but hopefully some will be done.

Firstly, a fire station for West Bay.

Secondly, ..."

MR. PRESIDENT:

Excuse me for one minute. I think you should stick to the particular question of the wharf, and not mention the other items, please.

MR. W. McEWEA BUSH:

Mr. President, with respect, Sir, I am replying to the debate of the Elected Member for North Side.

MR. PRESIDENT:

Yes, indeed, I understand that. You are replying to a particular point, and I would be grateful ... I think you can quote the letter, but only in regard to the subject matter of the wharf. Thank you.

MR. W. McEWEA BUSH:

Well, Mr. President, I do not agree with you, but I will abide by your ruling, Sir.

Out of nine projects, plus a list of roads and lights, the repairs to the Government wharf in the North Sound, West Bay, is listed. Farther to that, Sir, in January of 1985 at a committee meeting in our district of the three Elected Members for West Bay, it is noted that we would get Government to look at the

wharf in the North Sound. I believe the other two Members for West Bay will remember that particular meeting.

Mr. President, besides that, I spoke to the Honourable Member responsible for Communications and Works and I must say he has been in agreement with me on several occasions, and has tried to help me as much as he could, but I have put my request forward. I do not need the Elected Member for North Side to tell me when to do my work, and as far as public exposure is concerned, I get enough of that. I do not need that. I think I went about it in the right way. I went about it firstly in giving the Honourable Member notice of what was to be done. Secondly, we raised it in our committee meeting. Again it was raised in the 1986 and again in the 1987 estimates. Now we heard what happened to the money for 1985 and 1986, the money was used to fix the George Town wharf even though my request was in. And I believe that in 1987 some money was awarded for wharves, but that, I believe, was voted to some other head or some other wharf somewhere else. Mr. President, this procedure here cannot take any great length of time to do, but the way in which I heard this brought forward by the Elected Member for North Side, and the Honourable Third Elected Member of Executive Council, it would seem that I had asked them to remove Cayman Brac and put it in West Bay! I know what is happening, Mr. President - the same ones that are crying no politics are so deep in it that it is tripping them up.

Further to that, Mr. President, why I have gone this route and probably will continue to go this route, is that I was told that I was going to get nothing unless it is passed through the Honourable First Elected Member of Executive Council. I am responsible to my people, he is responsible also. I am not responsible to him.

Mr. President, maybe if this was for sand ...

MR. PRESIDENT:

I beg your pardon, I did not catch that - sorry?

MR. W. McLEEVA BUSH:

If this matter was S-A-N-I ...

MR. PRESIDENT:

You were not close enough to your microphone, I am not criticising your pronunciation.

MR. W. McLEEVA BUSH:

I am satisfied, Mr. President, that I have done the right thing, but I think those two Members should, if they want information, come to me before they get up in the House and say that I have not done my work properly. No one in this House can charge me with that. There are going to be some charges laid though and I hope full explanations will be given. This matter, as I see it, needs no long debate. I think my case is well put. It is there, it needs to be fixed, I have been trying, since I was elected, to get it done and I think it should be done. I cannot see any great expenditure involved. The Financial Secretary can use up to \$50,000 before he comes to the Finance Committee, so there is no big problem with this. Let them keep their politics in their own districts, and let them clean up their own acts.

MR. PRESIDENT:

On a point of clarification, are you proposing that the money be provided in 1987? I think it would be helpful to explain that.

MR. W. McLEEVA BUSH:

Thank you for giving me a second chance, Sir. No, Mr. President, I did not ask that. The motion says ...

MR. PRESIDENT:

No, I realise what the motion says, I thought just now that you were about to say that, or were saying something like it.

MR. W. McLEEVA BUSH:

No, they suggested. This is what they have been suggesting, Mr. President.

MR. PRESIDENT:

My misunderstanding. All right, thank you, it is all clear. My misunderstanding.

MR. W. McLEEVA BUSH:

I think they are completely out of order in suggesting it go in 1987. It can be done next week if they want.

MR. PRESIDENT:

Well, as far as I understand it, next week is in 1987, surely?

MR. W. McLEEVA BUSH:

Next week?

MR. PRESIDENT:

Yes.

MR. LINEOLD A. PIERSON:

Mr. President, on a point of order.

MR. PRESIDENT:

Go ahead.

MR. LINEOLD A. PIERSON:

It is on a matter of clarity, Sir. During the previous debate from the Second Elected Member from West Bay, it is noted that he was

stopped from reading a letter which would seem to have conformed with Standing Order No 31(4), which states:

"A Member shall not read his speech, but may refresh his memory by reference to notes and may read extracts of reasonable length from books or papers in support of his argument."

I cannot see where he was out of order, Sir.

MR. PRESIDENT: I did not rule him out of order for reading from the document, or reading the whole document. I ruled out of order certain parts of the document which were not germane to the motion, in my opinion. Thank you.

MR. W. McKEEVA BUSH: On a point of explanation, Mr. President.

MR. PRESIDENT: On a point of ...?

MR. W. McKEEVA BUSH: Explanation. Yes, I am asking that it be done this year, as soon as possible, I think were my words in the motion. They were suggesting 1988, that is what they are suggesting, that is election year. We need it done now.

MR. PRESIDENT: You have clarified the point I asked, thank you very much.

Does any other Member wish to speak? We have a second or two.

I beg your pardon, the mover has replied, I am so sorry. I will now put the question, then.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: May I have a division, Mr. President?

MR. PRESIDENT: I did not hear any Noes.

MR. W. McKEEVA BUSH: I can see some Members holding, Mr. President.

MR. PRESIDENT: People have a right to abstain.

MR. LINCOLN A. PIERSON: It is his privilege, Mr. President.

MR. W. McKEEVA BUSH: I think if they are going to abstain, that they should say they abstain.

MR. PRESIDENT: Very well, a division, please.

DIVISION
RD. 57/87

AYES: 14

NOES: 0

- Hon. Thomas C. Jefferson
- Hon. Richard V. Ground
- Hon. J. Lemuel Hurlsten
- Hon. Jenson D. Ebanks
- Hon. V. Norman Boden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Yassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Japhne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. G. Haig Boden
- Mr. B Ezzard Miller
- Mr. John B. McLean

AGREED: PRIVATE MEMBER'S MOTION NO. 14/87 PASSED

MR. PRESIDENT: I declare the motion carried.
We now seem to have completed the business of the day.

ADJOURNMENT

MR. THOMAS C. JEFFERSON:

Mr. President, in accordance with Standing Order 14(2), I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT:

The question is that this House do now adjourn until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED.

AT 9.34 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 A.M. +
THURSDAY, 10TH SEPTEMBER, 1981.

THIRD MEETING OF THE 1987 SESSION OF THE
CAJMAN ISLANDS LEGISLATIVE ASSEMBLY

THURSDAY 10TH SEPTEMBER, 1987
(SECOND DAY)

PRESENT HERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD L GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON C EBANKS, CBE	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES J KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS PLANS AND DISTRICT ADMINISTRATION
HON VASSIL B JOHNSON, CBE, JP	MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W MCKEEVA BISH	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 LINDARD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT HARRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR C HAJC BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR B EDZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH BAY
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ABSENT MEMBERS

MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
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DAYMAN MEMORIAL AGRICULTURAL SOCIETY

1900 ROAD, WASHINGTON, D.C.

THIRTY-FOURTH ANNUAL MEETING OF THE BOARD OF DIRECTORS

WEDNESDAY, 19TH DECEMBER, 1967

(SECOND DAY)

1. BUSINESS

TO BE READ BY THE HON. FIRST OFFICIAL MEMBER.

2. RESOLUTIONS TO HONORABLE MEMBER

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONORABLE
FIRST OFFICIAL MEMBER TO ENQUIRE WITH THE COUNCIL, WEST BAY, FOR
FINANCE AND DEVELOPMENT.

NO. 159: WOULD THE HONORABLE MEMBER STATE:
(a) THE AMOUNT OF REVENUE COLLECTED FROM 1ST JANUARY
TO 31ST AUGUST, 1967, IN THE DISTRICT NORTH TERRACE;
(b) THE EXPENDITURE INCURRED FOR THE SAME PERIOD?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONORABLE
FIRST OFFICIAL MEMBER TO ENQUIRE WITH THE COUNCIL, WEST BAY, FOR
FINANCE AND DEVELOPMENT.

NO. 161: WOULD THE HONORABLE MEMBER STATE IN A DETAILED ACCOUNT
OF THE MANNER IN WHICH THE 1967 BUDGET OF £1100,000,
BUDGETED UNDER SPAN BY 100-HEAD OF COWS, HAS BEEN
EXPENDED; GIVING A BREAKDOWN OF THE AMOUNT SPENT IN EACH
DISTRICT?

NO. 162: WOULD THE HONORABLE MEMBER SAY WHETHER THE PLAN
PROVIDED BY THE DISTRICT AUTHORITY FOR A TRAINING SCHOOL
BY CLARKE TAYLOR AND OTHERS UNDER SPAN OF £100,000 HAS
BEEN ADVERTISED AND BUILT?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONORABLE
FIRST OFFICIAL MEMBER TO ENQUIRE WITH THE COUNCIL, WEST BAY, FOR
FINANCE AND DEVELOPMENT.

NO. 163: WOULD THE HONORABLE MEMBER STATE WHY THE DECISION TO
FORM A COMMITTEE TO EXAMINE THE ECONOMIC SITUATION OF
DAYMAN BAY WAS MADE IN FEBRUARY 1967, WHEN TO SOME
PEOPLE THERE WERE SIGNIFICANT ECONOMIC PROBLEMS WERE
ARISING IN THE DISTRICT NORTH TERRACE?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONORABLE
FIRST OFFICIAL MEMBER TO ENQUIRE WITH THE COUNCIL, WEST BAY, FOR
FINANCE AND DEVELOPMENT.

NO. 164: WOULD THE HONORABLE MEMBER STATE:
(a) THE NUMBER OF APPLICATIONS APPLIED FOR LEASES FOR
PONDING LAND SINCE 1ST DECEMBER, 1967;
(b) THE NUMBER OF APPLICATIONS RECEIVED DURING THE
SAME PERIOD; AND
(c) CATEGORIZE THE REASONS FOR REFUSALS?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONORABLE
FIRST OFFICIAL MEMBER TO ENQUIRE WITH THE COUNCIL, WEST BAY, FOR
FINANCE AND DEVELOPMENT.

NO. 165: WOULD THE HONORABLE MEMBER STATE THE NUMBER AND
CATEGORIES OF VEHICLES RECEIVED BY EXHIBITION COUNCIL
ROADWAY DURING THE DAYMAN EXHIBITION BOARD
SINCE JANUARY, 1966, IS REPORTED OF BEING REPORTED AS
LICENSED AND ALL NUMBER AND CATEGORIES OF VEHICLES?

APPEALS DURING HALF DAY PERIODS

3. GENERAL BUSINESS

PRIVATE MEMBERS' MOTIONS

- 1. PRIVATE MEMBERS' MOTION NO. 8/87
CAYMANIAN PROTECTION LAW

TO BE MOVED BY : THE ELECTED MEMBER FOR NORTH SIDE
 TO BE SECONDED BY : THE FIRST ELECTED MEMBER FOR THE LEGGERS ISLANDS

- 2. PRIVATE MEMBERS' MOTION NO. 9/87
ECONOMIC INCENTIVES FOR CAYMAN BEACH AND LITTLE CAYMAN

TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR GEORGE TOWN
 TO BE SECONDED BY : THE ELECTED MEMBER FOR EAST END

- 3. PRIVATE MEMBERS' MOTION NO. 10/87
LOW COST HOUSING

TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR GEORGE TOWN
 TO BE SECONDED BY : THE ELECTED MEMBER FOR EAST END

- 4. PRIVATE MEMBERS' MOTION NO. 11/87
PROPOSED AMENDMENT TO THE CAYMANIAN PROTECTION LAW, 1987

TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR GEORGE TOWN
 TO BE SECONDED BY : THE ELECTED MEMBER FOR EAST END

- 5. PRIVATE MEMBERS' MOTION NO. 12/87
INCREASE OF AGE OF CONSENT FOR CIVIL

TO BE MOVED BY : THE THIRD ELECTED MEMBER FOR WEST BAY
 TO BE SECONDED BY : THE ELECTED MEMBER FOR NORTH SIDE

- 6. PRIVATE MEMBERS' MOTION NO. 13/87
INVESTIGATIONS INTO ALLEGATIONS OF CORRUPTION OF THE ROYAL CAYMAN ISLANDS POLICE FORCE

TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR WEST BAY
 TO BE SECONDED BY : THE SECOND ELECTED MEMBER FOR GEORGE TOWN

4. GOVERNMENT BUSINESS

BILLS

FIRST AND SECOND READINGS

- 1. THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987
- 2. THE SUPPLEMENTARY APPROPRIATION (1986) BILL, 1987

COMMITTEE THROUGH

- 3. THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987
- 4. THE WATER AUTHORITY (AMENDMENT) BILL, 1987
- 5. THE REGISTERED LAND (AMENDMENT) BILL, 1987
- 6. THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987
- 7. THE SUPPLEMENTARY APPROPRIATION (1986) BILL, 1987

ARTICLE

1. THE STATE OF TEXAS, COUNTY OF DALLAS, CITY OF DALLAS, TEXAS
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ARTICLE

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3. THE STATE OF TEXAS, COUNTY OF DALLAS, CITY OF DALLAS, TEXAS

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THURSDAY

10TH SEPTEMBER, 1987

10:03 A.M.

MR. PRESIDENT:

Government Business.

Prayers.

The Honourable First Official Member, Leader of

PRAYERS

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 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, who 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 Assembly is in session.

Questions. The Second Elected Member for West Bay.

MR. LINFORD A. PIERSON:

He has not yet arrived, Sir.

MR. PRESIDENT:

Thank you. I think then that the Standing Orders provide that these questions are held to the end of question time until the Member turns up or unless he authorises another Member to put the questions. Thank you. So then we will go to question number 56 - the Second Elected Member for George Town.

QUESTIONS TO HONOURABLE 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. 56: Would the Honourable Member state why the decision to form a committee to examine the economic situation in Cayman Brac was made in February, 1987, when to some people there were signs that economic conditions were worsening in the Lesser Islands before this time?

ANSWER: The decision to form a committee to examine the economic situation of the Sister Islands was in response to a request made by the First Elected Member of the Lesser Islands in his debate on the Throne Speech in February 1987.

Government has always been aware of the economic situation in the Sister Islands and has taken appropriate steps from year to year to relieve the situation. Provisions have been made every year in the annual budget for extra funds to be spent on labour intensive projects, and various laws have included stipulations providing special fee concessions to the people of these Islands.

SUPPLEMENTARIES:

LINFORD A. PIERSON:

A supplementary, Mr. President.

Would the Honourable Member not agree that the impetus by him to grant certain concessions to Cayman Brac came only after knowledge of the Private Member's Motion on this subject, which was admitted on 25th May, 1987?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I just said in the reply there, Sir, that this matter was first brought to the House by the First Elected Member of the Lesser Islands, in February. On the 19th of February, at that same meeting during the debate on the Throne Speech I said that I would ask Government to permit me to form a committee to study the economic situation in the Lesser Islands, and to come back with its findings and make recommendations of what Government should do. On 19th February, I presented a paper to Executive Council asking for this authority to appoint a committee to examine the economic situation and, as I said before, it would have to report its findings to Council. This was approved, Sir, in March 1987. In July, the committee reported to Executive Council and under Section 48, approved the reduction of import duty on building materials and basic household appliances for a period of two years in the first instance.

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. Would the Honourable Member not then admit that no real action was taken by his committee until the meeting of 25th June, 1987?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, that is not correct, Sir. I got from Costa Rica the Pensioners' Plan of that country. It was brought back to us and it was circulated to Members of the committee. They held a few committee meetings in Cayman Brac - Mr. Nolan Foster had a committee there. He was given copies of the Pensioners' Plan of Costa Rica, and we used what we could out of that, but of course it was not relevant to the Cayman Islands. However, what was relevant, we used. We also asked other members of the committee to submit any ideas they had to help us formulate a plan that would relieve the economic situation, and I got these feedbacks from the members. It took time to get this all together - it was not as a result, Sir, of the Member putting in his Motion. I was not even aware of it until one day I was here in this Assembly and he told me then that he had put in a Motion that would be coming up in the Session. I was not aware of it before, Sir.

MR. LINFORD A. PIERSON: Did not the Honourable Member imply in this House that Cayman Brac had been neglected when he admitted that more could have been done there, but because of the capital work in which he was involved in Grand Cayman this was not possible?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think what I said, Sir, was that there was a delay in the capital works. This came about as a result of the Caribbean Development Bank arbitrarily increasing the interest rate on loans to this Government, and the Financial Secretary, advised Executive Council what the Caribbean Development Bank had done. It was decided by Government not to sign the loans until the Financial Secretary could negotiate loans that were acceptable to the country. This went on for about nine months, and it was eventually solved when the Financial Secretary went down to Barbados and negotiated new terms.

CAPT. HARRY S. KIRKCONNELL: A supplementary, Mr. President. Would the Honourable Member state whether or not it is a fact that, because of the plan having been approved by the Development Control Board in Cayman Brac for construction of commercial projects in Little Cayman including a major expansion to the Brac Reef Hotel and the impending airport terminal, we felt it was not necessary for these economic moves to be made until we found that those projects were not going ahead?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, that is correct, Sir, because even if the airport was not started and had Tiara Beach Hotel started their expansion when they said they were going to, we would not have come up against this difficult period. Also, there was an application to build condominiums in Little Cayman and this was also shelved for the time being. So there were a number of reasons that caused the sort of economic slump in Cayman Brac. Another was the cessation of the transfer of crude oil off the shores of Cayman Brac and Little Cayman. This came to a complete stop late last year and threw a lot of people there out of employment. We did not come up with enough work soon enough to employ these people, and that is why they had to leave to come here to find work.

MR. C. HAIG BODDEN: Mr. President, may I ask the Honourable Member - he mentioned earlier that recommendations had been made for duty concessions on building materials for Cayman Brac. Can he say whether these concessions will apply to construction material for all building, or will it be confined to building by offshore investors or confined to building for a particular type of construction, such as hotels?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, the concession will be given to foreign retirees, Caymanians living abroad and wishing to resettle and to condominium developers, whether they are local or foreign. But the concession has not been given across the board, Sir, it is only for new business - new developments coming in.

MR. LINFORD A. PIERSON: Since the matter of condominiums arose out of his

answer, that is in Little Cayman, I wonder whether he would state why the decision to build condominiums in Little Cayman was halted?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am not sure, Sir, but I was told by the Chairman of the Development Control Board that the gentleman who was going to build the condominiums had asked that his permit be renewed for a further period of one year, but he did not give any reason why the developer did not go ahead with the condominiums as he had expected.

MR. PRESIDENT: Unless there are further supplementaries, I think we have covered that question fairly thoroughly. If there are no more, the Second Elected Member for George Town, your second question, please.

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

NO. 57: Would the Honourable Member state:
(a) the number of applications approved for low cost housing loans since 1st December, 1984;
(b) the number of applications refused during the same period; and
(c) categorize the reasons for refusal?

ANSWER: (a) It is assumed that this question relates to the Housing Development Corporation in which case the number of applications approved since 1st December, 1984 is 10.
(b) The number refused during the same period is one.
(c) The reason for refusal is that the application did not satisfy the board that it conformed fully with the guidelines in operation at the time.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Supplementary, Mr. President.
Would the Honourable Member, on reflection, not agree that the Housing Development Corporation, which he rightly assumed what I meant, is possibly not serving the purpose for which it was initially established?

HON. VASSELL G. JOHNSON: Mr. President, the Housing Development Corporation is fulfilling the service for which it was established. I will not say any more at this time.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member say how the ten applications approved were apportioned amongst the various districts?

HON. VASSELL G. JOHNSON: Mr. President, I am afraid I do not have that answer right at my fingertips.

MR. PRESIDENT: Perhaps the Honourable Member could supply it in writing later on?

HON. VASSELL G. JOHNSON: Yes, Mr. President.

MR. PRESIDENT: Another supplementary?

MR. LINFORD A. PIERSON: Last supplementary, Mr. President.
Would the Honourable Member not agree that it is a hardship to levy a mandatory charge of C\$200 per application regardless of the financial status of the applicant, whether or not their application is approved?

HON. VASSELL G. JOHNSON: Mr. President, we found that as one of the operating guidelines in Housing Corporation when we took over, but that fee has been abolished now.

MR. PRESIDENT: If there are no further supplementaries, would the Second Elected Member for George Town put question number 58, please?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 58: Would the Honourable Member state the number and categories of appeals received by Executive Council against decisions of the Caymanian Protection Board since January 1985 in respect of Gainful Occupation Licences and the number and categories of successful appeals during this same period?

STANDING ORDER 3(5)

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with the provisions of Standing Order 23(5), I beg the leave of the House to defer answering this question until a later date.

MR. PRESIDENT: May I assume the leave of the House?
So ordered.

STANDING ORDER 23(3)

MR. PRESIDENT: We will now return to question number 53. The Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 53: Would the Honourable Member state:
(a) the amount of revenue collected from 1st January to 31st August, 1987, or the closest month thereto; and
(b) the expenditure incurred for the same period?

ANSWER: (a) The revenue collected for the period 1st January to 31st July, 1987 (closest month thereto) amounted to CI\$48,259,366.
(b) The expenditure incurred for the same period totalled CI\$38,992,463.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if the amount of CI\$48 million, plus, includes any loans?

HON. THOMAS C. JEFFERSON: The answer to that question, Mr. President, is that there are loan funds both on the revenue side and the disbursement side. The sum is just about the same - CI\$2 million.

MR. LINEFORD A. PIERSON: Would the Honourable Member state whether this expenditure incurred of \$38,992,463 would be increased by any accrued expenses up to the end of December 1987? In other words, whether this amount could be significantly increased by the end of the year?

HON. THOMAS C. JEFFERSON: Mr. President, I am a little unsure exactly what the Member is asking. Could he clarify it for me?

MR. LINEFORD A. PIERSON: I would be happy to, Mr. President.
As the Chairman of the Public Accounts Committee, I am aware that, between the period of August to December, normally a lot of expenses are incurred. What I am asking is whether the Honourable Member would have any indication at this point - perhaps not, if not he could supply it in writing - whether there are accrued expenses that could significantly increase the expenditure figure he has just provided to the House.

HON. THOMAS C. JEFFERSON: I think, Mr. President, one point I could allude to are the recent approvals given by Finance Committee to a number of requests for supplementary expenditure. That certainly will increase these figures, and there may be, perhaps, two or three amounts sitting on advance account at the moment that will be charged off during the remaining months of the year.

MR. G. HAIG BODDEN: May I ask, Sir, to the Honourable Member's knowledge, are there any substantial bills outstanding to be paid?

HON. THOMAS C. JEFFERSON: Mr. President, we have, to the best of my recollection, millions of dollars in capital expenditure budgeted for this year, so that at any given time there are likely to be substantial bills to be paid. But certainly there are sufficient funds to meet them and we are not above, obviously from the answer, the budgeted allocation for the year, if you take seven months of it.

MR. PRESIDENT: There appear to be no more supplementaries.
The Second Elected Member for West Bay, your next question, please.

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. 54: Would the Honourable Member provide a detailed account of the manner in which the 1987 provision of C\$100,000, budgeted under Head 17, sub-head 08-033, has been expended; giving a breakdown of the amount spent in each district.

ANSWER: Thus far in 1987, some 27 persons have been assisted with either sanitary conveniences or housing repairs, in the amount of C\$8,058.30. This breakdown is as follows:

West Bay	- 10 households at a cost of \$3,315.50
George Town	- 7 households at a cost of \$2,882.80
East End	- 3 households at a cost of \$1,860.70

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: From the figure given by the Honourable Member, he should agree that there is much more funding available for work to be carried out in housing, for instance once a genuine request has been made.

HON. BENSON D. FRANKS: Mr. President, I assume the Member means that could be carried out.

The Department of Social Services, the Department which deals with this vote, is aware of several persons either requiring house and property or needing extensive repairs to their homes. In some instances the materials have been approved for several months. Unfortunately, the difficulty is in getting someone to do the work. With our having this experience, the Department, together with the Department of Environmental Health, have recently engaged an employee to see to some of this work - the Public Health Department providing the oversight and the Social Services Department providing the funds, so that the work should be speeded up during the coming period.

MR. LINFORD A. PIERSON: Mr. President, just to ask the Honourable Member to confirm that there is in fact \$91,000 left for housing the help of poor people, and that they will no longer have a major difficulty in obtaining this help - because it seems that in the past they have had some amount of difficulty.

HON. BENSON D. FRANKS: Mr. President, each application is processed by the Department and treated on its merits. Certainly I would expect that deserving cases will receive assistance.

MR. G. HAIG BODDEN: Mr. President, the Honourable Member say what is the policy with regards to repairs? I know of one case in Bodden Town where the Department has approved the repairs to the roof of a house, and somebody from the Department told me they could find the materials if I could find the labour. Unfortunately, I have not been able to find anybody to do free labour. Since the labour in this case would be very small, I fail to see why they have not provided the money for the labour since they have \$91,000 in surplus, and they have not done any work in Bodden Town at all. Can he tell me what is the policy with regards to repairs? Will the Government provide both labour and materials?

HON. BENSON D. FRANKS: Mr. President, as the Member is probably aware, it has been the practice over the years to try to enlist the good offices of the service clubs in providing labour. In fact, some of the service clubs have come forward and they have this as a project. In fact, in some instances, they provide materials as well, so maybe that was the question which the member was asked. But certainly in the absence of that free labour, the Department would pick up the bill. It is not an absolute criteria that labour must be free - as I said, if it is a deserving case. In the particular case, I believe the Member knows that the Department has experienced some difficulty in finding someone to do this work, and this is probably one of the jobs that can be undertaken by the person I mentioned earlier, who has been employed.

MR. W. McKEEVA BUSH: Mr. President, on a point of information for the House. Often, in going to the Department, I have come up with the same answer - that is that there is money available, but there is no one to do the work. I have said to the Department more than once that if Members of the House, representatives, are contacted, then I am sure that they would be able to find someone. I have done it in the past and have had to pay, unfortunately, out of my own pocket to get the work done. I really believe, and for the information of the Member, that if Members had been contacted, then there would have been a lot more work done. Speaking as a representative, I know that I can find help.

HON. BENSON D. FRANKS: My information, Mr. President, is that representatives have been contacted, particularly in the case of areas where some material has been approved, but without success.

MR. LINFORD A. PIERSON:

Mr. President, just a short supplementary.

Is the Honourable Member suggesting that this gentleman from Jamaica actually got a Work Permit?

HON. BENSON D. FRANKS:

Mr. President, I am sure that the Member knows that Government employees are exempt from Work Permits.

MR. G. HAIG BODDEN:

Mr. President, may I ask the Honourable Member why will the advertising be carried out if prior selection has already been made?

HON. BENSON D. FRANKS:

Mr. President, I want into this detail because I did not know whether the emphasis in the question was on advertising or filling the post. All Government appointments require that the post be advertised. So what will happen is that - and this basically is a temporary appointment - the post will be advertised and the present holder is free to apply and compete with all other applicants when the post is formally considered in January next year.

MR. G. HAIG BODDEN:

May I ask the Honourable Member, Mr. President, if this means that this gentleman who has been pre-selected, may be fired and replaced with a more suitable candidate if the advertising produces a more suitable candidate?

HON. BENSON D. FRANKS:

Mr. President, the gentleman would not be fired, but the rest of the deduction of the Member, I would say, is reasonable. The post will be considered by the Public Service Commission as are all Government appointments. So I am unable to say what the Public Service Commission will do, but the regulations will be followed.

MR. G. HAIG BODDEN:

Mr. President, can the Honourable Member say if the regulations are being followed if the man was pre-selected before the advertisement?

MR. PRESIDENT:

I think we are getting into the territory of the Honourable First Official Member, but please go ahead if you wish to take the supplementary.

HON. BENSON D. FRANKS:

I made the point, Mr. President, that it was a temporary appointment made by the Public Service Commission, so I do not think any rules were broken.

HON. THOMAS C. JEFFERSON:

Temporary appointments, Mr. President, are within the Public Service Commission's regulations.

MR. PRESIDENT:

Are there any further supplementaries? In that case, that concludes our questions for today, and we can move on to Other Business, Private Members' Motions.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. B/87

CAYMANIAN PROTECTION LAW

MR. D. EZZARD MILLER:

Mr. President, I beg to move Private Member's Motion No. B/87, entitled Caymanian Protection Law, which reads as follows:

"WHEREAS the Caymanian Protection Law at present permits work to be performed which produces capital gain or profit on investment, without the requirement that a work permit be held by non-Caymanians thus involved;

AND WHEREAS section 23, subsection (c), exempts members of crew of vessels engaged in their duties as such;

BE IT RESOLVED that section 2 of the Caymanian Protection Law which defines "Gainfully Occupied" and/or section 24 of the Law be amended to make work which produces capital gain and/or profit on investments by non-Caymanians to require a work permit; or to make all work in the Cayman Islands performed by non-Caymanians other than those exempted by section 23 to require a work permit;

AND BE IT FURTHER RESOLVED that section 23, subsection (c), be deleted or amended to exempt only those vessels that do not operate full-time within the Cayman Islands."

CAPT. MARRY S. KIRKCONNELLY

Mr. President, I beg to second the Motion.

THE PRESIDENT:

Private Member's Motion No.8/B7 has been duly moved and seconded. Would the mover wish to speak to it?

MR. D. EZZARD MILLER:

Thank you, Sir.

Mr. President, this Private Member's Motion deals with two very specific areas of the Caymanian Protection Law which I think need attention.

The Caymanian Protection Law defines gainful occupation and gainfully occupied to mean the carrying on of or employment in any profession, trade, business or other vocation for gain or reward in, or within relation to, the Cayman Islands, unless expressly exempted by some provisions of the Law.

Now, Mr. President, it has been my experience that the problems exist in the determination of what is gain or reward. I am not purporting, Sir, that an amendment to the Law is necessary, but it may be that it can be handled administratively through a directive which clearly defines what is gain or reward. My argument, Sir, is that reward relates to a stipend or a salary that one may be paid to perform a particular mode of work. I also interpret gain, Sir, to include, where one's labour, one's own work in this country, produces capital gain - that is, Sir, increases the value of a project on which the person is working to the benefit of the individual or individuals who own the property or business.

Also, Sir, I think it involves when one gains on one's investment in this country by their own labour, in that one's work, in a management or other capacity, is to instruct other people to perform certain functions which are going to produce gain and therefore accrue reward to oneself. That is what I am dealing with, Sir, not with what was purported in the press by the President of the Chamber of Commerce - the shadow government - that if you buy a condominium you are going to need a work permit to buy it. That, Sir, is not the intent of this motion.

This motion is specifically to get at individuals, non-Caymanians, who come to this country, who buy a piece of property or a dilapidated house for instance, bring in their friends, relatives, experts from other countries and skilled workers, and use those people who are purported to be owners of that development to improve that project thus producing capital gain for themselves. Then they turn around and sell it at a profit or they rent it to produce income for themselves - and it is being done by their own labour, by their own work or that of friends or other owners who get together to form a company to own this particular development. I do not, Sir, interpret the Law as allowing that to happen. If it does, Sir, we could face a very serious problem in the future of this country.

I would use the scenario, Sir of a public-owned construction company in a foreign country - that is a company owned by three or four thousand individuals as share holders - who come to this country now that there are special incentives given by Government for foreign investment in the country, and who buy a piece of property perhaps on Seven Mile Beach, or on North Side, or in Cayman Brac; and because, Sir, there are four thousand people in that foreign country who own this construction company, they therefore have amongst their ownership all skills that will be necessary to complete the development through its construction stages, even to the extent that they will have the managerial expertise to operate that facility. And if the Law allows them to complete that project because they are "owners", then the Law, Sir, is not serving the purpose, as I see it, that it was put on the books. And that is what I am trying to stop from happening.

The other section of the Law that I referred to, Sir, is section 23 (c). And this reads, Sir:

"23. This Part shall have no application to - "...

... and the part that is referred to is gainful occupations of persons of non-Caymanian status ...

"(a) persons certified by the Governor to the Board to be -

- (i) persons employed by the Government of the Cayman Islands, in respect of their employment;
- (ii) persons employed in the Cayman Islands by the Government of the United Kingdom;
- (iii) consular officers and their staffs;
- (iv) accredited representatives or agents of a government of any part of the Commonwealth; or
- (v) members of Her Majesty's armed forces;

(b) such persons as may from time to time be declared by the Governor to be exempt for any purpose either unconditionally or subject to such conditions as may be prescribed;

(c) members of the crew of any vessel engaged in their duties as such;

(d) such other class or classes of persons as may from time to time be prescribed."

Now, Mr. President, the part of section 23 which gives me concern and which this Motion deals with is subsection (c) - "Members of the crew of any vessel engaged in their duties as such".

Now, Mr. President, as I interpret that, that could mean the operators of dive boats, and particularly live-aboard dive boats, or cruising boats which may stop in here on a world cruise and start to operate charters for sailing crews of the North Sound, or Seven Mile Beach, or around the Island, or whatever - do not need a work permit.

I would like to see that section removed, Sir, and those people in that capacity working on ships, or aircraft, because this covers vessels, who operate solely within our territorial waters, including our airspace, must have a work permit. I think the exemption should be specific only to those vessels which are not confined in their operation to our territorial waters and air space. In other words, Mr. President, I am not suggesting that ships which call here to discharge cargo, etcetera, and ply international waters should have work permits. Neither am I suggesting that the pilots of Northwest Airlines should have work permits to land a plane in the Cayman Islands, but those vessels which operate solely within our territorial waters and air space, Sir, I feel, especially when they are being operated for gain and reward, should have to have work permits.

Mr. President, this motion gives Government several alternatives in which to solve the problem. Although I am at times ridiculed for promoting to be an expert in certain areas - I am grateful for the acknowledgement of being an expert in some areas. I cannot return the compliment to other Members - I am not going to practice Law, Sir, so I would leave the details to Honourable Second Official Member and the administrative details to the Honourable Third Official Member, once we can agree on the principle involved and that something needs to be done. I will leave it in their capable hands to work out the intricate legal details of re-wording the Law, or re-defining a word if necessary, and the intricate administration involved to achieve the said goal as purported in this motion.

Thank you, Sir.

MR. PRESIDENT:

Does any other Member wish to speak?
The First Elected Member for the Lesser Islands?

CAPT. HARRY B. KIRKCONNELL:

Mr. President, I wish to support Private Member's Motion No. 9/B7, now before this Honourable House. I would like to make it crystal clear that I congratulate the mover in moving it as I think it is necessary. I also support what he said, that we do not want a hard, fast arrangement here and that we are leaving it to the Honourable Second Official Member to see which way it can be worked out to the best advantage to all the people of the Cayman Islands.

I would like to quote an example of one of the things we would like to prevent. I have knowledge of a group of people who came to the Islands purporting to be brothers. They built a house. On their return they were asked how their brother was doing were told that that was not a brother, it their builder who only came down to build the house. That is an example of what I call evading and taking work and employment from Caymanians which they are justly entitled to. It is not important, when we have a situation of over-employment, as it is in Grand Cayman, but as we are discussing in this sitting the economic situation in the Lesser Islands, when jobs are taken, particularly from builders, it is a hardship for them and their families. And I feel, again I say, it is a timely motion and I look forward to it being handled administratively. Thank you, Mr. President.

MR. PRESIDENT:

Second Elected Member for George Town, do you wish to speak?

MR. LINEFORD A. PIERSON:

I wish to speak, Sir, I just wondered whether you might have cared to take a break now.

MR. PRESIDENT:

Well, I ... it depends how long you might speak - I thought perhaps if you could do five or six minutes, and then maybe go on? I am quite happy. Shall we take our break? We suspend for 15 minutes.

AT 11:05 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:24 A.M.

MR. PRESIDENT:

Proceedings are resumed. The Second Elected Member for George Town was about to speak, I think.

MR. LINEFORD A. PIERSON:

Thank you, Mr. President.
Mr. President, I am going to surprise the Member

for North Side, the mover of this motion, by giving my full support to the motion. I am sure when he saw me trying to catch your eye, he thought that once again I was going to get on his case, but as Hansard of the Honourable House will show, I have in the past, and will continue to support any matter that comes before this House which I feel is in the best interest of the people of the Cayman Islands.

Mr. President, while I would agree that the Motion is a timely I would have thought that after the Member had seen motion no.11/87 he would have withdrawn this Motion and instead given my motion full support, as that particular motion is asking for a comprehensive revision of the whole Law. Nonetheless, I too will agree with the mover that this particular matter is very urgent indeed. I know of certain cases alluded to by the Member where the situations which he has stated in his motion arose, and I feel that we should do all in our power to try to correct those situations and to ensure that they do not reoccur in the future.

However, I feel that to continue amending the Caymanian Protection Law on a piecemeal basis, and in somewhat of an ad hoc fashion is not in the best interest of our legal system. Right now I am sure that the Honourable Second Official Member would bear me out in saying that there are far too many laws on our statutes carrying too many amendments, and that those particular laws should be revised and put into one solid volume so that it would be much easier for the general public, and even the Legal Department and our courts, to be able to deal with these. All that is necessary is for one bit or piece of these amendments to fall apart or be lost for one could be in quite a quandary.

What we need, Mr. President, is a full revision of the Caymanian Protection Law. We need a committee, not necessarily of the whole House, but perhaps an expert could be brought in from abroad who could devote his full time - I am not for too many experts coming here - but in this case, Mr. President, I think it would be justified for somebody to come in to devote full-time and work with the Legal Department perhaps on a three to six months, or nine months assignment, and look at many laws requiring attention. Perhaps in this assignment, the Caymanian Protection Law could be put at the top as a priority.

As can be seen, Mr. President, from the Order Paper, I too will be asking for the same Law to be given urgent attention. And as I said, I would have thought that this particular motion could have been embodied in this Motion No.11/87. But be this as it may Mr. President, in the spirit and interest of the Cayman Islands and its people I would be remiss in my duties today if I did not support this motion. In the same way, Mr. President, I trust that Members of this Honourable House will also see fit to give similar support to the worthy Motion No.11/87. Thank you, Mr. President.

MR. PRESIDENT:

I am not questioning how worthy the motion is, but you must not go too far forward in the day's business.

Does any other Member wish to speak? The

Honourable Third Elected Member.

HON. CAPT. CHARLES J. KIRKCONNELL:

Mr. President, I rise to support this motion, Sir, one hundred per cent. In the past I have had representation from my people in Cayman Brac and Little Cayman and as the First Elected Member of the Lesser Islands has said, we have had cases where people have come out, gotten permission to build, brought out their friends, have employed them, and local people needing work have been refused work and the building continues with their friends coming out to visit them who they claim are actually relatives, and this is not so. I promised my people, Sir, some time back that I would see that this situation was rectified, and I am very happy to see the motion before the House today.

We cannot go, Sir, to other countries, like the United States or Canada and start working, buying land and building our own homes. This is not permitted. If we are caught, and if one of our people should do something similar to what they are doing here, they would catch them and deport them immediately, there would be no question at all about it. So why should they expect to come here and be given the free run of the land when they will not give our people the same privilege in their country?

The last thing is, Sir, that if this situation is not corrected, all the efforts of Government to invigorate and stimulate the economy of Cayman Brac and Little Cayman will fall flat on the face, because people will get permission to build their houses and come out and build them without employing one single Bracker or one single person from Little Cayman. For this reason, Sir, I think the motion is very timely and I congratulate the mover for bringing it to this House. Thank you, Sir.

MR. PRESIDENT:

Does any other Member wish to speak? The Honourable Third Official Member.

HON. J. LEMUEL HURLSTON:

Mr. President, I too am in favour and support Private Member's Motion No.8/87, and am happy to say that the Government is willing to lend its sympathetic support to the fundamental principles and spirit behind the two points which the motion addresses.

Let me say straight up front, Sir, that this particular problem is a problem of interpretation and enforcement, and one that has to be taken in the context of not being quite as simple as it may first appear because it could

be argued at some length that the Law as it presently stands is sufficient to meet the first of these two points - that is the point dealing with whether employment is in fact for gain or reward. But the difficulty, Sir, is in the area of getting the necessary evidence and proof to substantiate allegations that persons may be, or are, engaged illegally in such practices. I know, for example, Sir, that a number of cases have been investigated recently and the evidence produced was insufficient to ensure any sort of possible successful prosecution. Hence the enforcement activity had to cease.

It has also to be recognised that the principal objective of this motion is not aimed at the non-Caymanian or the foreign owner of a property from engaging in maintenance and renovation activities such as changing the kitchen sink, or going out and cleaning the gutters on the roof of an apartment - it is not aimed at requiring work permits for those types of activities. But it is aimed primarily at persons who set out to evade the provisions of the Law and set out to deliberately commit an act that is in contravention to the provisions of the Law by engaging in work that is disguised as being for no gain or no reward. And I think we have to ensure that the record reflects that there is that distinction between the person who deliberately sets out to flaunt the Law, versus one who engages in what is quite acceptable an activity on one's own property.

Having accepted the spirit and principles of the motion, Sir, it is left for us to exercise our minds as to how both of these points can be accomplished. The second point is a much less complicated one, and that is dealing with the exemption of crews of vessels that operate full-time within the Cayman Islands - that is quite a simple exemption that can be taken care of, but the most important one, dealing with whether work is for gain or reward has to be given very, very careful thought indeed in not only how it is accomplished, but how it is administered. And it is in that area that I think we have to make it abundantly clear that we are after persons who are engaged, knowingly engaged, in an illegal action, not the innocent condominium owner, or the innocent property owner who comes along and wants to do a bit of weeding and light maintenance around the property. We also have to put on record, Sir, that we are not in any way entering into the area of Capital Gains Tax, because, when you start interpreting gain and reward on capital, there is a temptation to think that one may be entering into a realm of enforcement in an area for which this country has no prior history. And so, I think it should be on the record for the sake of those investors who may be tempted to think to the contrary, there is no thought whatsoever being given to getting into that very complex area of law known as Capital Gains Tax. Having said that, Sir, when the time comes, I will be voting in favour of Private Member's Motion No.8/87.

MR. PRESIDENT:

If no other Member wishes to speak, would the mover ... sorry, Second Elected Member for West Bay.

MR. W. McKEEVA RUSH:

Mr. President, records I believe will confirm that, as reported in the press, I as the Second Elected Member for West Bay was the original seconder of the motion. I had agreed with the Elected Member for North Side that I would second the motion and did have some preliminary discussions with him concerning the purposes of the motion.

Shortly afterwards, a motion, Motion No.11/87, was tabled by the Second Member for George Town and the Elected Member for East End, which in brief asks that a Committee of the whole House be set up to examine the Caymanian Protection Law. I had discussions with the Elected Member for North Side and informed him I would not second his motion because I felt it should be withdrawn and suggested that we could support the other motion because I felt our purpose would be better served - that is we could support Motion No.11/87 in the name of the Second Member for George Town, which would put the Law in Committee and we could then go in detail in the Law. There are, needless to say, Mr. President, many amendments which I feel are needed to the Caymanian Protection Law.

These are the reasons why I removed my name as seconder, nevertheless, the motion still has my support because I feel that something needs to be done about the situation, and I agree entirely with the principle. However, I did not know at the time which motion would come first. Even though our motion was tabled first, it could have fallen in a different order if there was some amendment to it.

Mr. President, yesterday I was chastised by the mover of this motion and the Honourable Third Elected Member of Executive Council for bringing what they called a matter that could have been handled administratively. Well, this is a like case, but I am not going to do what they did, with a lot of politics between the two, and I give my support at this stage to a good cause although it could have been done administratively. My point has been made, Mr. President.

MR. PRESIDENT:

No one seems willing to catch my eye. I therefore invite the mover to exercise his right of reply.

MR. D. EZZARD MILLER:

Mr. President, I would like to thank Honourable Members for their support and while, Mr. President, I would not attempt to preempt or predetermine the value nor Government's position on Motion No.11/87, I will reserve my debate as to the merits and demerits of that motion when it is tabled. However, Sir, since most of the debate has centred around that I would indulge the chair, Sir, in giving me the opportunity to reply to some of the comments which were made.

The Second Elected Member for George Town did not surprise me in supporting the motion. He knows a winner when he sees one, but, in his usual fashion, Sir, I am not sure where he got on the train, or where he got off, but I will thank him for his support.

Mr. President, the Honourable Third Official Member, in his debate, mentioned Capital Gains Tax, and he wanted to make it clear that we were not dealing with that. I would also like to emphasise that, Sir, because nowhere in this motion is any attempt being made to quantify capital gain, and no tax can be applied unless the item is first quantified. So I want to make it, like he said, absolutely clear that we are not here seeking some round-about way to get at capital gains. The operative word in the motion is 'work' - one's own work, one's own labour, one's own sweat of the brow, so to speak, that is going to produce that capital gain. There is nothing in this motion that addresses an investor who gets capital gain or reward by utilising labour which already exists in this country or other people's labour whether through a management company or any other means. That is entirely outside the bounds and gambit of this motion.

Now, Mr. President, as the Second Elected Member for West Bay mentioned, there have been some musical chairs going on to a tune that is spelt P.O.W.E.R. I am not sure what the final seating arrangement is going to be when the music stops. I am looking on with interest and neither will I try to anticipate that, Sir. But he is entirely incorrect in suggesting that this motion has any similarity to what he tabled yesterday in that it can be or could be achieved simply administratively. To do that he has to ignore the second section of the motion because that is going to require a direct amendment to the Protection Law, which has to be tabled in this Assembly. And that is the difference, Sir.

Mr. President, once again I thank Members for their support, and I am quite willing and prepared to leave the implementation of this intricate matter in the capable hands of the two Honourable Official Members. Thank you, Sir.

MR. PRESIDENT:
Member's Motion No.8/87.

I shall now, therefore, put the question on Private

QUESTION PUT: AYES

MR. W. McKEEVA BUSH:

Can I have a division, Mr. President?

MR. PRESIDENT:

Would the Clerk call a division, please?

DIVISION
NO. 58/87

AYES: 14

NOES: 0

- Hon. Thomas C. Jefferson
- Hon. Richard Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson D. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

AGREED: PRIVATE MEMBER'S MOTION NO. 8/87 PASSED

MR. PRESIDENT:

I declare the motion passed.
We shall now move to Private Member's Motion No.9/87. The Second Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO.9/87
ECONOMIC INCENTIVES FOR CAYMAN BRAC
AND LITTLE CAYMAN

MR. LINFORD A. PIERSON:

Mr. President, I beg to move Private Member's Motion No.9/87 standing in my name on the subject of economic incentives for Cayman Brac and Little Cayman, which reads as follows:

"WHEREAS in recent years the economies of the Sister Islands of

Cayman Brac and Little Cayman have been depressed;

AND WHEREAS there is no present sign of improvement;

AND WHEREAS numbers of people of the Sister Islands have re-located to Grand Cayman in order to earn sufficient to support their families;

BE IT THEREFORE RESOLVED THAT this Honourable House agree to assist in the stimulation of the economy of the Sister Islands of Cayman Brac and Little Cayman by providing incentives to potential investors to develop businesses in these Islands through the avenues of:

- (i) a reduction on import duties on all building materials to 2.5 per cent across the board on all such materials, notwithstanding any incentives already provided under the Hotel Aids Law or any other laws, with such reduced duties to be calculated on a freight equalisation basis, i.e. on the C.I.F. value of freight costs to Grand Cayman.
- (ii) a reduction to 5 per cent on all other dutiable imported goods other than liquor and tobacco products;
- (iii) development of the needed infrastructure facilities to allow for the smooth and effective implementation of the foregoing;

AND BE IT ALSO RESOLVED THAT these reduced import duties, which are mainly to attract hotels and other businesses to the Sister Islands, be reviewed at the end of two years with a view to reverting to the old rates;

AND BE IT FURTHER RESOLVED THAT all goods transported to Grand Cayman from the Sister Islands during this two year period be subjected to existing rates of import duties in Grand Cayman to avoid any person(s) attempting to abuse an incentive which is specifically intended to benefit the people and economy of the Sister Islands."

MR. JOHN B. McLEAN:

Mr. President, I beg to second the Motion.

MR. PRESIDENT:

Private Member's Motion No.9/B7 has been duly moved and seconded. Would the mover wish to speak to his motion?

MR. LINCOLN A. PIERSON:

Thank you, Mr. President.

Mr. President, it is my pleasure to speak on this motion. Unlike the Elected Member for North Side, Sir, I know when I get on the train and when to get off.

Before dealing with the text of my motion, Mr. President, I would take this opportunity to thank all those who spoke out in the papers on this issue, including, of course, those who opposed my suggestions. I am happy to see my fellow Caymanians becoming so politically aware and that they are showing such a keen interest in the present and future well-being of the Cayman Islands.

Mr. President, I am humble and flexible enough to accept that in a democracy one of the tenets of that democracy is freedom of speech - and I say long may this freedom remain. It will be a sad day, Sir, if my fellow Caymanians are ever prevented from exercising their democratic rights of freedom of speech and/or expression. I do not think that this will ever happen in the Cayman Islands. In this connection I was somewhat disappointed to read in the papers that the Honourable Third Elected Member of Executive Council, Captain Charles Kirkconnell, was offended by alternative proposals for Cayman Brac which were made by Mr. Linton Tibbetts, a well respected member of that same Island. Rather than being offended, he should have welcomed any and all suggestions made. It somewhat seems a contradiction in terms that a politician would express his offence because a fellow citizen dared to express his personal views on a particular issue. What, indeed, is our country coming to?

However, Mr. President, let me say here and now that I hold no brief for Mr. Linton Tibbetts and therefore do not intend to justify any of his actions. As most people know, Mr. Tibbetts is a self-made man who speaks for himself. Neither, Mr. President, have myself or the seconder in any way been influenced by this gentleman. The Honourable Third Elected Member of Executive Council himself can vouch to Mr Tibbetts' integrity, because, as I understand it from that Honourable Member, they have been friends for a number of years, perhaps much longer than I have known Mr. Tibbetts.

There were a number of letters which appeared in the press which were not particularly complimentary to my views or recommendations, but I would never, Mr. President, say that I am offended by them - the day I start taking offence

to any views of the public is the day I should consider not being a Member of this House. The only letter, Mr. President, which offended me was the letter written by the elusive, faceless, George Ebanks, an individual it seems no one is able or willing to identify. All I see in the papers is not this George. Well, if I was the architect of such rubbish, Mr. President, I too would hide my identity and hang my head in shame, because that letter was a direct insult to the people of Cayman Brac.

As mentioned, I wish to commend all those who came out in favour of my statement, and also those who opposed me. They have shown, by so doing, that they exercise their democratic rights of speech and expression. I have every belief that, had more thought been given to the contents of my motion, even the staunchest opponents would have understood the wisdom and probity of the contents of my motion, and perhaps would not have been so personal and critical toward me.

What I did find somewhat amusing was the fact that some of the Brackers who spoke out most vehemently against my motion are now living in Grand Cayman because of the economic depression of the Brac. If conditions are indeed as good as, for example, Mr. Ira Walton says they are, then why did he leave these excellent conditions to live in Grand Cayman? Secondly, Mr. President, why is it that Captain Charles - and I refer to him not as the Honourable Third Elected Member of Council, but in his position as the Chairman of that committee - I would not in any way show lack of respect to Captain Charles, for I want it well known that he is a gentleman for whom I have a lot of respect. So I refer to him in his position as Chairman of the committee.

MR. PRESIDENT: Honourable Member, I must ask you not to name other Members of the House. Thank you.

MR. LINFORD A. PIERSON: Thank you, Mr. President. I bow to your ruling. I trust, Sir, if you have to interrupt me, it will be on a valid point of order.

MR. PRESIDENT: It was. Thank you.

MR. LINFORD A. PIERSON: I must say I was a bit surprised by the contents of the article written by Joy Baker of the Caymanian Compass in her interview of selected individuals on Cayman Brac. And here again, I must say, she is a lady for whom I have a lot of respect. So it is not critical of herself as a person, perhaps of the editorial policy in this particular respect. If the Compass really wanted to help out in this issue, it should have conducted a more in-depth survey of the views of a wider cross-section of Cayman Brackers, rather than just the views of a selected few. I nonetheless congratulate Ivan Jackson and Lolita Bodden, and others like them for the pride they have displayed in wishing to remain and work in Cayman Brac. They have done this out of choice and love for their Island.

In view therefore, of the very narrow consensus reported by Joy Baker in the Compass, following her trip to Cayman Brac and Little Cayman, I feel that in the absence of a more representative view of a wider cross-section of the population of the Sister Islands, that it lacks considerable credibility, and cannot therefore be relied upon as a true indication of the feelings and views of the average Bracker.

In respect to the poisonous letter from R.S. Bodden, I can only say that I feel sorry for her state of mind. She is obviously out on a limb, far removed from the reality of the true situation which exists in the Brac. May I, on the other hand, again, thank all those who supported me during this onslaught. It is not necessary for me to mention their names at any length, as their constructive and sensitive views will be indelibly imprinted and enshrined in the annals of the history of the Cayman Islands.

Even though I will not be going into any details of letters written, during the presentation of this motion, I cannot help but refer to one of the most constructive letters which appeared in Friday 17th August 1987 issue of the Compass, entitled "No more suggestions wanted". I have to agree with the writer, Mr. Bernard Tibbetts, when he asks the following questions: "Is it not more appropriate to thank people for their interest and suggestions, whether they are feasible or not? Is that attitude the kind that motivates geese to lay golden eggs?" - and I should say this letter was in response to the Honourable Third Elected Member's letter in the papers, when he stated his offence to the alternatives suggested by Mr. Linton Tibbetts. Can people with good intentions risk to offer suggestions in future without fear of repercussions or embarrassment, and, may I add, Mr. President, some amount of vindictiveness? Serious questions, indeed, which need to be answered.

I was pleased to see the stand which Mr. Linton Tibbetts took on this issue, as reported in Thursday 30th July 1987 issue of the Compass. While broadly supportive of my views, I can assure the Honourable Third Elected Member that Mr. Linton Tibbetts' views were his own. I can hardly see a man of his stature and intelligence needing to repeat the views of some other individual. And certainly he did not do this in my case. I would like this point to be understood fully as I have been told that Mr. Linton Tibbetts had discussed this matter with me before I decided to deal with it.

I believe that the most vexing revelation from the Honourable Third Elected Member during the airing of this whole issue in the Compass was Mr. Gilbert McLean's announcement to stand for election in Cayman Brac, and also the fact

that he came out strongly in support of my motion. Yes, I will agree that I fully support Mr. McLean for elective office in the Brac, but may I make it abundantly clear that contrary to the false impression which certain individuals have tried to give the public, my interest in this issue is not political, but instead an issue which I view to be of national importance.

I personally have a very high regard for Cayman Brackers for I have found them to be some of the most industrious people in the world - they are very ambitious people. They only want the opportunity to work and to make a decent living. They do not want hand-outs of Members' parliamentary salaries. One only has to look around Grand Cayman to see what some of the leading businesses and businessmen and women in Grand Cayman are doing and they will find that the majority of these are Cayman Brackers. My motion, Mr. President, seeks to help them retain this pride that has become an inherent and integral part of their lives. After all, Mr. President, Cayman Brac is as much a part of the Cayman Islands as is Grand Cayman, and any representative worth his salt should have a genuine interest in the planned development of the Cayman Islands and in particular the Sister Islands.

To quote Mr. McLean in his address at his public meeting in Cayman Brac on 25th June, 1987, and I quote:

"What the self-glorified politicians of the day fail to grasp is that the people of Cayman Brac, Little Cayman and Grand Cayman are bound together by historical, cultural and natural affinities, which defines itself as the Cayman Islands governed by a central entity."

He continued:

Since 1979, 17 per cent of the Brac people have had to leave the Brac in order to survive economically. This is a staggering revelation, and an indictment against the present administration since the upper percentage of that 17 per cent left within the past three years."

Mr. President, when I refer to Mr. McLean, I do not refer to him as a budding politician, but also as a past District Commissioner for Cayman Brac. Mr. McLean went on to say, and I quote:

"Granting custom exemptions to the rich to keep the status quo is not going to help the Brackers. Cayman Brackers are subject to a higher cost of living than everyone else in the Cayman Islands. The major mistake that administrations make in dealing with the Brac situation is that they act as if Brackers are different people."

Mr. President, the purpose of my asking questions yesterday on the economic situation in the Brac was to seek statistics to support my motion, because I do not want to rise in this House on any issue unless I have given it thorough study.

Arising out of parliamentary questions answered in this Honourable House yesterday, Mr. President, figures do not lie, especially when they are authenticated by our good Financial Secretary. In answer to a question which I asked in respect to the \$5.8 million budgeted for the Brac during the period 1985 to 1987, it was shown that in actual fact only \$2.6 million of this amount was spent. A total of \$3,284,786 of the budgeted amount for this three year period was left unspent. I would hope that the Honourable Third Elected Member will be able to give us a proper explanation for this. More than half of the money provided for the Brac went unspent. I wonder, therefore, if the Honourable Third Elected Member of Executive Council can provide a reasonable explanation as to this position. It was seen necessary for Government to provide the \$5.8 million for development in the Brac. Why did not the Honourable Member responsible for the Brac ensure that the necessary work was done, thus providing employment for the people of the Brac, and preventing them from having to give up their homes and relocate to the Grand Cayman and other places? There is no wonder Grand Cayman had to subsidise the Brac to the tune of \$4.5 million over the period 1983 to July 1987. This was more than the revenue collected by the Brac over the same period. On average, the answer to my parliamentary question shows that the Brac's annual revenue is approximately \$800,000. Mr. President, this will get smaller if the population continues to dwindle. This is, I suppose, to an average annual expenditure position of approximately \$1.6 million, or approximately double the revenue being received.

Mr. President, I am not concocting figures. These are the figures given here yesterday. And it does not take Adam Smith, or any other economic brain to assess the reasons for this disparity. It is simply a lack of economic activity bordering on stagnation in the economy.

We have been told in the press and elsewhere by the Honourable Third Elected Member that, to reduce the revenue of the Brac for two years to a reduction in import duties, will mean the destruction of the Cayman Islands' financial system, or something to that effect. I cannot subscribe to this view. I will demonstrate how there will be increased activities resulting from a reduction of import duties to 2.5 per cent across the board on building materials and 5 per cent on all food and other products not now exempted. I am not suggesting that those items which are now exempted

such as yams and so on, that a duty should be imposed on them. I want to make that abundantly clear. I am talking about items that are not now exempted. I am excluding tobacco and alcoholic products. I do not think that anybody anywhere should get any exemption on those products. If anything, the duty should be doubled.

Mr. President, I will show that these incentives recommended by me would boost the economy of the Brac and thus have - and I am going to be dealing with this point in economics - the multiplier effect of increasing overall revenue and thus, in the long term, negating any immediate losses which may be experienced in the short term; and additionally improving the life-styles of our fellow Caymanians in the Sister Islands, thus, Mr. President, having a two-fold desired effect.

Mr. President, as I said earlier, whenever I have dealt with a motion or other matter in this House, I have always ensured that these matters were fully researched. This motion therefore is no exception. It is quite clear to the people of Cayman Brac and Grand Cayman that the Sister Islands have been sold short. There is no use in the Honourable Third Elected Member, or any other Member standing in this House, trying to castigate me for bringing this motion, or, indeed, questioning my motives for so doing, trying to make this motion look unnecessary. This is not the point. I would ask each Member who wishes to speak on this motion to listen to the contents of what I have to say. And on the basis of that, forget about any predetermined ideas they may have had toward my motion - and if it makes sense, what I have to say, support it. If not, then by all means use your democratic rights of refusal. If my motion is not accepted by the Government, it will be clear to the residents of the Cayman Islands, and in particular those from the Brac, that pig-headedness rules the day and that the interests of Brackers have been denied.

Mr. President, I would like at this time to support my motion by taking a look at some of the comprehensive points brought to us by the Honourable First Official Member and Financial Secretary. He gave us a very complete summary of the budgeted amount of the Brac of \$5,840,938 of capital expenditure budgeted for the years 1985, 1986 and 1987. He was also good enough to give us the total actual expenditure over that same period. Alas we see that only \$2,556,152 was spent. Why was not the \$3,284,786 spent? If it is said that this is because the money was not received from the financing source, why did not Government arrange, as has been done in the past, to advance the necessary funds? It is no wonder, Mr. President, that our Cayman Islands Government, that Grand Cayman had to subsidise the Brac, the Sister Islands, to the tune of \$4,518,990 over the period 1983 to July 1987. Mr. President, I can only submit from these figures that the Islands were indeed neglected.

We also have a breakdown of comparative recurrent revenue and expenditure for Cayman Brac and Little Cayman over the past five years. We see that each year the personal emoluments could not even be covered by the current revenue. Some would say in this House that that is enough proof that we cannot reduce the revenue to 2.5 per cent, but I will show during my debate on this matter that the multiplier effect, by allowing the people of Cayman Brac to receive the benefit of 2.5 per cent across the board could more than compensate for the loss of revenue that Cayman Brac would receive for those two years. I will show that, Mr. President.

We also see here, from a comparative figure of capital expenditure for Grand Cayman and Cayman Brac for the years 1985, 1986 and 1987, that Grand Cayman had a total of \$16,910,980 compared to Cayman Brac's \$2,556,152. Mr. President, Cayman Brac is a part of the Cayman Islands. Why such a disparity? I leave that to the minds and the consciences of our Members.

Mr. President, regardless of the political rhetoric which you may hear in this House in opposition to my Motion, I am convinced from the feedback which I have received on it from a cross-section of not only Cayman Brackers, but also residents of Grand Cayman, that my recommendations are practicable, feasible and urgently needed; and I plan to show beyond any reasonable doubt that the advantages that will accrue to the people of the Brac if my motion is passed will indeed be on the positive side. However, let no one feel that I am labouring under any grandiose disillusionment that the Honourable Third Elected Member of Executive Council and his Government supporters have the slightest intention of supporting this Motion. I would be shocked and pleasantly surprised if they saw the light, cast their pride aside in considering this motion and passed it.

Mr. President, my Motion calls for a reduction on import duties on all building materials to 2.5 per cent, across the board, on all such materials, notwithstanding any incentives already provided under the Hotel Aids Law or any other laws, with such reduced duties to be calculated on a freight equalisation basis; that is, on the CIF value of freight costs to Grand Cayman. That really means that the people in Cayman Brac would pay the same in freight as those in Grand Cayman, thus reducing the costs to the people in Cayman Brac. It is, however, my understanding that the freight equalisation - and I would make this point - the freight equalisation system has recently been put into effect and I would wish to congratulate the Government if this is indeed the case.

Secondly, my motion continues - a reduction to 5 per cent on all other dutiable imported goods, other than liquor and tobacco products. I am afraid I may offend some people, but I hope that Government would consider, in their wisdom, to double the import duty on those products. Mr. President, again, may I say, I have never brought a motion to this House - and I want to make that point, because I have put a lot of study into this, I have done a lot of research, so I am not talking off the

top of my head; I have done a lot of research into this so I know what I am saying - without first giving it a lot of research. There are potential advantages which will accrue to the people of Cayman Brac from the implementation of my motion and I wish and hope to make this abundantly clear as I proceed.

Let my motion be misunderstood, Mr. President, may I state here and now that I feel that the concessions recommended by the Honourable Third Elected Member will assist in a small way, but these concessions are inadequate and will not provide any immediate and direct benefits to the average citizens of the Brac. If I am wrong, I trust that the Honourable Member will show me the error of my statement.

If the concessions were made across the board at the 2.5 per cent for the two years as recommended by me, immediate benefits would accrue to all Cayman Brackers wishing to avail themselves of these concessions. In particular, Mr. President, local businessmen on the Brac and those from the Brac operating in Grand Cayman wishing to return to the Brac, would have the facility of a reduction in import duties also extended to them - as would home owners, and those wishing to build otherwise. I quite agree that in order for the local people to take advantage of the concessions they will need job opportunities - I am aware of this - but it is a question of the chicken and the egg. However, I contend that much else needs to be done in the way of infrastructure facilities, etcetera, before we can even think of attracting condominium developers to the Brac, retirees and Cayman Brac residents who are living in the United States, who have become accustomed to all the conveniences of life in a more developed country.

Mr. President, in order to bring this matter into its proper perspective and to deal with the subject from an economic point of view, it is important to fully understand our economy and our economic potentials for the three Islands and the various factors required in the development of the economies of these three Islands as a whole, and, indeed, each one individually.

The Cayman Islands export two highly invisible products - namely tourism and financial services. The future growth of both these industries as export activities could have critical macro effects on the three Islands' sensitive economy. Most importantly, in order to reach the development potentials of the three Islands, it will be imperative for our Government, as a prerequisite, to develop the infrastructure which is needed to support the tourism and banking industries in these Islands, including Cayman Brac and Little Cayman. We understand, Mr. President, that Cayman Brac and Little Cayman will not develop in the same way as Grand Cayman, but neither is this desired or required. These Islands can, however, maximise their potential by the introduction of realistic and appropriate policies.

The banking industry in the Cayman Islands continues to grow annually due to several factors, which factors are common to the three Islands, including strict secrecy laws and a very sophisticated financial centre, political and racial stability, and, of course, the Islands' ideal proximity to the United States and most developed countries. Banks and trust companies, offshore companies, insurance companies which register here must pay annual licence fees to the Government. Mr. President, why could not consideration be given to new investors - and I would stress here not existing people working already and registered in the Cayman Islands - but to new investors of, say, a reduction of 50 per cent on fees to encourage them to register in Cayman Brac. This is not far fetched, neither is it unrealistic because we know that now the average investor will go to the remotest part of the world to save a few bucks. We have them going to Turks and Caicos, to Anguilla and to a number of other places. Mr. President, this is worthy of consideration. I can hear, Mr. President, some Member saying there are no facilities on the Brac to encourage investors, but may I remind these individuals that we also had very few facilities here in Grand Cayman in the late 1950s and 1960s when we started developing our financial industry.

As I said, Mr. President, if potential investors will go to places such as the Turks and Caicos Islands, Anguilla, Panama and other politically unstable countries, then why should they not come to the Garden of Eden in the Cayman Islands, and, in particular, Cayman Brac and Little Cayman.

I have made reference to this possible avenue merely to demonstrate to this Honourable House the various opportunities open to strengthening the economy of the Brac. If only our Government, and in particular the three Honourable Elected Members of Council, would be flexible enough to listen to the ideas and views of others and respect them even though they may not necessarily agree with their own.

I realise, Mr. President, that no one person has all the answers and this would be well for all of us to realise. From a qualitative analysis point of view, the Cayman Islands tourism product can be broken down into certain components which can provide a background for the positioning of these Islands as a competitive Caribbean resort destination. I intend to show from my analysis exactly how Cayman Brac can develop its potentials and, by so doing, to demonstrate to this House and the listening public that the recommendations made will not provide immediate benefits to the average Bracker - that is the recommendations already put into effect by Executive Council.

Mr. President, we have on record the recommendations which Mr. Linton Tibbetts made in the paper which, although corresponded with my recommendations were not as a result of collusion, but I would say indicated a common ground and common sense between the two individuals. The major economic boost recommended by the Honourable Third Elected Member's committee is the development of condominiums to attract retirees and Brackers living in the United States who care to

return to the Cayman Islands. But I ask the question, Mr. President, is Cayman Brac ready for large-scale condominium development? We must bear in mind the constraints of the lack of the necessary infrastructure facilities. Do we want to make the same mistakes there that were made in Grand Cayman? We know that in Grand Cayman we are just now getting our infrastructure put in place and at great inconvenience to members of the public.

Mr. President, I will also show the main disadvantages of large-scale condominium development at this time for Cayman Brac and Little Cayman: lack of available food and beverage amenities, including room service - where will we get this in the condominiums proposed in the committee chaired by the Honourable Third Elected Member of Executive Council? Lack of services to co-ordinate travel plans and provide information relative to Island attractions and activities. Lack of available Scuba and watersport instruction and equipment rental - one of the areas that would be most attractive to tourists going to Cayman Brac. Lack of existing support amenities such as rental car services and retail and gift shops, etcetera. I could go on and on, but I think that the Honourable House indeed understands what I am saying.

Why did not the Honourable Third Elected Member of Executive Council and his committee give some consideration to those businesses wishing to expand or to those individuals wishing to build guest homes and cottages? By so doing, he would have given the local Cayman Brackers, who have roughed it through the years and the bad days, an opportunity to improve themselves.

At present, there are a number of guest homes and cottages in Grand Cayman that are still operating. They are still rented to tourists, some of the tourists much prefer to go to some of these intimate accommodations rather than having to rent or buy a condominium. How about Brackers wishing to establish restaurants and boutiques, etcetera, when the tourist ships - and I am going to come to this in time - start visiting the Brac? This will happen, if not in this Administration, perhaps in some other - but it will happen. What is being done to arrange for cruise ships to stop in at the Brac? What is being seriously done, not superficially done, seriously done, to attract cruise ships to the Brac?

Mr. President, tourists often base their selection of vacation destinations or ports of call on three major factors namely, accommodations, restaurants and the natural attractions available to them. This is a fact. Cayman Brac certainly has her share of natural attractions, and one of the best diving areas in the world and, from what I am told, perhaps only second to Little Cayman. When a destination is first utilised by tourists, it is characterised by the following:

- (1) limited accessibility;
- (2) no tourism related products;
- (3) limited infrastructure or superstructure;
- (4) natural unspoiled environment.

During the initial development stage, such as the stage that Cayman Brac is now experiencing, it is characterised by the need for:

- (1) regular air services;
- (2) development of small lodging accommodations; and
- (3) infrastructure development.

Mr. President, I have just described a situation and facts similar to that which obtains in the Sister Islands, and it is therefore my view that the approach recommended by the Honourable Third Elected Member's committee is inappropriate and will not produce the maximum immediate benefits to the people of the Sister Islands.

I, like a number of other Caymanians and residents, can appreciate that Cayman Brac and Little Cayman will attract a different type of tourist than those coming to Grand Cayman, mainly because of the peculiar characteristics of these Islands. But it is doubtful that Cayman Brac or Little Cayman will have any significant development based solely on the three avenues recommended by the Honourable Third Elected Member's committee, namely condominium developments, retirees and Cayman Brac residents wishing to retire in, or return to, Cayman Brac.

Mr. President, Government must also, in addition to planning accommodation, give urgent attention to providing the necessary infrastructure. Urgent attention, not in six months time and not by having \$3 million unspent and not being used, but Government must give urgent attention to infrastructure such as water and sewerage. This is most important. This is of paramount importance as a prerequisite to any serious development taking place in the Sister Islands.

Greater efforts must be made to attract cruise ships to the Islands which will have the effect of bringing revenue into the Islands and creating the demand for ancillary tourist facilities such as boutiques, restaurants, watersports, shops, etcetera, as mentioned earlier. Did the Honourable Third Elected Member's committee give any consideration to the middle and lower income Brackers who could benefit if this concession was extended across the board at the 2.5 per cent as recommended in this motion? Has he considered the benefits which could derive to Government's revenue through the multiplier effect of these various facilities and revenues deriving therefrom?

Mr. President, accommodation such as condominiums is but one of the five major categories of travel facilities required. The others, which

are equally important are transportation, food and beverage, retail outlets, reservations and recreation. What provisions have been made by the Honourable Third Elected Member's committee for these?

MR. PRESIDENT:

Thank you. Perhaps we should now suspend proceedings for lunch and resume at about 2:15 p.m.

AT 12.44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.14 P.M.

MR. PRESIDENT:

Back to the Second Elected Member for George Town.

MR. LINEFORD A. PIERSON:

Thank you, Mr. President.

Mr. President, before continuing my presentation of this motion, I wish to basically explain the theory of the multiplier effect which I have alluded to during my presentation thus far.

Basically, the effect that this has is that businesses generating any revenue have the effect of mushrooming within an organisation or given community and by so doing it also offers certain ancillary benefits to those around. So the items mentioned that would be beneficial to the country will also have the effect not only of benefitting those people who establish the businesses, but also to the general public who will also benefit from these special facilities. So basically that is what it is all about, but in each individual case there would, of course, be details to be dealt with.

When we left for lunch I was dealing with the subject of what is regarded as the five major categories of travel facilities for any tourist destination. We mentioned that condominiums are but one of those five categories, the other four of course being good transportation, food and beverage, retail outlets, and recreation for the tourist. My question followed at the break, to the Honourable Third Elected Member, what provisions have been made in this respect by the committee established by him?

Mr. President, other than the reduction of duties on building materials to 2.5 per cent across the board for two years, I am also recommending a reduction to 5 per cent on all other dutiable imported goods other than liquor and tobacco products. This would certainly help those Cayman Brackers wishing to enter into the taxi business when the economy starts moving, and to Cayman Brackers generally as it is an established fact that goods are much more expensive in Cayman Brac than in Grand Cayman.

I have been asked why I should concern myself about Cayman Brac. My answer is simply that as a Member of the Cayman Islands Legislature, the well-being of the people of Cayman Brac and Little Cayman is also important to me as indeed it is to each Member of the House, or should be. It is ridiculous, therefore, for any Member or his supporter to take the selfish view that Elected Members from Grand Cayman should show no interest or have no say in the affairs of the Sister Islands, when in fact statistics, here in this House, have shown that we are subsidising the Brac to a fairly large extent.

For us to sit here and not pay any attention at all to what is happening in Cayman Brac would be a dereliction of our duties. If we leave the economy of the Brac to stagnate any further we could find ourselves in the position where we may have to totally subsidise these Islands. They are as much a part of the Cayman Islands as is Grand Cayman. We have to get that quite clear. They are an integral part of the Cayman Islands and if their economies are left to deteriorate we, in Grand Cayman, will definitely have to subsidise them and carry the string, thus worsening the present situation.

I saw in the Honourable Third Elected Member's release of 23rd July, 1987 that he referred to my suggestion as lacking reality and showing a regrettable lack of understanding. I think I have those facts quite correct. I would like to remind him that I fully understand the situation. I wonder, though, whether he does? An elementary course in economics would have told him that there is something called the multiplier effect and I have already given a basic outline of how this works, not only on a government level, but in any organisation. There is also something called supply and demand. Unfortunately, the lack of understanding in these matters is not with me. The problem with our Government for many years is that we have had too many merchants running the show who believe that Government must be run as a grocery store. As I said, I have always had a great deal of respect for the Honourable Third Elected Member, and any mention in the papers that may appear derogatory toward me will not change this respect for him, but he must allow himself to become more flexible and listen to some suggestions even though they may come from people whom he may regard as his inferiors.

May I remind any Member speaking after me that, in the very likely event that they plan to get up in this House and crucify me on this issue, I trust I will have the ability to appropriately reply in my winding up.

On the question of the multiplier effect and supply and demand in economics, the basic rule of thumb is that certain direct services will

generate other ancillary services, thus having the effect of generally increasing the revenue base of that organisation or, otherwise, where this rule is applied to revenue. On the other hand there must be the demand for a particular service in order to justify or command an increased supply of that particular commodity or service.

In the case, therefore, of the present revenue structure the Honourable Third Elected Member gives the impression that the recommendations contained in my motion would in the long term damage Government's revenue earning position or capabilities in the Sister Islands. But, Mr. President, I feel I have demonstrated thus far the position that this is not the case and that indeed my recommendations would enhance the revenue positions of Government, not only on hearsay, but on the basic, pure economic theories of the multiplier effect and of supply and demand.

The Honourable Third Elected Member also said in his letter that his objections to my suggestions are not political. If he can sleep comfortably believing in the truth of that statement, then can I. For me, my interest in the Brac dates back long before I ever thought of becoming a politician and for a long time I felt that those Islands were being neglected. He himself stood up in this Honourable House and replied something to the effect that the reason why more was not done in the Brac was because he was so involved in the capital programme of Grand Cayman. Mr. President, Hansard of this Honourable House can give the exact text of that statement.

I agree that much has been done in Grand Cayman and I am grateful for that, but I also contend that much more could have been done in the Brac and in my books this is neglect. I wonder whether more would have been done for those Islands had the Honourable Member still been living in that Island. Again he states that he has taken offence to my remarks regarding my opinion of his neglect of the Sister Islands. It seems that he takes offence to any remarks made about the Sister Islands which do not fully agree with his own personal views. So this is really not a new revelation.

The Honourable Member cites, for the basis of his stewardship, the fact that in three years, 1985 to 1987, a total of \$5.8 million was spent in the Brac. Therefore he implies that Government has fulfilled its commitment to our fellow Caymanians in the Lesser Islands. But, Mr. President, we have shown that the figures given by him in the papers were not totally correct. The figure given was budgeted figures, and not the amount spent. The amount spent was less than half the amount budgeted.

If all is as well as he would have us believe, why is it that so many Brackers, especially the young people, are taking up employment in Grand Cayman and other countries? What are the reasons for the big drop in the population of 17 per cent? Why is it that the schools are now suffering and the Education Department is considering reorganising the system downwards in the Brac? Why is it that the people are so upset about Government's proposed changes in the education system of the Brac? Ask your people whether they too have a regrettable understanding of the situation in the Brac.

I again say, Mr. President, that the concessions recommended by Government will initially only benefit the richer individuals. It is known that the average Bracker needs assistance to boost the economy, but unless we give them the opportunity they will remain in the stagnant position they are now in. They do not need it in five or ten years time, they need that assistance now, regardless of the economic prognostications of any supporter of this Government. I would remind them that it is now that the help is needed in Cayman Brac. One only has to take a trip over there to see for themselves the number of people who are out of work. Check the statistics and see the number who have had to come to Grand Cayman to be able to make a living. Is that a buoyant economy?

What is strange, Mr. President, is that I am yet to see one Cayman Bracker living in the Brac say that he or she does not agree that things are bad in Cayman Brac. I have heard one or two people say that they are going to try to make a go of it in Cayman Brac, but I have had people up to this past week - Cayman Brackers who that have come to my office - praying that something will be done and they have told me that the concession will not help them. They cannot afford multi-million dollar condominium developments; they cannot afford to retire. They also realise, Mr. President, that before these developments will come to Cayman Brac there has to be some attraction - 5 per cent is not the answer. Perhaps Mr. Ira Walton will one day tell me why he chose to live in Grand Cayman if things are as rosy in the Brac as he would have us believe. The same question of course can be asked to other people from the Brac who have been forced, through no choice, for economic reasons, to come to Grand Cayman. I have spoken to some of those people here and they would like to go back to their home, but there is nothing there for them to go to.

Mr. President, I am in possession of a paper that states in 1986 - and this was done by the Honourable Third Elected Member - there was little or no economic activity in the private sector and it was found that quite a number of people, especially from Cayman Brac, left the Island because of the unemployment situation. He has admitted this. So I am not fabricating anything.

Mr. President, I do not want anybody to get the wrong impression. I am personally proud of the contribution made by Cayman Brackers living in Grand Cayman. They are an asset to this country. I have yet to see one who is not an ambitious person, and his is what makes the whole situation so bad. Those very ambitious people have had to root up their lives and come to Grand Cayman to make a living. No one is crying them down, we all respect them. The only place in town that does not have a 'K' on it must be the Glass House. We know that these people are very ambitious, and I am

proud of this. But what about all the other people who would like to go back home - what is there for them to go to? What about the school leavers - what is there for them to go to?

Why was this matter not dealt with before February of 1987 when this Government was aware of the economic situation from 1984? Any why was action not taken before 25th June, 1987, a month after my Private Member's Motion was submitted to this House. I am not saying the reason for it, but it does look strange.

Mr. President, what I cannot accept is the political rhetoric from individuals who would use this serious matter for their own political ends. I have no axe to grind, I do not intend to run in the Brac.

MR. PRESIDENT:

Excuse me, one moment. I must interrupt the Honourable Member. You named a Member of the House a moment ago and I did not interrupt you. You are now coming very close to contravening the Standing Order about imputing improper motives. I have no wish to curtail your speech, but I would be grateful if you would observe it as closely as I know you can.

Please go on.

MR. LINFORD A. PIERSON:

Thank you, Mr. President. I am amazed at how much my patience has grown over the past years.

The Honourable Third Elected Member of Executive Council in his release also reminded us of the long time he has known Brackers. He said, much longer than I. This is obvious. The man is old enough to be my father. He lived in that country so he should know them much longer than I. But all I can say to that is that he does not seem to know them well enough, at least based on the feeling and the feedback I have been getting from the people of the Brac.

May I remind the Honourable Third Elected Member that the days when the loyalty of Caymanians could be gotten in ways other than through political platforms are fast disappearing. It is a pity I have to place my words so carefully, because I do not want to be interrupted again, Mr. President. The days when Caymanians were satisfied with a few dollar hand-outs are fast disappearing. The people of this country are tired of this type of condescending manner. I am not imputing improper motives to any individual, it is just a plain statement of fact when big brother looked after all your needs. They are not happy with this situation. One only has to go out on the street and talk to the people.

Our people in Grand Cayman and the Sister Islands are asking for opportunities. We are an ambitious people. We do not wish hand-outs. We want the opportunity to work. We are known to be individuals of high intelligence who have been able to rise to any level. Therefore, Mr. President, the people of the Brac are asking for opportunities - work opportunities. What we need in the Brac is an immediate boost to the economy - an immediate boost to that economy - immediate assistance to the residents, not only to retirees or to Cayman Brackers living abroad and wanting to come back home, or to those people who can afford to build expensive condominiums. We need this for the middle and low income people alike.

Mr. President, I have heard that Government dare not accept my suggestions because of the possible loss in the Brac revenues. This has got to be the biggest joke of the year. I think I have demonstrated that this type of statement cannot be based on any economic or financial theory. It is baseless. I would be happy for any Member of this House to prove to me that that statement is wrong. How much revenue is at present being contributed to the Treasury of the Cayman Islands from the Sister Islands? None. As a matter of fact we have seen during the past three or four years where we have had to subsidise Cayman Brac and Little Cayman by over \$4 million. Would the loss of this revenue - under my motion where I have suggested or recommended a reduction to 2.5 per cent across the board on building materials, 5 per cent on food items other than those that are now exempt, or on tobacco or alcoholic products - damage the economic base of the Cayman Islands? No, Mr. President, this is not the case. The answer is a resounding 'no'.

Mr. President, continuing with my motion, it has come to my attention that an attempt will be made during this debate to misinterpret the resolved section - and I would like to read it again. It states:

"AND BE IT FURTHER RESOLVED that all goods transported to Grand Cayman from the Sister Islands during this two year period be subjected to existing rates of import duties in Grand Cayman to avoid any person(s) attempting to abuse any incentive which is specifically intended to benefit the people and economy of the Sister Islands."

The reason, Mr. President, why this was so specifically spelt out was to avoid any possible abuse of an incentive intended for Cayman Brac and Little Cayman to be used in Grand Cayman. I am not suggesting this would be done, but it is a stop measure to avoid it being done. It was not intended that we put any duties on presently exempt items such as yams, as I said earlier. So any Member who tries to raise that point would be mischievous because they should know better.

This resolved section, Mr. President, is not intended to take away any benefits which the Brackers now enjoy, such as duty-free concessions, as I said, on certain provisions. To the contrary, it is intended to

safeguard the interests of Cayman Brackers against the possible abuse, as I stated earlier. The purpose for this resolved section, and I repeat, is not to take away the duty free concessions which the Brac farmers now enjoy on the export of yams, etcetera, to Grand Cayman. Gentlemen, let us be honest. You all know what this motion is asking for. Let us not build anything into it.

Mr. President, I have thus far given several examples of the overall benefits which can be derived by the people and revenues of the Brac through various avenues. However, there is none so blind as he who refuses to see. I could stand here all day and point out the virtues and the sagacity of my motion, but I know it will make no sense as I believe it has already been decided that this motion will not be supported. However, Hansard of this House will show that I cannot be accused of dereliction of duties toward the Sister Islands.

If the Honourable Third Elected Member and his committee had the benefit of the information contained in the draft Development Plan for Cayman Brac prior to him and his supporters blasting me in the papers, he would have seen that the plans, in addition to recommending condominium development, calls for the development of homes, as this is seen as complementary to hotel and condominium developments. It is therefore unfair that the rich folks alone should benefit from the duty free concessions. The average citizens of the Brac wishing to build rental apartments, homes, cottages, restaurants, and boutiques should not be deprived of this privilege. Did the committee of the Honourable Third Elected Member of Executive Council give any thought to the poorer individuals who may wish to avail themselves of these opportunities?

Also the plan calls for cruise ships to be solicited on a limited basis. What provisions have been made to assist those Cayman Brackers who may wish to provide the ancillary services which will be created through more tourist arrivals in the Sister Islands? The plan further states that the Island's economy is almost totally dependent on tourism and Government services, and that tourism is seen to have good potentials for expansion. What is now being done to encourage cruise ships to stop off at Cayman Brac and Little Cayman? What is being done to provide water and sewerage and other infrastructure facilities to encourage condominiums, hotels or other tourist accommodation in the Sister Islands? How about improvements in air service to the Sister Islands?

If the Development Plan had been carefully studied the committee would have seen, or recognised, the many limitations which could adversely affect development in Cayman Brac. The Plan lists the following limitations for the Brac: limited availability of affordable financing, which is also a problem in Grand Cayman, especially for the poorer individuals.

Mr. President, this will form the basis or subject of another motion I have before the House during this meeting. I think that during this meeting I may set a record, Mr. President, of probably having the biggest number of Private Members' Motions ever presented by one individual in one meeting. But be this as it may, I feel that this indicates that there is a need for them.

In addition to limited availability of funds, the other limitations were listed as: expensive and scarce labour; small internal market; limited awareness of Cayman Brac - which means the Island needs more promotion; tenuous water supply; no sewerage system; absence of ready-made buildings for industrial use.

How about reviving the shrimp business in the Brac? That was once believed to be a viable concern. How about reviving that or having another look at it? How about the harvesting of cane crops and seafood products generally. Cayman Brac and Little Cayman are known to abound in these products. How about harvesting these, or at least doing a feasibility on it? Has any thought been given to these possibilities?

Another limitation is the high cost of the limited air service; also a built-in preference for imported goods, which is not only a problem in Cayman Brac, but is also a problem in Grand Cayman. I have heard a number of merchants here, or business people, complain that there seems to be a preference for imported goods. They feel that if perhaps the eggs and other products here had 'shipped from America' stamped on them, they would sell much better even though it is accepted that some of the produce such as eggs and so on are much better and are of a better quality.

Mr. President, I realise that there are others who may wish to speak on this motion, so in winding up this first segment of my debate - as I intend to exercise the right of reply - I will again read the contents of my Motion, so as to avoid any doubts. I want to make it abundantly clear the recommendation which I am seeking. I do not want any misunderstanding, Mr. President. I would like it to be understood that my recommendations are intended to bring immediate direct assistance not only to the more wealthy residents of the Brac, but also to the average citizen. Immediate benefits are needed now. I trust that Members will consider my motion with an open mind and not allow their pride to cloud this issue, but instead be flexible in this matter. After all our responsibility to our constituents should surpass any of our petty prides.

Mr. President, the resolved section of my motion asks for a 2.5 per cent reduction across the board on import duties on all building materials, a 5 per cent on all dutiable imported goods other than liquor or tobacco, or of course these items already exempted. And the third point of my resolved section reads: development of the needed infrastructure facilities to allow for the smooth and effective implementation of the foregoing.

Mr. President, I commend this motion to this

Honourable House. Again, please understand that my recommendations are intended to supplement those that have already been made by the Honourable Third Elected Member. The difference, of course, being that mine will have the effect of bringing immediate needed benefits to all the people of Cayman Brac and not just to the chosen few.

Thank you, Mr. President.

MR. PRESIDENT:
Member for North Side?

Does any other Member wish to speak? The Elected

MR. D. EZZARD MILLER:

Yes, Mr. President. I am going to let my responsibility to my constituency surpass my pride and therefore I cannot support the motion before the House. This motion would give to the people of Cayman Brac several distinct benefits and advantages which the people of my constituency should have the same right to.

Much has been made about the economic depression of Cayman Brac, but, Mr. President, to what are we comparing this economic depression? Are we only comparing it to the few boom years of Cayman Energy which most people understood and appreciated was more likely than not to be a transient situation which was controlled and dictated by outside forces. The collapse of Cayman Energy's programme in Cayman Brac was largely dictated by forces in the Middle East and the oil crisis, not to anything internally, or anything which Government had to do. Certainly if we take that little particular niche out of the Cayman Brac economy, it is very difficult to prove that the economy of Cayman Brac has been, or is undergoing, any great depression.

The mover of the motion, in his presentation, quite rightly said, Sir, that statistics and figures do not lie. If we look, Sir, at the answer given to a question yesterday morning concerning recurrent revenue for the Sister Island of Cayman Brac, it is a good indicator of whether the economy is being depressed or not. Certainly, in any country, if your recurrent revenue is going down it is going to suggest some form of a depression. Conversely, if it is going up, then, Sir, it has to suggest not a depression but a buoyancy in the economy.

If we look at the figures for 1983 - I will approximate and round them off, Sir, - \$703,000; 1984, approximately a 30 per cent increase to \$961,000; 1985, approximately 5 per cent decrease to \$908,000; 1986, approximately a 10 per cent increase, and if the trend continues, as we all hope it does, we have to be optimistic in this environment, for 1987 we are looking at approximately a 15 per cent increase. So it is very difficult from these figures, Sir, to suggest that the economy in Cayman Brac, with all of its related ancillary matters of people leaving to come to the Cayman Islands, etcetera, etcetera, that there is any great depression in the economy. To the contrary, my information shows that tourism is up. I believe that the hotels over there have approximately a 10 per cent greater occupancy, somewhere around 90 per cent, as compared to 80 per cent in Cayman.

Now, Mr. President, I do not want people to get the impression that I have not supported development in Cayman Brac, because I supported the budget allocations in 1985, 1986 and 1987 to allow development, but as I said in my opening remark, I have a responsibility to the constituents of North Side, whom I represent and certainly a more direct responsibility than to those of Cayman Brac.

If we have a motion giving the people of Cayman Brac an across the board reduction of import duties to 2.5 per cent on building materials, then, Sir, I would request the same thing for my constituents. Similarly, if you are going to have a reduction on all dutiable items to 5 per cent from the standard 15 per cent and 20 per cent, then it would be a dereliction of my duty if I did not ask for the same thing for North Side, and a dereliction of duty of any Member who supports this motion and does not ask for it to be applied to his constituency.

Mr. President, the Member gave us several examples, or several suggestions, as to what the multiplier effect would do to the economy in Cayman Brac. Not being an expert on economics, I was hoping he was going to give me a specific example so that I could relate on a figurative basis what the effects would be. Maybe he can do that in his summing up.

Neither, Sir, do I agree entirely with the position the Member has taken that a reduction of duty in these two areas, building materials and 5 per cent on all other items which are dutiable, is necessarily going to stimulate the economy. The stimulation has to come from the people who step forward to take advantage of the incentives that governments provide. If we reduced it to zero per cent, unless the people in that area decided to take full advantage of the incentives provided, it is not going to happen. There is nothing in the concession which has been given by Executive Council that prohibits Cayman Brac people who are already involved in the tourist industry from building condominiums or guest houses and calling them condominiums, because a condominium simply means that it is under common title - what shape or form it takes is up to the individual.

Now, Mr. President, I do not believe the Member is suggesting that Government subsidise private enterprise in Cayman Brac. It is private enterprise which has to take advantage of these incentives. I think Government is going far enough in giving them the incentives. Certainly the Member is not suggesting that Government should subsidise people who want to open a boutique or who want to open a taxi service.

With regard to most of the ancillary areas which

the Member addressed, I will agree there is a need for a certain amount of development in Cayman Brac as there is in Cayman. There are several ancillary areas of tourism which need further development in Cayman if Caymanians are going to benefit, etcetera, from the tourist industry, but that has to be done by the local seizing the initiative. I would hasten to add that my differing opinion with the Member has nothing to do with my big-headedness, etcetera, but it is simply my point of view and the way I feel it should be done.

Much has been made of the first two items of the resolved section, that is the reduction of duty on construction materials to 2.5 per cent, and the reduction across the board to 5 per cent - and I want to make it clear that I could never support that for Cayman Brac and not ask for it for the people of North Side. We subsidise them and as part of our overall community they are entitled to that, and I will support that.

The third part, Mr. President, the development of the needed infrastructure facilities to allow for the smooth and effective implementation of the foregoing. I have to ask the mover of the motion, Sir, at what point does Government's development of infrastructure stop and private enterprise start to provide some of their own infrastructure. Over the past five years, Cayman Brac and Little Cayman have gotten the wolf's share of infrastructure and development in this country - more than can be justified on any comparative basis.

Mr. President, if we are going to use figures to compare, we must compare like with like, and not apples with oranges; it must be apples with apples, and oranges with oranges. Therefore, Sir, we have to introduce some base value in any of these comparative figures, whether it is population, whether it is land area or whether it is income producing capacity, but to take them arbitrarily without the equalising factor of a base value tends to skew the picture in the wrong direction.

The Cayman Islands, Grand Cayman, in particular, Sir, developed its tourist industry with a wooden shack for an airport terminal. It is only quite recently that we have gotten an air conditioned terminal with all the facilities. The growing years of the tourist industry in this country was accomplished in a wooden shack that did not have air conditioning. Cayman Brac is going to have an air conditioned terminal in the very near future. I believe, Sir, that Government has done, and I will venture to say has done more than its share, more than can be justified in terms of the return on the investment in developing the infrastructure for Cayman Brac. My constituency has had to suffer and other constituencies in Grand Cayman have had to suffer. But we, as Members, recognising that they are a part of us have been prepared to suffer a certain amount, and I could never support this overboard attempt to develop Cayman Brac.

Mr. President, here again we have to be reasonable. It took Grand Cayman a number of years to develop to its present position. It was not accomplished overnight. It was done over the last twenty years and it is going to take the same for Cayman Brac. It is going to take time for these incentives which have been offered, to produce results and it is going to take time for the businesses to grow. But it is better, Sir, for the businesses to grow slowly. If you talk to most Cayman Brackers, Sir, they do not want to happen in Cayman Brac what happened in Grand Cayman, where there is almost the possibility of you losing your identity. They do not want that in Cayman Brac - at least the ones that I talked to.

The Member raised some areas of infrastructure which he feels Government needs to develop, and one he mentioned was water and sewerage. In Grand Cayman, until this year, every development had to provide its own water and sewerage unless it was on the Seven Mile Beach area where they got water from a private company and this can be done in Cayman Brac. They have already done it at the hotels that are there. They are not dumping the sewage into the sea or street, or offering people salt water to drink. They have made the necessary provisions and it is built into the cost of their development and what they charge people, and that is what has to continue to be done until such time as Government can afford to put in central sewer and water systems. And I would hasten to add that I would like to see that time predicated by the fact that there is enough usage for sewerage and water to pay for itself, because this country's Treasury cannot tolerate another Cayman Airways' drain on it. To talk about putting central water and sewerage in Cayman Brac today, with the present usage that it would have, that is exactly what you would have - \$30 to \$40 million disappearing from the Treasury with very little hope of any return. Even if that was done, there is no guarantee, and certainly I do not believe the people in Cayman Brac want to go from having a few tourists per month to a situation where they are having two or three hundred thousand per month with people are crawling all over them. I believe they want to develop gradually. People in Cayman have had to go to other places to look for work. There is nothing wrong with people from Cayman Brac coming to Grand Cayman and bettering themselves.

One suggestion that the Member made as to what he thought could stimulate the economy in Cayman Brac - I would like to challenge him on that, Sir - was that if we reduced the bank licence fees for Cayman Brac, we would get banks going over there. I agree with that, Sir. Do you know what would happen? If we reduced the bank licence and company fees for Cayman Brac by 15 or 20 per cent we would simply have the lawyers and accountants in town moving their whole portfolio of companies, telling the Financial Secretary to re-register them in Cayman Brac. All that is required is a plastic plaque on a wall on some building that is locked up. It does not even have to be air conditioned because those plastic plaques are not likely to melt - Cayman Brac does not get that hot, and to put a telephone in there that simply has the forwarding ability in today's

electronic telecommunications world - you ring that number, it automatically rings in the office in town in Cayman and is answered here. They do not even need to employ one single employee in Cayman Brac to deprive this country of millions of dollars in revenue on a reduction of a 10 per cent or 20 per cent across the board for a banking or business licence. And what are you going to tell the people - that they cannot do that? It is free enterprise. It is for them to take advantage of the system, and they are going to do it.

Mr. President, I believe that Cayman Brac has been well served by the Government. I believe the Government has invested its fair share in Cayman Brac. I believe the evidence is there to suggest that the Cayman Brac economy is coming around after the 5 per cent depression in 1985, and I believe the Cayman Brac people are going to be well served. I think they are going to take advantage of the incentives and take the initiative. But I could never, Sir, support, giving the Cayman Brac people more than that by reducing import duty on all building material to 1.5 per cent and on all other imports except tobacco and liquor to 5 per cent without demanding that the same be done for the people of my constituency.

Mr. President, I will take the Member up on one suggestion. If he will move the motion to double the duty on liquor and alcohol, I will second it!

MR. PRESIDENT:
perhaps!

I think you are getting into future business.

.... ?

Is it convenient to take a break now, or would you

MR. D. EZZARD MILLER:

I will be finished in ...

MR. PRESIDENT:

Please go ahead.

MR. D. EZZARD MILLER:

Mr. President, for those reasons, I cannot support this motion as it stands before the Assembly because, Sir, it would be a dereliction of responsibility to my constituent members to support this for the people of Cayman Brac and not ask the same for my people.

Thank you, Sir.

MR. PRESIDENT:
fifteen minutes.

At that point let us suspend proceedings for

AT 3:12 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:28 P.M.

MR. PRESIDENT:

Proceedings are resumed. Private Member's Motion No.9/B7. Would any Member wish to speak? The Honourable Third Elected Member.

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, the motion before this House is unnecessary as events have overtaken its usefulness. Government has already taken adequate steps that will undoubtedly attract new business which will stimulate the economy and provide work for the people. Already there are signs that the economy is recovering, and several projects have been approved by the Development Control Board which substantiates this fact.

Before going further into the debate, I was confining my remarks to the motion; there were certain things mentioned by the mover which I must at this point clarify.

The mover said that I was offended by Mr. Linton Tibbetts' suggestion. Mr. President, nothing is further from the truth. I was never offended by his suggestions. The press used the word offended, but that was not a true reflection of my feelings. I disagreed with Mr. Tibbetts' method of trying to change the committee's recommendations unilaterally, and his statement that he represented the people of Cayman Brac. Mr. President, Mr. Tibbetts was appointed a member of the committee and he gave me his suggestions in a letter form. If you read this letter you will see the basis for the motion before the House - it is almost verbatim, only it is put in motion form. This motion should be called Mr. Linton Tibbetts' motion not the Second Elected Member for George Town's Motion

Mr. President, mention was made about Mr. Gilbert McLean. For the sake of clarification, Sir, I would like to state that at no time did I say anything against Mr. McLean going to Cayman Brac, nor did I encourage him to go to Cayman Brac. This is a free, democratic country. He can go wherever he wishes. I just want to get the point clear, Sir, that I have done nothing against Mr. McLean, and I have no intention of trying to do anything against Mr. McLean.

The mover also stated that he needed information from the Honourable First Official Member so that he could use it in his motion today. Mr. President, this shows that he placed his motion before he had any knowledge of the true financial position of Cayman Brac and Little Cayman. He placed it on hearsay. He went on and made a big point about only one half the money voted has been spent. Mr. President,

one must remember that we have only gone five months into the year so far, and furthermore I think I made it clear to the House this morning that there was a delay in the Financial Secretary signing the loan agreement for the airport. I will repeat again, the Caribbean Development Bank unilaterally upped the loan interest to the Cayman Island Government, and the Government refused to accept this increase on its loans. The Financial Secretary had to actually make a trip to Barbados to get face to face with them to negotiate better rates than they were trying to put on the Cayman Island Government. They had said that we were in a better financial standing than any of the other islands and that is why we had to pay more for our money. He pointed out, I think, to them that when we borrow money, we pay it back, and I think on that basis he got a reduction. We are one of their best customers.

Mr. President, another thing which was made much of was the lack of amenities in Cayman Brac, and also cruise ships. This, Sir, is a question of the chicken or the egg - which will come first? On the cruise ships, an attempt, or several attempts, shall I put it that way, have been made to entice cruise ships to go to Cayman Brac and Little Cayman, but with no success. They have gone over there in person, they have looked at the facilities there and they asked what we were going to do with 700 to 1000 people on Cayman Brac? There are no shops and there are no beaches. So here we have to build - this is something the private sector must do, Sir - not turn to Government again, the Government has played its part - a very vital part. From 1976 on, Sir, I have been a Member of Government. At that point I worked with the Second and First Elected Members for Bodden Town and they know the efforts which I made on behalf of Cayman Brac and Little Cayman. They assisted me and helped me build up the infrastructure while I was working with them as a team, and they continued this, Sir, through 1980 to 1984. The figures are there. So Cayman Brac has not been neglected by the previous Government nor this Government.

Mr. President, much of the mover's debate was based on letters in the press. The Jamaicans have a saying, Sir, that when you throw a stone among a herd of swine, the one that bawls is the one that is hit. So he has been hit by those letters, Sir, and that is why he is bawling in this House today.

LINEFORD A. PIERSON:

I hope, Sir, the Honourable Member is not referring to me as a swine!

HON. CAPT. CHARLES I. KIRKCONNELL:

I would take it that the Member has a little bit more knowledge than that, Sir.

MR. PRESIDENT:

I take that as meaning that the Honourable Third Elected Member does not refer to the Second Elected Member for George Town as the animal in question.

HON. CAPT. CHARLES I. KIRKCONNELL:

This is a Jamaican saying, a broad saying. I did not mean it personally, Sir, I am just saying that this is a saying used in Jamaica - when you throw a stone amongst a herd of swine the one that bawls is the one that is hit - and I say he has been hit by those letters, that is why he has made such a big issue of the letters in his debate. He hardly stuck to the motion.

There is another thing I would like to correct, Sir. I do not think he or anybody else can show me where I said in this House that I did not have enough time to attend to the business of Cayman Brac because I was too involved with the capital projects in Grand Cayman. I do not recall this, Sir, and I would ask the Member to be good enough, after this sitting of the House, to show me where I made any such statement. He also said that I take offence when people speak against me, or against what I propose. This is not so. Every day of my life people disagree with what I say, but I do not take it as a personal offence. Every man is entitled to his own opinion - and I do not take it as any personal offence.

Mr. President, the economy of the Sister Islands did feel the effect of the world recession which caused the price of oil to slump, and as a result the ship to ship transfer of crude oil off Cayman Brac and Little Cayman slowed down and it eventually ended. This, Sir, was a big set-back for the people of Cayman Brac in particular, as many of them lost their jobs. Because of this unfortunate situation, Government directed its capital expenditure to labour intensive projects such as road construction, airport development and schools. This was done, Mr. President, in order to give people as much work as possible, and to enable them to support their families.

The second part of the motion states: "And whereas there is no present sign of improvement". This, Sir, is absolutely incorrect. To state that there is no present sign of improvement in the economy is misleading and is not in keeping with the true position. Many projects have been started on Cayman Brac, and anyone who really wants a job can find one. It is undoubtedly true that we have experienced an upturn in the economy over the past few months and now there is actually a shortage of labour in the construction trade in particular. For the benefit of the mover of the motion and other Members of this Honourable House, I would ask your permission, Mr. President, to read a letter from the Managing Director of Tiara Beach Hotel. It deals with the labour situation experienced there. The letter is dated 2nd August and states:

"I would like to bring to your attention a serious problem which appears to be growing more serious, that is, a shortage of skilled labour in the construction trades. Presently, local contractors Roy

Tibbetts and Terry Tatum are unable to find enough men on Cayman Brac. This has already caused a delay in the completion date of our 18 guest rooms from October 1st to December 1st. Moreover, the construction of our conference centre, new dive shop and photo centre, and the enlargement of our dive dock will be delayed for the same reason. I understand that the Foster Brothers are planning to begin construction of condominiums on Cayman Brac. I have also been informed that the new air terminal building is scheduled to begin construction in the near future. Please contact me at your earliest convenience to advise me how you plan that these projects be undertaken without sufficient skilled tradesmen."

(Signed) David Feinberg
General Manager, Tiara Beach Hotel."

Mr. President, I would also like to highlight some of the projects that are actually in hand at Cayman Brac and Little Cayman at the present time. The private projects - I just mentioned Tiara Beach Hotel's expansion of 18 rooms; Cable and Wireless are laying an underground cable the length of Cayman Brac; one beach cottage project has been approved by the Development Control Board and should commence shortly; there are four private homes which include the first retiree home to be built since we have given the concession - and that is due to start this month. Government projects include Public Works which has 61 men employed and 85 per cent are working on the roads. Work is also being carried out on the terminal site. A new dental clinic has been started adjacent to the Faith Hospital, and the new air terminal building is scheduled to start on 1st December this year. The Superintendent of Works told me that he would have difficulty finding extra workers if he had to undertake a large construction job now. Furthermore, Mr. President, workers have had to be imported to the Brac because it was not possible to find enough help there. The last information from Immigration shows that there are 40 persons with Gainful Occupation Licences working on Cayman Brac and Little Cayman.

The third part of the motion reads, "Whereas numbers of people of the Sister Islands have relocated to Grand Cayman in order to earn sufficient to support their families". Mr. President, the population census taken in June this year shows that there are 1325 persons residing in Cayman Brac, whereas in October 1979 there were 1603 persons. This is a 17% drop which turned out to be much less than was predicted.

Ever since there have been settlers in these Islands we have experienced decreases and increases in population from time to time, so there is no reason for panic because Cayman Brac's population happens to be down - it is not a permanent situation. I am sure we will see many of them returning to Cayman Brac as the economic situation improves.

The people, Sir, did not leave because they were starving or living in huts; they left by their own free will and choice, and for various reasons. The young people were the largest group to leave to come to Grand Cayman to find work. Although jobs may well have been a consideration, I would like to point out another reason. Throughout the world, young people move from the less populated areas to the cities which offer more activities and opportunities for them. But the problem is more noticeable in Cayman Brac because of the small size of the population.

Mr. President, I now proceed to the first resolved section of the motion. Before I go to that though, Mr. President, I will say that I moved from Cayman Brac here, and the mover of this motion moved from East End to George Town - no big thing. Mr. President, the first part of the resolve reads:

"Be it therefore resolved that this Honourable House agree to assist in the stimulation of the economy of the Sister Islands of Cayman Brac and Little Cayman by providing incentives to potential investors to develop businesses in these Islands through the avenues of:

- (i) a reduction in import duties on all building materials to 2.5 per cent across the board on all such materials, notwithstanding any incentives already provided under the Hotel Aids Law or any other laws, with such reduced duties to be calculated on a freight equalisation basis, i.e. on the CIF value of freight costs to Grand Cayman."

I see no justification for reducing import duties on all building materials to 2.5 per cent across the board as called for in this motion. On 1st August, 1987, Government reduced the import duty to 5 per cent on all building materials and household appliances for a period of two years in order to attract and encourage foreign retirees, Caymanians living abroad wishing to resettle, and condominium developers whether they be foreign or local. Reduction of import duty to 5 per cent will not erode the revenue of our Islands, but will help to revitalise and stimulate economic activity in the Sister Islands.

I do not agree that Government should give a 2.5 per cent reduction on import duty across the board on all building materials as suggested. I believe the action taken by Government is positive and fair, and that we should wait and

see what effects the 5 per cent reduction on import duty will have on the economy before taking other measures that will affect the revenue earning capabilities of our country.

If Government gave an across the board concession to everyone in Cayman Brac and Little Cayman, as suggested, it would also have to be given to the less fortunate people in Grand Cayman and there would be no end to such concessions. Already, Mr. President, we heard the Elected Member for North Side saying that if Government adopts this motion and gives a concession to the people of Cayman Brac and Little Cayman, he too would be expecting the same concession for the people of North Side, and he is absolutely correct. I am surprised that the Second Elected Member for George Town's foresight or vision had him looking over the heads of his own people into somebody else's field. The grass is greener in his own field, Sir, than what is out there, believe you me, Sir. Where we have one poor person in Cayman Brac he has 100. One would have thought that his first consideration would be to the people who put him in this House. That is where he should have directed his attention, not to Cayman Brac.

LINEFORD A. PIERSON:
neglected.

The difference is, my people are not being

HON. CAPT. CHARLES L. KIRKCONNEL:

So say you. You go out there and look in the field, because every day I get complaints, and am being asked for help from members all over your constituency. People are living in shacks in your constituency, where there are none to be found in Cayman Brac.

Mr. President, the second part of the resolve

reads:

- (ii) a reduction to 5 per cent on all other dutiable imported goods other than liquor and tobacco products.

To say that the 5 per cent import duty concession made by Government will not affect the lower income bracket or relieve the small businesses is very misleading. Government policy is to stimulate the economy of the Sister Islands in order to create jobs for the people there and enable them to earn a decent salary to support their families and purchase building materials for their houses. As I said before, Sir, there are no people living in shacks and they can all afford to pay duty on the building materials they use. I do not know of any person in Cayman Brac who does not have a roof over his head.

What the people of the Sister Islands really need is the certainty, Sir, of steady employment, which is only possible if the economy is stable, active and buoyant. Undoubtedly there are people who would like to improve their homes. The same is true about the people of Grand Cayman. I categorically state that the overall quality of houses owned by the poorer people of the Sister Islands is of much better standard than in Grand Cayman, and it would be most unfair to help them while the people of Grand Cayman are deprived of receiving the same consideration by having to pay full duty on their building materials. Furthermore, Members of this Honourable House know that if revenue earned from import duty is reduced, we would have to make up this loss by increasing fees in other areas.

Mr. President, the motion shows a lack of reality, and if it is accepted it would have serious consequences to what is Government's main source of revenue. The first part of the resolve states that duty should be calculated on a freight equalisation basis. Mr. President, if the Member would have taken the time and picked up his telephone to call the Glass House, he would have found out that this was already in place, and has been in place for months. The importers of Cayman Brac and Little Cayman are now paying the same freight rate as the importers are paying in Grand Cayman. I should say, for clarity, Sir, they are paying duty on the same freight rate, in other words, Sir, if the freight rate from Tampa to Grand Cayman is \$100, and to Cayman Brac \$125, the people of Cayman Brac are paying duty only on that \$100.

Mr. President, the second part of the resolution seeks the agreement of this Honourable House to reduce duty on all other imported goods to 5 per cent, other than on liquor and tobacco products. This is yet another attempt to erode one of Government's main sources of revenue. I repeat what I have said before, Members of this Honourable House know that if revenue from import duty is reduced we will have to make up the loss by increasing fees in other areas. The Honourable First Official Member's answer to the question from the Second Elected Member of George Town yesterday clearly sets out the revenue earned by the Sister Islands and the total recurrent expenditure over the past five years. These figures show that revenue earned is not even paying half the cost of running the various Government departments in Cayman Brac and Little Cayman. The main source of their revenue is derived from import duty, which amounts to 54 per cent. Can you imagine, to reduce the duty to 5 per cent on all other dutiable goods as the motion asks, what this would do to our economy? You would actually be reducing the Sister Islands' to a welfare state and would be making them even more dependent on Grand Cayman than they are today.

It is well known, Mr. President, that the people of the Lesser Islands are not lazy. They are hard-working, industrious and independent-minded. They have, in the past, provided facilities for themselves which the Government of the day could not afford to give them. They formed their own utility company to provide electricity, they started their airport, they built the Faith Hospital, and have

a rest home for their older citizens. Many other projects were started by them which Government has completed and taken over. These are projects such as the Bluff Road which was started by Captain Reid and Mr. Trevor Foster and the dock at the Creek which was started by my relatives and the Reverend King. The records show that since 1976 the Government, in its annual budget, provided over \$14.5 million to improve the quality of life on the Sister Islands by constructing new facilities and up-grading the many services required by the people.

Mr. President, the third resolve section states: "(iii) development of the needed infrastructure facilities to allow for the smooth and effective implementation of the foregoing". Here again the necessary infrastructure for Cayman Brac and Little Cayman is already in place and the civil servants there are capable of running the administrative affairs of both Islands. I do not believe that the Member could be serious about the method he suggested for controlling imported goods into the Sister Islands and the measures he has recommended to prevent them entering Grand Cayman illegally. I think it is a joke. His proposal would be very costly to administer and would place an unnecessary burden on the people of Cayman Brac. They would have to document every item of cargo shipped between the Islands, including fish, yams and other local produce and prove that the goods originated in the Sister Islands. I am sure this proposal would be vigorously opposed and rejected by people of Cayman Brac and Little Cayman.

Mr. President, I cannot support the Motion for the following reasons:

- (i) The Government has already taken steps that will stimulate the economy.
- (ii) There is presently no unemployment in Cayman Brac or Little Cayman. There are definite signs that the economy is improving and there are many projects due to start soon.
- (iii) The revenue of our Islands would be eroded.
- (iv) It would demoralise the people of the Sister Islands and take away their initiative. It would not help them as the mover of this motion seems to think. It would be very demoralising, it would kill their initiative. The Chinese have a saying, Sir, that if you give a man a fish you feed him for a day, but if you teach that man how to fish you have helped to feed him through his life. And this is what I am saying here - we just need to help the people of Cayman Brac, not hand out, hand out, hand out. We want to put the onus back on the people. The people are hard workers - they can work, all they need to be given is the opportunity and we are going to provide that opportunity, Sir.
- (v) It would be totally unfair to ask the people of Grand Cayman to take on the extra burden that this motion would create - absolutely unfair, Sir. We as Legislators have to be fair-minded. We can fight for our constituents, yes, but we have to also see that our constituents are not going to be heads and shoulders above the other man - we must treat one and all alike.
- (vi) It would be unfair to the less fortunate people of Grand Cayman to deny them the same concession as being sought in the motion for the Sister Islands.

There is an old saying that you can fool all of the people some of the time and some of the people all of the time, but you cannot fool all of the people all of the time. All this peppy talk about the little man and the poor man that we hear of so often. Where is this Member's conscience that he has forgotten the people in his constituency? - the poor people, the little people in his constituency. Where is his social conscience? I beg him to search this and reply to it later when he replies to his motion.

In conclusion, Mr. President, I would like to quote a famous Scottish theologian, the Reverend William Barclay who said:

"Every economic problem would be solved if men lived for what they could do for others and not for what they can get for themselves. Every political problem would be solved if the ambition of men was only to serve the state and not to enhance their own prestige."

They are words I am asking the mover to think about.

Thank you, Mr. President.

MR. PRESIDENT:
Honourable Second Elected Member?

Does any other Member desire to speak? The

HON. W. NORMAN BODDEN: Mr. President, I had not intended to speak on Private Member's Motion No.9/87 dealing with the economic incentives for Cayman Brac and Little Cayman which is now placed before this Honourable House. However, in view of some questions which have been asked by the mover of the motion, I feel it necessary for the

enlightenment of the House and the listening public to say a few words. I would therefore just like to make a few brief points at this time.

Mr. President, the economy of Cayman Brac and Little Cayman has been, for many years now, and continues to be a serious concern of all Governments. I believe that efforts must be concentrated on finding an effective means for improvement. There are many theories which have been offered, much debate has followed on what should be done and who has the best formula that will accomplish this; and it will be measured by the results. I believe that the people in Cayman Brac and Little Cayman await these results with great anticipation.

Mr. President, the first 'whereas' in the motion says that there is no present sign of improvement. I am not an economic expert, Sir, I just have a few years of working experience, but based on the statistics presented by the Honourable First Official Member in reply yesterday to a parliamentary question, I find that the recurrent revenue for the Sister Islands in 1983 was \$703,560; 1984 - \$961,134; 1985 - \$908,924; 1986 - \$1,160,910; and for the first seven months of 1987, \$662,182. Not being an economist, however, this does not appear to me to be a stagnated economy with no sign of improvement. While the economy stands in need of improvement, and improvement is always welcome by any country, I am sure no country has reached the stage of development where it is not felt that improvement is welcomed.

The people of Cayman Brac who have relocated to Grand Cayman in some cases, as was said, have done so by choice. As many of them have stated in the press they have not been forced out by starvation, nor are they living in huts. Not long ago the District Commissioner stated that many of the people are attracted by the bright lights of Grand Cayman and life-styles offered by many other countries, and this is a fact.

Mr. President, the Member presenting the motion, the Second Elected Member for George Town, asks about cruise ship business for the Brac and Little Cayman to which I should respond. He referred in his presentation to a chicken and egg situation. Surely he knows that the development of cruise ship calls to Cayman Brac and Little Cayman is in fact just such a situation. It is a well known and acknowledged fact that efforts to attract business to Cayman Brac and Little Cayman, which they are not now equipped to handle, would prove more harmful than helpful - this is only logical and reasonable. Ground support services must be in place to ensure that the quality service is provided for any meaningful business relationship to be established and maintained. So we are back to the chicken and egg situation - which comes first? Who is willing to take the financial risk involved?

About a year ago, the Vice-President for Government Affairs of Norwegian Caribbean line was contacted by our Department of Tourism and he was asked to explore the possibility of cruise ship stops in Cayman Brac even if no more frequently than on a monthly basis. His company studied the suggestion and later stated that this was not possible because facilities did not exist in Cayman Brac to handle 800 people at a time; there was inadequate ground transport; there were not enough shops and merchandise; no developed area for a beach party; no hotel or restaurant capable of catering to such a large group; there was not that much to do; no good sightseeing and no way to move about.

Mr. President, these are inadequacies which will naturally take some time to correct and to provide, but I am confident, Sir, that through the efforts of Government and the Brac people steady development will come and by proper planning, the mistakes made in Grand Cayman can be avoided. In short, Norwegian Caribbean Lines felt that Cayman Brac and Little Cayman could only be considered by very small and special cruise ships. These are irregular and we hardly ever see them in this part of the Caribbean. Of course, as Members will recall, we did have the Sea Cloud with 60 passengers which visited Little Cayman not very long ago.

Mr. President, tourism from a general point of view measured by tourist air arrivals, is considerably up over last year and this is reflected in the new occupancy rate of the lead hotel in Cayman Brac, the Tiara Beach, which boasts today of a 90 per cent occupancy which is far higher than any hotel in Grand Cayman. The improvements in tourism through air arrivals have been made possible through good, safe and dependable air service provided by Cayman Airways. We know that the service is not perfect, but I challenge anyone to show me where there is a community of similar size which enjoys any better daily air service in any part of the world than Cayman Airways provides between Grand Cayman, Cayman Brac and Little Cayman.

Our tourism promotions, Mr. President, in an effort to assist the Sister Islands, pay special attention to the needs in that area. This year we are operating ten special familiarisation trips for travel agents to Cayman Brac in order to expose them directly to the tourism product of the Brac. We have produced a special brochure for agents to promote trips and groups to Cayman Brac. Our public relations firm has issued special stories specifically about Cayman Brac and Little Cayman. All our advertising material, our collateral, our tourism, film and slide presentations present the Cayman Islands as a destination to the American market. We do not advertise just Grand Cayman, Cayman Brac or Little Cayman separately - we are one country and one destination.

From a tourism point of view, our efforts will continue, combined with the help of the private sector in Cayman Brac and Little Cayman, to ensure that a continuing healthy tourism growth will be experienced and the spin-off effects are bound to benefit not only Cayman Brac and Little Cayman, but the three Cayman

Islands as it should be.

It is my view, Mr. President, that what has been proposed by the committee chaired by the Honourable Third Elected Member of Executive Council will produce effective means to help stimulate the economy, and it is my humble opinion that of the time we spend talking about what should be done, we must set about doing the job and do something definite that will be appreciated by the proud, independent, honest and hard-working people of Cayman Brac and Little Cayman.

Mr. President, with those few brief remarks, I am not able to support the motion before the House.

Thank you.

MR. PRESIDENT:

We are very close to our customary time for adjournment. I am in the hands of the House if it wishes to go over time or to adjourn now. Would any Member wish to speak relatively briefly? The Honourable First Official Member.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, I do not think there is any Member left in the House who is going to speak that briefly on this subject.

I would propose that we adjourn until 10:00 o'clock tomorrow morning.

MR. PRESIDENT:

The question is that the House do now adjourn until 10:00 o'clock tomorrow morning.

The question is that the House do now adjourn until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:23 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY, 11TH SEPTEMBER, 1987.

THIRD MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

FRIDAY, 11TH SEPTEMBER, 1987

(THIRD DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 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

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM FOR THE ATTORNEY GENERAL

DATE: [illegible]

TO: [illegible]

RE: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

65-1000

101. THE STATE OF TEXAS, COUNTY OF DALLAS, BEING THE COUNTY OF THE STATE OF TEXAS, WHEREIN SAID COUNTY IS LOCATED, DO HEREBY CERTIFY THAT THE FOLLOWING IS THE

TO BE ADDED TO THE LIST OF THE COUNTY CLERK FOR THE YEAR 1977, AND THAT THE SAME IS THE ONLY ONE WHICH IS LISTED FOR THE YEAR 1977.

102. THE STATE OF TEXAS, COUNTY OF DALLAS, BEING THE COUNTY OF THE STATE OF TEXAS, WHEREIN SAID COUNTY IS LOCATED, DO HEREBY CERTIFY THAT THE FOLLOWING IS THE ONLY ONE WHICH IS LISTED FOR THE YEAR 1977.

103. THE STATE OF TEXAS, COUNTY OF DALLAS, BEING THE COUNTY OF THE STATE OF TEXAS, WHEREIN SAID COUNTY IS LOCATED, DO HEREBY CERTIFY THAT THE FOLLOWING IS THE ONLY ONE WHICH IS LISTED FOR THE YEAR 1977.

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FRIDAY

11TH SEPTEMBER, 1987

10:02 A.M.

MR. PRESIDENT:

Prayers.
The Third Elected Member for West Bay.

PRAYERS

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 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, who 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 Assembly is in session. Questions. The Second

Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS

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. 59: Would the Honourable Member say whether there are any scholarships available for the training of football coaches?

ANSWER: There is no scholarship funding provided specifically for football coaches. However, the Economic Development Plan which has been accepted by this honourable House includes C1\$40,000 for each of the next three years for the training of coaches and football is a priority area for training. Even now, efforts are on-going to have a serving civil servant sent overseas for training as a coach.

MR. PRESIDENT:

Are there any supplementaries?

The Member appears to be satisfied with the answer.

Bedden Town.

Apparently not. The Second Elected Member for

SUPPLEMENTARIES:

MR. G. HAIG BODDEN:

Mr. President, I just wanted to ask the Honourable Member if he will give us the assurance that he will try to have this figure included in the estimates for 1988.

HON. BENSON D. FRANKS:

That assurance is given, Mr. President.

MR. PRESIDENT:

The Second Elected Member for George Town?

I think, then, we could go on to the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR LEGAL ADMINISTRATION

NO. 60: Would the Honourable Member provide a full report of the results of the recent investigation carried out by the Police Department into the alleged misconduct of the Housefather of the Francis Bodden Girls' Home?

ANSWER: The police carried out a full investigation headed by a detective superintendent. In the course of this they interviewed the complainant, three of her associates, her mother and staff at the home, including the Housefather. The investigation revealed nothing to support or corroborate the allegations. The police submitted their report to me as Attorney General, and having carefully considered all the material gathered by them I ruled that there was insufficient evidence to support a criminal prosecution.

MR. PRESIDENT: Are there any supplementaries? The Second Elected Member for Bodden Town?

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if there would be sufficient evidence to warrant any administrative disciplinary action?

HON. RICHARD W. GROUND: Mr. President, it is my view that the two go hand in hand where an allegation is made which may amount to a criminal offence - if there is insufficient evidence to warrant a criminal prosecution or there is insufficient evidence to merit a disciplinary proceedings, and this arises from the way that the Public Service Commission regulations are framed. If there is evidence of a crime one proceeds to a trial, if there is not, except in exceptional cases, that is the end of the matter.

MR. PRESIDENT: If there is no further supplementary, we will move to question 61. The Second Elected Member for George Town, please?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 61: Would the Honourable Member state why the Housefather of the Francis Bodden Girls' Home was not suspended from duty during the police investigation into allegations made against him in respect of the care of girls living in the home?

ANSWER: Interdiction is governed by regulation 41 of the Public Service Commission regulations which provides that a head of department may, if he considers that the interests of the Public Service require it, interdict an officer serving in his department if, and only if, proceedings for his dismissal are being or are about to be taken or if criminal "Proceedings are being instituted against him.". Before disciplinary proceedings can be commenced regulation 47(1) requires that a preliminary investigation be carried out by the officer empowered to institute disciplinary proceedings. In this case an allegation of criminal conduct had been made, and so there had to be a police investigation. That police investigation also filled the role of the preliminary investigation, and it was considered proper that the question of disciplinary proceedings should, like the question of criminal proceedings, await the police report. In the event the findings of the police investigation did not provide any basis for criminal proceedings, nor for disciplinary action against the Housefather which could have resulted in his dismissal. As no criminal or disciplinary proceedings were, or were about to be, taken the preconditions for interdiction under regulation 41 did not arise.

MR. PRESIDENT: Are there any supplementaries, please? Apparently not. Would the Second Elected Member for George Town ask his next question, please?

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

NO. 62: Would the Honourable Member state:
(a) the cost of the crocodiles recently brought to Grand Cayman?
(b) the purpose of bringing crocodiles to Grand Cayman? and
(c) what arrangements have been made to accommodate these reptiles securely?

ANSWER: (a) The cost of the three crocodiles is CI\$2,520;
(b) The crocodiles were brought to Cayman as part of a programme to develop an indigenous flora and fauna area within the Turtle Farm intended as an added attraction to increase visitors' number and revenue;
(c) The crocodiles are enclosed in a reinforced concrete wall. The portion of

wall towards the sea is 11 feet high which, in addition to the security aspect, will provide protection against rough seas flooding the crocodile pond. The wall within the fauna and flora area at the public viewing site is five feet 10 inches high, which includes a two foot heavy aluminium guard rail at the top adopted as added security and for better viewing.

MR. PRESIDENT:
for Bodden Town?

Supplementary questions. The Second Elected Member

SUPPLEMENTARIES:

MR. G. HAIG BODDEN:

Mr. President, I would like to ask the Honourable Member that with respect to the security of the crocodiles, will the crocodiles be identified by name?

MR. PRESIDENT:

The Honourable Fourth Elected Member? The supplementary was in respect of security - will the crocodiles be identified by name?

HON. VASSEL G. JOHNSON:

Mr. President, I thought the Member had given them names already.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAM:

Mr. President, a supplementary.
Would the Honourable Member say whether or not it is correct that negotiations are presently under way for the purchase of a pair of tigers or lions for further attractions at the Farm?

HON. VASSEL G. JOHNSON:

Mr. President, not to my knowledge or the Beard's knowledge.

MR. G. HAIG BODDEN:

Can the Honourable Member say if the particular crocodiles that are here are indigenous to Cayman or are they indigenous to Florida?

HON. VASSEL G. JOHNSON:

Mr. President, the crocodiles we have here are indigenous to the Cayman Islands. In the early days there were these crocodiles both in Grand Cayman and the smaller Islands. In fact the last one sighted in Little Cayman was on 27th October, 1939 and it was killed by the father of Mr. Guy Banks.

These crocodiles are identified by the Smithsonian Institute, Washington, and they have, at the Institute, remains of the crocodiles found in the Cayman Islands, and they are recorded as crocodiles of the Cayman Islands.

MR. PRESIDENT:

The Second Elected Member for George Town?

MR. LINFORD A. PIERSON:

Further clarification on an answer to the Second Elected Member for Bodden Town, would the Member say whether or not it is correct that the names Vasselman, Bennor and Charleson have officially been accepted by Government for the crocodiles?

HON. VASSEL G. JOHNSON:

Mr. President, I think the Member had better direct that question to the Compass, because they first started the competition for naming the crocodiles.

MR. PRESIDENT:

I think that was an extraordinarily skillful way of naming a Member!

The Third Elected Member for West Bay?

MRS. DAPHNE L. ORRETT:

Mr. President, I would like to ask the Honourable Member in stipulating re the heights of the wall as five feet 10 inches, which includes a two foot heavy aluminium guard rail, could the Honourable Member say whether in addition to this there is any boundary away from the wall which would prevent children getting right up against that guard rail, which would probably then be three feet 10 inches?

HON. VASSEL G. JOHNSON:

Mr. President, on the inside of the wall, the pond slopes up to that five feet 11 inches. Children getting to that height would have to be in custody of a parent or some adult person, but no child could climb up to that height. And in any case, the Farm would not permit children alone to go into the area. But I would just like to say, Mr. President, that those who have visited Bush Garden in Tampa where there is a display of these crocodiles, they will see that the security there is only a four foot high chain link fence.

MR. G. HAIG BODDEN:

Mr. President, can the Honourable Member say in relation to (b) of the answer, what has been the reaction of visitors to the Farm, with regards to the crocodiles?

HON. VASSEL G. JOHNSON:

Mr. President, I did not hear the question, Sir.

MR. G. HAIG BORDEN:

Mr. President, the question was, what has been the reaction of visitors to the Farm with regards to the presence of the crocodiles?

HON. VASSEL G. JOHNSON:

Mr. President, the visitors are all delighted to go and visit the fauna and flora area and especially to see the animals there, because the crocodile and other species of animal included in this area are either endangered or threatened species, and so they are not too prevalent around the world. As you know there are different kinds of crocodile, alligators and so on. What we have here is the crocodile which is the smaller-mouthed animal, that is the saltwater breed, and so it is declared an endangered species and perhaps this the reason why we thought of including it in the fauna and flora area since it was indigenous to the Cayman Islands. It forms quite an attraction at the Farm. Visitors are very delighted, children are going there to see it, everybody wants to see the crocodiles and the other things in there.

MR. PRESIDENT:

Perhaps we now might pass on to the next question, number 63. 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. 63: Would the Honourable Member state:

- (a) how many scholarship applications Government received for the 1986/1987 year;
- (b) how many were approved; and
- (c) how many were rejected, giving reasons for any such rejections?

ANSWER: Between January and December 1986, 35 scholarship applications were received for the 1986/1987 school year. Of these 26 students were granted partial scholarships. Five of these were either not taken up or deferred until the 1987/1988 school year. Nine scholarship applications were not approved. Reasons for non-approval were that these applicants did not meet the scholarship criteria set down by the Education Law 1983 and the guidelines followed by the Education Council.

For example, successful applicants must have attained the age of 18 years; must have four 'O' level passes; must have gained acceptance at an institution recognised by the Education Council; and must satisfy the interview panel of the Council as to their suitability for further training.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH:

Can the Honourable Member say, Mr. President, whether there were any scholarships granted for football coaches?

HON. BENSON D. FRANKS:

No, Mr. President.

MR. W. McKEEVA BUSH:

I wonder if the Honourable Member could say why? Was there was an application?

HON. BENSON D. FRANKS:

No applications were received in that respect, Mr. President.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BORDEN:

Mr. President, may I ask the Honourable Member if any full scholarships were granted?

HON. BENSON D. FRANKS:

No, Mr. President, the Education Council has adopted the principle that no full scholarships will be granted except in very exceptional cases. All awards will contain an element of loan. In other words, Government will provide all of the funding, but some element of loan funding is included in all awards.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. JAMES H. BORDEN:

Would the Honourable Member state to the House whether the educational policy is a policy laid down by the people who govern the Education Council, that is people more or less from the private sector, or is that decision an Elected Council decision. In other words is it motivated by the desire of the Honourable Elected Member responsible for the Portfolio?

HON. BENSON D. FRANKS:

Mr. President, some of the guidelines for scholarships are laid down within the Law itself, and then the Law empowers Education Council to make other guidelines. But to the best of my knowledge when guidelines are

accepted they are taken to Executive Council.

MR. JAMES M. BODDEN: My question, Mr. President, is whether this specific guideline has been changed by the wish of the Honourable Elected Member responsible for Health, Education and Social Services, or whether it was done by the Education Council, the public sector side of the Education Council? I am well aware that the guidelines have to be approved by Executive Council. What I am trying to find out is whether this change in policy was directed by the Honourable Member responsible for the Portfolio or whether it was done by outside sources. I think it is very important, because we want to know why our people are not getting the educational assistance that they have in the past ...

MR. PRESIDENT: I am sorry, you are making a statement ... excuse me, you have put your question, it is quite clear. Will you give the Honourable Member the opportunity?

HON. BENSON D. FRANKS: Mr. President, as the Member probably knows, the Member for Education is Chairman of the Council and as such has only a casting vote, so that the Council, in deliberations, make or recommend the policies. But I would hasten to add that there have been no change in policies since I took over. We are currently reviewing policies, but they have not yet been finalised to be put to Executive Council.

MR. PRESIDENT: Further supplementaries? The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Can the Honourable Member say, to his knowledge, did the Council grant any full scholarships prior to 1984?

HON. BENSON D. FRANKS: Mr. President, in my reply to an earlier question I said that in exceptional circumstances the Council has made total awards, and I am sure that it has been done post-1984 as well, it just did not happen in the period that is covered by the question.

MR. G. HAIG BODDEN: Mr. President, the Honourable Member has said in the answer that one of the criteria is that the applicant must have four 'O' level passes. Can he say if an applicant has been accepted by an institution, would the applicant be able to receive the scholarship if he had less than four 'O' levels?

HON. BENSON D. FRANKS: Mr. President, not in the first instance. The guidelines allow what is regarded as a mature person, that is someone who has already spent some time at a university or college to re-apply even though they did not have four 'O' levels. The criteria used here, Mr. President, is if the person did not have the four 'O' levels in the first instance and they were accepted at an institution in the States, usually, based on their SAT score, and they have received and maintained an acceptable level of performance during two or three consecutive terms, then the Education Council will review the position. There have been instances when people, because of their performances, have been given scholarships even though they did not have four 'O' levels. And of course I should mention, Mr. President, that I have said four 'O' levels, but I should have also indicated that in the case of our schools operating on the American system, the criteria in their regard is an SAT score of not less than 850.

MR. JAMES M. BODDEN: Mr. President, I would like to ask your indulgence for a little here to ask this question, because I have to set the background for it.

We have about 350 students a year coming out of school. This shows us that about 21 of them were granted partial scholarships which is only somewhere around 7 per cent, I think, of the total number of students coming out of school. Is Government trying to put together any comprehensive system that can give the students graduating from school a better chance of a higher education in view of the large amount of people whom we have to hire from abroad in the professional and technical areas?

HON. BENSON D. FRANKS: Mr. President, I would presume the Member would be referring in this regard to the Community College and I think the Member should know that we passed the Law establishing the Community College. We are working as fast as possible to get the proper accommodation so that we can accommodate, really, all of the students who would like to get in there. The Member should also be aware of the excellent results obtained recently in external exams by some of these students, particularly in the hospitality industry.

MR. JAMES M. BODDEN: Mr. President, I am quite aware of the Community College. But my worry is, is Government paying consideration to the higher education of the majority of our people? Is he telling me, then, that something is wrong with our system when only about 6 per cent or 7 per cent of our people could qualify to enter a university or a college abroad? The figures here show 26 applications, I think, but 21 partially approved out of probably 350 students that year who entered the job market and came out of the high school system. Is he telling us that the system is that bad, or what?

HON. BENSON O. FRANKS:

Mr. President, I would have thought for a Member who is expressing such interest and knowledge in this area would know that I can only be dealing with applications that came to the Education Council. There are students who go abroad on their own resources and there are scholarships available from the private sector, so I am not in a position at this moment to say exactly how many children go off in any given year. I can only deal with those who pass through the Education Council. Before it is misunderstood, Mr. President, let me make it clear that the loan portion of the scholarship is usually very small unless the means of the parents dictate otherwise.

MR. JAMES M. BODDEN:

Mr. President, another supplementary, as the Honourable Member brought up the last two points. Could he state the number of students who this year were able to go abroad and pursue a course of higher education on their own - that is with them paying for it, or their parents paying for it? Would the Honourable Member have any knowledge and be able to enlighten this House of the amount of private scholarships that were given by Cayman National Bank, let us say, or some of the other institutions on the Island? How many scholarships of that type were given in this particular year and how many students had the means of their own to go abroad for higher education? Would he give us that information since he brought it up?

HON. BENSON O. FRANKS:

Mr. President, I said that I did not have that information at hand, because I was questioned on what applications were received by Government.

MR. PRESIDENT:

I think that is reasonable, it is somewhat outside the scope of the question. Perhaps the Honourable Member would supply a statement in writing later on if the data is available?

HON. BENSON O. FRANKS:

If the data is available, Mr. President.

MR. PRESIDENT:

Any further supplementaries on that question? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

Mr. President, for information I would like to ask the Honourable Member - he may have brought this out earlier, but I just want to make myself sure - in the guidelines set down by the Education Council at least four 'O' level passes are required. I am assuming that first-class CSE passes would fall into this category. Perhaps the Honourable Member could answer that? Secondly in the case of, say, someone at the hospital who is in nurse's training, who may not have four 'O' level passes, but because of the individual's performance it is felt that their suitability for further training is certainly quite good - could the Honourable Member say whether such persons are considered for scholarships?

HON. BENSON O. FRANKS:

Mr. President, certainly CSE Grade 1 is the equivalent of an 'O' level at A, B or C, so that would be included. The last question is rather broad because if the person is in the employment of Government the training of that person does not come under the Education Council, it comes under Personnel, as a serving officer.

MR. PRESIDENT:

The Second Elected Member for Bodden Town?

MR. G. HAIG BODDEN:

Mr. President, the Honourable Member has stated in the answer that the fourth criterion is that the applicant must satisfy the interview panel of the Council as to their suitability. Can he say in what ways the applicant must satisfy the panel, or what things would the panel be looking for in order to be satisfied?

HON. BENSON O. FRANKS:

Mr. President, I do not happen to sit on the panel, but things such as the attitude and aptitude that a person demonstrates that they know or are satisfied within themselves that the course applied for is what they want to do; the maturity of the person, and such things, Mr. President. We have had a lot of people who have had the requisite numbers going off, but after a term or two find out that it is not what they wanted to do and threw up the scholarship.

MR. PRESIDENT:

There appear to be no further supplementaries on that question. In that case would the Second Elected Member for West Bay ask question number 64?

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. 64: Would the Honourable Member state whether it is Government's policy to reject scholarship applications for persons who have turned down training courses/programmes offered in Government?

ANSWER: For persons to have turned down training courses/programmes offered in Government

departments they would have had to have been civil servants who, for training purposes, fall under the Personnel Department and not the Education Council scholarship funding. Therefore, this question does not arise.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President, often a question is asked to an Elected Member. When Honourable Members want to answer they answer and when they think they can upstage you they do that. This question, if it does not fall under him, could have been directed to the person responsible. But I will get my answer, Sir.

MR. PRESIDENT: You will indeed. But I am not sure whether you are saying you have not directed your question correctly. Is that your point? Could you clarify it for me? If you would prefer it directed to another Member, I can have it so directed on a future Order Paper, if you wish.

MR. W. McKEEVA BUSH: Yes, Mr. President, if you could help me with that. Direct it to the Honourable First Official Member, who would be responsible for the Civil Service Commission. Another question that I had posed in this House to the ...

MR. PRESIDENT: I am sorry, you cannot go on to other matters, we are discussing this specific question.

MR. W. McKEEVA BUSH: This is the same matter, Sir, same matter.

MR. PRESIDENT: You have not posed it at this meeting as far as I know. We must stick to business in hand.

MR. W. McKEEVA BUSH: Yes, Sir, this meeting, and the question was taken from the Honourable First Elected Member and given to the Honourable First Official Member. I know what I am saying, Mr. President. But if you can help me, I would be very grateful. Thank you.

MR. PRESIDENT: The Chair is always willing to help, wherever it can. But the Chair does have a duty to distribute questions also. I will be very happy to discuss it with you whenever you wish. But not now.

Are there any other supplementaries? That, I think, concludes question time. We are a little earlier than usual. Would Members like to take the first break now, or shall we proceed with Bills?

MR. W. McKEEVA BUSH: No break, Sir, let us go to Bills.

MR. PRESIDENT: Government Business. Bills.

GOVERNMENT BUSINESS
BILLS

THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987
FIRST READING

CLERK: THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987.

MR. PRESIDENT: A Bill entitled a Bill for a Law to establish the National Trust for the Cayman Islands and for connected purposes, 1987 is deemed to have been read a first time, and is set down for second reading.

SECOND READING

CLERK: THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987

MR. PRESIDENT: The question is that a Bill entitled a Law to establish the National Trust for the Cayman Islands be given its second reading.

HON. VASSEL G. JOHNSON: Mr. President, I beg to move, Sir, the second reading of a Bill entitled The National Trust for the Cayman Islands Law, 1987.

Mr. President, a National Trust is said to be synonymous with preservation of a country's heritage and thus the reason why it is so appealing and it is so acceptable in most countries of the world. It is said that from the earliest time, man recognised that God had given him certain possessions which he should preserve. That has come down through the ages and we find that in the Cayman Islands, our own homeland, there are many things that we need to preserve.

A National Trust, Mr. President, is operated by legislation according to the needs and desire of the particular country. Some of the main

functions of a National Trust are to create parks, preserve sites and buildings of national interest, preserve marine parks and also to preserve, maintain and keep animal and bird sanctuaries.

These functions, Mr. President, are very important. It is important to a nation and to a country because of their scenery and historical values. These properties are set aside by the National Trust and are preserved from destruction so as to ensure the people's inspiration, enjoyment and recreation where these historical sites and properties are concerned. A National Trust is usually created to develop a means of avoiding ruinous effects on these things which are of immense interest to the country, terrestrial and marine properties and, Mr. President, there is no doubt in anyone's mind here of the importance of these to our little Cayman Islands.

In providing the legislation for the operation of a National Trust, we provide a law which will be acceptable to all concerned so that the operation of the Trust will not be harmful in any respect to society or individuals, and so that its usefulness can be of the greatest appeal to everyone.

Mr. President, it is always found to be very useful and acceptable for a National Trust to control these heritage values of the country as opposed to Government undertaking that responsibility. One of the reasons is that there is a far keener interest displayed by the Trust in performing these duties as opposed to Government. Secondly, it would cost the Trust less to perform these duties because the Trust is always open to gifts of money and time, and people are prepared to give voluntary service. And so the Trust has an appealing position as far as its work and value are concerned. People are always ready to give money more quickly to a trust than to any other institution it would want to control any of the heritage values that we have.

Mr. President, one of the areas in looking at legislation which is also important is to ensure that the operation of the Trust is such that it does not accumulate an abundance of power which would lead at some time to challenging even Government. This has been known to happen in some countries and so in preparing our local legislation that was one of the areas foremost in the mind of Government. I am happy to say that the legislation before us today has been well-scrutinised, well-examined by Government, by the Legal Department, and by the Committee that was established in 1985 to recommend the establishment of a Trust for the Cayman Islands.

I know we have a lot of support here. Sir, I can see the Member saying over there saying, "You know I am supporting it". I want to thank him for that. (INAUDIBLE) ... We are coming to the amendment later on.

Mr. President, on 28th August this year, I did a press release on this subject giving the highlights of the contents of the legislation before us. In that press release I stated that the creation of a National Trust was in my opinion a valuable and significant step in ensuring the preservation of what is best in the Caymanian heritage. I hope that the people of these Islands will see the tremendous potential in having a National Trust of their own and that they would give it the support it deserves.

Mr. President, in 1984, Government introduced the Cayman National Cultural Foundation Law. It was largely associated with the Harquail Centre cultural foundation, but nevertheless, Mr. President, it was a Law which established the means of preserving the culture of the Cayman Islands. The only difference between that Law and the Bill before us today is that the National Trust ensures the preservation of the country's heritage, whereas the Cayman National Cultural Foundation preserves the country's culture. One, the heritage, the other culture. And so we have, in these two Laws, Mr. President, a complete package of what should be most desirable in these Islands - the preservation of culture and heritage.

Mr. President, before I comment on the clauses of the Bill before us, I would just like to say that prefacing the clauses of the Bill we have the Memorandum of Objects and Reasons. It says that this Bill is to create a National Trust for the Cayman Islands; its main purpose to preserve the culture, historical and natural heritage of the islands.

Mr. President, I am sure that Honourable Members here have gone through the Bill clause by clause and will see that clause 3 establishes the Trust by a corporate body which is called the National Trust. It says that on the date of commencement, the Trust shall consist of the founding members. Mr. President, as I said before in 1985 the Government established a committee to advise it on the establishment of a Trust. The committee consisted of about 20 members. It had a chairman, a vice-chairman, a secretary, a treasurer, acting secretary and legal adviser. It also had members who represented directly certain districts of the Islands, and that committee has been functioning until now. When this Bill becomes Law, those members will be known as the founding members, and they will operate the Trust Council until a year hence when the first Annual General Meeting takes place and when members would be appointed to the Council, as provided for in clause 5 of the Bill.

Mr. President, clause 4 provides the purposes and powers of the Trust, and especially in subsection (1)(b) it says that the Trust would be responsible for the preservation, conservation of land, natural features and submarine areas of beauty, historic or environmental importance. In order to ensure that the Trust would not have the power to acquire property compulsorily, which could be one of the areas of concern, that sub-paragraph went on to say that these properties are the properties that the Trust may have acquired through gift, bequest, purchase, lease or other means. That is

repeated again, Mr. President, in subsection 2(b) which says the acquisition of any property by gift, bequest, purchase, lease or other means which would be used by the National Trust, and again this is to ensure that the power of the Trust does not upset people.

Clause Section 5 sets out the establishment of the Council, and also sets out the purpose and responsibility of the Trust. The membership of the Trust is set out in subsection (3). You will see that in subsection (9) it says that no member of the Council shall be personally liable for any act or default that the Council does or omits to be done in good faith in the course of the discharge of the functions of the Council. Those words, Mr. President, are the same words, the same provision that we find in the Public Corporation, the Civil Aviation Authority Law, and just this week that amendment was made to the Water Authority Law to carry these words.

Clause 6 confirms what I mentioned a while ago, that on the commencement of this Law, the powers, functions and responsibility of the Council shall vest in the founding members.

Mr. President, clause 8 deals with the income of the Trust and it will be seen there that the income of the Trust shall be wholly applied towards discharging the functions of and furthering the purposes of the Trust. It does not say, really, how the revenue of the Trust would be earned, but I would imagine, Mr. President, that, as in the case of the Cayman National Cultural Foundation Law, if there is need for Government's assistance coming from public funds that these proposals would be put forward to Government because in clause (7)(1)(d) of the Cayman National Cultural Foundation Law, it says in funds and resources of the foundation that monies would be voted by the Legislative Assembly for the purpose. That provision is not in the proposed Trust Law before us, but I imagine that since the two foundations are so similar in nature Government would not deprive assisting the Trust if there was need for that assistance.

Clause 10, Mr. President, deals with the accounts. It says that the Trust shall keep proper accounts in a form which shall conform with the best commercial standards of its receipts, payments, credits and liabilities. There are three clauses dealing with the financial operation of the Trust, eventually saying that the annual report, in clause 12, would be laid on the Table of the Legislative Assembly.

Now, Mr. President, I did have notice from the Honourable Second Elected Member from West Bay seeking an amendment to this Bill to provide for the audit of the accounts. Mr. President, audit is a fairly expensive service and seeing that no stipulation was made in the National Trust Bill for funds to be provided for its operation by Government, this is the reason why no specific mention was made in the Bill for an audit. However, the National Trust is going to be largely an independent entity, depending on public gifts and contributions for its operation. If the report, when laid on the Table of this Honourable House as is provided in clause 12(2) of the Bill before us, is necessary and if His Excellency the Governor thinks that in the interests of the public an audit is necessary he can direct, under section 45 of the Public Finance and Audit Law, that the Auditor-General carry out an audit of the accounts of the National Trust. When the auditor has carried out or conducted that audit, the Auditor-General's report can, under sections 42(2) and 46(2) of the Public Finance and Audit Law be laid on the Table of this Honourable House. And so there is that built-in safeguard for the audit should this be found necessary, and the Governor can order that, Sir. That is the reason why the audit was not inserted in this Bill.

Secondly, Mr. President, the Cayman National Cultural Foundation Law, which was introduced in 1984 did provide in clause 12(2) for an audit of the accounts and for those audited accounts to be laid on the Table of this Legislative Assembly. But, Mr. President, I would hasten to point out that when this Law came into effect in 1984, the Public Finance and Audit Law was not in operation. That has just been introduced recently. So there was no safeguard for the audit of the accounts of the Cayman National Cultural Foundation accounts, but it is different as far as the National Trust is concerned. And so I have not yet had time to go through the details of the proposed amendment which has come to me just recently, but that will be dealt with when we move into Committee stage to examine the Bill clause by clause.

MR. PRESIDENT: Is that, perhaps, a convenient moment to break, or do you feel you are coming towards the end of moving the Second Reading.

HON. VASSEL C. JOHNSON: Yes, Sir, perhaps we can break now, Sir.

MR. PRESIDENT: Proceedings are suspended for about fifteen minutes accordingly.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Proceedings are resumed. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL C. JOHNSON: Mr. President, when we took the break I was moving

on to clause 14 of the Bill which deals with the power of the Trust to enter into agreements restricting the use of land. It will be seen in this clause that the Trust cannot enter on anyone's land or property unless there is in place an agreement between the Trust and the property owner. Some views were expressed by Members during the break that the Law does not provide specific provision to ensure that the Trust does not acquire by compulsory means any property in the Islands.

Mr. President, compulsory acquisition of land in the Cayman Islands can only be done by the Governor and therefore no private or other public institution has a right to acquire property in these Islands. I believe that an improvement in the Bill to clearly assure that the Trust will not be able to take property by any means unless it is by way of gift, bequest, purchase or lease, could be done by a slight amendment to clause 4(1)(b) and clause 4(2)(b) where both clauses say that the Trust may acquire property through gift, bequest, purchase, lease or other means. What we could perhaps do there is strike out "other means" and just say that the Trust could acquire property through gift, bequest, purchase or lease.

Mr. President, I have not had time to discuss this with the Government bench and so during the course of examining the Bill by a Committee of the whole House we will deal with that aspect of it and after we have had the views of the Honourable Second Official Member.

Mr. President, going on to clause 17 of the Bill, I would like to point out to this Honourable House that all the by-laws of the Trust must have the approval of the Governor and any rescinding of those by-laws must also be approved by the Governor in Council. And so the Trust will not be able to provide its own by-laws and amend them as it wishes; these will be controlled by the Governor in Council. These by-laws, when made, would be published in the Official Gazette, Clause 17(2). And so, nothing will be hidden in the operation of the Trust. They will all be publicly done and notified.

One important aspect of the Law, Mr. President, which I should bring to the attention of this Honourable House is that clause 15 provides for exemption of stamp duty on all transactions relating to the operation of the Trust. A gift to the Trust of a piece of property would be transferred with the exemption of stamp duty. Under clause 22 any property that is owned by the Trust cannot be transferred unless it is done by a two-third majority of the full membership of the Trust voting at a General Meeting. Clause 23 provides that should there be a case of failure of the Trust that wind-up procedure will be considered and the procedure is set out in the clause. Mr. President, I do hope that this will never happen.

Mr. President, this is not a very long Law, but it is a very important one. It certainly has all the ingredients in it to give it a boost and encouragement to make it work, and to make it fulfill its purposes. And so I would ask Honourable Members again to give it their very kind support. I had envisaged for quite a long time that a National Trust is a useful vehicle to have in this country for the purposes stated in it, and I am glad at this particular time to be the one responsible for presenting it. Mr. President, I recommend the Bill.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. McKEEVA BUSH:

Mr. President, I rise to support this Bill to establish the National Trust for the Cayman Islands.

These Islands, among other countries, are coming into their own, and as the years go by, the more we all seem to be catching this national spirit. In order to preserve this national spirit one of the things we are bound to look around for and try to establish is exactly what this Bill seeks to do today. Time is short and memory is sometimes even shorter. It is surprising, Mr. President, to see how people forget things that happened even in their own lifetime.

When we go to the older countries of the world, like America and England, we see they have built up a tremendous collection of history. I have read of a museum in England which has the first cannon ball that was fired at Sebastopol and another museum, somewhere near, where Nelson was born. I believe, they even have the bullet, that was extracted from his heart, set in a case of gold. The people in those countries preserve things built around the lives of their national heroes. When you think, Mr. President, of what the United States has done to preserve its history and to record the lives of its people and heroes, you see the true national spirit of a proud country.

Over the years I believe that tremendous and valuable assets of antique value have been lost to our country by collectors from other countries whom I have known to buy, for instance, old Caymanian bedsteads more than a century old for little or nothing, and have taken them out of the country. There were probably millions of dollars in treasure and other items of priceless value that have gone out of this country without the people realising what it was and what it meant in terms of history to this country.

When we talk of preservation today I think of the work of people like Mr. Ira Thompson, of blessed memory, one who had done tremendous work and laboured over the years to preserve Caymanian history and things of value. I say, Mr. President, we should be grateful that we have had stalwarts like him who loved his country enough to preserve these things of interest, and who, in fact, I believe, started the only museum we have. He was an historian of worth, and I pay tribute to him today. That is why

some time ago in Finance Committee I moved a motion that our first museum be named after him. I think that has since been rejected, although it was accepted at that time. Nevertheless, I do hope and pray that this country never forget the work of such people.

The Bill, Mr. President, is responsible for the preservation of its historic sites. I think of places like the Beatuswain Bay school house in my constituency. This building has seen many of our decent and upright citizens of today pass through its doors, but today it is in a dilapidated state. A group of young people in Beatuswain Bay, to whom I also pay tribute, have been trying to restore this building, but it needs a lot of work. And as I said, it is not structurally sound, but this old school could be preserved. It could be restored to its original condition as much as today's material could render it so, and the property where it stands could be declared an historic site. A fee could be charged for visitors to help offset costs. Another tourist attraction could be added to West Bay. I am hoping that when the District Councils are formed, the West Bay Council will look at the school house and site and work together with those who are trying to preserve it.

Another historical site, Mr. President, is the old Prospect Fort which was built, armed and manned by Caymanians for their own protection during the famous Governor Bodden's leadership in the years 1776 to 1823. A monument was erected on that site in 1954 by the Cayman Islands Historical Association. Again, this site could be taken care of, probably fenced and more information given on its history. I think it would be fit and proper also to try, at least try, and restore the old fort - again as far as contemporary material would help. We would be surprised at the great interest it would be to our visitors, and they could be charged a small fee to see it.

I was there the other day, Mr. President, and when you find yourself standing in a place as calm and serene as it is, a feeling of national pride, if you have such feeling, can be easily aroused. When you think that Caymanians built it, armed and manned it, and were actually prepared to die for their country, it does stimulate a feeling of pride and yet they say we have no national heroes. I ponder, Mr. President, their apathy and pray for a change of heart. I hope, Sir, that every effort will be made to discover and preserve those sights of significance and which merit preservation. It does not matter where they are or in which district they may be, but that these things which form some historical background of the country may be preserved for posterity to see and be informed.

As I said, Sir, I am glad to see this Bill before us because there is a certain amount of apathy when it comes to things which some people determine as being nationalistic. When it comes to this Member, Mr. President, you will find I am a nationalist at heart, and sometimes I am at liberty to say to our people, have confidence in the future and be proud of our past. In my opinion we need that confidence if we are to achieve the steady effort that can alone bring success in getting our people more entrenched and to accept that we can have pride in our country and be a nationalist without going independent as has been told them so often. Being a nationalist and supporting things that the Bill asks us to do is a matter of pride in one's homeland, and pride in things connected to the place of one's birth.

I crave your indulgence, Mr. President, for I cannot help but refer, as I hinted before, to the reasons why a national order for national heroes was not accepted or even that Government did not see fit to even speak on it. However, I am glad to see in the Memorandum of Objects and Reasons that the policy of the National Trust would be to engage in programmes for the preservation of national heritage.

It is said, Sir, that opportunities lost are never regained, and we must never lose any opportunity to preserve our heritage and to maintain our culture. That creation, of an order of national heroes, was a move in the right direction only aiding us in our national development process, and trying to endow a sense of pride in our own people. National pride and awareness was what I was dealing with in trying to get an order of national heroes. I believe today it is one of the most powerful forces in the development of the character of Caymanians, and therefore when I witness now this awareness, pride and interest by the Government in things rooted in this country, I am glad. "Breathe there a man with soul so dead, who never to himself hath said, this is my own, my native land". I am glad, for we need to build up, Elected Members, and further encourage this interest and awareness of our heritage, not only of sites, Mr. President, it should also have been the desire of this House to select from among the men and women of the past people who can be held out to the people of today, our children, as emblems of greatness and as symbols of inspiration, which I think is as vital for us in Cayman at this stage of our development as the Bill before us.

I have a faith in the value of anything that is rooted deep in our country and of the things which can and do inspire our people, and most of all, anything that would tend to unify the spirit of Caymanians. I believe, Mr. President, no greater social and cultural need exists today in these islands than to bring our people as one in everything, be it in education or a resort to the study and preservation of our history, and in development of a love and appreciation of these things because they all contribute to that creation of a unifying force - a force that makes the people one without which this country can never hope to be great in history.

Mr. President, I guess that is enough on my feelings, but I feel strongly about these things, and I am glad you gave me that opportunity.

I have tabled an amendment to clause 10, Mr. President. I feel it only fit and proper that there should be an audit done, and that the audit report be tabled in this House along with the Annual Report.

Mr. President, Government, up until the time the Honourable Member moving the Bill was speaking, I believe made a firm commitment not to accept this amendment, but having since aired our views at the break, I believe that they will have a change of heart. And I am glad. The Honourable Member moving the Bill said that this National Trust is an independent entity, dependent on public funds for operation.

Mr. President, many people are becoming aware in this country of moves to collect funds for whatever reasons, and they are becoming anxious to have some sort of accountability. I feel that an audit would help in that respect. He also said that if the Trust needed money, he was certain it could come from the Treasury - and yes, any time that there is a need for the preservation of things Caymanian, you can believe that they would have my vote a hundred times, as long as it was justified. If we are going to pay out money at any time we need to have proper accounts and cannot say that there will not be proper accounts, but there needs to be, in my mind, an audit tabled in this House where, if I ever needed to question it, I would have that there in front of me. The mover also said that the Governor could order an audit. Why should a Governor have to order an audit? I think the Governor has enough to do keeping Executive Council in check and then having to come here and keep us in check.

Mr. President, clause 4(1)(b) states:

"4(1)(b) the conservation of lands, natural features and submarine areas of beauty, historic or environmental importance which the Trust may have acquired through gift, bequest, purchase, lease or other means:".

And clause 4(2)(b):

"4(2)(b) the acquisition of any property by gift, bequest, purchase, lease or other means and the maintenance, sale or leasing of any such land or thing:"...

... which means that property will be held in Trust and will probably amount to millions in a few years. And when we are dealing with that kind of money, yes, there needs to be an audit, there needs to be that accountability, and it needs to be laid on the table of this House.

More so, Mr. President, clause 15 states:

"15. Any transaction involving the Trust shall be exempt from the payment of any Stamp Duty under the Stamp Duty Law ...".

Here again, anything transferred to it or anything it buys no money will be paid to it and probably the properties would be worth hundreds of thousands of dollars. There again we are not accepting any money to the public, which is really due to the public. And in clause 23(1) it states, and I pray that it does not happen:

"23.(1) If the Trust Council finds that, for financial or other reasons, continued operation of the Trust is no longer feasible, it may voluntarily wind up the affairs of the Trust."

Clause 23(2) states:

"23.(2) If events occur concerning the Trust which, if it was a limited company formed and registered under the Companies Law, would enable the Grand Court to wind it up under section 91 of that Law, the Financial Secretary may apply to the Grand Court to wind up the Trust."

And clause 23(3) states that the property which has been declared to the Trust shall vest in the Financial Secretary. So there are all sorts of reasons even within the Bill itself why a proper audit by a certified accountant, whoever he or she may be, should be done - even within this Bill itself. I am not a lawyer, Mr. President, although that is what I wanted to be, but I believe in drafting where examples are used, and this Bill is not dissimilar to other national trust laws in other countries. For instance the Jamaica National Trust, I have seen that Law, and you can believe that this Bill is similar, if clause are not taken directly from it. And that Law says that there should be an audit, an audit sanctioned by the Auditor General. And if you check my original amendment you will find that I had in that original amendment put that the Auditor General should ask for this audit.

But I believe that the present amendment is more fitting, seeing that the Auditor General has a lot of work to do - he will soon be checking on the sewerage project - I hear they are in big trouble. My amendment reads "(2) that the accounts of the Trust shall be audited annually by a certified accountant", and this is all I am asking. I am not asking that the Auditor General be involved, but if the House so feels, then they can give him that extra bit of work.

Mr. President, this amendment has not been put

idly. As I said, this Trust is going to involve thousands and probably millions of dollars, if the Trust does its work - property that is probably already declared Government property, but that it would find themselves involved with. And I trust that Government will shed its political cloak and take on at this time, when they consider this amendment, their responsibility cloak.

In closing, Mr. President, I should like to take this opportunity in paying tribute to those people who have devoted considerable time and effort in this manner, including the Honourable Member moving the Bill, and whom, as I said, are responsible today for the inspiration of this particular measure which is only part of the widening circle of creative, cultural development of this country. The matter is therefore one that I have always had the greatest interest in and one which I have tried, in my own little way, to foster as well as I could and one that I desire to see spread, because I know it is another stone in the foundation of pending nationhood. Therefore I have the greatest pleasure in supporting the Bill, a Bill to establish the Cayman Islands National Trust.

MR. PRESIDENT:

The First Elected Member for Bodden Town?

MR. JAMES M. BODDEN:

Mr. President, I welcome the introduction of this Bill. I think it is timely, it is needed and I hope it will pass this Assembly.

I paid special attention to the Memorandum of Objects and Reasons and it is cited that the purpose is to preserve the cultural, historical and natural heritage of the Islands. I think that I have always championed a nationalistic point of view for the Cayman Islands, and that I will continue to do. I am very much at heart a nationalist.

Our young people have continually experienced a cultural shock. They know but little of our past. The past history of our country and its people have not been taught to them. Culturally they have no identity. They have grasped things from other countries continually trying to put them into perspective with our way of life and I think that we can all say that it has not been of total benefit to our people. It is time that we have something for the young people to identify themselves with as being a part of the Cayman Islands and the country that we represent. So I support this very much. With regard to the historical aspect of it, there are many points of interest that could be pointed out to our people and to people of other lands and be preserved, and I hope that this will be done.

The next point is the creation of parks. This is something that has been talked about on the political platforms and in this House for many years. It is time that we do more than talk. It is time that we do something about it. Our young people, in particular, have no place to go which can really be designated as a park. The visitors to our shores have no place that they can go. This Government came to power on the promise, particularly, that this was one of the things they were going to do. I hope now that it will be done.

I am a little bit disturbed with clause 4 of the Bill, and I would suggest that at the end of subsection (1)(a) we would add the words "which it has acquired". The clause says that the purpose of the Trust shall be the preservation of the historic, natural and maritime heritage of the Islands through the preservation of areas, sites, buildings, structures and objects of historical, cultural significance. I am suggesting that we add "which it has acquired". It may be pointed out to me that this would be superfluous, but I would like a ruling on it. My reason for it is that this clause is a large clause designating the powers of the Bill - and I would not wish it to be used to the detriment of the rights of property owners in the country. There also be the danger that recommendation could be made by the Trust to Government to acquire certain properties, and I would like to see the right manifested in the Bill that the property owner's right is not disturbed in any respect.

I would like to support the words of the previous speaker, the Second Elected Member for West Bay, with regard to clause 10 and I would suggest that we add after the word "liabilities", the words "and shall be audited and tabled annually in the Legislative Assembly". This would give accountability to Members of the Legislative Assembly, who in turn have to account to the electorate of the Islands.

Clause 11. With the Bill coming before the House at this time, in September, it probably could not be signed and put into effect until sometime in October, and I think we will need more time for the Council, once it has been established, to begin to operate. Further, I think to set the first accountable period for October 1988 is a little too quick and I would suggest that that be changed to the month of December.

Now putting on my political cap here for a minute, this Bill, once it is passed and becomes Law, as I hope it will, and takes on its significance, it will in my mind be of great importance to the people of this country, and I therefore think that it should come into effect and the first meeting held after the 1988 election rather than for the present Government, alone, to take the praise for its passing before the 1988 election in November. Therefore, I suggest that we change the date to December of 1988. Thank you.

Oh, Mr. President, just a moment, please.

MR. PRESIDENT:
please go ahead.

We will take it that you have not quite finished,

MR. JAMES M. BODDEN:

The Second Elected Member suggested I broaden the point a bit, and in view of the fact that he is not going to speak at this time, I join with him in saying that one of the first things the Trust could do is designate Bodden Town the capital of the country again! (LAUGHTER)

MR. PRESIDENT:
a moment!

I thought you were going to say this Assembly, for

Honourable Second Elected Member of Executive Council.

Does any other Member desire to speak? The

HON. W. NORMAN BODDEN:

Mr. President, it gives me much pleasure to offer my full support to such an important Bill as this - a Bill for a Law to establish a National Trust for the Cayman Islands.

In almost any magazine or newspaper one reads today it will be seen that, in many countries around the world, citizens are seriously concerned about the preservation of their natural heritage, and are actively seeking the means whereby their country's identity can be maintained. There can be little doubt in anyone's mind that, unless some definite action is taken to save some of the qualities and some of the things Caymanian and of interest, those things which have made these Islands special will be swallowed up in change and we will no longer be able to provide and offer the natural charm and atmosphere which have attracted visitors to our shores in the first place.

So this is a most important and valuable piece of legislation, and I, too, offer my congratulations to the Honourable Fourth Elected Member of Council for bringing this Bill to this Honourable House at this time. It is encouraging to see that, in spite of extensive development which I agree must continue at an orderly pace, as a Government and as a people we are becoming more conscious of the urgent need to protect and preserve the natural heritage of these Islands and to at least be able to save some of what we have left, and make some provision for the future, for we have already lost a great deal which can never be recovered.

It was once said that Government is a trust, and the officers of the Government are trustees and that both the trust and the trustees are created for the benefit of the people, and to my mind truer words have never been spoken. It is therefore my view that the National Trust rightly administered in accordance with the provisions of the proposed Law will prove worthwhile and beneficial to all Caymanians today and to future generations to come.

Clause 4 sets out the purposes and powers, which are all noble and necessary; the preservation of the historic, natural and maritime heritage of the Islands; and the conservation of lands, natural features and submarine areas of beauty. The Trust, amongst other things, will have the power to protect and preserve any place, building, area of beauty, historic, cultural or environmental significance. It provides for the creation of an heritage register and for the preservation of wildlife and the fostering of public interest through public information and public education which are all vital requirements if this National Trust is to survive and serve the purposes for which it is being established.

Provision is also being made for the establishment of a Council to manage the affairs of the Trust, and the appointment of district committees will provide a fair composition of members truly representative of the three Cayman Islands. I am certain that their input and involvement will prove invaluable.

Our Islands, Mr. President, are so heavily dependent on tourism, and this fact coupled with the urgent need to preserve our heritage for the benefit of future generations who will rise up and either bless us or curse us for the way we have managed what has been entrusted to our care. I believe that with the establishment of marine parks, it is my firm opinion that the establishment of a National Trust is of equal and utmost importance.

With those few remarks, Mr. President, I give this Bill my full support.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. DRETT:

Thank you, Mr. President.

Mr. President, needless to say, I am indeed pleased to see this Bill for a Law to establish a National Trust for the Cayman Islands and for connected purposes brought to the House today.

Without any self-aggrandisement, or boasting, I think that all Members of this House are aware that I am very, very keenly interested in the preservation of things Caymanian. In fact, Mr. President, I think the Hansard of the House will reveal that at one point in time, I was even somewhat chastised for the part which perhaps I have played in trying to preserve some segment of heritage as far as our Caymanian people and their history is concerned.

There is a certain character in the community by the name of Aunt Suki and she, at least, was trying to preserve some of the language distinctions and other areas which were distinctly Caymanian, and I have no apologies to make for any efforts which I made in this direction. So preserving things Caymanian is almost a part of my lifestyle.

Mr. President, other Members who preceded me,

including the Honourable Fourth Elected Member of Executive Council, whom I congratulate in his presentation of this Bill, have made some very fine remarks and their support of the Bill is very heartening indeed.

I would like to say here, Mr. President, that in my travels, one of the things that has intrigued me is the way in which many countries are able to preserve so much of their country's history and I feel very badly that many of the things that we should have in the past for the sake of historical record for our children has been lost. However, it is not too late to start and thus this Bill is timely indeed.

At the present time the United States is celebrating 200 years of its Constitution, and to visit that country and see the vast amount of land mass which it has - in Canada and in England, and to see the many areas for parks and recreational areas which they have, it almost frightens me that with our limited land mass we have perhaps been a little careless until now in identifying and preserving what should have been preserved for Caymanians. Mr. President, it is for this reason why I supported so forcefully and strenuously, the marine parks. When that was presented to the House I supported it because I felt that unless we took serious steps to do so, much was going to be lost to our children.

Mr. President, I have walked in areas in England where I studied as a girl, and I stood there in awe to think that people had taken such an interest in what was theirs to have preserved it for hundreds and hundreds of years. And to think that I had studied history and there I was almost becoming a part of it in that great country, was indeed richly rewarding as far as I am concerned.

The Caymanian people, Mr. President, are made up of many and diverse nationalities. We are a special people, perhaps a people whom you would not find anywhere else. They are unique in their qualities, I think, and I am proud to be a Caymanian. The children of Cayman have to learn a lot about from where we have come.

One clause of this Bill mentions that public awareness and public education is amongst one of the purposes which it must fill - the fostering of public interest, the provision of information. Something which has bothered me for a long time is that perhaps the younger generation are not aware of all that Cayman is made of. Our dedication to duty, our ability to get along with each other regardless of colour or national background history, our ability to give an honest day's work for an honest day's pay - these are areas which have made up Cayman. I think that in the home and in the school as well as in the workplace, Caymanians have to be made aware of the fact that what we have must be held in trust for those who are going to come behind us.

It has bothered me for quite some time, in spite of the development which is inevitable, that many times that trees, such as the local thatch palm, the mango tree, the nashberry, the cocoplum, are just raised from the earth and no effort is made to even replenish these. As a child, there was a tree called a wild strawberry. I have yet to see one, probably, in the last 15 years and they were ever so plentiful as a child. I believe that a stringent effort must be put forth whenever development takes place in this country in that any of the fauna and flora, which is so much a part of Cayman's history, must be looked after in every plan that is brought to the Planning Department, and that every effort be made, either to refrain from destroying these, or, if they have to be removed, that they be removed and replaced or replanted.

Mr. President, as I mentioned earlier, we do not have too much land mass. We are quite a flat island and I have noticed in recent years that it has become a common practice to raise even the slightest little hill or any little elevated area in order to provide marl, or whatever, for the sake of development. I believe that consideration ought to be seriously given as to whether this should be done as much as it is. I think that an interest ought to be taken in the natural formation of the island - we are small, we have not much to offer, and I believe that these are areas that perhaps are carelessly raised simply in the name of development. Perhaps we could ask ourselves whether there is not some other means of providing marl or whatever is necessary for development, other than to raise the landscape?

Mr. President, the Second Elected Member for West Bay very ably and timely paid tribute to Mr. Ira. I would like to join him in doing that because he certainly preserved a lot of the things which otherwise may have gone the way much else has in our Islands. I also would like to take this time to pay tribute to Mr. Bertie Ebanks of West Bay who has preserved a lot of historical writings and other mementoes from the past. I would like to take this time to pay tribute to Mr. Lee Ebanks who has written a book entitled "Lest We Forget" and I think it should be in the hands of every Member of the House. These individuals and many others, Mr. President, were trying to do exactly what this Bill seeks to do today - to preserve for Caymanians what is ours and ours alone; things we cannot find elsewhere.

Mr. President, the Bill at the outset states: "There is hereby established a body corporate called the National Trust for the Cayman Islands which shall have perpetual succession ...". Mr. President, I give this Bill my wholehearted support. I believe in Cayman, I believe in all that it has stood for. I relish the thought and grasp the opportunity of visiting senior citizens of this country. I enjoy talking with them and learning from them all that took place earlier in their lives, many times before I was born, but I like to think that it would be in my best interest and the interest of the people of these islands if I, too, would endeavour to pass on what I have learned to the younger children of this generation.

Mr. President, I would like to see in our schools an effort made - not necessarily in the High School because at that particular time many

children lose interest in an art - at early elementary stages to teach the art of local plaiting, of mat making, of sewing and of making local turtle nets, even though we do not use them. Often we wait until their teenage years to teach them and we lose these arts because they are not interested. I hope that in our school curriculum, not just for a matter of information, a complete and physical involvement in the preservation of things Caymanian might be strictly adhered to in the Cayman Islands.

Mr. President, I support the Bill. I look forward to its implementation and I assure this Honourable House that I will do all in my power to preserve what is ours.

I thank you for the opportunity of speaking on the Bill.

MR. PRESIDENT:
approximately 2:15 p.m.

I think we could now suspend proceedings until

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT:

Proceedings are resumed. The second reading of the Bill to create a National Trust for the Cayman Islands. The First Elected Member for the Sister Islands.

CAPT. HARRY E. KIRKCONNELL:

Mr. President, I rise to support a Bill for a Law to establish the National Trust for the Cayman Islands and for connected purposes. I think this is a very timely and necessary Bill. I would like to congratulate Government in bringing it forward and also the Honourable Fourth Elected Member of Executive Council for his very able introduction.

I have listened very carefully to debates and I think most points have been very valid. In my opinion, in a small country such as we have, it is more important that we try to preserve our heritage in our National Trust than a large country, because in a small territory one tends to try to copy the developed nations, and you lose your identity completely. So I think it is very appropriate at this stage that this Bill be brought before this Honourable House.

One concern I have is how will this Trust be financed? I know in other territories there are memberships where substantial annual membership fees are paid by a large number of people which provides the necessary capital to preserve these historic sites. We must all realise that they are historic, they are old in nature, and therefore each year it will cost more to properly keep them maintained.

I would ask the Honourable Member - I am not sure that this is the appropriate place to discuss it - in replying if it would not be appropriate to establish somewhere in the by-laws a membership to be subscribed to on an annual basis. In other National Trusts the members also have voting rights - therefore you have a qualified and a dedicated clientele from which to choose committee members and which would guarantee the proper operation of the Trust and to preserve our heritage.

With these few words, Mr. President, I support the Bill.

MR. PRESIDENT:
of reply?

Perhaps the mover would wish to exercise his right

HON. VASSEL G. JOHNSON:

Thank you, Mr. President.

Mr. President, I think it would be very heartening to see in our national newspaper, the Compass, an article which would say more or less the Legislative Assembly unanimously supported the National Trust Law. I am sure at the end of the day that is what we will see because so far Members who have spoken have strongly supported the Bill. To those who did not speak, it is always said that silence is consent. I have, therefore, no doubt that all the Members will give it their very strong support.

I know there were a few points raised by the Members who spoke. The Second Elected Member for West Bay suggested that in my presentation of the Bill it was not my intention to accept the proposal to provide for audit of the accounts, but before he had finished speaking I indicated to him that that view was not correct.

Mr. President, the First Elected Member for Bodden Town who spoke next on the Bill made quite a few points, some jokingly and others were perhaps more serious. He is alluding that the capital should be moved from George Town back to Bodden Town where it originally was. I would like to say to the Member that it is difficult to define the boundary between George Town and West Bay and so it is with George Town and Bodden Town. What the Member should be more concerned about is that in time he is going to lose his identity because George Town is going to subsume both Bodden Town and West Bay! However, Mr. President, I hear that West Bay is vying for the same thing, and they claim that because Government House is now midway between George Town and West Bay the transition would be much easier! Anyhow, the infrastructure of George Town is something that all of them will have a difficult task to overcome because it will take them a long,

long time to build the sort of infrastructure to support a capital as it is in George Town. Mr. President, the First Elected Member for Bodden Town also suggested a few amendments to the Bill. He proposed that at the end of clause 4(1)(a) that the words "which it has acquired" be inserted. It is a point, Mr. President, that I raised with the Legal Department because at first I was also of the same view. However, the Honourable Second Official Member assured me that by inserting the provision under clause 4(1)(b) it would provide the sort of security which is required to ensure that the Trust would not acquire the power to obtain property by compulsory means.

Furthermore, Mr. President, looking at clause 14 of the Bill there is another provision there which would ensure that the Trust could not acquire property without the owner's consent. That is a provision providing the power to enter into agreements restricting the use of land. And the section begins with the words "Where any person is willing to agree with the Trust ...". So there is no way in which the Trust can, by compulsory means, acquire land. I think that when we re-examined the Bill to ensure that these safeguards were there it was determined that the Bill was sufficiently structured so as to provide for that safeguard, and so as not to excite people of things that the Trust could do against the wishes of property owners.

Mr. President, I had made a suggestion during the presentation of the Bill that, in order to further safeguard that fear by the Members, we strike out in clause 4(1)(b) and (2)(b) where the Trust would acquire property by gift, bequest, purchase or lease, the words "or other means", because those words could lead one to believe that there are other means which would include compulsory acquisition. I would be willing to do that, or to leave the words in there and have it accompanied with a proviso which would not include compulsory acquisition. But by striking out those words "or other means" would do the trick and provide the safeguard.

Mr. President, the First Elected Member for the Lesser Islands questioned finance and where the Trust would obtain financing for its many projects. I touched on that this morning in the presentation of the Bill and I even pointed out that in the Cayman National Cultural Foundation Law there was a provision where money could be voted by the Legislative Assembly for the purposes of that Foundation. But I thought, too, that this Bill should have a similar provision because of its tremendous importance to the country. At the end of the Bill there is a provision for winding up the Trust in case there is some reason for so doing, and I said that I hoped we would never see that day. Once the Trust is established it should continue in perpetuity in its operation. So the question of financing is something we might want to give thought to in dealing with the Bill at the committee stage.

Mr. President, the question of audit I think is now fully appreciated, and, in order to satisfy all the Members who spoke on it and others who did not speak but who have some concern as well, a provision should be inserted in the Bill requiring audit and this will be put forward at the committee stage. A suggestion was sent to the Second Elected Member for West Bay who proposed it. The re-doing of the proposal was by the Legal Department. I think there is a second draft of it circulating, making a few minor amendments. We will put that to the committee and see whether it is accepted. I did not have time to discuss it with the full Government bench.

Mr. President, I think a lot has been said in support of the National Trust and I will now again rely on the Members of this Assembly to give it their full support when it is moved through the committee stage.

Thank you very much.

MR. PRESIDENT:
of that Bill

I shall now put the question on the second reading

QUESTION PUT: AYES

HON. VASSEL G. JOHNSON:

Can I have a division, Mr. President?

MR. PRESIDENT:

Certainly.

DIVISION
NO. 59/87

AYES: 15

NOES: 0

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson D. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeever Bush
- Mrs. Daphne L. Orrett
- Mr. Linford Pierson
- Capt. Mabry S. Kirkconnell
- Mr. James M. Bodden
- Mr. G. Haig Bodden

Mr. D. Ezzard Miller
Mr. John B. McLean

UNANIMOUSLY AGREED: THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987 GIVEN A SECOND READING.

THE SUPPLEMENTARY APPROPRIATION (1986) BILL, 1987
FIRST READING

CLERK: THE SUPPLEMENTARY APPROPRIATION (1986) BILL, 1987

MR. PRESIDENT: A Bill entitled The Supplementary Appropriation (1986) Law, 1987 is deemed to have been read the First time and is set down for the Second Reading.

SECOND READING

CLERK: THE SUPPLEMENTARY APPROPRIATION (1986) BILL, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I move the second reading of a Bill for a Law to allow and confirm certain expenditure during the financial year 1986. This Bill is one which all Members are familiar with. It arises because during the year there is need for us to consider supplementary expenditure on items that were not seen during the forecasting of the budget in the previous year in November.

Mr. President, the total supplementary amounts to \$2,386,257.00, but to clarify a point, perhaps for Members and certainly for the listening public, the Appropriation Law which was passed in December 1985 called for a total expenditure of \$63,873,057.00, and although we have this supplementary appropriation Bill before us basically to give legality to the number of supplementary expenditure approvals that have been given by Finance Committee, we see at the end of the year, when we look at the accounts which were audited by the Auditor-General, that the total expenditure for that year is \$62,803,940.

So, Mr. President, the expenditure for the year is slightly less than the Appropriation Law which was passed in December of 1985. The amount of money spent in 1986 is less than that sum by approximately \$1,069,000.00, so that all we are doing in the Appropriation Law is to give legality to what was done in Finance Committee, although the sum was never spent - not all of it.

Thank you, Mr. President.

MR. PRESIDENT: Does any Member wish to speak on this Bill? I am not sure of Standing Orders, but as nobody has spoken you may not wish to exercise your right to reply?

HON. THOMAS C. JEFFERSON: I do not really need to, Mr. President, only to say thank you to Members who obviously supported the Bill.

QUESTION PUT: AGREED: THE SUPPLEMENTARY APPROPRIATION (1986) BILL, 1987 GIVEN A SECOND READING

MR. PRESIDENT: The next item of business is Government Bills - Committee stage, so the House will now go into Committee to consider a Bill entitled the Land Surveyor's (Amendment) Bill, 1987, and various other Bills.

HOUSE IN COMMITTEE

MR. CHAIRMAN: Please be seated.
The House is now in Committee. Before I ask the Clerk to state the Bills in their due order, I propose, with the leave of the House, as usual, to assume that it is your wish that if there are any minor printing errors and the like in these Bills, that we should authorise the Honourable Second Official Member to correct them. I believe this is the usual practice. Do I have your leave? Thank you.
Would the Clerk now please state the Bills in their order and read the clauses.

THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987

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 8.

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 LAND SURVEYOR'S LAW (REVISED).

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

THE WATER AUTHORITY (AMENDMENT) BILL, 1987

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 3 OF LAW 18 OF 1982.

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 4.

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 8.

MR. CHAIRMAN: The question is that clause 4 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 4 PASSED

MR. CHAIRMAN: I think we might take several clauses together, if Members agree? Please say if you do not. Thank you.

CLERK: CLAUSE 5. INSERTION OF NEW SECTIONS 8(A) AND 8(G).
CLAUSE 6. SUBSTITUTION OF SECTION 59.

MR. CHAIRMAN: The question is that clauses 5 and 6 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 5 AND 6 PASSED

CLERK: A BILL FOR A LAW TO AMEND THE WATER AUTHORITY LAW, 1982.

MR. CHAIRMAN: The question is that the title and enacting clauses do stand part of the Bill?

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSES PASSED

THE REGISTERED LAND (AMENDMENT) BILL, 1987

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 1 AGREED

CLERK: CLAUSE 2. AMENDMENT OF SECTION 1.54(A).

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 2 AGREED

CLERK: A BILL FOR A LAW TO ANEND THE REGISTERED LAND LAW (REVISED).

MR. CHAIRMAN: The question is that the title and enacting clauses do stand part of the Bill?

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSES PASSED

THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987

MR. CHAIRMAN: I am sorry to take Members' time, we are trying to decide how many clauses to take at a time in order to save time.

CLERK: CLAUSE 1. SHDRT TITLE.
CLAUSE 2. INTERPRETATION.
CLAUSE 3. ESTABLISHMENT OF TRUST.
CLAUSE 4. PURPOSES AND POWERS OF TRUST.
CLAUSE 5. COUNCIL.
CLAUSE 6. FOUNDER MEMBERS.
CLAUSE 7. AUTHENTICATION OF DOCUMENTS.
CLAUSE 8. INCOME OF TRUST.
CLAUSE 9. REGULATION OF PROCEDURE.

MR. PRESIDENT: The question is that clauses 1 to 9 inclusive do stand part of the Bill?

MR. LINFORD A. PIERSON: I just had one comment Sir. Perhaps the Honourable Second Official Member would clarify a matter I raised with him regarding clause 4(2)(b) with respect to the right of appeal. I think the House would appreciate his explanation on this.

HON. RICHARD W. GROUND: Mr. Chairman, I also see the First Elected Member for Bodden Town ...

MR. JAMES H. BODDEN: Mr. Chairman, I did not circulate a proposed amendment, but I brought it up in the second reading, with regard to 4(1)(a) and I am willing to submit to further clarification from the Honourable Second Official Member or the Honourable Fourth Elected Member to ease the worry on that one.

MR. VASSEL G. JOHNSON: Mr. Chairman, I comment on this. I said that I too was concerned when examining the Bill in the first instance that there should be some safeguard to ensure that property acquired by this Trust should only be those by gifts or by purchase or by lease, so that we would ensure that compulsory acquisition was not also a part of it.

After discussing it with the Legal Department, it was decided that in order to provide for some such safeguard it would be better put in 4(1)(b), where the Trust may have acquired, through gift, bequest, purchase or lease, or other means. What I was suggesting, Mr. Chairman, is that we remove the words "or other means", so that it would be specifically stated that the Trust would acquire property through gift, bequest, purchase or lease, and by no other means.

There is another form of treating that. We could leave all the words there and carry a provision which would ensure that there would be no compulsory acquisition. But whatever form Members wish it to take, I have no objection.

HON. RICHARD W. GROUND: Perhaps, Mr. Chairman, I might just come in here now and say a word about compulsory purchase.

The Bill as drafted was never intended to confer any right of compulsory purchase, and on a strict interpretation my view is that it does not at the moment - the expression "or other means" is not sufficient of itself to impute a

right of compulsory purchase. Having said that, I do appreciate that some Members are concerned about it, and although I can assure Members, and would be quite happy to so assure them, that the Bill, even as it stands, would not permit the Trust to go out and commence compulsory purchase proceedings against some member of the public. If there were words in here which were worrying Members, the words which the Honourable Fourth Elected Member just referred to "or other means" could come out without damaging or altering the effect of the Bill as a whole.

MR. G. HAIG BODDEN: Mr. Chairman, I would like to see the words "or other means" remain, because if we take those words out it would preclude the Trust from getting land through any other source except gifts, bequests, purchase or lease, and they may get land as a result, say, of a court case in which the court determined that land should go to them for some specific reason. I would like to see those words remain, but an exception put in that the Trust could not get land by acquisition on its own nor by making recommendations to Government. My big fear is that the Trust may take a fancy to some property such as Guard House Hill and then make a recommendation to Executive Council that Government acquire the land, and Executive Council, or the Governor, or whoever it is, may follow the recommendation of the Trust - so that while the Trust does not have the power to acquire the land on its own, it could acquire it simply through a recommendation for its acquisition. I think we really need to make such an amendment so that the Trust cannot acquire land by its own volition, nor should it make recommendations that Government acquire it.

MR. CHAIRMAN: By its own volition you mean compulsorily acquire it?

MR. G. HAIG BODDEN: Yes, Sir.

MR. JAMES M. BODDEN: Mr. Chairman, there is a fear here and somehow we have to come to grips with it. We must not deny ourselves that it cannot happen. As my fellow Member for Bodden Town just said, a member of the committee or the Trust could take fancy to a particular piece of land and speak to a person in Government who could do something about it; say that they would like to get that piece of land and speak to the Planning Board to not give permission for any development to take place on that piece of land. It can happen that way. This is far-fetched, I know, but something needs to go in that will protect property owners with their inherent right that they now have. I am not legally minded enough to know how to phrase it and I would bend to the Honourable Second Official Member in that respect, but I think we should have some protection that says that ulterior means cannot be used to affect the property value of any respected piece of land that the Trust would like to acquire.

HON. RICHARD W. GROUND: Mr. Chairman, it would be very easy to put in a proviso that says that the Trust itself cannot acquire land compulsorily. I do accept the point made by the Second Elected Member for Bodden Town that there may be ways of acquiring land that we have not thought of, like courts, whatever. That is why draftsmen put in expressions like "any other means" to catch something which a failure of the imagination has not foreseen at this stage.

However, I would like to address the point raised by the First Elected Member for Bodden Town. His submission is that the Trust should not be able to make recommendations to Government or, as I understood it, to the Planning Authority. At the moment, as I am sure he is aware, there is the Land Acquisition Law which has stood on the statute books of these Islands practically since time immemorial - it was certainly here in 1963. That permits Government to take land for public purposes upon the payment of compensation. There are safeguards that are hedged around - there are appeals to the court and so on. Public purpose is not defined in that Law, but it may well be that some of the purposes envisaged by the Trust might be a public purpose for which the Government of the day might properly, under the Land Acquisition Law, want to proceed to compulsory purchase.

Now in my submission it would be very odd if Government can, under this Law which has always been there, proceed when it thinks it appropriate to acquire land to do so except in one case, and that one case would be the National Trust. You would then be excluding the National Trust which has been set up for the benefit of the preservation of the Islands' heritage, from the benefits that that other Law conferred upon all other functions of Government. The safeguards which are in the Land Acquisition Law, in my submission to the House, really ought to be enough to set the Member's fears at rest. In the last resort, the safeguards are political because the act of compulsorily acquiring can attract, in the last resort, attention and questions in this House. But to debar the Trust, which has been set up, or will we hope have been set up with the unanimous support of this present Assembly, from itself benefiting under that Law would create an anomalous situation where the Trust was in a worse position than all arms of Government.

So, though I appreciate the Member's fear, and would not be so foolish as to say to him that the scenario that he envisages is not possible at some time in the future, I would say to him that there are safeguards within the Land Acquisition Law - that is an old Law which has been on the books for a long time - and that it would not really be necessary to disadvantage the Trust in relation to that Law

in this way.

MR. JAMES M. BODDEN:

I am quite familiar with the Land Acquisition Law and I really was not trying to preclude the Trust from having the benefit, maybe, of that, because I realize it might be necessary. I do not know whether there is any way in which we could include any protection in this Bill that would provide for what I have in mind. I have seen it worked before, in Government, and it could happen conceivably in the future. A person could have only one piece of land. It could be the only thing they own. They might not want to sell it, or they might not want to sell it at the price that they are being offered, say, by the Trust. And they might have means of selling that to someone else at a higher price. But someone could ask the Member in charge of the Portfolio which handles the Planning Board, to talk to the Planning Director to see that no permission is granted for a building of a home, let us say, on that site. But as long as the person who owns that land cannot use that land for some benefit, it has but little value, and what I am trying to safeguard is that the Trust, or Government as a whole, cannot use that to infringe on the property rights of an individual.

Now I do not know if there is a way of phrasing it in the Bill, but I am sure that the Attorney General will admit that such a thing can happen, and I would like to see him put his mind together to see if there is a way to protect these rights. That is all I am asking. I am not really making a big issue of it, I am only saying that if we were to put something to protect property rights in this Bill, it may keep us from having a lot of problems in the future.

HON. BENSON O. FRANKS:

Mr. Chairman, I want to make two points. I guess the first is that I think maybe subsection (1)(b) is the wrong place for us to be dealing with the affairs that have been expressed. As I see it that is the purpose of the Trust. Clause 4(2)(b) might be the better place to deal with the affair that is being expressed - that is the section that deals with the power of the Trust. But I would also like to call attention to subsection (2)(a) and point out that the power of the Trust there really is the identification, investigation, classification, protection, preservation of any place, building, area of beauty or of historic, cultural or environmental significance. So I would have thought that that would be the controlling factor if ever the Land Acquisition Law was thought of being exercised. It would have to meet those criteria so that not just any piece of property would be at stake. It would have to fall, in my opinion, in the realm of historical, cultural, environmental significance. However, the other more important point that I want to make is that, if any provision or whatever is going to be made, I would have thought it would be in subsection (2)(b).

MR. LINFORD A. PIERSON:

Mr. Chairman, I would fully support that, and that is why initially I suggested clause 4(2)(b) because 4(2)(b) actually deals with the power to carry out certain activities and 4(1) states the purposes of the Trust. So if we are going to amend 4(1)(b), then 4(2)(b) will likewise have to be amended to read the same.

HON. RICHARD W. GROUND:

Mr. Chairman, may I just come in here and say that 4(2)(b) is the place to do it and that, to meet some of Members' fears, what we could put in there is words to the effect that "provided that nothing in this subsection shall be taken as empowering the Trust to obtain land by compulsory purchase."

MR. LINFORD A. PIERSON:

Mr. Chairman, I wonder whether we should not ask the Honourable Second Official Member, then, to agree the wording of the necessary amendment here, and we could leave that to him.

MR. CHAIRMAN:

Well, I thought we might have a short suspension while he works it out and come back.

But may I ask one thing for clarification? Compulsory acquisition of land, once this has happened, what are the rights of the owner? Are there appeal rights to the Grand Court, or what are the procedures?

HON. RICHARD W. GROUND:

Under the Land Acquisition Law, once a compulsory purchase order is made by the Governor, which I believe is the Governor in Council, there is a valuation procedure using the Government Valuation Officer, and then that can either be accepted by the property owner, or he has a right of appeal. The right of appeal takes him to the Grand Court. Whether it goes there directly, or whether there is a tribunal in between, I am not sure without checking the Law. But certainly, in the end, he can get a hearing on the valuation in the Grand Court.

MR. CHAIRMAN:

I just want to establish clearly - the appeal is about the value, not about the fact of acquisition - is there an appeal against the acquisition?

HON. RICHARD W. GROUND:

I hesitate to commit myself without having looked at it, but my immediate reaction is that it is against the valuation, and if some - if I might use the expression - "funny business" had happened to diminish the value artificially, that is something which the aggrieved land owner could canvass on an appeal. He would have to bring evidence to show it, but that is something that could be aired.

MR. JAMES M. BODDEN:

If you cannot get permission under the law to develop a piece of land, certainly, then, the value has been lowered. And if we were to put in something here to say that provided that no steps had been taken to lower the existing value, it may adequately cover what we are talking about. I am not saying that is the wording; it can be worded in the legal terminology - but so long as we get that meaning into the Bill.

HON. VASSEL G. JOHNSON:

Mr. Chairman, under the Land Acquisition Law, there are two notices which should be published before the process of acquisition. The first notice is to identify the particular property which Government wishes to acquire. The second notice is to state specifically for what purpose the property is required, and so there is no question, really, of Government going and acquiring property for other people. The property that is acquired by Government must be for specific Government development or improvement.

MR. JAMES M. BODDEN:

Mr. Chairman, I do not think, really, that any of us are arguing against the use of the Land Acquisition Law if it was felt necessary that it should be used to preserve something of historical value, because I think we all appreciate that. The point I am arguing, really, is that I do not want to see any fictitious means used to devalue the existing value of a person's piece of property because the Trust would like to buy it. And this could be done - the owner of the property may not know that that piece of land had been pin-pointed by the Trust to acquire it, and development on that piece of land could be forestalled by the Planning Board year after year after year. And if the person has no rights to develop that piece of land the value has been lowered. I would not want to see that happen through this Bill just because we want to preserve something of historical value.

MR. CHAIRMAN:

In this particular connection?

MR. JAMES M. BODDEN:

Yes, Sir, but we must protect the rights of the property owners.

MR. CHAIRMAN:

I think we might have a short break, but specific questions for the Attorney General - it may be that the Land Acquisition Law, as the Honourable Fourth Elected Member mentioned, may only provide for acquisition by Government for Government purposes - and the National Trust may not, in that case, be a Government purpose.

HON. VASSEL G. JOHNSON:

That is my contention, Mr. Chairman.

MR. CHAIRMAN:

Perhaps we will take a break, and the Honourable Second Official Member can think about two things - first of all the question we have just put, and secondly, a suitable amendment to the Bill we are looking at. Shall we take ten or fifteen minutes?

AT 3:15 P.M. THE COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 3:37 P.M.

MR. CHAIRMAN:

We will resume. We are short of one of the interested Members.

HON. RICHARD W. GROUND:

Mr. Chairman, in the break I did speak to the First Elected Member for Bodden Town, who I now see coming into the Chamber, and I was able to explain to him privately some aspects of the Law and undertook that I would in the House, as a result of that, make certain statements as to what my view of the effect of the present Bill and of the Land Acquisition Law is. I would like to do that now, if I may, Mr. Chairman.

I would begin at the beginning, although it is going over ground that we have already covered, but in my view the Bill as presently drafted does not confer upon the Trust, itself, the power to directly acquire land by compulsory acquisition. It only confers upon it the power to buy on the open market or to accept by way of gift or bequest, accept land.

Secondly, the Land Acquisition Law does permit Government to acquire land for a public purpose, and it may be that a proper public purpose would be the preservation of some building or site of historical, heritage or national interest. And it would be possible for Government to acquire such land under the Land Acquisition Law and then hand over its management or donate it or grant it to the Trust. It would, of course, always be possible for the Trust, or anybody, to set Government in motion by making a request to do that.

Any back door attempt to alter or artificially tamper with the value of land which was to be so acquired under the Land Acquisition Law would of course be grossly improper - it would be grossly improper under the Law as it stands now, and in my opinion, nothing that we could add into the National Trust Law would

provide any more effective safeguard than those that exist in the present laws.

The safeguard that exists in the present Land Acquisition Law is an appeal to the Grand Court on the valuation of the land. The procedure is that the Governor takes advice from Government's valuers as to what the valuation of the land is and offers that to the person from whom the land is being acquired. If the person is dissatisfied with that offer he can appeal it to the Grand Court. If he is satisfied he can accept it, but if he is dissatisfied he can go to the Grand Court and there will then be a hearing - and it would be a public hearing - as to what the market value of the land is. And on that hearing, in my view, if there was some evidence that something improper had taken place, that could be canvassed and dealt with at that hearing. And anything that we would put into the present National Trust Bill could only be as good or as effective as what would already exist under the Land Acquisition Law and what would happen on such a hearing.

So, in my view, it is unnecessary to put anything in the National Trust Bill. I hope that meets the undertaking I had given to the Member.

MR. JAMES M. BODDEN: And your view on it would be that the Bill, as presently drafted, could not be used in any way to artificially lower the value of any property which may wish to be acquired?

HON. RICHARD W. GROUND: That is correct.

MR. JAMES M. BODDEN: Mr. Chairman, I am pleased to hear what the Honourable Second Official Member has said and I am quite willing to accept that. Thank you.

MR. CHAIRMAN: I think the position on committee stage of this Bill is that the Clerk has read out clauses 1 to 9 and we have specifically discussed certain aspects of clause 4. Can I now put the question on clauses 1 to 9, or are there issues which Members wish to discuss in other clauses?

HON. VASSEL G. JOHNSON: I do not think there were any specific issues raised in the other clauses, Mr. Chairman. Clause 10, yes, dealing with audit.

MR. CHAIRMAN: Yes, I think not. I just wanted to be quite sure, having made several mistakes this afternoon, I was trying to avoid another one!

So I now put the question. The question is that clauses 1 to 9 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 1 - 9 PASSED

CLERK: CLAUSE 10. ACCOUNTS.

MR. CHAIRMAN: Clause 10 - amendment proposed to which I have given leave, with the will of the House.

MR. McKEEVA W. RUSH: Mr. Chairman, in accordance with Standing Order 52(2), I move the following amendment in accordance with Standing Order 52(1).

"That the Bill be amended by:

(1) renumbering clause 10 as clause 10(1); and

(2) adding the following new subclause (2):

"(2) The accounts of the Trust shall be audited annually by a Certified Accountant and the officers, employees and members of the Trust shall grant to the person conducting such audit access to all the books, documents, cash and securities of the Trust, and shall give to him on request all such information as shall be within their knowledge in relation to the operation of the Trust, and a copy of the report of the auditor shall be laid on the table of the Legislative Assembly simultaneously with the Annual Report referred to in section 12."

Mr. Chairman, I do not need to go into any great detail. I think the case has been well put. It seems now that Government will accept it and that all Members are in favour, so I move the amendment.

HON. VASSEL G. JOHNSON: Mr. Chairman, providing that the Honourable Members of this House are prepared to accept the amendment moved by the Second Elected Member for West Bay, I am prepared to support it, Sir.

MR. LINFORD A. PIERSON: Mr. Chairman, just one observation which could form an amendment to this amendment, and that is the clarification of the first part. It is not going to change it significantly, it says "The accounts of the Trust shall be audited annually by a Certified Accountant ...". In the Cayman Islands we have, basically three categories of accountants which can audit accounts - they are C.P.A.s, C.A.s and A.C.C.A.s. For example, a C.A. is not a Certified Accountant like a C.P.A. and if a U.K. accountant saw this, it could create some confusion, so it may be a little clearer if it said: "shall be audited annually by an accountant qualified to practice within the Cayman Islands". That would then include all three bodies that are certified to practice here in the Cayman Islands - and not just the Certified Accountants.

HON. VASSEL G. JOHNSON: Mr. Chairman, I also agree with that amendment.

HON. RICHARD W. GROUND: Mr. Chairman, may I also say that I am very grateful that this point was raised. It was something which had been concerning me - not being an accountant, I do not know all the grades of the profession - but I am grateful to have some input on that, and that would seem to meet the point very well.

MR. CHAIRMAN: Unless any other Member wishes to speak on this, we will take the amendment to the amendment first - the amendment being that in the second line of clause 10(2), in the amendment proposed, that it shall read "by an accountant qualified to practice in the Cayman Islands" in place of the words "by a certified accountant".

The question is that this amendment to the proposed amendment stand part of the proposed amendment.

QUESTION PUT: AGREED. AMENDMENT TO AMENDMENT PASSED

MR. CHAIRMAN: Now we will take the amendment, if that is agreeable.

The question is that the amendment, moved by the Second Elected Member for West Bay, in regard of clause 10 as amended stand part of clause 10.

MR. LINFORD A. PIERSON: Mr. Chairman, perhaps just one other little amendment, and that is that what would now be 10(1) ... if you are going to be taking that now - have we reached there yet?

MR. CHAIRMAN: Well, I think we were about to take it, because 10(1) is part of this original amendment. But please go ahead.

MR. LINFORD A. PIERSON: In the third line where it says "payments, credits and liabilities", since we are referring to receipts and payments, the better accounting terminology would be "assets and liabilities", rather than "credits and liabilities".

HON. RICHARD W. GROUND: Again, Mr. President, I am in the hands of the accountancy profession on matters like this - so from a legal point of view, I would see no objection to that.

MR. CHAIRMAN: We will take, then, the second amendment to the amendment, and that is that in what would be clause 10(1), in the third line the word "credits" be replaced by the word "assets".

QUESTION PUT: AGREED. AMENDMENT TO AMENDMENT PASSED

MR. CHAIRMAN: May I now proceed to take the original amendment - the mover must be wondering if he will ever get it!

The question is that the amendment, moved by the Second Elected Member for West Bay, as twice amended do stand part of clause 10.

QUESTION PUT: AGREED. AMENDMENT AS TWICE AMENDED PASSED

MR. CHAIRMAN: The question now is that clause 10 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 10 AS AMENDED PASSED

CLERK: CLAUSE 11. GENERAL MEETINGS.

- CLAUSE 12. ANNUAL REPORT.
- CLAUSE 13. DISTRICT COMMITTEES.
- CLAUSE 14. POWER TO ENTER INTO AGREEMENTS RESTRICTING USE OF LAND.
- CLAUSE 15. EXEMPTION FROM STAMP DUTY.
- CLAUSE 16. POWER OF GOVERNOR TO GRANT PROPERTY TO THE TRUST.
- CLAUSE 17. BY-LAWS.
- CLAUSE 18. REMOVAL OF PERSONS.
- CLAUSE 19. OFFENCES.
- CLAUSE 20. REGULATIONS.
- CLAUSE 21. PENALTIES.
- CLAUSE 22. INALIENABLE PROPERTY.
- CLAUSE 23. FAILURE OF THE TRUST.

MR. CHAIRMAN:
stand part of the Bill?

The question is that clauses 11 to 23 inclusive do

MR. JAMES M. BODDEN:

Mr. Chairman, I had not made a formal move for an amendment to that section, but in my debate on the Bill I drew attention to the fact that I thought the date of October 1988 should have been changed to December 1988, because with us dealing with this in September, the Law will probably not become applicable until October, and by the time the committees and it could begin to function it will probably be at least December of this year. I think it would be out of line to expect to hold the first Annual General Meeting in October of 1988.

HON. VASSEL G. JOHNSON:

Mr. Chairman, the date given here is one strongly recommended by the Committee steering the Bill through to Government, and the reason for it is that they hope the Bill will become effective immediately it is given its assent by the Governor, and that it will then run for one full year before an Annual General Meeting is held. I tend to agree that the Trust should have that meeting a year after it is in operation. I thought, Mr. Chairman, that the Member was proposing that we bring the Law into effect in December 1988.

MR. JAMES M. BODDEN:

No, that is not what I am proposing, and I do not think I intimated that in any way in my debate. I wonder if you could advise us who this Committee is that is so strongly recommending that this be done in October?

HON. VASSEL G. JOHNSON:

Mr. Chairman, I have the names of the Committee and if the House so wishes I can read them.

MR. CHAIRMAN:

I wonder, perhaps - this is one point of information, but on the question of October or December - if the Committee is prepared to have a go, we might say well let them have a go. If they fail, then the egg is on their face.

MR. JAMES M. BODDEN:

Yes, but I still would like to know the composition of that Committee, and why we are so strongly accepting its wishes for October of 1988.

HON. VASSEL G. JOHNSON:

All right, Sir. The Chairman is Mr. Joe Heavener and the Vice Chairman is Mr. Vernon Jackson. The Secretary is Miss Deborah Drummond. The Treasurer is Mr. Noel Bodden. The Acting Secretary is Mrs. Dace McCoy-Ground. The Legal Adviser is Mr. Ian Boxall. The Development Liaison person is Mr. John Hurlston. Membership and fund raising: Mrs. Karen Hunter. Historic preservation: Miss Anita Ebanks. Flora and fauna: Miss Gina Ebanks. Flora and fauna: Mr. Alison Ebanks. Flora and fauna: Mrs. Margaret Barwick. Marine environment: Mr. Dan Foster. Conservation: Mr. Kearney Gomez. Government representative: Miss Corrine Glasgow. Government representative: Mr. Timmy Hubbell. District of West Bay representative: Mr. Charlie Farrington. District of East End representative: Mr. Rushbrook McLaughlin. North Side representative: Mrs. Mary Miller. George Town representative: Mr. Kirkland Nixon.

MR. JAMES M. BODDEN:

Mr. Chairman, in the interest of fair play I think we should more than ever change it to December, because after hearing the composition of that Committee there is no representative on Council from the important district of Bodden Town. And there is not one supporter of the unity team on that Committee. So I think in the interests of fair play you as Chairman of this Assembly should intercede under Roberts' Rules of Order to grant the minority a chance to see a little bit of fair play.

MR. D. EZZARD MILLER

Mr. Chairman, in that case I would like to nominate the First Elected Member for Bodden Town to represent Bodden Town.

MR. JAMES M. BODDEN:

No, I can represent that more ably in this House.
(LAUGHTER)

MR. G. HAIG BODDEN:

Mr. Chairman, there seems to be a very serious problem here in that clause 13 has a specific condition that Bodden Town be represented in the Trust. Since the Steering Committee, which is a nucleus from which the Trust will grow, does not have a Bodden Town representative on it, it seems imperative that somebody

be appointed to that Committee before we go into passing the Bill and appointing the members for the Trust. It is a very serious defect, and in fact there seems to be so much nepotism in the Committee with members related very closely to the Government, that the Honourable Member should take steps to reorganize that Committee before we can go into what we hope will be a non-controversial Trust. So it is of paramount importance that we change this date of October and that the Honourable Member get his house in order before he proceeds with the implementation of the Trust under this Bill.

MRS. DAPHNE L. DORRETT: Mr. Chairman, irrespective of what the Steering Committee's wishes might be as regards the time of implementation of this Bill, it would seem to me that those Members who spoke within the House today all seem to have indicated that there was some matter of urgency and that the Bill was timely, that it was here in time, and so on. I take it that the majority of Members here felt that the sooner the better.

MR. CHAIRMAN: I think we should give the Honourable Member in charge, if he wishes, the opportunity to speak at this point.

HON. VASSEL G. JOHNSON: Mr. Chairman, as far as the membership of this Committee is concerned, neither is there a representative for the Lesser Islands. It is the intention that when the Trust gets into operation that a Council will be appointed with district committees representing all the districts of the Islands.

This Committee was largely put together to consider the legislation side of it. Now if it is the wish of Members that the other districts not named here be represented, I can arrange to have members appointed to it, so that they will be known as the founder members. But as far as the operation is concerned, the Council of the Trust will be appointed. That is provided for in the Bill and the membership of that Council also sets out in the Bill who they will be and so on, together with these district committees. So I do not think it is a question, Mr. Chairman, that certain districts will not be represented here - everybody will have their due representation in the Council as a whole.

MR. G. HAIG BODDEN: Mr. Chairman, the purpose of this Bill as set out in the Memorandum is to preserve the historical heritage of the Islands. And whether we like it or not, Bedden Town was the first capital of the island. So how can we be setting up a Committee to deal with this and ignore completely the first capital - it cannot be done.

MR. CHAIRMAN: I think, with respect, if I may, I am new to this, but I think clauses 6 and 13 do answer your point. I think that what is being talked about at the moment is what you might call an organising committee, but they cease to have powers under clause 6 the moment, I think, assent is given to the Bill.

MR. G. HAIG BODDEN: I think you are wrong, Sir. Their influence is going to pervade throughout the establishment of the Trust.

MR. CHAIRMAN: In that case I think what I need, if we are going to proceed with this, are applications for leave to bring in specific amendments.

MR. JAMES M. BODDEN: Mr. Chairman, I do take grave exception to the fact that this Committee was formed and has been doing this work. I do not think I have had any notice of it before and I do not know whether my colleague has. Bedden Town is, sort of, the oldest established settlement on the Island. There are more areas of historic interest in Bedden Town than any other district of the Island. We have St. James Castle, we have the Guard House Hill, we have the Gun Square area, we have the old rock wall, and we even have the Savannah Schoolhouse; and to see that this was put together in the form of a nepotistic move, I would say, to appoint no one but their family members to this, and no one who has any suggestion of a linkage to the unity team, I think is an insult to us - and then we are asked to vote on this to bring it in in October of 1988 on the advice of these people because it says that the first annual general meeting of the Trust shall be held during the month of October 1988. That means that the annual activity of the Trust will be reported back to October of 1987. With us just acting on this Bill now it is impossible to make all the changes, and to organise and set it up, and have one year of activity to report on in 1988. This is strictly a political move, and I abhor it. As important as I think the Bill is for the country, I will, in the end, vote against it if we cannot change this date.

MR. LINFORD A. PIERSON: Mr. Chairman, I cannot subscribe to the view. We never usually differ on these points, but I could hardly subscribe to the view that it is a political committee because I happen to know - and I know a lot of politics are being played in the House - but I happen to know of some of the genesis of this Committee, and perhaps if the Honourable mover of the Bill had in fact remembered to give a little background of how the Committee came about, then it would have cleared a lot of doubts. It was not, from what I understand, just a straight appointment, as such, by Government of selected individuals. As a matter of fact it was the reverse. Individuals interested in the protection of our heritage got together as a group, and this is where the genesis of

this formed, and it was at this stage that the Portfolio really took it in hand and decided to bring the Bill to the House. But initially that group was not selected by Government to be on the Committee.

HON. BENSON O. FRANKS:

Mr. Chairman, I would like to say that I did not know the names of the members of the Committee until they were just read. But I would call the attention of Members to clause 6 of the Bill. The founder members, on the commencement of this Bill, will be appointed by the Governor, and it says it shall include at least one person representing each of the seven areas mentioned in clause 13(1) - that includes Bodden Town. So, irrespective of the title which the people might have been given on that list which the Honourable Member moving the Motion read, there has to be a member representing the electoral district of Bodden Town, and one from the Brac.

I think one thing has been served by this intervention, Mr. Chairman, and that is that I think we all missed. I do not know whether we would call it a typo or not, but in this same clause 6, I believe that on the seventh line of that, when it refers to "at the first Annual General Meeting to be held pursuant to Section 12", I have a feeling that should be "... Section 11".

HON. RICHARD W. GROUND:

Mr. Chairman, he is right.

HON. BENSON O. FRANKS:

Mr. Chairman, and again, I think if some Members have fears about the composition of the Council as it might be constituted by the Governor in Council, then that is an argument for having the first Annual General Meeting of the Council earlier rather than later so that the membership of the Trust do their own elections, as provided for in clause 11.

MR. JAMES M. BODDEN:

Mr. Chairman, I once again have to thank the Honourable First Elected Member of Executive Council because now he has given me even more ammunition for my argument. If we read clause 6 we will see that at the beginning it says:

"On the commencement of this Law, the powers, functions and responsibilities of the Council shall vest in the Founder Members."

The founding members are the people who have been mentioned by the Honourable Fourth Elected Member of Executive Council and it has no membership for Bodden Town or for the Sister Islands. If we read the clause further, it says:

"At the first Annual General Meeting to be held under section 11, the first Council shall be constituted, whereupon the powers of the Founder Members under this section shall cease."

It is not until a year from now, or in October 1980, that members from the other districts will have the power to function. It will be that the power here, if I read it correctly, is vested for the first year in these Founder Members.

MR. CHAIRMAN:

Can we have clarification from the Attorney General, and next the Elected Member for East End.

HON. RICHARD W. GROUND:

Mr. Chairman, with great respect, founder member is defined in clause 2, the definition clause, as meaning the persons referred to in clause 6. Clause 6 says that the Governor in Council shall appoint the Founder Members, so the Founder Members are not the Committee who have worked so hard to put together the Bill and the idea of the Trust; they are the people who will be appointed once the Law comes into effect by the Governor in Council, and the Governor in Council will be obliged to appoint a member for each of the districts in clause 13, including someone from Bodden Town. So there will have to be a representative for Bodden Town.

MR. JAMES M. BODDEN:

Yes, but there are going to be a lot of other Founder Members other than the seven people who by law have to be appointed. By law being under clause 6, I think, where one person from each district has to be appointed, but the Council will consist of a lot of other Members who are going to be appointed by Executive Council, those persons being more or less be the Founder Members - and we know that will be so. If we take time to figure out exactly how many Members are going to be appointed, and if we take the seven Members who have to be appointed by law, we will find that the Council - the Founder Members which the Honourable Member has just mentioned - will probably amount to the other 12 or whatever it is. We therefore know that they are going to be appointed by Executive Council, so what chance is one member from Bodden Town going to have against 18 others in anything he might wish to get done?

MR. CHAIRMAN:

I think the Attorney General might like to clarify further the difference between clause 5(3) which provides for the permanent Council, and the implications for that in the appointment under clause 6 by the Governor in Council of the Founder Members.

HON. RICHARD W. GROUND:

Mr. Chairman, I think he is right that under clause

6 the Governor in Council will have some discretion over the size or the number of the Founder Members who are appointed, but that will have to include somebody for each of the districts. With respect, Mr. Chairman, I do not think that the Council as set out in clause 5(3) necessarily binds the constitution of the Founder Members, or the distribution of that, but the whole scheme, or the whole intention envisaged by the idea of Founder Members and then going on to a Council, is really so that when the Trust is set up there has to be somebody who can immediately take over the government and control of it, take possession of any property that is vested in it and so on. This has to happen straight away. We cannot have elections straight away because until the Trust is set up the solicitation of membership among the public cannot begin. So what is envisaged is that one has the Founder Members who then go out, create a membership and they will then have a democratic election. And I think the date of October 1988 has been selected because it is going to be twelve months from the time when this Bill is likely to come into effect, given the length of this Sitting, and however long it takes to get the assent of His Excellency the Governor and so on - more or less twelve months. And I think that is where that period has come from. If I may say so I think that is where it has come from because when doing the draft we put that in there and the justification for that originally was that it was a year - and that the sooner one can move forward to the democratic election the better, while maintaining the concept of an annual renewal, starting from the time when the Law comes into effect.

I hope that clarifies the situation.

MR. JAMES M. BODDEN:

But, Mr. Chairman, clause 5(3) - unless I am being very ignorant today - states that the composition of the Council shall be:

"(a) the chairman, vice-chairman, secretary, treasurer and nine members who shall be elected at the annual general meeting ...".

It goes on in clause 5(3)(b) to say "three members appointed by the Governor ..." and it states which portfolios they shall be from. Sub-paragraph (c) then goes on to say "the seven persons being the chairmen of the District Committees", which means there is an overall composition of 23 members, right? Of those 23 members, seven shall be from the districts - so you might say that that cannot be controlled too much politically. The three members from the Portfolio are political appointments. Then there are 13 other people. Now tell me, under the composition of the founding membership which the Honourable Member just read out, who are those 13 are going to be? I will ask the Honourable Member right now whether it is 11 or 13 people in the composition which he just read out?

HON. VASSEL G. JOHNSON:

Those are 20 members.

MR. JAMES M. BODDEN:

So there are 20 out of which 13 will be selected? It is of great importance to the country, to have something like this established. Here we are approaching the 1988 November general elections and during the week before the elections, the last week in October, we are going to have a big fanfare promoted by Government throughout the country, the National Historical Trust day which was brought about by this elected Government - one week before the election. Do you think that that is fair when we sit in here and pass the Bill?

MR. CHAIRMAN:

I do think we are getting into questions of principle which should have been brought up in the debate on the second reading. You brought up a date, with respect, but you did not go into this detail.

MR. JAMES M. BODDEN:

I brought up a date, Sir. I did not go into the details. I hinted at it in a political sense. I said I was putting on my political hat when I mentioned the October date and suggested that it be December. I did not at that point go into great detail, I will agree, but I did mention it and so having mentioned it I have the right now, since it has gone into this type of debate, to further my debate by stating my meaning. I am sure I am correct on that.

MR. CHAIRMAN:

Indeed you have, indeed you have. I am making the point that we are on a matter of principle, now, in committee, and normally we deal with this at the second reading. Normally, I think that would have meant that you might have considered voting against the second reading.

MR. JAMES M. BODDEN:

That is correct, but I thought it was such a simple thing and that it could have been changed without this ... but I now see the reason why we cannot change it.

MR. W. McKEEVA BUSH:

Mr. Chairman, can we select somebody from Rodden Town to put on the Council?

MR. CHAIRMAN:

I think that the Bill provides who does the selection.

HON. VASSEL G. JOHNSON:

Mr. Chairman, in fact I suggested a little while

ago that what I was prepared to do was to recommend the appointment of two members in addition to what is there now. One would come from Bodden Town and one from the smaller Islands.

MR. CHAIRMAN: I have an apology, I misunderstood. You meant the present organising committee, I misunderstood you.

MR. JAMES M. BODDEN: But Mr. Chairman, instead of diverting from what already has been said as routine, how much simpler would it be if we changed the date to December? The entire House has heard the fears we have on it. We have heard the composition of the Council. There may be one or two supporters of the previous Government in that, that is all. Why do we not just change the date instead of dealing with the irrelevant and changing a lot of other things.

MR. W. McKEEVA BUSH: I would support that, Mr. President. I think the First Member for Bodden Town is right. If there is no ulterior motive what is the big thing about changing the date? You can allow an amendment put by the Member to change the date, and if the House agrees, then it is agreed, and we would not be wasting so much time. But the Member has a good point.

MR. CHAIRMAN: So have you in regard to time, Sir. The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. Chairman, in defence of the organising committee, I would have to say that I spoke with the chairman several times. He came to my office asking my recommendations for my district and as a result of that Mr. McLaughlin was appointed for East End. He did say that he was having problems with some of the districts in finding people who were willing to serve, and I believe this is the case why somebody for Bodden Town is not on it. I do not mean to disagree with my colleague, but I just thought I should make that point.

MR. JAMES M. BODDEN: Well, I agree with you to an extent, and I thank you for bringing that out, but I cannot believe, as public spirited as the people of Bodden Town are and as much as they believe in the heritage of the great district of Bodden Town, and it is unusual that not one member for Bodden Town could be found to serve.

I have raised a couple of other points. I have given way to them on proper clarification from the Attorney General and so forth, and I feel I have a valid point now, and if I could be conciliatory, I wonder why the Member cannot be conciliatory at this time, and agree to a change to December?

MR. W. McKEEVA BUSH: Mr. Chairman, another twist has come about. If I understand the Member for East End correctly, he was called as a representative for East End to get membership. Am I right?

MR. JOHN B. McLEAN: I was asked to recommend, Mr. Chairman, names of people whom I thought would serve on it, which I did, and at first it was the same thing in my district, a few people declined, and finally Mr. McLaughlin accepted.

MR. W. McKEEVA BUSH: Now, for the sake of clarity, I wonder if the Honourable Fourth Elected Member could say whether that was policy on behalf of the members, or just because they could not find anyone - whether it was a decision that Members would make recommendations?

HON. VASSEL G. JOHNSON: Politics had nothing to do with this, so the Committee was given the authority to try and select members. Not everybody is willing and dedicated to serve on committees and so the Trust officers had problems finding people. I think, Mr. Chairman, that the matter should now be put to a vote.

MR. JAMES M. BODDEN: But Mr. Chairman, before ...

MR. CHAIRMAN: One moment, the Elected Member for North Side has not had a chance to speak on this issue yet.

MR. D. EZZARD MILLER: In relation to the time factor, Mr. Chairman, I think we all seem to be ignoring what was pointed out by the Honourable Second Official Member, and certainly no one here would want a non-democratic elected Council to serve for 14 or 15 months, and one that was elected democratically after that to only be allowed to serve for a year. So I think if we accept his reasoning as to why October was appointed so that the non-democratically elected Council does not serve longer than the one that is appointed. I think that is why we should stick to October 1988, Sir.

MR. JAMES M. BODDEN: Mr. Chairman, I still raise the point that I think my colleague from Bodden Town and myself have been quite conciliatory in the study of this Bill, and when the Honourable Fourth Elected Member started to speak a while ago, I thought that he was going to begin to be conciliatory and suggest that we accept December of 1988. I wonder if he still has that change of heart?

HON. VASSEL G. JOHNSON:

Mr. Chairman, I think that the Committee has made a valid point that the first annual general meeting be held in October 1988, and I have no good reason for not agreeing with that date, Sir.

MR. JAMES M. BODDEN:

But, Mr. Chairman, as we proceed with this House, however long it may be in session, there will be very few points, I think, which I will be conciliatory to during the rest of the sitting, because I cannot see the stern defence of this particular date other than it is intended to be used politically. I think that is all that is intended. No valid reason, Mr. Chairman, has been given as to why we cannot have another date - no real valid reason, and yet we, on this side, have been conciliatory in accepting the Attorney General's and the Honourable Fourth Elected Member's points. We have said that we agree and that we will not stand firm if other statements are made, so that in the future, if it comes up, Hansard will reflect the intention of the Bill. So I hope that the intentions of what I am saying today will be adequately reflected if this House is in Session in September or October, and I am here, if God is willing, in my seat. At that time when this is comes back as a political thing one week before the election, believe me my colleague and myself will raise strong objections.

Thank you Sir.

MR. G. HAIG BODDEN:

Mr. Chairman, if I may speak, Sir. I would like to support the change of the date from October ...

MR. CHAIRMAN:

There has been no amendment proposed yet. I am prepared to, although we are getting very close to time, consider an application for leave to move an amendment without notice if you wish. It seems to me it is the quickest way to resolve this.

MR. G. HAIG BODDEN:

I will do that as soon as I make these preliminary remarks.

If the feeling is that we would profit by having an early election to get the democratically elected officers in, why not have the first annual general meeting in January of 1988? Then we would really have an early start. If that is the reason, that is the date we should have. There is nothing to say we must go twelve months before we have the first meeting.

I would just like to add, Sir, that you are quite correct in saying that we should not be debating the principles, we should have done this in the second reading debate, but the problem is that the Honourable Member who introduced the Bill did not give us the information which we are getting now. Since this was hidden from us we had no way of knowing what was going on behind the scenes, and this is why we are now making these points, which should have been made if the Bill had been properly introduced.

Sir, I would like to move, with your permission, not having given notice ...

MR. CHAIRMAN:

One moment, before you do, I think you should allow the Honourable Member in charge to consider your suggestion of January 1988, and to reply to that.

HON. VASSEL G. JOHNSON:

Mr. Chairman, in the first place, in my presentation of the Bill, I said that a Committee of 20 persons was appointed to deal with the legislation before us. I had no reason at that time to give their names. The names were just requested, and I gave them. However, I did mention to the House that there were 20 people on this Committee.

As far as the date is concerned, Mr. Chairman, the date of October 1988 is really not a magic date. It was the date which the Committee thought would be appropriate to have the first annual general meeting, which would be one year after the law came into effect. What effect it is going to have introducing it in January 1988, I am not too sure. That is the reason why I am not really in favour of moving away from the date which is recommended in the Bill.

MR. CHAIRMAN:

While the Member is thinking, I would propose that we try to finish this committee stage today, if that is agreeable to you?

MR. G. HAIG BODDEN:

Mr. Chairman, with your permission I would like to move an amendment, not having given the proper notice, but your discretion can allow it.

MR. CHAIRMAN:

Leave is granted.

MR. G. HAIG BODDEN:

I move that the date for the first annual general meeting be fixed for June 1988. (LAUGHTER)

HON. VASSEL G. JOHNSON:

Changing it again. (LAUGHTER)

MR. JAMES M. BODDEN:

That will give us a chance for you to have a part in your administration and the part of the next administration.

HON. VASSEL G. JOHNSON:

That is politics, Sir!

MR. CHAIRMAN:

Before putting the question, would the Honourable Member in charge of the Bill wish to speak to the point of June 1988 before I put it as a question?

HON. VASSEL G. JOHNSON:

Mr. Chairman if the chairman of the Committee were here, I could perhaps discuss this with him. I have no one here to advise me on the matter just now.

MR. JAMES M. BODDEN:

Could we adjourn until tomorrow while you seek advice from him?

MR. CHAIRMAN:

Well, maybe until Monday. I think it probably would be better if this matter is discussed rather than to put specific amendments. Would you agree?

MR. JAMES M. BODDEN:

So long as we will have the right when we come back, if the Honourable Member has not agreed to the suggestion of a change of date ...

MR. CHAIRMAN:

The Honourable Member will consider the suggestions made and reply when we resume.

MR. W. McKEEVA BUSH:

Mr. Chairman, the Honourable Member has said that he is not going to change his view which is set forth in the Bill, and I think it a waste of time not to take a vote here and now. They should be able to make a decision. It is not any big thing, according to the Attorney General, whether it is October, December or June. Now why is it that he has to go and talk to somebody before he can make that decision. I think now we are wasting too much time. We can resolve this matter this afternoon.

HON. VASSEL G. JOHNSON:

Mr. Chairman, simply because I am not in charge of the Committee.

MR. W. McKEEVA BUSH:

You are responsible for the Bill though.

HON. VASSEL G. JOHNSON:

The Committee has a job to do and I have to depend upon its advice in doing that job. That is the only reason.

MR. JAMES M. BODDEN:

Well, it is one more case of saying that it takes a long time to make decisions. I would like to see us change the date because I would like to be able to vote on the third reading, and vote in the affirmative because I think this Bill needs to become Law.

HON. VASSEL G. JOHNSON:

Mr. Chairman, I agree with the proposal made by the Second Elected Member for West Bay that the matter be put to a vote.

SUSPENSION OF STANDING ORDER 10(2)

MR. LINFORD A. PIERSON:

Mr. Chairman, in view of the time element, and of the importance that we try to get through this Bill, I wonder whether Members would not agree that we suspend Standing Order 10(2) in accordance with the provisions of Standing Order 83 so that we could just finish this particular Bill, rather than carry it forward until Monday. As the Second Member for West Bay said, it does seem that we are procrastinating and wasting a bit of time, so we should try to finish this afternoon.

MR. JAMES M. BODDEN:

Believe me, I want to finish it. I am not trying to waste any time, I am just trying to see that we get a change in the Bill.

MR. CHAIRMAN:

The Motion is that Standing Orders be suspended in order to continue the progress of our present discussion.

QUESTION PUT: AGREED. THAT STANDING ORDER 10(2) BE SUSPENDED TO ENABLE THE HOUSE TO CONTINUE ITS PRESENT DISCUSSION.

MR. CHAIRMAN:

It does seem to me that the feeling of Members is that this proposed amendment should be taken. Am I right? I have no wish to force an amendment, but that does appear to be the general feeling.

HON. BENSON D. FRANKS:

So long as - I am assured you are not anticipating acceptance of the amendment.

MR. JAMES M. BODDEN: No, we know better than that because this you can never do. You expect our support, but we can never get anything changed on your side. But then the next time something comes up where you need our support, you are not going to get it.

MR. CHAIRMAN: I do not think we should horse-trade over matters of national interest.

MR. JAMES M. BODDEN: I am not horse-trading, with all due respect, Sir. All I am trying to do is to state what the position is in this House.

MR. W. McKEEVA BUSH: For the sake of clarity, are we now going to take an amendment for December or June?

MR. CHAIRMAN: I am going to ask the Second Elected Member for Bodden Town to put his amendment, please.

MR. G. HAIG BODDEN: Mr. Chairman, I move that clause 11 of the Bill be amended in the second line, to change "October, 1988" to "June, 1988". I take it that you have granted permission for me to move it without notice.

MR. CHAIRMAN: Leave has been given.
The question is that clause 11 of the Bill be amended by the substitution of "June 1988" in the second line for "October 1988"?

QUESTION PUT: AYES AND NOES

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

DIVISION
NO. 60/87

AYES: 3
Mr. W. McKeever Bush
Mr. G. Haig Bodden
Mr. James M. Bodden

NOES: 10
Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. D. Ezzard Miller
Mr. John B. McLean

ABSENTIONS: 2
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell

AGREED BY MAJORITY: AMENDMENT DEFEATED

MR. W. McKEEVA BUSH: Mr. Chairman, I wonder if you would permit another amendment to the same clause, that the month of October be changed to the month of December?

Mr. Chairman, I have asked the Attorney General who sees nothing legally wrong with the month. If there is no ulterior motive, and since there has been no political chicanery or feelings on the Bill - which there should not have been - then there should be no hard feelings against a different month.

HON. RICHARD W. GROUND: Mr. Chairman, may I just say, because the Member brought my name into it, that he did not send me a written question asking what the difference was between October and December, and I gave no reply to that - I wrote no reply, and being unable to say what the difference is, it is not really a matter for me.

MR. W. McKEEVA BUSH: Could you make that clearer, I did not understand what you said, because I do not want to mislead the House.

HON. RICHARD W. GROUND: I said I gave no reply because I am unable to say what the difference is - it is not really a matter ...

MR. W. McKEEVA BUSH: I thought you intimated to me that there would be no difference - you did not write it, but you certainly intimated to me that there was no difference. I asked you point blank, I wrote it, then caught your eye, and you said, no

difference.

HON. RICHARD W. GROUND:

I said there is no legal difference, but ...

MR. W. McKEEVA BUSH:

That is what I said. I said that you said there was no legal difference - that was my intimation to the House on your part. I am satisfied with that.

HON. RICHARD W. GROUND:

I should like it to be very tightly restricted to that - no legal difference.

I should like it to be very tightly restricted to that - no legal difference.

MR. CHAIRMAN:

Be that as it may, are you seeking leave to put in a further amendment?

Be that as it may, are you seeking leave to put in a further amendment?

MR. W. McKEEVA BUSH:

Yes, Sir, that is what I have asked.

MR. CHAIRMAN:

In that case, I will grant leave and put the further amendment. Correct me if I have not got it right.

The question is that clause 11 be amended in the second line by the words "December 1988" in place of "October 1988"?

In that case, I will grant leave and put the further amendment. Correct me if I have not got it right.

The question is that clause 11 be amended in the second line by the words "December 1988" in place of "October 1988"?

QUESTION PUT: AYES AND NOES

MR. JAMES M. BODDEN:

Could we have a division?

MR. CHAIRMAN:

Division granted.

DIVISION
NO. 61/87

AYES: 3

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

NOES: 10

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. D. Ezzard Miller
Mr. John B. McLean

ABSTENTIONS: 2

Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell

AGREED BY MAJORITY: AMENDMENT DEFEATED

MR. CHAIRMAN:

agree.

I think we should now proceed, if Members will agree.

HON. BENSON O. EBANKS:

Mr. Chairman, I would just call your attention to the Member's remark, Sir, that there has to be some ulterior motive, and ask that it be withdrawn.

Mr. Chairman, I would just call your attention to the Member's remark, Sir, that there has to be some ulterior motive, and ask that it be withdrawn.

MR. G. HAIG BODDEN:

I would like to say the same thing - that there has to be is quite obvious.

I would like to say the same thing - that there has to be is quite obvious.

MR. JAMES M. BODDEN:

I say the same things, I join with my other two colleagues.

I say the same things, I join with my other two colleagues.

MR. CHAIRMAN:

Now, Gentlemen, Lady and Gentlemen, let us try and keep this debate to the subject. Do not impute improper motives to each other. I am sure there are no improper motives on either side.

Now, Gentlemen, Lady and Gentlemen, let us try and keep this debate to the subject. Do not impute improper motives to each other. I am sure there are no improper motives on either side.

Now, I had read that clauses 11 to 23 do stand part of the Bill, so may I put that question again that clauses 11 to 23 do stand part of the Bill?

Now, I had read that clauses 11 to 23 do stand part of the Bill, so may I put that question again that clauses 11 to 23 do stand part of the Bill?

MR. LINFORD A. PIERSON:

Mr. Chairman, I had intended to make one note in clause 19, I was not aware that you were taking it straight through to clause 23. There was one matter I wanted to raise which I mentioned to the mover of the Bill. I think he fairly well agreed. And if I may, Sir, mention that, it is to do with clause 19. Offences?

Mr. Chairman, I had intended to make one note in clause 19, I was not aware that you were taking it straight through to clause 23. There was one matter I wanted to raise which I mentioned to the mover of the Bill. I think he fairly well agreed. And if I may, Sir, mention that, it is to do with clause 19. Offences?

MR. CHAIRMAN: Please do. I think I should make it clear for future occasions, that it would be easier, I think, if Members would interrupt the Clerk at the point of reading each clause, if we are attempting to take several together. If you would wish that we read each clause separately, we shall, we were attempting, in the words of one of the Members, to save time.

MR. LINFORD A. PIERSON: Clause 19 states: "It shall be an offence for any person to - ...". The amendment, although not in legal form, seeks to substitute the words: "for the owners of public or private properties to change or demolish any aspect of our natural heritage, without first giving advance notice" - seeking permission, as it were, from the National Trust. This would enable the Trust to save such property, either by donation, acquisition or legal transfer.

There are cases in point, Sir, where certain natural heritage have been destroyed, and I can think of one along the beach. This was intended for something else. I do not want to mention the case here, but I think this particular clause would prevent this happening in the future. I did in fact mention it to the Honourable member of the Bill, so he knows of this case.

MR. VASSEL G. JOHNSON: Mr. Chairman, the Second Elected Member for George Town did speak to me about it in the coffee room, and I thought it should be cleared with the legal adviser, the Honourable Second Official Member. I am not too sure what the implication is between what is in the Bill now, and specific owners of property being suggested by the Member. I would like to hear the Honourable Second Official Member's views.

HON. RICHARD W. GROUND: Seeing as I am invited for my views, I will give them. First of all, I am taken by surprise because I had not heard of this amendment before. To me, it seems to be a fundamental one, and therefore, there are some difficulties in looking at it at committee stage anyway. I should not like the Honourable Member moving it to think that that means that I deprecate the suggestion at all, I do not, but it would introduce a completely new offence into the Offence section, and frankly I have some doubts about the propriety of moving it at the committee stage.

MR. CHAIRMAN: It struck me that it was a rather substantial matter, and would be difficult to consider and deal with in Committee.

MR. LINFORD A. PIERSON: What would be the Second Official Member's suggestion then? Because this is a matter that concerns a number of people, I can assure, it is a very important matter. As a matter of fact, it was first brought to my attention by, I believe, one of your Founding Members, and I believe it should not be left out. Whatever way you care to couch it is another matter, but I feel that it should be given consideration, because it is very, very important.

MR. G. HAIG BODDEN: Mr. Chairman, if I may speak, I think that amendment would introduce a very important principle - that of interfering with the rights of people with private property, and I would not like to see such an amendment come at committee stage at all because it is getting into the fundamental rights of the owner of the property.

MR. JAMES M. BODDEN: Mr. Chairman, I agree with my colleague from Bodden Town, because this is just what we were trying to ensure be kept out of the Bill, and I do not see at this stage why we should think of putting such a thing in. I can understand, I think, what the Honourable Member has in mind, that this administration has recently disposed of some Government property which the public is, sort of, not aware of, and maybe that is what he is trying to cover. But I do not think we should accept an amendment which would infringe on the public right to their property.

MR. CHAIRMAN: I am happy to accept the advice of Members, and particularly the Attorney General that this is too large a matter to introduce at the Committee stage. But thank you for bringing it up.

MR. LINFORD A. PIERSON: Mr. Chairman, I humbly bow to your ruling, Sir.

MR. CHAIRMAN: Well, now that was a postscript as it were, to the committee stage of that Bill.

MR. JAMES M. BODDEN: Mr. Chairman, I am though amused to find that the Honourable member of the Bill would accept such a big amendment as this, but could not accept a minor amendment like changing October to December.

HON. VASSEL G. JOHNSON: Mr. Chairman, I did not accept it. I said to the Member that we would look at it, but more especially that I would want to hear the Attorney General's view, because it is a legal point. It is not a point that laymen can deal with.

MR. CHAIRMAN: I think we should now go forward, Gentlemen. I believe that we have now reached the stage where in regard to this Bill, I put to you the

question:

I am sorry, we did not in fact take the voices on clauses 11 to 23, so I must now put that question. I hope this time I will get to put it. The question is, that clauses 11 to 23 inclusive do stand part of the bill?

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:

May I have a division, Mr. Chairman?

MR. CHAIRMAN:

Certainly. A division, please?

DIVISION

NO. 62/87

AYES: 13

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeever Bush
Mrs. Daphne L. Dorratt
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

NOES: 2

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

AGREED BY MAJORITY: CLAUSES 11 THROUGH 23 PASSED

MR. CHAIRMAN:

of this Bill?

The final question is that the title do stand part

QUESTION PUT: AGREED. THE TITLE WAS PASSED

MR. CHAIRMAN:

Bills. The House will now resume.

That concludes proceedings in committee on those

HOUSE RESUMED

MR. PRESIDENT:

Standing Orders having been suspended to enable us to finish that business, I ask the Honourable First Official Member now to move ...

HON. CAPT. CHARLES L. KIRKCONNELL:

deal with that in Committee.

Mr. Chairman, the Appropriation Bill - you did not

MR. PRESIDENT:

This is because under Standing Order 68 it is not required to be referred to a Committee. Thank you for bringing it to attention. It was on the Order Paper in error. Thank you.

The Honourable First Official Member, please.

HON. THOMAS C. JEFFERSON:

request, Sir, but apparently some Members are thinking that perhaps we could do the reporting and the third readings on Bills and be finished with them all.

MR. PRESIDENT:

I am in your hands - if you would like to - I had the impression you had rather thought we had had enough. Shall we proceed?

MR. W. McKEEVER BUSH:

and I think we could leave the reports and third readings until Monday or a further date.

HON. THOMAS C. JEFFERSON:

to do the reporting and the third readings.

MR. PRESIDENT:

We will proceed then with reports on Bills.

REPORTS ON BILLS

THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987

HON. VASSEL G. JOHNSON: Mr. President, I beg to report, Sir, that a Bill entitled The Land Surveyor's (Amendment) Bill, 1987 was examined by a committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THE WATER AUTHORITY (AMENDMENT) BILL, 1987

HON. VASSEL G. JOHNSON: Mr. President, I have to report, Sir, that a Bill entitled The Water Authority (Amendment) Bill, 1987 was examined by a committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THE REGISTERED LAND (AMENDMENT) BILL, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled The Registered Land (Amendment) Bill, 1987 was considered by a committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THIRD READINGS

THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987

CLERK: THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987

HON. VASSEL G. JOHNSON: Mr. President, I beg to move that a Bill entitled The Land Surveyor's (Amendment) Bill, 1987 be given a third reading and passed.

MR. PRESIDENT: The question is that The Land Surveyor's (Amendment) Bill, 1987 be read a third time and do pass.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: A division, please, Clerk.

DIVISION
NO. 63/87

AYES: 13

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Huristen
- Hon. Benson D. 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. John B. McLean

NOES: 2

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

AGREED BY MAJORITY: THE LAND SURVEYOR'S (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE WATER AUTHORITY (AMENDMENT) BILL, 1987

CLERK: THE WATER AUTHORITY (AMENDMENT) BILL, 1987.

HON. VASSEL G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled The Water Authority (Amendment) Bill, 1987 be given a third reading and passed.

MR. PRESIDENT: The question is that The Water Authority (Amendment) Bill, 1987 be given a Third Reading and do pass?

QUESTION PUT: AGREED. THE WATER AUTHORITY (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE REGISTERED LAND (AMENDMENT) BILL, 1987

CLERK: THE REGISTERED LAND (AMENDMENT) BILL, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Registered Land (Amendment) Bill, 1987 be given a third reading and passed.

MR. PRESIDENT: The question is that The Registered Land (Amendment) Bill, 1987 be given a third reading and do pass?

QUESTION PUT: AGREED. THE REGISTERED LAND (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I have pleasure in moving the adjournment of this Honourable House until 10:00 o'clock Monday morning.

MR. PRESIDENT: The question is that the House stand adjourned until 10:00 o'clock Monday, 14th September.

QUESTION PUT: AGREED. AT 4:55 P.M. THE HOUSE STANDS ADJOURNED UNTIL 10:00 A.M. MONDAY, 14TH SEPTEMBER, 1987

THIRD MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

MONDAY, 14TH SEPTEMBER, 1987

(FOURTH DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE

GOVERNMENT MEMBERS

HON THOMAS C JEFFERYSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 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 B 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

THIRD MEETING OF THE 1987 SESSION OF THE
LEGISLATIVE ASSEMBLY

MONDAY, 14TH SEPTEMBER, 1987

(FOURTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. PRESENTATION OF PAPERS AND REPORTS

- (1) REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT AND ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1986.

TO BE LAID ON THE TABLE BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN, CHAIRMAN OF THE STANDING PUBLIC ACCOUNTS COMMITTEE.

- (2) AUDITOR GENERAL'S REPORT AND ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1986.

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL, THE FINANCIAL SECRETARY.

3. QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 65: WOULD THE HONOURABLE MEMBER SAY WHETHER ANY RANDOM URINE TESTING HAS BEEN CARRIED OUT IN THE ROYAL CAYMAN ISLANDS POLICE FORCE?

NO. 66: WILL THE HONOURABLE MEMBER SAY:

- (a) WHETHER DURING THE MONTH OF JULY THIS YEAR THE OFFICER IN CHARGE OF THE EAST END POLICE STATION ABANDONED HIS DUTY AND LEFT THE CAYMAN ISLANDS; AND
(b) IF THIS IS CORRECT, GIVE A REPORT OF THE CIRCUMSTANCES CONCERNING HIS DEPARTURE?

NO. 67: WOULD THE HONOURABLE MEMBER STATE THE TOTAL NUMBER OF MEMBERS OF THE ROYAL CAYMAN ISLANDS POLICE FORCE, WITH FULL DETAILS OF RANK AND NATIONALITY?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 68: WOULD THE HONOURABLE MEMBER STATE WHETHER IT IS GOVERNMENT'S INTENTION TO REDUCE THE TEACHING STAFF IN CAYMAN BRAC?

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MONDAY

14TH SEPTEMBER, 1987

10:02 A.M.

MR. PRESIDENT:
Executive Council.

Prayers. The Honourable First Elected Member of

PRAYERS

HON. HENSON D. FRANKS:

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 Name's sake. Amen.

Our Father, who 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.

Our proceedings are resumed. Papers and Reports. The Chairman of the Public Accounts Committee.

PRESENTATION OF PAPERS AND REPORTS

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, 1986

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

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, 1986.

MR. PRESIDENT:

So ordered.

MR. LINFORD A. PIERSON:

Mr. President, the Public Accounts Committee which was established by Government Motion No.1 on the 28th November, 1984, functions under the provisions of Standing Order 74. The Standing Order was revised in October 1985 to read as follows:

"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 see 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.

74(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.

74(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, and shall forthwith be distributed on a confidential basis to all Members.

74(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 organization, to give information or any explanation or to produce any records or documents which the Committee may require in the performance of their duties.

74(5) The Public Accounts Committee shall make their Report upon the Report of the Auditor General on the accounts of the 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 laid at the same time.

74(6) Subject to these Standing Orders, the practice and procedure of the Public Accounts Committee shall be determined by the Committee.

74(7) The Government Minute shall be laid on the table of the House within three months of the laying of the Report of the Committee, and of the Report of the Auditor General to which it relates.

74(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.

74(9) Notwithstanding the provisions of Standing Order 72, the Report of the Public Accounts Committee shall be deemed to have been agreed to."

Mr. President, on the 28th November 1984, the following Elected Members were nominated to that Committee: Mr. Linford Pierson (Chairman); Mrs. Daphne Orrett; Capt. Mabry Kirkcennell; Mr. John B. McLean; Mr. Ezzard Miller as Members.

Meetings held: The Committee held four meetings, on 15th July, 5th August, 13th August and 18th August 1987.

Attendance of Administrative Officers: The Auditor General, the Acting Financial Secretary, Mrs. Veronica Dilbert for the Deputy Financial Secretary, and the Chief Accountant, attended meetings as necessary in accordance with Standing Order 74(B).

Witnesses: The following witnesses appeared before the Committee. On 15th July, 1987, the Honourable Thomas C. Jefferson, Financial Secretary. On 5th August, 1987, the following individuals appeared before the Committee: Mrs. Marsha Bodden, Collector of Customs; Mrs. Angela Martins, Director of Social Services; Miss Andrea Bryan, Acting Chief Education Officer, accompanied by Mrs. Netha Ebanks, Accountant, and Mrs. Helen Rich, Secretary for the Education Council; Dr. Kenneth Grant, Chief Medical Officer, accompanied by Dr. Frank Ellingham, Hospital Administrator and Mr. Walling Whittaker, Acting Environmental Health Officer; Mr. Richard Beswick, Director of the Water Authority; Miss Cynthia Sterling, Postmaster General; Mr. Paul Key, Registrar of Lands, accompanied by Mr. Martin Connolly, Lands Officer; and Mr. Oswald Rankine, Principal Secretary for Health, Education and Social Services attended on 13th August.

Acknowledgments: The Committee wishes to place on record its appreciation of the cooperative approach adopted by all officers who appeared before the Committee. Further, the Committee is also grateful for the assistance and constructive advice given throughout by the administrative officers. It wishes to mention especially the assistance rendered by the Auditor General. The Committee also wishes to place on record its compliments to the Government on the excellent presentation of the Report and Accounts.

Government Minute: The Committee was pleased to note the progress made in many areas of accounting concern since its last report in September 1986. It wishes to place on record its appreciation of the Government Minute tabled in December 1986, which is found to be a helpful document.

Recommendations: The Committee's recommendations, with respect to certain paragraphs of the Auditor General's Report on the 1986 accounts are as follows.

The Balance of Accumulated Revenue: The Committee is pleased to note that the balance of accumulated revenue at the close of 1986 reflects

more accurately the funds available for appropriation by the Legislature at that date. It notes, however, that certain advance accounts will have to be written off through the budget, especially those relating to overseas medical cases, and recommends that if possible, this action should be taken before the accounts for 1987 are closed.

Paragraph 12 and 13 of the Report: Cayman Airways Ltd. and Cayman Air Holdings Ltd. The Committee notes that despite the assistance rendered to the airline in 1985, the airline's accounts showed a shareholders deficiency of \$2.3 million at 30th June, 1986. It has reviewed the provision for subsidy made in the 1987 estimates, and recommends that as soon as the airline's 1986-1987 accounts become available, the position should be reviewed, to ensure that the level of budgetary assistance is set at a realistic level.

Departmental and Stores Accounts: Social Services. Whilst noting the improvement in the Social Service's accounts, the Committee is aware of a continuing problem with one of the Department's major suppliers, who has recently suspended credit facilities to Government. The Committee was of the opinion that part of the problem could be attributed to the possible defect of the supplier's records. Nevertheless, it recommends that the Treasury, in conjunction with the Director of Social Services, take early action to resolve the difficulty so that credit facilities may be restored.

Paragraph 22 and 23. - Treasury: The Committee is pleased to note the progress being made with the introduction of computerisation of the accounts. It notes also that the manual subsidiary records will be transferred to the computer in the near future. However, it is concerned that the Immigration Fees Deposit Records have not yet been reconciled with the Treasury Control Account for a number of years and recommends that priority be given to this matter.

Paragraph 29 and 30 - Customs Duty: Whilst recognising that delay in collecting customs duty may be less serious than in previous years, the Committee is concerned that the Department is not yet able to prepare returns of duty outstanding. It has also noted with concern that certain officers appear to have been acting in a brokerage capacity, and hopes that this practice has now been stamped out. This, however, is not to say that Customs Officers should not assist the public with customs documentation in their line of duty, but under no circumstances should they do this for reward. It recommends that early steps be taken to reduce the delays in processing import entries, and suggests that consideration be given to the examination of entries on a selective basis. It further recommends that where goods are released before duty can be collected, steps are taken to ensure that adequate deposits or securities are levied in all cases.

Paragraph 31 and 32 - Customs Overtime: The Committee notes that with the introduction of a shift system at the airport, the level of overtime paid may be expected to fall. It recommends that where possible, the work of the office be re-organised to ensure that idle time on shift work can be used more productively.

Paragraphs 34 and 35 - Overseas Medical Advance Accounts: The Committee notes that progress has been made with the analysis of individual balances recoverable from patients referred for treatment overseas. As indicated in its report on the 1985 accounts, it recommends that early action be taken to write off amounts due from indigent and similar cases, and that the remaining balances be transferred to the budget as interest free loans.

Paragraph 36 - Students' Loans: The Committee notes the efforts currently being made to arrive at firm balances on the loan accounts recoverable from students. It recognises that work still has to be done to agree the outstanding balances with the students concerned, and to enforce recovery. It recommends that the present momentum be sustained to complete this exercise. The Committee has noted that some doubt still appears to exist as to the suitability of the loan and scholarship agreements, and recommends that clearance be sought from the Legal Department for the avoidance of doubt in future.

Paragraph 37 - School Fees: The Committee is aware of the problems leading to the arrears of school fees in excess of \$80,000 and notes that write-off approval is being sought for the amount of \$37,000 in respect of fees due since 1985 and earlier. It recommends that the Department should review its procedures, particularly where the status of the pupil is in doubt, so that full control may be maintained in the future.

Paragraphs 38 and 39 - Hospital Fees: The Committee notes that with the recent introduction of the deposit system at the Hospital, control of revenue from inpatients has been considerably improved. Nevertheless, inpatient fees in arrears continue to run at a level of \$1 million or more. The Committee recommends that every attempt be made to reduce this figure. It further recommends that early action be taken to set up appropriate systems to improve control over the collection of outpatient fees.

Paragraph 41 - Garbage Fees: In the case of residential homes, the Committee notes in particular, that arrears of revenue continue to build up at a substantial rate. It notes that the survey of premises will shortly be completed, and recommends that procedures be developed to ensure the prompt collection, not only of current fees, but of those owing from earlier years. It notes that control over collection of fees is being presently divided between the Treasury and the Environmental Health Services Department, and recommends that consideration be given to making the latter fully responsible for future collections.

Paragraph 42 - Cayman National Cultural Foundation:

The Committee notes the assurance given by the Principal Secretary for Health, Education and Social Services that auditors have been appointed to examine the Foundation's accounts from its inception in 1984. It recommends that the audit arrangements prescribed by Law, be adhered to in future, and that the accounts be tabled in the Legislature as required by the Law.

Paragraph 43 - Stamp Duty Leases: The Committee is aware that consideration is being given to a review of the legislation under which duty on leases is collectable. It notes that at present no machinery exists to monitor this duty, and whilst recognising that a review of the legislation will require considerable research and time, recommends that Government proceed with this exercise without delay.

Paragraph 46 - Postal Department: The Committee notes that the accounting arrangements within the Post Office, which have been the subject of comments in earlier reports, are still not operating satisfactorily. It recommends that the Department make use of the training facilities currently available to ensure that the necessary accounting controls are implemented without delay. It notes that little assistance appears to have been rendered by the Portfolio, and recommends that closer liaison be encouraged where difficulties at Departmental level are known to exist.

Paragraphs 52 to 54 - Central Funding Scheme: The Committee has noted the contents of the "Hill Report" commissioned in 1986, into the operation of the Central Funding Scheme. It notes that wide-ranging proposals have been made to re-organise the whole of the transport function throughout Government. It recommends that early consideration be given by Government to the adoption of the report and to its implementation as appropriate.

Paragraph 55 - Water Authority: The Committee has noted the accounting project encountered on the sewerage project in 1986. Whilst accepting that the Authority must operate in due course as a financially autonomous body, it recommends that the staffing implications of this development be fully reviewed to ensure that the Authority's accounting system will function smoothly.

Report of the Committee to the House. The Committee notes the solid achievements made in response to its recommendations in its earlier reports, and expresses the hope that such progress can be maintained. The Committee agrees that this be the Report of the Public Accounts Committee to be laid on the table at the Third Meeting of the 1987 Session of the Legislative Assembly, commencing 9th September, 1987.

Mr. President, I recommend the Report to this Honourable House. May I take this opportunity, Sir, to again convey our thanks to our Clerk and her good staff for the very efficient assistance offered to the Committee during the Public Accounts Committee's deliberations. May I also state, Sir, that the efficiency of the Department has also been strengthened by the introduction of the word processor. Thank you, Mr. President.

MR. PRESIDENT:

The question is that the Report of the Standing Public Accounts Committee on the Auditor General's Report and Accounts of the Cayman Islands Government for the year ended 31st December, 1986 be accepted.

HON. THOMAS C. JEFFERSON:

Mr. President, just, perhaps, a word of clarification. The Public Accounts Committee's Report is laid on the Table and in November, three months later, the Government Minute is then laid on the Table, and the two are subject to debate.

MR. PRESIDENT:

I beg your pardon.

AUDITOR GENERAL'S REPORT AND ACCOUNTS OF THE CAYMAN ISLANDS
GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1986

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to lay on the Table of this Honourable House the Auditor General's Report and Accounts of the Cayman Islands Government for the year ended 31st December, 1986.

MR. PRESIDENT:

So ordered.

We will move, then to Item 3 of our business today, Questions. The Second Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF
EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 65: Would the Honourable Member say whether any random urine testing has been carried out in the Royal Cayman Islands Police Force?

ANSWER: Yes.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Short and sweet, Mr. President! Could the Member then say if there were any results as to positive or whatever?

HON. LEMUEL J. HURLSTON: All tests proved negative.

MR. W. McKEEVA BUSH: Can the Member say, Mr. President, whether this testing is still being carried out?

HON. LEMUEL J. HURLSTON: Mr. President, because it is a random method, it is a continuing process, and yes, it is continuing.

MR. W. McKEEVA BUSH: Could the Member say whether it is done on local officers as well as foreign officers?

HON. LEMUEL J. HURLSTON: Yes, Sir, for this purpose there is no distinction between the two.

MR. W. McKEEVA BUSH: Can the Member say how they come about a decision to do so?

MR. PRESIDENT: Sorry, could you repeat the question, I did not catch it.

MR. W. McKEEVA BUSH: Can the Member say how they came about a decision to do the testing?

HON. LEMUEL J. HURLSTON: This came about as a result of the community's acceptance of the principle of random testing for its citizens and police officers serving in the jurisdiction are not exempted from legislation that affects the citizens of the country.

MR. PRESIDENT: Any further supplementaries? Would the Second Elected Member for West Bay please put his second question?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 66: Will the Honourable Member say:
(a) Whether during the month of July this year the officer in charge of the East End Police Station abandoned his duty and left the Cayman Islands; and
(b) If this is correct, give a report of the circumstances concerning his departure?

ANSWER: There are two Constables' posts at East End Police Station, plus a sergeant who supervises the three outer district stations. One of the Constables stationed at East End went on overseas annual leave on 22nd June, 1987 for 17 days, but failed to return to duty. He has since been discharged from the Force under the provisions of Section 48(3) of the Police Law, 1976.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President, can the Member then say whether any urine test had been proposed to this Officer, proposed, or had he actually taken the test?

HON. J. LEMUEL HURLSTON: Mr. President, before proceeding on leave, the Officer was sent for a random urine drug test. The test proved negative.

MR. W. McKEEVA BUSH: Did the Officer actually leave before the results of the test were known?

HON. J. LEMUEL HURLSTON: Mr. President, yes he did.

MR. PRESIDENT: Any further supplementaries? Question No. 67 then, please.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 67: Would the Honourable Member state the total number of members of the Royal Cayman Islands Police Force, with full details of rank and nationality?

ANSWER: As at 2nd September, 1987 the position was as follows:

The strength of the Royal Cayman Islands Police Force totalled 190, and there were three vacancies. The 190 officers is broken down as follows:-

	CP	BCP	CH SHPT	SUPT	CH INSP	INSP	SCT	CONSTABLE	TOTAL
CAYMAN									
(INCL STATUS)		1	1	3	3	14	26	88	136
JAMAICA							5	23	28
U.K.	1		1	1	2	3	2	2	12
BELIZE								7	7
BARBADOS						2	2		4
USA								1	1
GUYANA								2	2
STRENGTH									
TOTALS:	1	1	2	4	5	19	35	123	190
VACANCIES								3	3
ESTABLISHMENT	1	1	2	4	5	19	35	126	193

SUPPLEMENTARY

MR. W. McKEEVA BUSH: Can the Member say how many officers we have in the Special Constabulary Force?

MR. PRESIDENT: I think that is going rather outside, but if the Member can answer ... could you provide in writing, then, please?

HON. J. LEMUEL HURLSTON: Mr. President, I could undertake to provide that in writing, Sir.

MR. PRESIDENT: There appear to be no further supplementaries? In that case, the Second Elected Member for George Town, Question No. 68, please.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 68: Would the Honourable Member state whether it is Government's intention to reduce the teaching staff in Cayman Brac?

ANSWER: Yes. The teaching staff in Cayman Brac has been reduced by three for the academic year 1987/1988.

One teacher has been cut at Spot Bay Primary School, reducing the staff to three teachers and one aide. Total enrolment at this school is projected at 36.

Two members of staff have been cut from the Cayman Brac High School, where staff is now 16 and one aide, and total enrolment is projected at 137, with a pupil teacher ratio of 1:8.6.

SUPPLEMENTARIES

MR. LINFORD A. PIERSON: Would the Member state the reasons for the decision to cut back on the teaching staff in the Brac?

HON. BENSON D. FRANKS: Mr. President, the reason is the same as the reason taken to cut staff in at least one of the primary schools in Grand Cayman - that is, that it was considered that the staff to pupil ratio in the schools was too generous, and more than was required to effectively run the school.

MR. LINFORD A. PIERSON: Is the Member then stating that the reason for this decision was due to a fall in the schools' student population?

HON. BENSON D. FRANKS: Yes, Mr. President, over the years, for example in January of this year, the Cayman Brac High School had a teacher resource capable of teaching 200 children, and the number of children was under 150.

MR. PRESIDENT: The Second Elected Member for Bodden Town?

MR. G. HAIG BODDEN: Mr. President, can the Member say how the ratio of teachers to pupils in the High School at Cayman Brac compares with the ratio in Grand Cayman?

HON. BENSON D. FRANKS: Mr. President, I am sure it is much more generous in Cayman Brac.

MR. W. McKEEVA BUSH: Mr. President, can the Member say what is an accepted, or the accepted, ratio of students per teacher?

HON. BENSON D. FRANKS: The accepted rule of thumb, Mr. President, is about 1:20.

MR. LINFORD A. PIERSON: Mr. President, would the Member not agree that the reason for the fall in the student population of the Brac is that most of the students and their families have moved to Grand Cayman?

HON. BENSON D. FRANKS: I could not answer that question with certainty, Mr. President. The children have moved out, but where they have gone I am not a hundred per cent sure.

MR. PRESIDENT: No further supplementaries, it appears? In that case would the Second Elected Member for George Town put his second question?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 69: Would the Honourable Member state whether it is Government's intention to cut out the Middle School concept in Cayman Brac?

ANSWER: No. The Cayman Brac High School has had a two year Middle School programme since 1982. However, in January this year, because of the introduction of the GCSE examinations, Government began to consider the introduction of a three year Middle School programme for Cayman Brac with its own coordinator. This will involve the first two years of the High School programme and the last year of primary school. Because the transfer of the last mentioned group to the High School site was seen as a controversial move by some Cayman Brac residents, parents have been given the option to transfer their children to year one of the Middle School or to allow them to remain another year at primary level.

The Cayman Brac Middle School students will study the same curriculum and use the same textbooks as students at the Cayman Islands Middle School.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: In view of the answer given by the Honourable Member, would he not agree that the children of Cayman Brac deserve the same treatment and opportunities as those in Grand Cayman?

HON. BENSON D. FRANKS: Yes, Mr. President, that was why Government took the move that it did.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if there are any plans afoot for the construction of a separate Middle School in Cayman Brac?

HON. BENSON D. FRANKS: No, Mr. President, at the moment numbers do not indicate that such action could be justified on either educational or economic grounds.

MR. G. HAIG BODDEN: Mr. President, can the Member say how many students would be eligible for enrolment if there were a separate Middle School in Cayman Brac?

HON. BENSON D. FRANKS: At the present time, it would be 50, or at least 50 children including those that have opted to go to the Middle School.

MR. LINFORD A. PIERSON: Is the Member telling this Honourable House, Sir, that the educational future of the children of Cayman Brac will be determined on the economics of the system?

HON. BENSON D. EBANKS: Mr. President, not entirely, but economics will come into it. The children will always be provided with adequate educational opportunities. But the economics of the delivery of that opportunity must be considered.

MR. LINFORD A. PIERSON: Mr. President, would not the Member therefore agree that because of the dwindling student population in the Brac that they are definitely at a disadvantage as a result?

HON. BENSON D. EBANKS: Not at the moment, Mr. President, they have, as far as I am concerned, equal opportunity, and the actions taken by Government hopefully will result in a turnaround where we can get an increased enrolment of children in the Brac, and therefore increase resources as well.

MR. PRESIDENT: I think that concludes the supplementaries and questions.

We now would normally go on to Government Business, Bills, Third Readings, but I would propose a short suspension because I think all Members will have received a memorandum from the Fourth Elected Member of Executive Council just before we began business this morning, and I would like the opportunity of consulting with the Member, the Attorney General and the First Official Member before we go on with this item of business. So may we suspend for five minutes or so?

AT 10:45 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:22 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Bills, Third Readings.

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987

HON. VASSEL G. JOHNSON: Mr. President, Honourable Members. Before putting the Motion for the Third Reading of the Bill entitled The National Trust for the Cayman Islands Bill, 1987, I would just like to make an explanation, and it relates to a memorandum which I wrote to the President this morning, and copied it to Members of the Assembly.

The memorandum dealt with two particular sections of the Law with which there was some concern. The first dealt with Section 5(3)(a) of the Bill, and that was where Members of the Council were selected. The fear was that they were selected by the Trust itself, and had no connection with appointment by the Governor in Council. The explanation was given by the Honourable Second Elected Member but before going on to the second point, I would like to sit and ask him to do the explanation of the first point.

HON. RICHARD W. GROUND: Mr. President, the Honourable Fourth Elected Member of Council has asked me to explain the operation of clause 6 of the Bill, which is headed "Founder Members". The scheme proposed in the Bill, and embodied in clause 6, is that when the Trust is set up it will initially be managed by a body known as the Founder Members. The Founder Members will hold office to the first Annual General Meeting, when there will be an election for the membership of the Council, and after that date the management of the Trust will vest in that Council. The election will be by the membership of the Trust, who will be members of the public who have joined the Trust, in other words, subscribers to the Trust, and the rules as to memberships and subscription will be set out in the bylaws of the Trust which will be made under the provision in the Bill permitting that.

Now, I have been asked to particularly explain who or what the Founder Members will be and how they will be appointed. The Founder Members who will manage the Trust when it begins will be appointed by the Governor in Council. During the Committee stage of the Bill a list of names was read out and canvassed. That list of names was the names of the people in the committee who have been voluntarily and informally working to help lay the groundwork for the establishment of the Trust. There is nothing in the Bill as it stands that requires those people to become the Founder Members, and the Governor in Council, when appointing the Founder Members, will have an unfettered discretion to choose whom they consider appropriate.

MR. PRESIDENT:

This is an unusual proceeding. I am quite prepared for Members to speak if they wish for further explanation.

MR. G. HAIG BODDEN:

Yes, Mr. President. I would be satisfied if we can get an ironclad guarantee from the Member that no member of the existing committee will be appointed as a Founder Member, because the great concern the House had was that the committee which has brought this matter so far have been so closely related to the Members of Executive Council and to the Portfolio, that it would be impossible for the Trust to function - in other words any matter coming from the Trust would have to be examined by the Portfolio, and it would be impossible for this to be done if the Founding Members are the same as the existing committee members since it appears to me that nearly every member of the portfolio is now a member of the existing committee, and we would need an ironclad guarantee that these committee members which are known to be hard-core conservationists are not made Founding Members. It would be detrimental to the national interests of this country if a National Trust is composed primarily of people from one particular area, and I do not want to go into the connections because they are quite obvious when we see wives of Executive Council ...

MR. PRESIDENT:

You said you were not going into the connections. I hope you will not.

MR. G. HAIG BODDEN:

All right, well I think it is obvious, and I would be embarrassed to show the close connections because it is bordering on nepotism and all that.

Anyway, what we need to hear from the Honourable Member, who I imagine will use his influence with Executive Council, that no member of the committee will be appointed as a Founding Member.

MR. PRESIDENT:

I think I should comment upon that, as I understand it, the Attorney General may wish to confirm or otherwise, clause 6 gives complete discretion to the Governor in Council, and I do not think that you can ask for the hands of the Governor in Council to be bound. On the other hand, I am sure that what you have said would be taken properly into account.

HON. RICHARD W. GROUND:

Mr. President, if you had not said that, I would have felt obliged to rise and make exactly the same point myself - that it would be wrong for the Member here to fetter Council in that way.

HON. VASSEL G. JOHNSON:

Mr. President, dealing with the second point in the memorandum, that is to say, to amend Section 11 of the Bill to replace October with April. I considered this, really not for political reasons, but, the reason why October was placed in the draft Bill in the first instance was because the accountants who are more or less prepared to give free service to the Trust thought that October was a reasonable month because it is a slack period of the year when they have sufficient time to devote to free service. And so that was the reason for mentioning October in the Bill. However, the reason for proposing that the period be brought forward six months to April 1988 is really to give the Trust, or the Council, an early start with its work, and to get on with all the various arrangements which it has to do in order to get the public interested in supporting the activities of the Trust itself. And so, again, the amendment of that date is purely for the convenience of establishing the Council at the earliest possible time.

STANDING ORDER 55 RECOMMITTAL OF BILLS

HON. VASSEL G. JOHNSON:

Mr. President, in accordance with Standing Order 55, I beg to propose the motion to recommit this Bill to Committee stage for the purpose of dealing with one section of the Bill, Section 11.

MR. PRESIDENT:

I think I should record that the Motion is put, please.

It is moved that this Bill be recommitted to the Committee of the whole House for the purpose of amendment of Section 11. Does any Member wish to speak? The First Elected Member for Badden Town.

MR. JAMES M. BODDEN:

Mr. President, I am very pleased to see that the Member piloting this Bill had a change of heart over the weekend. I am not aware of what touched his inner being, whether it was because he heard a good sermon on fair play over the weekend, or what it was that did it, but the points that are back on the floor of this House this morning for debate are the points that a few of us raised in opposition to this Bill on Friday. All of the Members of this House were in agreement that a Bill such as this should become Law, to protect our country and its future. But we felt that it should have been done in a very fair manner. We took opposition to the manner in which this Bill was proposed and came to the House. When I mentioned about the change of the date, to be very frank with the House, I did it in jest. But after hearing of the composition of the founder members, and seeing the close attachment to the Members of Executive Council, to

as, it would have been another area that nepotism had crept into, if we had not spoken in opposition to it.

Therefore, we took the stand we did, and in my opinion, there could have been and there would be, a chance for abuse of the powers of this Law if it was allowed to remain in the manner in which it was. That is why on Friday I raised the point, and if we could not change it in the Law, at least have the Attorney General speak in clarification of the point so that in the future, if the Law had ever been abused on those points, at least the meaning of what was intended to be done could be used in a court of law by referring to the Hansard of this House.

I think that the Member piloting the Bill should have studied the Bill and had it explained to him by the Attorney General before it was placed for debate in the House. It shows once more that the tail wags the dog, and there can be no decisive Government for this country.

MR. PRESIDENT:

I think you are in danger of getting a little beyond the scope of this specific Motion. Please keep to it.

MR. JAMES M. BODDEN:

I think, with all due respect, Sir, I am staying as close to it as I can. I am trying to abide with what was mentioned in the House, and I am dealing with the relevant points that are contained in this Bill, with all due respect to the Chair.

When this Bill was presented to the House, it should have specifically defined the appointment of the people that would be administering this Trust. Here we are about to give wide ranging powers into the hands of the people who will administer this Trust. We are dealing with a lot of the future and of the past of this country, and I think that it would not be to the best democratic interests of the country if these powers were left to be administered in the manner in which it is prescribed in this Law. It is very clear as to how these would be appointed under section 6, and it is very clear to me, and I stand by that belief, Mr. President, that the present composition of that Board would probably be appointed in its entirety by your Cabinet to administer this Law, once it comes into effect. I do believe that, and I cannot be criticised or admonished for my belief. My belief is well founded in what has happened in the past.

I feel that under section 6 we should have a further definition as to how these Members should be appointed. And dealing with the section of the Bill which is section 11 dealing with the month in which this should come into effect, I would very much support the month of April, although Members are aware of the strong opposition that was shown in this House to a change to June. You know, it makes us worry why in two days there could be such a change of heart - that when we debated the Bill on Friday, there was such strong Government opposition to the changing of the date from October to June, just because a few of us in this House pointed out that October was very close to November, and that we could expect a very joyful occasion happening in October with the composition of the members as it was put forth if this Bill was passed into Law. Such entertainment and enjoyment would probably have been at the expense of the Government of this country.

Therefore, Mr. President, regardless of whether or not you think I have strayed, I think I have dealt with some of the relevant points in the Bill, and I stand to my belief that it should have been changed on Friday if the Members of this House were willing to work together for the betterment of this country rather than thinking, because they have a majority, that they can strangle our voices, and keep us in subjection. That, I for one, Mr. President, will never stand for regardless of who occupies the Chair as President of this House. Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? The Second Elected Member for Bodden Town?

MR. G. HAIG BODDEN:

Yes, Mr. President. I already spoke on the preliminary point, but now claim my right to speak since the question has been put on the recommitment of the Bill.

It is very important that this Bill go back to the Committee from whence it came to us. The reason is, that the explanation given for the date of October 1988 for the first Annual General Meeting is not acceptable to me at all. The Member told us that that date had been selected by the Committee because they would be able to get free work from the accountants during the slack period. However, my recollection of this Bill is that there was not the need for any advanced accounting work, nor was it necessary until after Friday, when the Second Elected Member for West Bay moved the amendment demanding a full audit. So, it appears to me that prior to that time any little accounting which would have been done could have been done by some Member of Government, some Member of the Portfolio, and so the need for advance accounting and auditing had not arisen when the committee put in this date of October 1988. So, whatever other reason they may have had, they cannot justify the date of October 1988.

On Friday last week, I moved a Motion which was only supported by the Member for Bodden Town to change the date to June 1988, and this was opposed strongly by the Government bench. But as my colleague said, there seems to have been a change of heart, of which we are very glad, and the Member has come forward with a recommendation that the Bill be taken back to Committee, and that the date October 1988 be

substituted by April 1988.

Now, the Committee will have to decide on whether that is a good date or not, but I would just like to say in passing that there is a strong reason why this House should allow this Bill to go to Committee. The House knows what is expected of it in Committee, and for that reason alone, they must now be happy that the existing committee which would probably have been the Founding Members, will not have a full year in which to work. But their life-span will be shortened, and any damage they could do in their previous unbridled state will now be curtailed by six months. So I strongly support the move to send this Bill to Committee. I might add that this would not have been necessary this morning if the Government bench had shown a little more tolerance - but we do not expect that. Nevertheless we are happy whenever they are man enough to change their minds when the error of their ways have been shown up.

MR. PRESIDENT: Does any other Member wish to speak? If no other Member does wish to speak ... The Second Elected Member for West Bay?

MR. W. McKEEVA BUSH: Mr. President, I rise to support the question and to say in brief that I am also happy that Government has had a change of heart. When the Bill was in Committee, I also moved a Motion, an amendment, to have the date changed from October until December, and no amount of arguing could convince the Government that this was possible or even that it was needed. I need to say no more, except to say that it shows that those who proclaim knowledge of width and breadth of this country sometimes know very little about the smallest object. Government's unwillingness to take advice from certain Members on this side of the House, no matter how constructive the advice is, is going to trip them up again and again and again.

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

MRS. DAPHNE L. ORRETT: Mr. President, I think a number of the previous speakers have mentioned that there appears to be a change of heart with the Government bench. I am not sure - I do not think there has been a change of heart - but this Member can assure you there has been no change of heart with me. This Bill was brought here on Friday. I too thought that the First Elected Member from Bodden Town had mentioned the date in jest, and until this minute I think it has been a waste of time in this House to stand here and debate whether the date is October, June or April. If this Bill was passed and implemented as was voiced so clearly by the Members debating this Bill - they said it was necessary, it was urgent, and they were happy to see it brought to this House. If that Bill was passed, Mr. President, in September, any six year old child with a bit of common sense would have said October, the following month, would have been a good month for this thing to be put in motion. A year from this October would be October 1988, and I thought this was a fair and sensible justification for choosing that date.

Now the word nepotism was mentioned here a couple of times this morning and if you ever have the opportunity of noting the composition of bodies in this House with the previous Government, Mr. President, you would wonder why that word was ever brought up in the House this morning.

What I have to say here is this. Those Members opposing this morning have not spoken who are decrying and belittling the Government bench - would like to see them bow to their request this morning - to say that they do not know what they are doing. The Government bench would certainly surprise me if they choose to change their mind on this issue. And, Mr. President, as far as I am concerned, I have made up my mind, I did it on Friday, and I think no such change should be made. There is no justification for it. What took place over the weekend makes no difference to me, because this is irrelevant. As far as I am concerned the date is irrelevant. No one has pointed out here this morning why April or June is a much more satisfactory time than this. In my mind I felt that if the Bill was passed in September, October being the following month, we would get on with this business as quickly as possible, because every Member speaking on it said it was urgent, it was needed, it was long past due.

Mr. President, thank you for your time in listening.

MR. McKEEVA BUSH: Wasting time. Cannot believe the Government did wrong.

MR. PRESIDENT: If no other Member wishes to speak in order, I call on the mover of the amendment for his right of reply.

HON. VASSEL G. JOHNSON: Mr. President, I would like to say, loud and clear so that all can understand that I could have come here this morning and proposed the Third Reading of the Bill without having to do what I did here. I think, Mr. President, this is what you call "the good you do, the thanks you get". All sorts of things have been said about the proposal to make certain amendments here, and, the only reason why the Government decided to do this was, we had always advocated a unanimous decision in putting forward the National Trust Bill, because we thought it was a very important piece of legislation. I cannot think what has gone on in the minds of the Members on the other side to get up and speak such ridiculous words about the proposal to make the amendment.

You know, I feel at this stage like just

abandoning, because we can go forward with the Third Reading as the Bill is at present, we do not have to go forward and make any amendments, or recommit the Bill if we do not want to. I mean if that is the attitude we are taking

POINT OF ORDER

MR. JAMES M. BODDEN:

Mr. President, if we do not want to ...

MR. PRESIDENT:

Is this a Point of Order?

MR. JAMES M. BODDEN:

Yes, Sir, if we do not want to, why is it being put? What reason has the Member had over the weekend to change his mind?

STANDING ORDER 24(14)
MOION TO WITHDRAW SUBSTANTIVE MOION

HON. VASSEL G. JOHNSON:

Mr. President, to be quite honest with you, I am going to place a Motion to withdraw the one that I now have before the House, because I think with the ungratefulness that was shown by the other speakers on the other side, that I have no real good intention now of supporting the motion that I put forward at first.

MR. PRESIDENT:

This is an unusual situation for me - I think it is necessary that the leave of the House be given to withdraw the proposal for amendment. Unless the Attorney General advised me otherwise, I shall therefore seek the leave of the House. I will wait for his advice.

HON. RICHARD W. GROUND:

Mr. President, under Standing Order 24(14), the leave of the House is required for the withdrawal of a Motion.

MR. PRESIDENT:

Thank you. In that case, I will put the question that the House approve that the Motion to recommit this Bill to the Committee of the whole House be withdrawn. In other words, when I call those in favour to say "aye", it is approval that the Motion be withdrawn.

MR. W. McKEEVA BUSH:

Under what Standing Order, Mr. President?

MR. PRESIDENT:

The Attorney General has just given his advice on the question.

MR. W. McKEEVA BUSH:

Which Standing Order, I did not hear - for the sake of clarity?

HON. RICHARD W. GROUND:

It was Standing Order 24, paragraph 14.

MR. PRESIDENT:

We will pause while Members consult their Standing Orders.

MR. PRESIDENT:

It appears to me from the point of view of the Chair, to be clear. Have you a Point of Order?

MR. W. McKEEVA BUSH:

A Motion is being made Mr. President, then we can speak on the Motion, can we not?

MR. PRESIDENT:

I am afraid it had already got to the point where I had enquired whether Members wished to speak. The Motion to withdraw ...

MR. G. HAIG BODDEN:

With respect, Mr. President, that was not my understanding. My understanding was that you were getting advice from the Honourable Second Official Member as to the Motion, I did not understand that you were going to put the question forthwith, and that is exactly what you are doing - I really have to object to that.

MR. PRESIDENT:

Would you please be seated for a moment.

MR. G. HAIG BODDEN:

Thank you Sir.

MR. G. HAIG BODDEN:

Mr. President, that was my understanding too, because I want to speak on the Motion.

MR. PRESIDENT:

I will take it that we will put this, then, that a Motion has been put. I will take it that unless the Honourable Fourth Elected Member wishes otherwise, that he has put the Motion. He of course now has a right to speak to the Motion. Would you wish to do so?

HON. VASSEL G. JOHNSON:
Sir.

No, Mr. President, I would like the Motion put.

MR. PRESIDENT:

The Motion is put. Would any Member wish to speak?

MR. W. McKEEVA BUSH:

Mr. President, we hear about waste of time in this House. Government seems to be going hither and thither, do not know where they are heading with this Bill. The Bill, I have supported in its entirety except for those amendments that I placed. Now, Sir, just because they have been insulted, they have had egg on their face, they seek withdrawal of this amendment that they have proposed. It would seem, Mr. President, that, yes, the Honourable Fourth Elected Member of Government did seek some advice after the close of the meeting on Friday evening concerning his Motion this morning to change the date. Having done all that this morning, to come here and show, he said, because of ungratefulness, I say because of small mindedness on their part, Mr. President, to come now and seek the withdrawal of this worthwhile Motion he made to change the date. What are the reasons - ungratefulness, is that what he is telling the House that he cannot take the Members of this House putting them in their proper places? Just because some of their back-benchers get up and say that they think they should not withdraw it, or they should withdraw it.

Mr. President, I believe that his advice over the weekend has served this House well, will serve the country well, and it would be a shame for the Member to now withdraw this Motion. I am not going to support the withdrawal of the Motion. I think Government would do well for this country to keep it, as has been suggested, and I believe it has been suggested by the Members who organised the National Trust in its present form.

MR. PRESIDENT:

had my eye first.

I think the Second Elected Member for Bodden Town

NOTICE OF MOTION
STANDING ORDER 55(1)

MR. G. HAIG BODDEN:

Mr. President, if the Motion before the House for the withdrawal to recommit this Bill is carried, I will personally be putting a Motion for the recommitment of the Bill for a Law to establish the National Trust for the Cayman Islands and for connected purposes. I claim this right, Sir, under Standing Order 55(1). I would like to put my Motion prior to your moving on to the Third Reading, as soon as we finish the Motion here.

MR. PRESIDENT:

Motion.

If I may interrupt you, I accept notice of that

MR. G. HAIG BODDEN:

But I must speak on the Motion before the House, which is seeking the withdrawal of the Motion to recommit the Bill.

I am not concerned with the feelings of an individual on this matter. I am not concerned with who supports or does not support it. I am fully convinced that the matter at stake here is a matter for the entire population of the Cayman Islands. It deals with the fundamental rights of our public to have good representation in this Chamber. Representation that is not biased by small-mindedness, avarice or anything else. We feel that the Bill before the House can be either good or bad. Good in the way perhaps it is intended and is set out in its Memorandum, but bad if it is subject to abuse. And, what we are standing up for today is that this Bill be not abused. If it is abused it could interfere with the economics of this country. It could hamper future development. It could drive away the foreign investor. It could make valuable lands useless.

The Motion before the House was intended to prevent such abuse, and even if some Member or Members may have said some words when they were in the heat of debate which may not have been graciously swallowed by the Government bench, the matter at stake goes beyond petty rivalries, and we, as people who have been elected to run this country and to do what is right by the citizens of this country, cannot allow pettiness and small-mindedness to cloud our judgements when national issues are at stake.

We have had instances in the past when this type of legislation has shown its ugly head and we have had instances where men of worth have stood up against legislation which could be abused. I need not mention the 1975 Development Plan, and some of the Land Laws. This piece of legislation is certainly of the same nature, and can have the same effects for good or bad.

I would suggest that the Member who hurriedly made the Motion to withdraw his appeal for recommitment reconsider this or, if that is not possible, Sir, that you absolve your Council from collective responsibility, since you have not conferred with them on this matter, and let each man vote his conscience. You did confer with them, you took the suspension of the House and the result was that it must have been the collective approval of Council to seek the recommitment of this Bill. Unfortunately, there has been no conference to withdraw the Motion for recommitment. So, unless you take a suspension, it will be incumbent upon the Chair to ask for a suspension so that you can discuss this important matter. We are not dealing here today with the price of rice or the import tax on alcohol. We are dealing with something that can make or break this country. This matter must go beyond petty jealousies, must go beyond back-benchers' support, or not getting their support. This must be paramount, and must receive the attention which is due to the public who elected us.

So the Motion for the withdrawal of the means of recommitting this Bill is a frail one, and that Motion cannot be allowed to be put to the vote without thorough consultation with you and your Cabinet. I am calling upon you, Sir, to suspend this House, perhaps until after the lunch break, to have a true discussion with the Members of your Cabinet. And, if the consensus is still to withdraw the recommitment Motion, I would ask you, Sir, in your discretion, to absolve them from collective responsibility so that they can vote at their heart's content.

This is perhaps the most serious matter to come before this Chamber in the last ten years or more, and it is perhaps the greatest test that you will ever face during your time as Presiding Officer. In the interests of fair play and in the interests of the minority, I would ask you, Sir, to do what you know is right, and to confer before you put the Motion for the withdrawal.

I would like to conclude by saying that should that Motion succeed, I claim my right under Standing order 55(1) to move a Motion for the recommitment of a Bill known as a Law to establish the National Trust for the Cayman Islands and for connected purposes.

MR. PRESIDENT:

Thank you, I am grateful to you for your advice, and I note your intention to move under Standing Order 55(1) the recommitment of the whole Bill.

The First Elected Member for Bodden Town - I am sorry, I have made a grave error of courtesy, the Second Elected Member for George Town had caught my eye and I had forgotten. Would you please give way to him? Thank you.

MR. LINFORD A. PIERSON:

Mr. President, we have sat here in this Honourable House, we have seen a very important piece of legislation or Bill ping-ponged with because of some misunderstandings of the whole purpose of the Bill, it would appear to me.

I did not on Friday debate this Bill because I felt that with a few minor amendments which were obvious that the Bill was indeed a good one. On Friday, the Bill as amended, got the support of the majority of this House. I was however, pleased to see that the Honourable Fourth Elected Member of Executive Council did in fact, consider the views of the minority back-benchers in this House, as is the true democratic process.

The amendments suggested in the Memorandum from the Honourable Fourth Elected Member of Executive Council seemed reasonable. In Section 5(3)(a) the Member has ensured through the amendment, that the nine members selected under Section 5(3)(a) would be selected by recommendation of the Chamber of Commerce, the Bankers' Association, the Law Society, Association of Architects, Surveyors and Engineers, Building Contractors Association, Watersports Association, Real Estate Brokers Association, Association of Accountants, and Hotel Association. This was to ensure, Sir, that there would be no question of nepotism in this whole process. Also, provision was made that the appointment of the Chairman, the Vice-Chairman, Secretary and Treasurer would be made by the Governor in Executive Council. This was a major improvement, Mr. President, on the original sections of this Bill. So I thought that all Members would have seen this as a reasonable step.

Further, the Fourth Elected Member of Council decided in what I would regard as his wisdom, to change the date from October to April, even though I personally, did not find that this was necessary. I was proud to see that he had considered the views of the minority. But for us at this stage, because of the views of back-benchers on this Bill, to decide to withdraw a Motion, or a section of this Memorandum, which has taken us almost two hours to deal with, in my opinion, Sir, is a colossal waste of the time of this House. Why are we now changing again, from April back to October?

Mr. President, this is not right. Whether or not the Members on this side of the House may have said things that might have been offensive, we have to be bigger than party politics, we have to be bigger than bickering, we have to consider the national interest of our people, we have to consider the respect and honour of this House, and of the listening public. There is no reason at all why this should be withdrawn. And, Mr. President, I am very disappointed that it is suggested that this be reverted back to October 1988. I can see no interest in us sitting here and discussing this matter further and further and further. It seems to me that this debate should have been concluded, because we are serving no useful purpose standing here venting our anger. What else are we accomplishing when we stand here now and try to debate this? And, whether or not it is agreed on, I would, in accordance with Standing Order 38, ask that the question now be put on this matter.

Mr. President, on a Point of Order - when it is moved that the question be put, it must be put, Sir.

MR. PRESIDENT:

Thank you, I am aware of that. The question is put accordingly under Section 38 - I am afraid, First Elected Member for Bodden Town, we have to deal with this first.

MR. G. HAIG, BODDEN:

Just on a Point of Order, Mr. President, for your help, it does not have to be put, it says:

"... unless it appears to the Presiding Officer that the motion is

an abuse of the Rules of the House, or an infringement of the rights of the minority ...".

So you do not have to put it, you only put it if you are satisfied that this is not happening - I do not need to tell you that it would really be an abuse.

MR. PRESIDENT: I am sorry, with great respect I do not think it would be an abuse of the minority. If you would like, on a Point of Order, to convince me otherwise, you may.

MR. JAMES M. BODDEN: Mr. President, maybe I will try. I think it would be an abuse if you were to use that at this time. Quite a few Members of this House have not had an opportunity to debate this issue.

MR. PRESIDENT: I accept that if your statement is that you wish to speak, and you had in fact, given such evidence, I accept that in that case Members should speak who have not yet spoken on the Motion to withdraw the Motion. So would you now please go ahead.

MR. JAMES M. BODDEN: Thank you, Mr. President, the Member dealing with this Motion, in asking to withdraw it used as his reason the vicious attack. Now I fail to see where there was anything vicious or offensive said by the few Members who spoke on the Motion that was before the House. We saw errors in the Bill from the time it was presented to the floor of the House. And that is why certain Members of this House used their democratic right to speak against it. There is nothing in the world wrong with that. There is nothing vicious about it. There is nothing offensive about it. I will remind this House that the minority in this House do not have to be weak and humble, and hang around as little dogs waiting for our masters to throw us the bones after they have savoured the flesh. If anyone may think that that is our duty in this House, then it is time that we do not have a House to debate the issues that face the country. We have to think of the best interests of the country, of the people as a whole, and not just a few conservationists or a few people that are related to the Members of this House.

Now if you want viciousness, we will get to viciousness, and I will start it. What we have seen demonstrated here this morning is what we have seen in this country for three years. A Government that is like a windmill in a hurricane. Stumbling, and not knowing where we are headed. A Government of indecision. I said before, I will say it again, Mr. President, that the Member piloting this Bill, with all due respect to him, if he could not interpret the Bill in the right manner, should have had it explained to him by the Honourable Attorney General or yourself or someone else that he could understand it before the Bill was presented to the House. I have to ask again, after all the opposition that was put forward here on Friday, what changed his mind over the weekend? Was it some elder of the Church? Was it some of his constituents? Was it a family member? Was it you? Or who changed his mind and showed him that he was on the wrong path?

One Member, in speaking here a while ago, spoke about nepotism on the part of the previous Government, because a few of us said that nepotism had shown its head in the composition of the present board. I challenge that Member, or any other Member of the House, to show us, show the people of this country, that the previous administration had their close family members on the Government payroll, and advising them on critical issues to this country. I challenge them to show us the nepotism other than maybe in the form of our close supporters.

Several Members have alluded to wasting time. We are not wasting time when we stand up for something democratically that is for the good of our people. The only thing I can say about that, Mr. President, is that those Members who think we are wasting time when we debate issues of national importance can only say that because they cannot add anything to the debate, because unless they are pulled by their little puppet string, they do not even know they are in this House - that is where we waste the time, because we have too many puppets, and I for one have never been a puppet and never will be. This is ridiculous!

We will have fair play in this House. We will have no stifling of the freedom of speech, regardless of which Government is in power in this country. We might as well make that plain before we go much further. There are still Members in this House that have a heritage to uphold, that have their own free will and convictions, and those free will and convictions will never be stifled even if you were to put us before a firing squad. So, get it out of your minds, any of you who may think that our freedom of speech is going to be stifled. Most of the Members of Executive Council at this time, or the leading powers of Executive Council, were in power in this country in the years 1972-1976 when this country was ruined by them, because of the proposed Planning Law, which they wished to implement. A Planning Law that would have destroyed this country. You would never have seen the progress that took place in this country since 1976 if those Members had had their way with the Planning Law that they were proposing in the years 1972-1976.

The trouble about it, Mr. President, is, that those particular Members have never stopped in their effort to strangle the right of private ownership. This Bill is important to the people - I supported it, I said that - but

because I support the overall meaning that it is good for the country does not mean that I am going to support everything that they have put into the Bill, and think that I must blindly follow them as a sheep to slaughter. We have to think about the right of private ownership - that is why I requested the Attorney General on Friday to make a speech to this House outlining the reasons for certain objects in the Bill. We must think of the investors of the future, for the future development of this country. We have a Motion before the House asking us to consider making some drastic changes in Government revenue to support the economy of the Sister Islands - if we allow things like this to go unchallenged, we will be back in here asking that we make some drastic changes to try to support the faltering economy of the Cayman Islands as a whole. That is what we have to be sure of, that we support the right to private ownership, the right for the investors to invest in our country and help us build it up. We do not have the money, Government does not have the money, and when the people lose faith in the Government as they have done in this present Government, then we are not going to get the investors.

I too join my colleague, Mr. President, in asking that you allow your Members on the Executive Council to vote their conscience. And, if you are not going to allow that at this time, then you dissolve the House and get with them in the Committee Room and come back to the House before you take a vote on this Bill. Thank you, Sir.

MR. PRESIDENT:

I am grateful for your advice too, and I shall come to my own decision.

One or two Members did approach me earlier on for a somewhat earlier adjournment than usual because there is a lunch for a visiting delegation. I was proposing to suspend proceedings at 12:30 p.m., which is only a minute or two to go. Unless any Member would wish to speak now on this Motion to withdraw a Motion, I would propose to suspend until 2:30 p.m. Is that agreeable? Proceedings suspended until 2:30 p.m.

AT 12:30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:36 P.M.

MR. PRESIDENT:

The House is resumed. We were at the stage where, in debating the Motion upon the Motion to withdraw the Motion for recommitment of clause 11 of the Bill, one Honourable Member had moved the closure of the debate under Standing Order 38. I have thought about this a good deal over the lunch time. I have consulted Erskine May. It is a procedure which is very sparingly used, and it is clear that the wise counsel is to give Honourable Members as much latitude as possible, while bearing wholly in mind the feelings and the desire of the Member who moved the closure. So I therefore propose that we should allow, if Members wish to speak, more debate on the Motion to withdraw the Motion and then I will put the question a little later. I felt I should explain that. It is such an unusual situation.

The situation therefore is, would any Member wish to speak on the Motion to withdraw the Motion? The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I would like to try and restore some dignity and statesmanship to this debate.

I did not speak on the Bill during the Second Reading debate, as I believed such legislation should be above political rhetoric. For the same reason, I intended to vote against recommitment of the Bill and will therefore now support the Motion not to recommit the Bill.

Mr. President, I have sat here for almost two days now and listened to debate which, in my opinion, was frivolous and, in most instances, irrelevant to the main issue and the purpose, aims and objectives of the Bill to create a National Trust. The Members have pounded their political chests and have, in my opinion, reduced the value of this important piece of legislation in the eyes of the public. I believe they have ignored, or taken for granted the value, certainly, they have deprecated the value and time put into developing this legislation by the Steering Committee.

It is particularly disheartening to sit here and hear Members become so preoccupied with an insignificant date. But the date, Mr. President, does not really seem to be the issue as the debate has transpired and Members have expounded their reasons for wanting the date changed. It appears that the date is only a red herring, and what most Members seem to be most concerned with is whether or not they are going to get the opportunity to politically control this Council.

I am happy with section 6 in that the Council is to be elected by a democratic process. I have faith in that process, Sir, and have no desire to see Government circumvent by appointment, the democratic process of electing that Council to such an august and important law.

Mr. President, when I received this Bill I evaluated the Bill, the date for which the Bill is proposed not to be committed for and its significance within the aims and objectives of the Bill. I saw no great significance, political or otherwise, in October 1988 and for that reason, I cannot support a recommitment of the Bill simply to change the date.

I believe the country and we would all be better served if we were more concerned with the principles, objectives and aims of this Bill, than to become preoccupied with a date which certainly pales into insignificance when the overall objective and aim of this Bill is considered.

Mr. President, I deplore the type of polyglot debate which has taken place here this morning, people going off on all kinds of tangents to try and justify recommitting this Bill simply to change the date. As I said, in my opinion, the date at which this Annual General Meeting takes place pales into insignificance in comparison with other aspects of the Bill.

I cannot therefore Sir, support the recommitment of this Bill simply to change the date, so I will be voting for the withdrawal of the Motion to recommit the Bill.

It is a sad day in the history of our Parliament when we as Members become so preoccupied one is left to wonder if people have misinterpreted the date of 1988 and believe for some strange quirk of the imagination, they themselves are also in October 1988 thinking about the elections. Thank you, Sir.

MR. PRESIDENT:

The Honourable First Elected Member of Executive Council.

HON. BENSON O. FRANKS:

Mr. President, I did not speak on this Bill when it was given its Second Reading, because at that time it appeared to me that the Bill had the unanimous support of the House. The action of Government this morning, Mr. President, in offering to amend the date from October 1988 to April 1988 was, as I understood it, a gesture to meet some of the objections that had been offered on Friday half way. It was not an action that had to be taken. The Bill had already passed the Second Reading. Government offered an olive branch, Mr. President, to those Members who seemed to have attached a lot of significance to the date of October 1988. Instead of accepting that olive branch, Members seemed to have spat upon it and commenced to bite the hand that offered it. So, I have no hesitation in supporting the Member when he withdraws that olive branch.

As has been said, there is nothing mystical about the date October 1988. As I understand it, it was a convenient date, considered by those persons who worked to get the National Trust moving, and it is regrettable, Mr. President, that instead of Government really thanking those people who worked to move the formation or establishment of the National Trust along, that we seem to be here beating them over the head with sticks and showing them ingratitude.

It has been said that the Government has shown weakness, stumbling around and like a windmill. Mr. President, it appears to me that whatever Government does is misunderstood. If Government offers an olive branch, as I said, the opportunity is taken not only to spit on the branch, but to bite the hand that is offering it, and Government is weak for doing it. Then when the bite hurts, and Government pulls back the branch, Government again is weak for pulling back the branch. But, Mr. President, as far as I am concerned, it takes considerable determination and conviction to pull back the olive branch after it has been offered, and I am afraid that this is what has happened. The Members who are crying loudest now, Mr. President, thought that Government would not have the determination to pull back that olive branch. It has been pulled back and is going to be kept over the fence, it is not going to be offered again in this instance - once bitten, twice shy, nobody is going to offer that branch again, Mr. President.

I would just like to clear up, a couple of misconceptions that have been made during this debate. I think that were extraneous to the Motion before us, but I do not think they should be allowed to go unreplied to. For example, it was indicated Mr. President, that this Bill, the Bill establishing the National Trust, was a Bill that had potential to destroy the economic future and welfare of this country, that it contained provisions of mandatory confiscation of property. Mr. President, nothing could be further from the truth. This Bill does not give unto the Trust any power to acquire compulsorily any property, and the public should understand that loud and clear, Mr. President. One is left to wonder, whether Members were sincere in their praise for this Bill during the Second Reading, after listening to what has gone on today. This is an important Bill, but it does not contain the dangers for private enterprise and ownership as has been suggested. As I said, it does not confer on the Trust any right of compulsory acquisition of property.

I do not intend, to continue to argue the point - I merely wanted to make the simple points that Government did not have to offer to change that date in any way, that government was not motivated by any ulterior motive in suggesting in the Bill the date of October 1988. As has been explained, it was considered a convenient date because those persons who were working on the establishment of the Trust were advised by accountants that if they suggested their year end in future years around July, they could have the quiet time of the year to have their accounts prepared and October would have therefore been a convenient time to present them.

This, Mr. President, brings me to the point which the Second Elected Member for Bodden Town has made and that is, that the Bill did not envisage audit - I maintain, Mr. President, that the Bill has, from its inception, anticipated a proper audit. I did not quarrel with the amendment that was made to make it abundantly clear that the keeping of accounts which should conform with the best commercial

standards would require an audit, but, Mr. President, that is the only explanation that can be given to it. Because, accounts that are not audited cannot be said to conform with the best commercial standards. And then Section 12 required that the Council of the Trust tender annually to the Governor and the Member responsible, complete statements of its financial position and its accounts. The only way they could be deemed complete, Mr. President, was if they were audited, and we had the additional protection of the Public Accounts and Audit Law. So it has always been implied in this Bill that proper accounts meant audited accounts, but as I said, in order again to meet half way those Members who wanted to see it spelt out, I did not object to it, neither did Government. We accepted the amendment to make it clear that it included an audit. But, Mr. President, if that attempt to meet criticism half way has been mistaken for weakness and lack of commitment, Members should now understand that Government is strong enough to take a stand and stick with it.

That is why, Mr. President, we are going to stick with the withdrawal of the offer of this olive branch to change this date in the Bill. Thank you.

MR. PRESIDENT: Unless any other Member wishes to speak, would the mover of the Motion wish to exercise his right of reply?

HON. VASSEL G. JOHNSON: Mr. President, I want to thank all the Members who spoke on this Motion to withdraw the original Motion which I proposed earlier today, that a Bill entitled the National Trust for the Cayman Islands Law 1987 be committed to a Committee of the whole House in respect of Section 11.

The withdrawal of that Motion was prompted by the fact that it did not appear to the Government's side that the offer which we made had been accepted by the other side, and as the First Elected Member of Executive Council said, it was an olive branch which they were offered, and that they bit the hand that offered it.

At this stage, Mr. President, there is no alternative but to go forward with the Motion to withdraw that original Motion. I am sorry I did what I did this morning in good faith, hoping to at least to reconcile a few differences here in order that the National Trust Bill could go forward with the full support of the entire House.

The Second Elected Member for West Bay said that I studied this over the weekend and found it necessary to come forward with the proposed amendment this morning. Well, that was quite all right, the reason why I wrote the Memorandum to the Governor this morning was that I knew that this matter was going to be on the agenda, and that immediately as we got here it would have to be moved, that is the Second Reading. And so, I thought I would write to the Governor expressing some concern about the appointment of the members to the Council of the Trust by Executive Council. In other words, it did not appear at that stage that they would be appointed by Executive Council. But, as I mentioned, the Honourable Second Official Member pointed out that under section 6 the members of the Council which would be vested in the Founder Members would be appointed by the Governor, and that those were the members who would eventually be members of the Council.

There was no question at all in my mind that those members who are now members of the ad hoc committee that did the study and presentation of a draft Bill which eventually came before the House, would continue to serve as Founder Members. Founder Members have to be appointed by Executive Council, and while members of the present committee would perhaps be considered as Founder Members, there was no compulsion on Executive Council to appoint all the members now members of that ad hoc committee. I was quite satisfied in my mind that the membership of the Council would be appointed by Executive Council, and so the first recommendation automatically fell away.

As far as the date is concerned, it seems to me that once you have a Council which is properly organised and appointed by Executive Council, that it does require some time for that Council to settle down, to get its accounts in order, to get its different business in order, so when the date October was mentioned, it was thought that that was a reasonable date, because one of the other grounds which was put forward for that date was that accountants would have sufficient time at that time of the year to do the audit free of charge. That is also an advantage to the Trust. So, there was really no question in my mind that the amendments which came forward, for which I apologise, was really significant as far as the Bill was concerned when it became law that those areas would be controlled by the present provisions in the Law. That is largely, Mr. President, the reason for the withdrawal of the Motion, together with the fact that it did not seem to have been accepted in the right spirit by those who spoke out against it. That again prompted the decision to withdraw the Motion.

Mr. President, I now ask Honourable Members to consider favourably the Motion to withdraw the Motion.

MR. PRESIDENT: I shall now put the question. The question is that the Motion to recommit this Bill in respect of clause 11 to a Committee of the whole House be withdrawn.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: Can I have a division, Mr. President.

MR. PRESIDENT:

Division, please, Clerk.

DIVISION
MD.64/B7

AYES: 9

NAYES: 5

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Leavel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. D. Ezzard Miller

Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Mr. James M. Bodden
Mr. G. Haig Bodden
Mr. John B. McLean

ABSENCES: 1

Capt. Mabry S. Kirkconnell

AGREED BY MAJORITY: MOTION TO WITHDRAW MOTION TO RECOMMIT THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987 FOR THE PURPOSE OF AMENDING CLAUSES (5)(3)(a) AND 11, PASSED.

MR. PRESIDENT:

I would like now to take a short suspension for five minutes. I wish to consult with certain Members.

AT 3:06 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.10 P.M.

MR. PRESIDENT:

Thank you for bearing with me during that short suspension. Proceedings are now resumed. The next item has been circulated to all Members, I believe, which is a Motion under Standing Order 55(1) for the recommitment of the National Trust for the Cayman Islands Bill 1987. I should perhaps explain, although I am sure Members are perfectly well aware of it, that because the original Motion along these lines was withdrawn, it is deemed not to have been decided, and therefore it is in order to bring in this Motion which is effectively the same as the original Motion. Would the mover wish to speak?

STANDING ORDER 55(1)
RECOMMITTAL OF BILLS

MR. G. HAIG BODDEN:

Mr. President, I beg to move in accordance with Standing Order 55(1) that a Bill entitled a Bill for a Law to establish the National Trust for the Cayman Islands and for connected purposes, be recommitted to amend clause 11 by substituting the word "April" for the word "October" as it appears in the second line.

MR. JAMES M. BODDEN:

Mr. President, I second the Motion, but I would like to await developments in order to debate it at a later stage.

MR. PRESIDENT:

The Motion has been duly moved and seconded. Would the mover now wish to speak to it?

MR. G. HAIG BODDEN:

Mr. President, the Motion is a simple one. It asks leave of the House to recommit the Bill dealing with the National Trust to a Committee of the whole House in order that we may amend clause 11. The mover of the original Bill had put forward a Motion for recommitment. Had that Motion been voted on, it would not have been possible for me to put forward this Motion. But as he saw fit to withdraw it, I claim the right to put it forward, and would only like to say that as much debate has already gone on, I do not think it is necessary to go into the merits of the Motion.

But I would like to say that I feel that the matter of the National Trust is very important to the country and the fixing of the date will prove to be very important in that, very important elections will take place at the first Annual General Meeting, and therefore I would ask the Members of the House to support my Motion.

MR. PRESIDENT:

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

MR. JAMES M. BODDEN:

Mr. President, I support the Motion that is before the House, and in speaking on this, I would like to make it quite plain that in my opinion,

the reason given to the House by the Fourth Elected Member in asking for the withdrawal of the Motion which he placed before the House this morning was not the correct reason. It was not because the Members of this House did not accept the so-called "olive branch". It is very seldom we are going to get those branches handed to us on this side of the House. In my opinion, it was because the Executive Council did not have the support on that Motion of the Honourable First Elected Member of Council, and that is why it was seen fit to withdraw the Motion. It was not because a few of us got up and spoke in a manner that he thought was a manner dictating abuse.

Because in his Motion he started out in the written word by saying that he was somewhat uneasy last Friday evening, 11th September, in regard to certain things on the Bill. The Bill or the amendment that he proposed should have stood and there would have been no reason for my colleague to have to place another amendment asking for one change in it. The Member piloting the bill, in his memorandum pointed out that in Section 5(3) that the members of the Trust would not be appointed by the Governor.

HON. BENSON D. EDANKS: Mr. Chairman, a point of order, Sir. Could I call your attention to Standing Order 36(1) and I would rely on 55(3) to further reinforce - I am referring to relevancy, Sir.

MR. PRESIDENT: I have during today's debate at its various stages exercised great leniency, although Members may not think quite that, in the scope of the debate, but I think that the Honourable First Elected Member does have a point - we are on a very specific Motion which has been quite thoroughly debated, please let us try and keep close to it.

MR. JAMES M. BODDEN: Mr. President, I will try in a humble way to bow to your ruling, although I must point out that what I was saying was quite relevant to the point, because it was submitted in written form to this House. But I, over the years, have gotten used to having that particular Member act in the manner which he does today.

MR. PRESIDENT: With respect, I have to interrupt you for a moment. You are seconding a Motion with regard to the recommitment of this Bill. We are not going over the reasons why somebody else proposed it and then withdrew it. It is your reasons for supporting the present Motion, please.

MR. JAMES M. BODDEN: Mr. President, I think I am being quite relevant in dealing with it, because the specifics of the Motion that was brought to this House is in this one. My colleague here is asking for a part of that Motion which was dealt with this morning to be recommitted to the House.

MR. PRESIDENT: I think I am correct in recollecting this morning that the first part of the first Motion was very quickly disposed of. We are now concentrating on Section 11.

MR. JAMES M. BODDEN: We are concentrating on Section 11, which was also in this Memorandum that was sent to the House this morning.

MR. PRESIDENT: You have been very graceful so far, I would ask you to continue to be graceful and please proceed with your speech.

MR. JAMES M. BODDEN: Mr. President, I will bow to your ruling. I will not pursue the point any further, but I hope that when you expect the hand of friendship to be from this side of the House, it must come from other sides of the House including yourself in the future.

MR. PRESIDENT: I should always hope to deal with all Members even-handedly.

MR. JAMES M. BODDEN: I hope that will be the case in the future, Sir.

MR. PRESIDENT: It will be, would you please continue.

MR. JAMES M. BODDEN: No, I will give up my right to speak, and leave it to you, Sir.

MR. PRESIDENT: Thank you. Would any other Member wish to speak? If no other Member wishes to speak, does the mover wish to exercise ... hold on ... the Second Elected Member for West Day, at the last minute.

MR. W. McKEEVA BUSH: Thank you, Mr. President.
Mr. President, I am supporting the Motion before the House. My reasons for supporting this Motion are that (1) the Member responsible for the Bill, after a weekend, has brought back an amendment which they refused on the initial introduction of the Bill. After the Government took objection in Members pointing out the way it was being handled, to save face, he withdraws the Motion.. His reasons ...

HON. BENSON D. FRANKS: Mr. President, a Point of Order, Sir, the Member must speak to the Motion before the House, and not the Motion that was recently disposed of. Relevance again, Sir, Standing Order 36.

MR. PRESIDENT: I have ruled on this a few moments ago. Please let us stick closely to the subject of this Motion.

MR. W. McKEEVA BUSH: With respect, Mr. President, this Motion before the House here - I have to give my reasons for supporting it and I do that on anything I support or object to. Now, then, am I going to do this if I do not give, at least, a brief update of the history of the Bill?

MR. PRESIDENT: May I say something?

MR. W. McKEEVA BUSH: You certainly may, Sir.

MR. PRESIDENT: Thank you. This is not a question of the motives or the history, it is a question of Section 11 specifically, and you are supporting it being recommitted. Please stick to that.

MR. W. McKEEVA BUSH: Mr. President, I am in complete agreement with the Chair, Sir, not that I am in agreement that we need relevance, but I have to persist Sir, that I am being relevant to the Motion, and I have to give my reasons why I am supporting the Motion. If you cannot do that then there is curtailment of speech. I was only giving a brief history.

MR. PRESIDENT: The Honourable Member is overstating his case, with great respect. Please continue and please stick to the point.

If no other Member wishes to speak, would the mover wish to reply?

MR. G. HAIG BODDEN: Mr. President, Will Rogers once said "I do not make jokes, I just watch the Government and report the facts". And, anybody looking on today does not need to make jokes.

I brought this Motion because I truly believed the date for the first Annual General Meeting is important, and it is important because the subject matter of the Bill is important. The National Trust is important because it could dictate the terms of development in the future. Justification for bringing this Motion can be found in the actual words of the Member responsible for the Bill. He had put forward a similar Motion, and had said that he felt uneasy about the Bill - that is my main reason for putting the Motion to have the Bill recommitted because I feel uneasy about the Bill. And if you would allow it, Sir, I will claim my right under Standing order 32(4) to read the Member's Memorandum in support of my asking for a committal of the Bill.

MR. PRESIDENT: I think it would be entirely in order to read that part of the Memorandum which relates to Section 11, which is the subject of your Motion. But please do not read the whole thing.

MR. G. HAIG BODDEN: Okay, Sir.

In the Member's Memorandum, he requested the House to recommit the Bill so that he could amend Section 11 in the second line by substituting the word "April" for "October". That is all I am asking now, is that the House do what the Member knew to be right, although he has wavered from that thinking since. He has been the victim of circumstances, and in order to aid this ailing Member, I seek permission to take this Bill where it rightfully belongs, back to the Committee so that we can make this important change. No one has made representation to me for this change but the Member who piloted the Bill told us in the Memorandum that representation had been made to him, and that alone is justification for the recommitment of the Bill.

Now although someone has talked him into believing that he should withdraw his olive branch, I want to make it clear that in the matter of changing October to April, he did not offer us an olive branch, he had offered us a tidbit. Now a tidbit is what a dog trainer offers to a dog or other animal when the dog is being trained. If the dog does exactly what the trainer wants, the dog gets a choice piece of meat or a little fish in payment for being a nice dog. We were offered a tidbit. But unfortunately, some of us did not respond with the niceties which had been expected by the First Elected Member of Council and the Fourth Elected Member of Council. Now that tidbit has been withdrawn. But nevertheless, the issue at stake in this Motion is whether it is right or wrong to have the date of April instead of the date of October.

Another reason why I am seeking this recommitment of the Bill, is the same reason that the Member put forward in his Memorandum, and that reason was that the National Trust will undoubtedly grow into quite an important organisation representing the entire cross-section of the community and Government should definitely have some control over its membership. This recommitment is seeking that Government will have the proper control as soon as possible, so that the important elections can take place at an Annual General Meeting which is in April rather than October. So, the more we look into this, the significance of having the Annual General Meeting in April becomes clearer

and bigger.

Finally, I would say that every Member should be convinced that recommitment of this Bill is absolutely necessary because the Member in charge of the Bill said that he was prepared with the approval of the Legislative Assembly, to make the change in Section 11. We were told that Government, not in so many words, but words strong enough to stop the recommitment, the tidbit had been offered but it was taken away. And I would like to remind that Member in closing that no Government is strong enough to rule without the consent of the governed.

MR. PRESIDENT: I shall now put the question then. The question is that this Bill stand recommitment to a Committee of the whole House.

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT: Division, please, Clerk.

DIVISION
NO. 65/88

AYES: 4

NOES: 9

Mr. W. McKeeva Bush
Mr. James M. Bodden
Mr. G. Haig Bodden
Mr. John B. McLean

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. Norman M. Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Mr. D. Ezzard Miller

ABSENCES: 2

Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell

AGREED BY MAJORITY: MOTION TO RECOMMIT THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987, FOR THE PURPOSE OF CLAUSE 11, DEFEATED

MR. PRESIDENT: I think we might now take a break, before proceeding with Third readings. Proceedings suspended for fifteen minutes.

AT 3:35 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:57 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. We were at the stage of Bills, Third Reading, Clerk?

THIRD READING ON BILLS
(CONTINUED)

THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987

CLERK: THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987.

MR. PRESIDENT: The Member in charge, please.

VASSEL G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled the National Trust for the Cayman Islands Law, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill for a Law to establish the National Trust for the Cayman Islands and for connected purposes be given a Third Reading and do pass?

QUESTION PUT: AYES AND NOES

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

MR. PRESIDENT:

A division, please.

DIVISION
ND.66/87

AYES: 13

NOES: 2

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D., Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

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

AGREED BY MAJORITY: THE NATIONAL TRUST FOR THE CAYMAN ISLANDS BILL, 1987 GIVEN A THIRD READING AND PASSED

THE SUPPLEMENTARY APPROPRIATION (1986) BILL, 1987

CLERK: THE SUPPLEMENTARY APPROPRIATION (1986) BILL, 1987

HON. THOMAS C. JEFFERSON:

Mr. President, I move that a Bill shortly entitled The Supplementary Appropriation (1986) Bill, 1987 be given a Third Reading and passed.

MR. PRESIDENT:

The question is that a Bill for a Law to allow and confirm certain expenditure during the financial year 1986 be given a Third Reading and do pass.

QUESTION PUT: AGREED: THE SUPPLEMENTARY APPROPRIATION (1986) BILL, 1987 GIVEN A THIRD READING AND PASSED

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

MR. PRESIDENT:

We now move to Other Business, Private Members' Motion No.9/87, which we were in the course of debating. Does any Member now wish to speak?

PRIVATE MEMBER'S MOTION NO.9/87
ECONOMIC INCENTIVES FOR CAYMAN BRAC AND LITTLE CAYMAN

(CONTINUATION OF DEBATE THEREDN)

MR. JAMES M. BODDEN:

Mr. President, I wish to speak on the Motion that is before the House. I will begin my debate on this Motion by saying that I have always been, and will continue to be, sympathetic to what goes on in the Sister Islands. This can be proven by our stand from 1976 to 1984, when the Government of those dates did everything within its power to try to bring prosperity to the Sister Islands. From 1976 to 1984, our Government worked very closely with the Member representing the Sister Islands who was in Executive Council at that time, to try to bring prosperity to those Islands. That same Member is now the Member responsible for a certain Portfolio in the present Government, who, as a born Cayman Bracker, must have the interest of the Sister Islands held as paramount importance to him. So I am quite confident that he has done everything within his power to try to bring prosperity to the Sister Islands. Now I will admit that in the existing conditions of this House, and being saddled with some of the Members that he is saddled with on his team, that that might have been difficult. But, I am willing to lend my support to anything that can benefit the Cayman Islands as a whole.

I cannot fully support this Motion in the way it is before the House. I think it is a piecemeal approach to a large problem. I would propose at this time that we set differences aside and we appoint a Committee of the whole House to sit down and figure out what can best be done to bring prosperity not only to the Sister Islands, but to all the Islands, because there is no doubt that Grand Cayman needs help in a similar way that the Sister Islands need help. The prosperity that many of us have spoken about is not evident today in our society. So therefore I think it is incumbent on

all of us to get together, put our ideas on the table and sort out behind closed doors, what could be a good policy for the Sister Islands, and also a policy for our island here of Grand Cayman.

Reducing duties - if we reduced all of it, if we took all of the duty off it will not necessarily help the people of the Sister Islands if they do not have the money available in order to buy the products and in order to stimulate the construction industry. It is my belief, they do not have that money, so whether we reduce the duty to two and a half per cent or we take all the duty off, it is not really going to be a stimulant to the economy. They must first have the money in their pockets to be able to do something to develop the Islands.

I believe that if we were to make a concerted effort through the Department of Tourism to further increase the expansion of tourism to the Sister Islands it would be beneficial. That is, to devote the entire Department overseas to promoting the Sister Islands for a period of at least one month. If we were to get the airlines together and tell them of our problem, they may be willing to help in many areas. The three non-Caymanian airlines that operate from here could be asked to provide a special fare for one month, or two months, to people who would come and visit the Sister Islands. Then our airline, which is subsidised by our Government, which is money that goes into the Treasury from each and every person in the Cayman Islands, could be used on a very cheap fare to transport the people who the other airlines have brought to Grand Cayman on to Cayman Brac.

We could get together with the two banks that operate currently in Cayman Brac, Cayman National Bank and Barclays Bank. We could make them well aware of the problems that exist, and ask for their help. If they are going to expect to reap the benefits when the economy in the Sister Islands is on the high road, then they should be willing to help us when the economy is in a downswing. They could help us in providing some low interest rate loans rather than making loans available at about 6% more than they are paying their depositors at this time. This would stimulate the economy, and then maybe Government could make another effort through Caribbean Development Bank or some other banking sources, to create some soft loans to stimulate the economy and get some industry going in the Sister Islands.

We could publicise abroad and try to bring in some new industries, small industries, into the Sister Islands. This, in turn, again, may help to employ some people and stimulate the economy. Government could try to promote small cottage industries in the Sister Islands. This would enable the people to sell their products in the vibrant tourism economy, like Grand Cayman. We do not have anything for sale to the tourist industry that is really manufactured in our country. As we go around to the different stores that cater to that business, all we can see is things that have been made in Jamaica or Hong Kong, or some other country. The people of Cayman Brac, in particular, has always been known to excel in their industrial work. They are people that do not really want to sit back and depend on someone giving them the olive branch coated with honey. They like to have the opportunity to go out and fend for themselves and feel like they have accomplished something on their own. We could help to stimulate boat building in Cayman Brac. Again, the people there have been known over the ages as very good boat builders, and if Government and the banks would make the money available at a low interest rate, these are the areas that would tremendously benefit the sagging economy of the Sister Islands.

They, at the present time, are in an economic slump. The measures that have been taken so far, and the measures that are contemplated here, in my opinion, I reiterate once more, are only stopgap measures and will not solve the problem. I cannot, as a representative of the good people of Bodden Town, come here and agree to a Motion to reduce duties on certain items to two and a half per cent and in some cases, I think, take them off entirely, while the people in my district, who are also suffering under the heavy hand of the present political administration - it would be unfair to my people to agree to that. You could not have duty lowered on certain items just to protect or to help the people of Bodden Town, neither could you have it done to help the people of West Bay. So I think that at the present time Government has gone as far as it should go in reducing any income of Government in trying to assist the economy of the Sister Islands. I think we have to look at this in a broader sense, that is what I am proposing to this House today, and I hope that the Members will accept it in the manner in which I am putting it forward and that for one time we can sit down together and try to do something that will benefit our people.

In the past the economy of the Sister Islands has been attended to, it has been helped, and every help that could be given from the administration here in Grand Cayman has been given. The dock in Little Cayman was built, the dock in Cayman Brac was built, roads were built on the Bluff, the airport runway was extended, CAL maintained a jet service into Cayman Brac at a great loss in revenue, many Government buildings were built and the airport terminal is now contemplated. Overall, Government has provided a very good infrastructure for the Sister Islands. It is true that there are a few areas that we can look at and say it is sagging - it is true that maybe even my good friend, the Honourable First Elected Member, will get blamed for pulling a few teachers from Cayman Brac, but that is a part of economics also that I can agree with. What I am saying to the Members of this House and to the people of our Islands is, we are in problems - the people of the Sister Islands are in problems. I am sympathetic with the problems that they face, but let us, as leaders of the country, get our heads together and I will propose, if I have to do so, formally at the end of this, that we comprise a

Committee of all the Members of this House, and let us diligently work at preparing a plan that can bring economic prosperity back to the people of the Sister Islands, so that they can stay at home, so that they can hold up their heads, and so that they can feel that they are once more contributing to the overall success of our Islands.

While we do that, I think it may also be necessary for us to look at certain areas of the economy in our island of Grand Cayman itself. I would not cloud the issue at this point by insisting on that, but I would say, please let us cooperate. Let us help our brothers and sisters in the Sister Islands. But let us do it in such a way that they can hold up their heads. Let us do it in such a way that it can help. Let us not bite off little pieces and think that we are helping those people, because in the end we will not help them. They must be given the tools to help themselves, and that is what I am proposing.

Thank you.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. DRETT:

Mr. President, I would like to speak to Private Member's Motion No. 9/87 in respect to economic incentives for Cayman Brac and Little Cayman.

Mr. President, the first whereas on this Motion, I would tend to agree with to a certain extent, that in recent years the economies of the Sister Islands have been somewhat in a depressed state. This was in fact borne out by the Honourable Third Elected Member of Council and I think all of us are aware of the situation there, and perhaps the main reasons for this depressed state of the economy.

On the second whereas, I cannot agree. There are certainly, after having listened to the Honourable Third Elected Member of Council, there are certainly signs that there has been a marked improvement in the economic state of the Sister Islands. It seems to me that there is a lot happening there, and we may have a situation there right now where there are insufficient people to meet the needs which need to be met as far as finding those in the area of construction and even in the area of the tourism industry.

The third Whereas, Mr. President, which mentions that numbers of people of the Sister Islands have relocated to Grand Cayman in order to earn sufficient to support their families - I cannot disagree that there has been a move, everyone knows that, but it is not unusual for the people of the Cayman Islands to move when they need to, and certainly this is no less true of the people of the Lesser Islands. This has been an on and off situation. When everything is rosy and going fine in Cayman Brac, the people have no reason to move. Nobody can blame them when there is a depressed state in the economy, and things are better over here in Grand Cayman, nobody can question their decision to move with their families. It is no different than what, perhaps, we here in Grand Cayman would do. And I think, that the only reason why many more moves are not made is that the District of West Bay, and the Districts of North Side, East End and Bodden Town, simply happen not to be separated by 80 miles of water from George Town. These people travel back and forth every day to their work in George Town. And the reason for the move in Cayman Brac mainly, as I see it, is simply because there is no other way of getting to where the hub of activity is in the capital of the Cayman Islands.

Mr. President, I think that every one of us here know that the people of Cayman Brac are an industrious people. They know where the grass is greener. And I believe that in spite of all that, it is not really a heartening thing to go to Cayman Brac and see the number of homes that are closed and other areas where there is a lot less activity. It really is somewhat depressing. However, when one speaks to the people who have moved here, they seem to be happy, they are uncomplaining, they are getting along quite well, and in some instances I have had some of the people in Cayman Brac express that it is their hope to return home to live in the not too distant future. On the other hand there are many of them who seem quite satisfied to be here, and have no intention at all of moving back to Cayman Brac or Little Cayman.

Much has been said on this subject, but what I am saying here is that I do not feel that it can be said that Government is not doing its best for the people of Cayman Brac and Little Cayman - this was borne out here in figures which were presented by the Honourable First Official Member of Council and certainly by the Honourable Third Elected Member of Council, and for the reasons plus other reasons which have already been expressed by other Members speaking to this Motion, I find that I am not able to support it.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak? The First Elected Member for the Sister Islands?

CAPT. MARRY S. KIRKCONNELL:

Thank you, Mr. President. Mr. President, Private Member's Motion 9/87 - Economic Incentives for Cayman Brac and Little Cayman - from the time I heard of this Motion, and I read its contents, it has given me great concern. I have really tried to examine every aspect of it, to try to understand really why it is before this Honourable House today. I had the honour of serving on a committee appointed by the Honourable Third Elected Member of Council, who is also my colleague as a representative of the Lesser Islands. It was a democratically constituted committee. We gave very serious consideration, to what we felt was the best for the people of the Lesser Islands. We went

into every aspect. We are a proud, ambitious people. We realised that Government cannot function without revenue, therefore the thing that we were looking for was somehow to improve the economy and at the same time not erode the revenues to the Treasury of the Cayman Islands.

After long consideration and input from all members, the decision was made as all Honourable Members of this House are aware, that duty would be reduced to 5 per cent on building materials and for condominium developments, for people, Cayman Brackers or Caymanians returning, foreigners coming into the country. We felt that what was necessary in Cayman Brac was to create employment for our people. You can reduce duty, you can make it a completely duty free area, but if you do not have money to buy the product overseas, it is not helping you one bit. Therefore we already see an improvement in the economic condition, and I note and have to correct the second "Whereas" of this Motion where it says "and whereas there is no sign of improvement". Mr. President, I am happy to report today that that is not correct. We have seen a marked improvement in our situation there. It is not to the stage that we want it, we have a long way to go. But there is, at the present time, with a limited work force, full employment in the construction field.

The Government is now engaged in the construction of a dental clinic and public health offices on the Faith Hospital compound. In addition to that there is major construction at the Tiara Beach Hotel, and this will be an on-going project which will last for approximately two and a half years, so that is the type of project that we are really encouraged with, for it means it may be able to encourage some of our many men who came to Grand Cayman to seek employment to return, since there will be signs of long-term employment. Also, the Foster Brothers have had approval from the Development Control Board for the construction of beach cottages on the south coast of Cayman Brac. There is also a commercial development in Little Cayman that I see ads in the paper where the pre-construction prices are being offered. It is my hope that that will commence very shortly. All in all, Mr. President, these are the things that we feel will help to restore the economy of the Lesser Islands.

Much has been said in this Session of the House concerning the revenue of Cayman Brac. I would like to call to the attention of Honourable Members and the members of the listening public that the revenue figures collected in Cayman Brac are not actually the only money that is contributed by the people of the Sister Islands. All stamp duty from the sale of land is paid to Lands and Survey, and therefore directly into the Treasury and not credited as revenue from Cayman Brac and Little Cayman. Also, stamp duty, company fees, all petroleum products are imported into Grand Cayman and re-exported to Cayman Brac, where the import duty is paid here in Grand Cayman. It is also true on one of the largest customs revenues that we have - liquor and cigarettes - 90 per cent of that is paid into the Treasury in Grand Cayman - besides, the larger merchants in Grand Cayman having more purchasing power than the smaller merchants in Cayman Brac. A lot of the foodstuff is purchased here in Grand Cayman and its duty paid. So what I am trying to impress on the Honourable Members of this House - that if all revenue paid out by people of Cayman Brac for all their commodities were added together, our revenue figure would be considerably larger than it is.

I would like to say to the Honourable Members of this House, what we need, and I would ask the Honourable Fourth Elected Member of Executive Council, if it is possible that in regards to the Housing Development Corporation, if he could give the people of the Lesser Islands a little concession in arranging that a Loans Officer would visit the Brac on a regular basis. People applying for housing under the Housing Corporation cannot afford to leave work if they have a job, they cannot afford their airplane passage and the cost of coming over to Grand Cayman to negotiate these loans. I know of several who have made several trips over here before being able to get a loan. If it could be arranged that a member of the Housing Corporation would come to the Brac, there is sufficient space at District Administration Office where they could meet their prospective clients - if they are not able to secure a loan, at least they would not be any worse off for trying. So I would ask the Honourable Member if he would give consideration to this.

Also what we need as the First Elected Member for Bedden Town said, we need help in providing funds. I think if we could get the commercial banks to assist with lower income or at least give a longer term on loans, it would be of some help. One of the most difficult things in getting a commercial loan in the Cayman Islands is if you have a good rating you can get up to five years, but it is difficult to repay a loan of any size in a period of five years.

Mr. President, going back to the mover of this Motion, I am glad to know that he has an interest in Cayman Brac, I really feel, had he consulted with those of us that love Cayman Brac, those of us that live in Cayman Brac, we could have probably cleared his mind on a lot of issues. I am not saying that his motive is wrong, I am grateful for any interest that any Member, or anyone wherever they may be, shows in the Lesser Islands. We are separated by water, we do not have the facilities of just jumping into our car, or catching a bus and coming to George Town, where the centre of all the activity is in the Cayman Islands. We must pay \$68.04 for a return air trip over here, and not all the time are seats available. So I want to say that I am not trying to be ungrateful here today, I am very grateful for what has been done.

I have had the honour of representing my people from the Third Electoral District since 1980. I am very grateful to the previous administration for their cooperation and what they have done in providing funds. My

colleague has had the honour of serving in the Executive Council from 1974 to 1980 and again since 1984. During the other period, our former Chief Secretary, the Honourable Dennis Foster, was the Member responsible, and all the people of Cayman Brac are most grateful also for the efforts he made in representing us in Executive Council.

Mr. President, I want to say the thing that is holding the Lesser Islands back more than anything else is the matter that our population is slightly over 1300. History recalls that Grand Cayman had a similar problem when they had a small population. We need to encourage people to come to the Islands, that was one of the reasons the Committee took the action it did in asking that we create incentives for foreign investors and retirees, because it has been spoken in this House about the roll-over effect, but the purchasing power of 1300 people will not create much roll-over in the economy.

I would like also to call to the attention of Honourable Members that we, residing in Cayman Brac, have many disadvantages. We have a higher freight rate. I am grateful that the Government saw fit to make a freight adjustment. I had asked for that for many years, but I am very grateful that at last, a few months ago, it was enacted where now we are paying duty on the CIF cost of our merchandise as if they were landed in Grand Cayman. The additional freight on to Cayman Brac is not dutiable. That is creating a considerable saving.

One of the reasons, as I said before, with a small population, the buying power of the merchants is not what it is here in Grand Cayman, and that is one of the reasons that the cost of groceries, building material and the like is higher in the Lesser Islands.

Mr. President, I have listened very carefully to all the arguments that the Second Elected Member for George Town made in presenting this Motion. I recognise very easily, the limitation of his knowledge of the present economic situation in Cayman Brac and Little Cayman. Also, some of the points which he brought out were misleading, and I hope that I have been able in some way to set some of the matters straight.

The mover has tried to prove that Cayman Brac and Little Cayman have been neglected. As I said, I can vouch that since I was elected in 1980, the Members of this Honourable House have cooperated with us, and the infrastructure of Cayman Brac I think is as well advanced as any island that has 1300 people. We have good port facilities, we have a good airport runway, hopefully we will soon, after several years of delay, get the airport terminal. We have a hospital which we are very proud of. All Members here know the way that came about. We were told we needed a hospital like we needed a hole in our head. We said that might be your idea, doctor, but we know better. We will get our hospital even if we have to build it ourselves. Land was donated, people joined together, and today, with the help of Government and their operation, we have a well-equipped small hospital, very adequate for our needs. We have a capable medical staff, and we are proud of the initiative that the people of the Lesser Islands have displayed - not today, not yesterday, but throughout the history of the Lesser Islands.

In previous years, nearly the entire fleet of ships owned in the Cayman Islands and registered in George Town was owned in Cayman Brac. It shows you that we are not people that are looking for a handout, we are not lazy, we are not living on the streets, we are ambitious, industrious, and we intend to fight hard to improve the situation in the Lesser Islands. I do not think, because of our limited land area, we will ever come up to the stage of what George Town, or Grand Cayman has developed, but nevertheless, it is our desire to create a healthy economy, a place that we can bring back.

Mr. President, I would like to go on a bit further, if you want to adjourn, I will be glad to yield.

MR. PRESIDENT: If Honourable Members agree, maybe four or five minutes, if that will suffice for you.

CAPT. HARRY S. KIRKCONNELL: I will be a bit longer than that, Sir.

MR. PRESIDENT: Well I think perhaps then, we should adjourn.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2), I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED: AT 8:35 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. TUESDAY, 15TH SEPTEMBER, 1987

THIRD MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

TUESDAY, 15TH SEPTEMBER, 1987

(FIFTH DAY)

PRESENT WERE

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W BOUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL MURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 CERRETT	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 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

O R D E R P A P E R

THIRD MEETING OF THE 1987 SESSION OF THE
LEGISLATIVE ASSEMBLY

TUESDAY, 15TH SEPTEMBER, 1987

(FIFTH DAY)

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

2. QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR
INTERNAL AND EXTERNAL AFFAIRS

NO. 58: WOULD THE HONOURABLE MEMBER STATE THE NUMBER AND
CATEGORIES OF APPEALS RECEIVED BY EXECUTIVE COUNCIL
AGAINST DECISIONS OF THE CAYMANIAN PROTECTION BOARD SINCE
JANUARY, 1985 IN RESPECT OF GAINFUL OCCUPATION LICENCES AND
THE NUMBER AND CATEGORIES OF SUCCESSFUL APPEALS DURING THIS
SAME PERIOD?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE
FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR
FINANCE AND DEVELOPMENT

NO. 70: WOULD THE HONOURABLE MEMBER STATE:

- (a) WHAT WAS THE TOTAL COST OF RECRUITMENT OF TEACHERS
IN THE UNITED KINGDOM FOR THE 1987/1988 SCHOOL YEAR,
INCLUDING OVERNIGHT ACCOMMODATION AND TRANSPORTATION
TO THE INTERVIEW SITE;
- (b) HOW MANY APPLICANTS WERE INTERVIEWED; AND
- (c) THE LENGTHS OF CONTRACTS THAT WERE OFFERED AND
ACCEPTED?

NO. 71: WOULD THE HONOURABLE MEMBER STATE:

- (a) WHETHER GOVERNMENT MADE ANY ATTEMPT TO RECRUIT
SCHOOLTEACHERS FROM THE WEST INDIES OR ANY COUNTRY
OTHER THAN THE UNITED KINGDOM; AND
- (b) IF AN ATTEMPT WAS MADE, WERE THEY OFFERED THE SAME
TERMS OF CONTRACT AS THOSE RECRUITED IN THE UNITED
KINGDOM?

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

NO. 72: WOULD THE HONOURABLE MEMBER STATE:

- (a) WHETHER THE ELECTED MEMBER FOR NORTH SIDE OBTAINED
HIS APPROVAL FOR THE REMOVAL OF SAND FROM AN AREA
WEST OF CAYMAN KAI RESORT IN NORTH SIDE, AND, IF SO,
WOULD THE HONOURABLE MEMBER PROVIDE A COPY OF THE
WRITTEN AUTHORITY;

- (c) THE VALUE PLACED ON THE SAND AND THE ESTIMATED COST OF THE WORK REQUIRED ON THIS PROJECT; AND
- (d) WHETHER THIS WORK WAS CARRIED OUT UNDER THE DIRECTION OF THE PUBLIC WORKS DEPARTMENT?

3. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL ON THE HARRY BROWN REPORT.

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

- (1) PRIVATE MEMBER'S MOTION NO.9/87
ECONOMIC INCENTIVES FOR CAYMAN BRAC AND LITTLE CAYMAN
- CONTINUATION OF DEBATE THEREON.
- FIRST ELECTED MEMBER FOR THE LESSER ISLANDS.
- (2) PRIVATE MEMBER'S MOTION NO.10/87
LOW COST HOUSING
TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR GEORGE TOWN
TO BE SECONDED BY: THE ELECTED MEMBER FOR EAST END
- (3) PRIVATE MEMBER'S MOTION NO.11/87
PROPOSED AMENDMENT TO THE CAYMANIAN PROTECTION LAW, 1987
TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR GEORGE TOWN
TO BE SECONDED BY: THE ELECTED MEMBER FOR EAST END
- (4) PRIVATE MEMBER'S MOTION NO.13/87
ESTABLISHMENT OF REMAND HOME/APPROVED SCHOOL FOR JUVENILE OFFENDERS
TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR GEORGE TOWN
TO BE SECONDED BY: THE SECOND ELECTED MEMBER FOR WEST BAY
- (5) PRIVATE MEMBER'S MOTION NO.15/87
INCREASE OF AGE OF CONSENT FOR GIRLS
TO BE MOVED BY : THE THIRD ELECTED MEMBER FOR WEST BAY
TO BE SECONDED BY: THE ELECTED MEMBER FOR NORTH SIDE
- (6) PRIVATE MEMBER'S MOTION NO.16/87
INVESTIGATIONS INTO ALLEGATIONS OF CORRUPTION OF THE ROYAL CAYMAN ISLANDS POLICE FORCE
TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR WEST BAY
TO BE SECONDED BY: THE SECOND ELECTED MEMBER FOR GEORGE TOWN

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THURSDAY

15TH SEPTEMBER, 1987

10:05 A.M.

MR. PRESIDENT:

Prayers.
The Second Elected Member for George Town.

PRAYERS

MR. LEONARD 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 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, who 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.
Questions. The Second Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 58: Would the Honourable Member state the number and categories of appeals received by the Executive Council against decisions of the Caymanian Protection Board since January 1985 in respect of Gainful Occupation Licences and the number and categories of successful appeals during this same period?

ANSWER: Since 1st January, 1985 to 9th September, 1987, the number of appeals in respect of Gainful Occupation Licences received by Executive Council amounted to 369 of which 27 were allowed in the following categories:

Domestics	7
Dock Workers	6
Farm Workers	2
Gardeners/Maintenance Personnel	3
Carpenters	3
Taxi Driver	1
Waitress	1
Welder	1
Computer Operator	1
Assistant Accountant	1
Secretarial	1
TOTAL:	27

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if he can tell the House why there were many appeals during this short period - if there was any singled reason that he could identify for the excessive amount of appeals?

HON. J. LEMUEL HURLSTON: Mr. President, we could only come to the conclusion that the number of appeals during this period are excessive if we had access to the comparative periods previously. However, the fact of the matter remains, Mr. President, that applications that are unsuccessful at the Caymanian Protection Board provide a statutory right of appeal, and these are the number of persons who have exercised that statutory right.

MR. G. HAIG BODDEN: Could the Honourable Member say to what nationality the majority of the appeals belong?

HON. J. LEMUEL HURLSTON: No, Mr. President. The records are not kept to give that information in that manner.

MR. LINFORD A. PIERSON: A supplementary, Mr. President. Would the Honourable Member state how any appeals are now pending before Executive Council?

HON. J. LEMUEL HURLSTON: No, Sir. I could undertake to give that information in writing, but I do not have it with me now.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Would the Honourable Member state the average period taken for Executive Council to hear an appeal?

HON. J. LEMUEL HURLSTON: I am afraid I also do not have an accurate response to that supplementary, Sir, but appeals are taking a considerable length of time, and, if I had to hazard a guess, it would be an average of approximately six months.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member give the House the reason why there should be this delay?

HON. J. LEMUEL HURLSTON: The reason primarily, Sir, is firstly because of the procedure involved, and secondly because of the sheer number of applications.

The procedure involved requires the referral of the appeal, firstly from the office of Executive Council to the Caymanian Protection Board and then to the Legal Department before it can be dealt with in Executive Council. The reference to those Departments do tend to result in delays, particularly if the Legal Department is swamped with work or if the Caymanian Protection offices are in a backlog situation - which, in many instances, is the situation.

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if there is any follow-up system - that is if an application is referred to the Department of Immigration, does Executive Council follow up, or does the Clerk follow up to see that a reply is forthcoming; or is it just left until it can be dealt with? Is there any follow-up system at all?

HON. J. LEMUEL HURLSTON: There is a follow-up system, Sir, and the follow-up is done approximately every six weeks.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Would the Honourable Member not agree that because of this obvious inefficient system that an average of six months to hear an appeal is causing major inconvenience to members of the public?

HON. J. LEMUEL HURLSTON: I agree, Sir.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Does the Honourable Member agree that the system is inefficient or that it is causing major inconvenience?

HON. J. LEMUEL HURLSTON: Mr. President, I have just given the reason for the delays that are inevitable when dealing with such large numbers, and having to refer to more than one agency before the matter can be referred to Executive Council; and this is bound to have an inconveniencing effect. It should be pointed out, however, that the opposite sometimes occurs in that, while appeals in respect of renewals are being considered, the applicants are allowed to continue to work pending the determination of the appeal. That sometimes has the opposite effect of person being allowed to continue the work for a longer period than would otherwise be allowed.

MR. G. HAIG BODDEN: Can the Honourable Member say what happens to the appellant if the appellant had been a new applicant?

MR. PRESIDENT: I am sorry, I did not catch the last two words.

May I have them again.

MR. G. HAIG BODDEN: Yes, I am asking if the Honourable Member can say what happens to the appellant if the appellant was a new applicant? What the Honourable Member has told us is that in the case of somebody who is already at work and just applying for a renewal, that person is allowed to continue work. I am asking what is the position with a new applicant?

HON. J. LEMUEL HURLSTON: The position with respect to a new applicant is that a new applicant has no statutory right to commence employment prior to the receipt of a licence. Therefore, in the case of a new applicant, the person would not be allowed to remain here.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Are we then to understand from the Honourable Member's answer that the perhaps unwritten policy of Government then is that where the applicant is a present employee, that he can continue working until the appeal is heard?

HON. J. LEMUEL HURLSTON: Mr. President, that is not an unwritten policy, Sir. That is a provision in the Law.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Would this also apply to individuals who have received permits for up to three months?

HON. J. LEMUEL HURLSTON: I am sorry, could the Member clarify what the question is seeking?

MR. LINFORD A. PIERSON: Of course, Mr. President. There are perhaps three categories of permits. One is for 30 days, the other is up to 90 days and then one can get a full permit of up to two years with an option for the renewal. My question is, on the category of permits for up to 90 days - if an application was made for a full permit, would that individual be able to continue working until the full permit is heard?

MR. PRESIDENT: We are perhaps getting a long way outside. If the Honourable Member can answer, would he please do so?

HON. J. LEMUEL HURLSTON: I am sorry. I still do not think I have understood the gist of the question, Sir.

MR. PRESIDENT: I think you are in effect asking for an interpretation of the Law. Would that be correct?

MR. LINFORD A. PIERSON: Not really, Sir, but I will discuss this with the Honourable Member after the break.

MR. PRESIDENT: Thank you very much.
If there are no further supplementaries then, let us proceed to question number 70.

The Second Elected Member for West Bay, please.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 70: Would the Honourable Member state:

- (a) What was the total cost of recruitment of teachers from the United Kingdom for the 1987/1988 school year, including overnight accommodation and transportation to the interview site?
- (b) How many applicants were interviewed; and
- (c) The lengths of contracts that were offered and accepted?

ANSWER: (a) The total cost of recruitment of teachers in the United Kingdom for the 1987/88 school year was £67,889. This is broken down as follows:

United Kingdom expenses, including overnight accommodation and transportation to the interview site:	£30,691.00
Expenses for interview panel:	£13,660.00
Passages for teachers to Cayman:	£23,538.00

(b) 143 applicants were interviewed;

(c) The standard Government contract offered, is for two years.

SUPPLEMENTARIES:

MR. PRESIDENT:

Supplementaries?
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

many teachers were actually hired?

Mr. President, can the Honourable Member say how

HON. THOMAS C. JEFFERSON:

I think it is 38 or 40.

Mr. President, I do not have the exact figure, but

MR. G. HAIG BODDEN:

Can the Honourable Member say if any steps are being taken to reduce the high cost of hiring since it works out to almost \$3,000 per teacher hired? Can the Honourable Member say if any steps are being taken to reduce this high cost of recruitment?

Can the Honourable Member say if any steps are

HON. THOMAS C. JEFFERSON:

Mr. President, the answer to the Member's question is that steps are being taken to reduce the cost, but whilst on my feet I would also like to say, Mr. President, that if we were to compare the cost given in the answer to what it would cost if we were still using Crown Agents for recruitment purposes, the total cost, if Crown Agents were being used, would be GI\$210,734.

Mr. President, the answer to the Member's question

MR. PRESIDENT:

There appear to be no further.....

MR. G. HAIG BODDEN:

Yes, I was just going to ask if any of this recruitment was handled through Mr. Russell's office in London?

Yes, I was just going to ask if any of this

HON. THOMAS C. JEFFERSON:

Mr. President, 99 per cent, if not all, of recruitment in the United Kingdom is handled by Mr. Russell's office.

Mr. President, 99 per cent, if not all, of

MR. G. HAIG BODDEN:

And, whether the Honourable Member can tell us that he remembers that during the first year of this recruitment through Mr. Russell's office they saved enough money on recruitment of public servants to pay for the office in London?

And, whether the Honourable Member can tell us that

HON. THOMAS C. JEFFERSON:

The Member is correct, Mr. President. The savings from recruitment of officers in the United Kingdom exceeded the cost of running that office.

The Member is correct, Mr. President. The savings

MR. G. HAIG BODDEN:

So that when the present Honourable Member responsible for Education objected to the hiring of Mr. Russell, he had made a grave error? Am I right?

So that when the present Honourable Member

MR. PRESIDENT:

I do not think that is a question.

HON. THOMAS C. JEFFERSON:

That is an opinion, Mr. President. (LAUGHTER)

MR. PRESIDENT:

Thank you. I think we are all in agreement on that.

Thank you. I think we are all in agreement on

If there are no further supplementaries, shall we go to number 71 - the Second Elected Member for West Bay.

If there are no further supplementaries, shall we

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 71: Would the Honourable Member state:

- (a) Whether Government made any attempt to recruit school teachers from the West Indies or any country other than the United Kingdom; and
- (b) If an attempt was made, were they offered the same terms of contract as those recruited in the United Kingdom?

HON. THOMAS C. JEFFERSON:

Mr. President, firstly I have to apologise because the answer is not as extensive as it should be, but if the Member will take it as it is ... the question is in two parts and I think the answer, and I take full responsibility, only gives the answer of the first part. However, I can give you verbally the answer to the second part; give it to you in writing and circulate it to all Members.

Mr. President, firstly I have to apologise because

ANSWER: Teachers were recruited from Trinidad and Jamaica in 1986 and the United Kingdom in 1987.

HON. THOMAS C. JEFFERSON:

The other part of the answer which is not on the answer sheet: all teachers recruited from overseas are offered the same contractual terms with the exception of wives of contracted officers who may be offered positions on

The other part of the answer which is not on the

temporary terms.

SUPPLEMENTARY:

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Can the Honourable Member say whether any recruitment drive was made in any other country besides Trinidad, Jamaica and the United Kingdom?

HON. THOMAS C. JEFFERSON: No other countries to the best of my knowledge, Mr. President, has had any recruitment drive for teachers.

MR. W. McKEEVA BUSH: None from let us say, Canada?

HON. THOMAS C. JEFFERSON: I am not absolutely certain, but I do not think so.

MR. PRESIDENT: There are no further supplementaries it seems. Shall we go then to question number 72? The Second Elected Member for West Bay please.

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

NO. 72: Would the Honourable Member state:

- (a) Whether the Elected Member for North Side obtained approval for the removal of sand from an area west of Cayman Kai resort in North Side, and, if so, would the Honourable Member provide a copy of the written authority;
- (b) Whether he agreed that the sand be bartered in exchange for labour and materials to a contractor;
- (c) The value placed on the sand and the estimated cost of the work required on this project; and
- (d) Whether this work was carried out under the direction of the Public Works Department?

- ANSWER:
- (a) No, but a licence was given by Executive Council to the North Side Civic Action Committee to develop and maintain as a facility for public use a parcel of land referred to as Block 33B, Parcel 47 in the Rum Point registration section;
 - (b) No, I was not personally involved in the bartering or contractual process; that was an arrangement between the Civic Action Committee and a private company;
 - (c) According to the application and site plan submitted to the Central Planning Authority, the value placed on the sand is CI\$10,059 or 379.6 cubic yards at a selling price of CI\$26.50 per cubic yard; the cost of the work required on the project is estimated at \$25,000;
 - (d) No. The Civic Action Committee, under the terms of the licence contracted the work to a private company. If the work is finished to planning standard, an occupancy certificate will be issued by the Central Planning Authority.

SUPPLEMENTARIES:

MR. PRESIDENT Supplementaries.

MR. W. McKEEVA BUSH: Yes, Mr. President. Can the Honourable Member provide a copy of the licence given to the committee?

HON. VASSEL G. JOHNSON: Mr. President, the licence is an Executive Council document and if it is so authorised, I will send a copy of it to the Member.

MR. W. McKEEVA BUSH: Can the Honourable Member say when the licence was received?

HON. VASSEL G. JOHNSON: Mr. President, again I will remind the Member that this licence was issued to the North Side Civic Action Committee, and it was issued by Executive Council a few weeks ago. When it was received, I am not in a position to say.

MR. W. McKEEVA BUSH: A supplementary, Mr. President. When then did Executive Council give the permission?

HON. VASSEL G. JOHNSON:
August, 1987.

Permission was given by Executive Council on 27th

MR. W. McKEEVA BUSH:
was contracted to do the work there?

Can the Honourable Member say which private company

HON. VASSEL G. JOHNSON:

The private company was Cayman Austrian Concrete.

MR. W. McKEEVA BUSH:
approval was given?

Can the Honourable Member say whether any planning

HON. VASSEL G. JOHNSON:
Planning Authority.

Mr. President, the matter is now before the Central

MR. W. McKEEVA BUSH:
Member say whether a company or a person in the country has to have planning approval for
the removal of sand from beaches?

A supplementary, Mr. President. Can the Honourable

HON. VASSEL G. JOHNSON:
past without planning permission, and we have taken very strict notice of this and are
requiring that all Government projects, especially, be subject to planning approval. We
have been complying with that, Sir. All Government's projects, of this Government, have
had planning permission.

Mr. President, many projects have been done in the

MR. W. McKEEVA BUSH:
Member say whether (I did not hear it if he did so) a company or a person in the country
would have to have planning approval to remove sand from beaches?

A supplementary, Mr. President. Can the Honourable

HON. VASSEL G. JOHNSON:
development must be preceded by planning permission. As I said before, this matter is now
before the Central Planning Authority and so the matter will be dealt with by that body.

Mr. President, that is quite so, Sir. All

MR. W. McKEEVA BUSH:
Member spoke of projects not having planning approval. Can he say which projects he is
referring to?

A supplementary, Mr. President. The Honourable

HON. VASSEL G. JOHNSON:
undertaken by Government in the past that went on without Government's permission. One of
them that comes readily to mind was the extension of the present Immigration office; but
there were others in the past.

Well, Mr. President, I am aware that were projects

MR. W. McKEEVA BUSH:
President, not construction.

I am speaking about the removal of sand, Mr.

MR. PRESIDENT:
to reply.

That was not clear, but it now is clear. I am

HON. VASSEL G. JOHNSON:
President. I am not saying that it has not been done in the past.

I cannot recall any such cases just now, Mr.

MR. PRESIDENT:

I think the Second Elected Member forI am
sorry - The Elected Member for East End.

MR. JOHN B. McLEAN:
Member is referring to this project as a Government project?

Mr. President, I wonder whether the Honourable

HON. VASSEL G. JOHNSON:
question.

I am sorry, Mr. President, I did not get that

MR. PRESIDENT:

Could you please repeat.

MR. JOHN B. McLEAN:
Member is referring to this project as a Government one?

Mr. President, I wonder whether the Honourable

HON. VASSEL G. JOHNSON:
property, and so the application before the Central Planning Authority is in the name of
that committee - the North Side Civic Action Committee.

It is not altogether a Government project, Mr.
President. A licence was given to a committee formed in North Side to develop the

MR. JOHN B. McLEAN:
Honourable Member say why the committee and the licence should have gone hand-in-hand?

Mr. President, another supplementary. Would the

HON. VASSEL G. JOHNSON:

That is quite so, Mr. President. The application,
the plan and the licence is now before the Central Planning Authority.

MR. JOHN B. McLEAN:

Is it not correct that the work has already been done?

HON. VASSEL G. JOHNSON:

Not to my knowledge, Mr. President. The work has started, but the application is nevertheless before the Central Planning Authority.

MR. LINEFORD A. PIERSON:

Mr. President, would the Honourable Member state then whether, from his answers, this action to remove the sand was done without the proper authority of the Planning Department.

HON. VASSEL G. JOHNSON:

Mr. President, the matter is now before the Central Planning Authority, and I cannot anticipate what the position there is.

MR. PRESIDENT:

The Second Elected Member for Badden Town.

MR. G. HAIG BODDEN:

Can the Honourable Member tell us when the work started on the project?

HON. VASSEL G. JOHNSON:

The removal of sand, Mr. President, was done, I believe, a few weeks ago. But, the Central Planning Authority is very much aware of what is going on on the project. Furthermore, the work that is being done on that beach, is for the benefit of the public; and not only the public of North Side, but the public of Grand Cayman.

MR. W. McKEEVA BUSH:

A supplementary, Mr. President. I wonder whether the Honourable Member can say whether the West Bay ramp was for the benefit of the public?

HON. VASSEL G. JOHNSON:

That is an off-the-beat supplementary question, Mr. President, but I would say to him, yes, it is for the benefit of the public in general.

MR. W. McKEEVA BUSH:

Would the Honourable Member then say whether he would agree that the people who did the work on the West Bay ramp had to go through the whole rigmarole of planning and wait a very long time before any work commenced?

HON. VASSEL G. JOHNSON:

Mr. President, I am providing answers to a matter relating to North Side and not West Bay.

MR. PRESIDENT:

I think the Honourable Member may decline to reply to that.

MR. W. McKEEVA BUSH:

He did answer my first question relating to it, Sir, and my second supplementary arose out of his answer. I think I am within the Standing Orders to ask him that question. But, I will accept his refusal.

MR. PRESIDENT:

I think you are excavating this question quite well.

The Second Elected Member for Badden Town.

MR. G. HAIG BODDEN:

Mr. President, is the Honourable Member aware that work was started before the licence was granted on 27th August, 1987.

HON. VASSEL G. JOHNSON:

Mr. President, this matter is in the hands of the Central Planning Authority, and I do not think it is right for us to be dealing with all these various questions here because it is going to prejudice decisions to be taken on that authority.

MR. W. McKEEVA BUSH:

Rubbish!

MR. LINEFORD A. PIERSON:

That is not true.

MR. G. HAIG BODDEN:

Mr. President, (LAUGHTER) is the Honourable Member responsible aware that the work was illegally carried out before the licence was granted?

MR. PRESIDENT:

That seems a reasonable question, but I think it has in effect been answered.

HON. VASSEL G. JOHNSON:

Mr. President, again, the Central Planning Authority is responsible for illegal development and enforcement orders thereon - not V.G. Johnson or the Member responsible for Development and Natural Resources.

MR. G. HAIG BODDEN:

I thought they were responsible for legal development.

MR. PRESIDENT:

The Second Elected Member for West Bay I think was next.

MR. W. McKEEVA BUSH: A supplementary, Mr. President. In a news article and the controversy on the project, a name was given. Can the Honourable Member identify whether this man is the owner of the company doing the work?

HON. VASSEL G. JOHNSON: I am sorry, Mr. President. I cannot answer that question.

MR. W. McKEEVA BUSH: Does the Honourable Member know, then, what I am talking about?

MR. PRESIDENT: No, I am sorry - that simply is not a precise enough question.

HON. VASSEL G. JOHNSON: Thank you, Sir.

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

MR. LINFORD A. PIERSON: Mr. President, may I preface my supplementary which I will state by stating that as a former Chairman of the Central Planning Authority, no removal of sand, public or private, could be done before planning permission was obtained. The supplementary question is, was any work done to remove any sand in this particular area before the matter was taken to the Central Planning Authority?

HON. VASSEL G. JOHNSON: Mr. President, I think I have answered that question already. However, I did say that work began on the site from a few weeks ago, and the matter is now before the Central Planning Authority. It is entirely up to the Central Planning Authority as to what action it chooses to take, and to examine the matter carefully in making its decisions.

MR. PRESIDENT: I think the question has been answered.

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if it is correct that when sand is removed from a beach - that is from the foreshore - permission would be needed from Executive Council as well as from Planning?

HON. VASSEL G. JOHNSON: Removing sand from the beach, Mr. President, is a matter for the Central Planning Authority and not Executive Council. (LAUGHTER)

MR. W. McKEEVA BUSH: A supplementary, Mr. President

MR. PRESIDENT: Hold on one minute, the Second Elected Member for Bodden Town was on his feet.

MR. G. HAIG BODDEN: Mr. President, in the matter of the sand, which is an expensive item, being bartered, is the Portfolio satisfied that Government has received a fair return for the sand? In other words, the work could probably have been done for \$50, and the Honourable Member has said that \$10,000 worth of sand was given away. Does the Portfolio consider this a fair exchange?

HON. VASSEL G. JOHNSON: It is a pity, Mr. President, that the Member did not read further down in the written answer to discover that the cost of the project is estimated at \$25,000.

MR. G. HAIG BODDEN: Can the Honourable Member outline what, in the project, would cost \$25,000?

HON. VASSEL G. JOHNSON: I am afraid, Mr. President, that that information is before the Central Planning Authority. (LAUGHTER)

MR. G. HAIG BODDEN: So the Honourable Member is saying that the figure of \$25,000 is just a figure that has been drawn from an hat and there is nothing to substantiate the \$25,000

MR. PRESIDENT: Is that a statement, or will you put that in the form of a question?

MR. G. HAIG BODDEN: I am asking the Honourable Member whether this figure of \$25,000 came from an hat, or is there something to substantiate it?

HON. VASSEL G. JOHNSON: Mr. President, I do not know whether the Member has made an application before the Central Planning Authority before, but certainly when one is putting an application before that body, it has to be done in detail and the cost of the project is usually shown there.

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

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Can the Honourable Member say whether, in the process of removing this sand, any vegetation was destroyed - grape trees of long standing; thatch trees, coconut trees, wild strawberries and this sort of thing?

HON. VASSEL G. JOHNSON: As far as I know, Mr. President, only 'wild wisp' was removed from this property? (LAUGHTER)

MR. G. HAIG BODDEN: Mr. President, does the Honourable Member know that the entire beach ridge has been removed to the detriment of adjacent properties? Has this come to the Member's knowledge?

HON. VASSEL G. JOHNSON: Mr. President, we sent surveyors up there to examine the property and that is a false rumour if the Member heard that. The adjoining properties have not been molested.

MR. G. HAIG BODDEN: Mr. President, may I ask if he has seen this, because I know I have seen it?

HON. VASSEL G. JOHNSON: Well, that is a story going around town, Mr. President. A lot of funny stories too...

MR. G. HAIG BODDEN: It is not a story.

HON. VASSEL G. JOHNSON: We sent people up there to examine this particular rumour and it is not true because the excavation is done away from the border line of the adjoining properties.

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

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Can the Honourable Member say whether he visited the site before and after, or whether he relied solely on information given to him by the Elected Member for North Side?

HON. VASSEL G. JOHNSON: My Principal Secretary visited the site on two occasions and I had surveyors from Lands and Survey visiting the site and making a report on it.

MR. W. McKEEVA BUSH: But, the Honourable Member did not visit the site himself before or after?

HON. VASSEL G. JOHNSON: I have not visited the site.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, would the Honourable Member say who placed the value on the sand removed?

HON. VASSEL G. JOHNSON: The value of the sand, Mr. President, came from the companies in Grand Cayman supplying sand to those who require the material. The value that is placed here is far above what some of the other companies are selling sand for. What we have done here is to place a selling price on it, and not a price as taken from the site. The price as taken from the site is something like \$11 per cubic yard. But, we have placed a price of \$26.50 which is the selling price of sand material by especially one company here which is a very large dealer in this material.

MR. JOHN B. McLEAN: Mr. President, would the Honourable Member say whether the Public Works Department was consulted on this matter?

HON. VASSEL G. JOHNSON: Mr. President, I think the answer in (d) states what the position is - that the Public Works Department was not consulted.

MR. PRESIDENT: The Second Elected Member for West Bay I think had one more supplementary.

MR. W. McKEEVA BUSH: Yes, Sir. A final supplementary, Mr. President. Can the Honourable Member say what is the size of the property?

HON. VASSEL G. JOHNSON: The size of the property in width, Mr. President, is 100 feet.

MR. PRESIDENT: The Second Elected Member for George Town, and I really think we have explored the question very fully.

MR. LINFORD A. PIERSON: Mr. President, this is a very interesting

parked in the prison confines. Prison officers had received the same information from prison informants, but in all cases no positive evidence was available to confirm these reports or to identify specific persons or vehicles involved.

PWD vehicles and crews were mentioned only in general terms in the report, together with other non-prison service vehicles that have official access to the prison compound; all of which pose an equal threat to prison security unless they are thoroughly searched prior to entering the prison confines and strictly controlled whilst within them."

This statement is intended to set the record straight as regards the reputation of PWD staff.

MR. PRESIDENT: I think it might well be convenient to take our normal 15 minute break. The House is suspended for 15 minutes accordingly.

AT 11:00 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:20 A.M.

MR. PRESIDENT: Proceedings are resumed. Item 4 of the day's business. Private Member's Motion No. 9/B7 - the First Elected Member for the Lesser Islands was speaking.

PRIVATE MEMBER'S MOTION NO. 9/B7
ECONOMIC INCENTIVES FOR CAYMAN BRAC AND LITTLE CAYMAN

(CONTINUATION OF DEBATE THEREON)

CAPT. MARRY S. KIRKCONNELL:

Thank you, Mr. President.

Mr. President, when we adjourned yesterday, I was speaking with regard to the mover (the Second Elected Member for George Town) not being able to convince me or Honourable Members, I hope, of the neglect of the people of the Lesser Islands.

I can vouch that since I was elected in 1980 that we have received substantial capital improvement funds; and in recurrent expenses, as the answer to the parliamentary question was given by the Honourable First Official Member in this House, it suggests that our recurrent expenses have increased considerably in recent years.

The Hansard of this Honourable House, Mr. President, records that every time I have spoken concerning funds, I have always asked that funds be made available as early as possible and in sufficient quantity to provide jobs for the people of Cayman Brac and Little Cayman because there has not been very much private investment in these Islands. The total employment burden has had to be borne by Government - mostly through the Public Works Department, and that is the reason it has been so essential that we received capital expenditure that has been made in the Lesser Islands.

Mr. President, I have respect for the mover and the seconder of this Motion. I was told by the mover at a dinner we were attending that he was moving a motion which would indeed benefit my people. I said to him that I was glad to hear of his interest and I thanked him for it. I said that I would support the motion if it would benefit the people of Cayman Brac and Little Cayman. I even went as far at that time, Mr. President, before having had the privilege of reading the contents of the Motion, to say to him that I would have seconded it if it would be for the benefit of my district.

It was several weeks later, Mr. President, while in the Common Room of this House, that the mover mentioned to my colleague from Cayman Brac, the Honourable Third Elected Member of Executive Council, that he was moving a motion. We then, later on, saw the contents of the motion and I immediately said to him that the duty adjustment on freight charged to Cayman Brac had been made. The Honourable First Official Member of Executive Council, the Financial Secretary, had advised the District Commissioner in Cayman Brac that the freight equalization charge was in effect; and it is quite beneficial to my people.

I also, at the dinner, mentioned to him that I was serving as a member of the committee formed to investigate the economic situation in Cayman Brac and that we were considering, or had considered adjustment in duty for certain categories. This was at a dinner and therefore I did not have the opportunity to get much explanation from the mover, the Second Elected Member for George Town. What I am trying to say, Mr. President, is that if the mover, in his reply, implicates that I supported the Motion and that now I am not, I want to make it very clear to the listening public and the people of my district, in particular, that it is my intention to always support anything that comes before this Honourable House which will benefit any of the people of the Cayman Islands, particularly the people that I am elected to represent.

I want to make it crystal clear, Mr. President, that I have always been a person who has tried to help my people - not only since I have been a Member of this Honourable House, but all my life. The people who know me know that this is a fact.

Mr. President, if in my judgment voting for this Motion would improve the economic conditions of Cayman Brac and Little Cayman - and I would vote for it, but it would very unfair for me to expect Honourable Members of this House, who represent distinct districts which have unfortunate circumstances within, to ask them to turn their back on their own people and to vote to give special duty concessions to the people of my district, and exclude their own.

My philosophy, Mr. President, is that charity begins at home. My motto has been that I have tried to provide for the needs of my people. Their wants are another thing and we try to deal with those as funds are available.

Mr. President, had the mover not asked so many different parliamentary questions during this Meeting concerning Cayman Brac and Little Cayman, I would not be as concerned as I am as I stand here addressing this Honourable House. I, again, am asking myself why is this Motion before this Honourable House? We have the Budget Meeting in November where we will be asking for substantial capital expenditure for Cayman Brac and Little Cayman. Would this Motion and the parliamentary questions not tend to reduce the capital and recurrent expenditures that will be available for 1988 if this House was to give the concession for which the Motion asks?

Could I face my people having agreed to give them something on the one hand and reduce the jobs available in the District Administration, and also the hourly employees of the Public Works Department, in 1988 and 1989 on the other?

Mr. President, it is not my policy to bring politics to the floor of this Honourable House, but I say a few words now just in defence of myself.

The mover, in his presentation, openly announced his support for an announced candidate for a seat in the third district. There are rumours, and I ask, "Is this not the beginning of a team?". Would the election of this Member not ensure the ambitions of some people to achieve seats in Executive Council?

I wonder if the Second Elected Member for George Town has given any thought of the less fortunate people of George Town, the district which he represents. He has moved this Motion supposedly seeking assistance for the people of my district. His good intentions I appreciate, but, nevertheless, his duty is to the people whom he directly represents.

As a member of the Central Planning Authority I have seen, on site visits, many areas in George Town where I wish I was in a position to help personally to improve the conditions of some people. I have seen their living conditions, and I would ask this Member to go out into his constituency to study the needs and bring a motion to the Meeting in November to see whether the Members of this Honourable House can help the unfortunate people of George Town.

Mr. President, returning to the Motion, if it was passed by this Honourable House and duty was reduced, it would not mean a major savings or give economic benefits to the Lesser Islands that it has been purported to do.

As I said yesterday, much of the revenue is paid in duty here in Grand Cayman, so it would not mean a reduction in the cost of gasoline or any petroleum product; and appropriate duty would have already been paid on merchandise which we buy from the merchants in Grand Cayman. So it can be seen that the reduction would not have beneficial effects that the Motion reads it would have.

If this Motion was to pass, resulting in a reduction in capital projects in Cayman Brac, we would be in a situation to have to come to this Honourable House to ask for more money to be made available for capital projects which would then deprive other districts in these Islands. We are, as I said before, not looking to create a welfare state in Cayman Brac and Little Cayman. We are looking to create employment to make the people self-sufficient in order that they can supply their own needs, and, at the same time, support the revenues necessary for a good, healthy economy.

My desire now, as it has been in the past and will be in the future, is to do all in my power to improve the conditions for all the people of the Cayman Islands, bearing in mind my direct responsibility to the third electoral district of Cayman Brac and Little Cayman.

At this time, Mr. President, I would like to list items which, in my judgment, would create economic improvements in Cayman Brac. First, we need to encourage foreign investors to invest in hotels, condominiums and other types of businesses and to reside in Cayman Brac and Little Cayman; to secure long-term mortgage funds for building homes, and business loans for our business people in the Islands to exceed the five-year period now made available by the commercial institutions. I know this is beyond the scope of Government, but if it could, in any way, have any influence in the Banking Association in the Cayman Islands, ask it to give a hand in order that we can improve our economic situation.

As I said yesterday, it would be very beneficial if a loans officer from the Housing Development Corporation and the Agricultural Industrial Development Bank would visit Cayman Brac on a regular basis to have interviews with potential clients to encourage local people in agriculture, orchid farming and other types of small industries which would generate employment and capital; provide improved air service as larger hotels are constructed in order that we can improve our tourism industry.

If we had more rooms in Cayman Brac and daily jet service, I feel that in a matter of five to 10 years, Cayman Brac and Little Cayman could be more or less self-sufficient.

Another thing we lack, Mr. President, is the encouragement of shipping lines to give a more frequent freight service to Cayman Brac. One of the things we suffer from is perishable items. Often we have substantial losses in trying to keep stock which can stay on the shelves or in the freezers or chill-boxes for the two-week period.

I would like to state that we have a very capable and well-administered District Administration in Cayman Brac. I congratulate all the employees of the District Administration for their dedication and service. I am proud to represent Cayman Brac and Little Cayman in this Legislature and I could never come here and cast a vote that would be detrimental to these people.

Before closing, I would ask each and every Member of this Legislative Assembly to put politics aside. Let us all work together for the benefit of all the people of the Cayman Islands. I beg each and every one to support myself and my colleague, the Honourable Third Elected Member of Executive Council, as we seek ways and means to improve, not only economic conditions, but improvements in all aspects of life in Cayman Brac and Little Cayman, and the whole Cayman Islands.

Mr. President, I regret that I have had to deviate from my normal policy of speaking in this Honourable House, but I felt it was my duty to my people to make it crystal clear of my views, how I felt about this Motion and to bring the facts to this House.

In conclusion, Mr. President, I cannot support the Motion.

MR. PRESIDENT:
Motion?

Does any other Member wish now to speak on this

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, the Motion before the House seeks ways of stimulating the economy of Cayman Brac and perhaps both of the Lesser Islands. This is not a new motion. The sentiments expressed in this Motion have been voiced in this Chamber many times in the past and, in fact, as far back as 1972. I, together with my colleague from Bodden Town, introduced the motion asking that Government set up a Committee to look into the economy of Cayman Brac because at that time it had been in a similar position to the present one. That motion was voted down by the Government bench and for four years nothing happened in Cayman Brac.

Four years later in 1976 when we were elected to Executive Council, the new Government took steps to stimulate Cayman Brac's economy. The Honourable Third Elected Member of Executive Council played an important part in bringing about the oil transfer in Cayman Brac, a project that had been set aside by the Government between 1972 and 1976, and all during his four years in Executive Council, as the Honourable Member mentioned in his speech last week, he did all that was possible to get Cayman Brac's economy going. He did a good job of it and I must sing his praises.

So the Motion today is not a new one, I support it. This is not to say that I agree with every detail but the Honourable Member must be congratulated. Over the last three years the present Government has done everything in its effort to wreck the economy of Cayman Brac and Grand Cayman as well. They have succeeded in wrecking the economy of Cayman Brac and the only reason why they did not succeed in wrecking the economy of Grand Cayman is that our economy is more resilient, it is not quite as vulnerable as that of the Lesser Islands. In saying this, I believe that the greatest damage to our economy has been caused by the \$8 million of new taxes which the Government has imposed since 1984. It is not possible to take that amount of money extra each year out of the economy without hurting it.

We were given lessons here on the supply of money and the multiplier effect when an investment is carried out and the opposite happens when money is withdrawn from circulation. Taxation does this. When the Government takes money from the public that is money which the public cannot spend. It is money which private industry cannot spend. If you look at the table which was circulated in reply to one of the questions, we will see that during 1985, 1986 and 1987 a total of \$16,910,980 were spent and out of this spending, \$2,556,152 were spent in Cayman Brac, roughly about one-eighth. And, if we look at the other table, we will see that the recurrent revenue and expenditure for Cayman Brac and Little Cayman was indeed a sizable sum. The point I am getting at is that out of the \$8 million in new taxes, a large proportion, I would not say large, but probably one-sixth to one-eighth was taken each year out of the Cayman Brac economy because the taxes which were imposed from 1984 until now are the type of taxes that were levelled on the small man and were increases in business fees and so on. I do not need to go into the breakdown. But that money which has been squeezed out of Cayman Brac, out of its fragile economy, out of its vulnerable monetary system, has now come back to haunt us, because the system could not stand the milking. This is why I said that Government has helped to wreck the economy of Cayman Brac.

I could go on to mention the fact that the new Government, despite strong opposition on this side, imposed duties on the full airfreight on cargo coming into Cayman Brac, Little Cayman and into Grand Cayman. Cayman Brac is vulnerable in this respect in that, they do import many goods by air but when the Government was imposing this duty there was nothing that we could say that would stop them.

Now today, we begin to see its effect. By taking cash from the businessman, from the private citizen, cash that could have been better spent in improving the business and paying more wages, in purchasing more goods.

The licence fees imposed on businesses also help to hurt the economy and to top this off, there has been, as outlined this week or last week, the big reduction in Capital Expenditures. So, if Cayman Brac suffers, it will have to suffer because the Government has inflicted the damage. The sad part of this is, that the Government does not realise what it has done and even today, will not admit that they have done wrong. I am certain that many of them will be on their feet trying to justify their actions. It is a sad story because the Government is the root of the problems and the Government does not understand and will not admit that the subject of this Motion is necessary because of previous Government's action.

Now I will admit that Cayman Brac has the problem of small size. It is nonsense for Members to say that the Member for George Town should go out in his district and find out what is wrong and the Member from some other district should be looking at his own district. Cayman Brac is not just another district and this is something that the Members should understand. Cayman Brac is a separate island and this means as one Member pointed out, that the people from Cayman Brac cannot drive to the metropolis as they would drive from West Bay and East End to George Town to find jobs. Cayman Brac is unique and has a unique problem. When the Member from George Town brings a Motion to stimulate the economy of Cayman Brac, he has put his finger on the pulse of the economic problems here. Cayman Brac, because it is an island has as it were, to live alone and to provide on a mini scale, all the services which all the districts here enjoy in Cayman and because they have to do this, it is far more expensive. Then, because of their isolation, they find it very difficult for the population to sustain the services which are necessary.

To continue with Cayman Brac's special problems, land is already high priced and it would be very difficult for investors to have the type of speculation which was enjoyed in Grand Cayman when foreign investors started to purchase land here. So, Cayman Brac lacks perhaps, the major incentives and this is one of the reasons that it has been very difficult to get the people into Cayman Brac.

Government itself lost a golden opportunity to have Cayman Brac's economy put on a sound footing. They did not negotiate hard enough with Eastern Airlines when they allowed them to come into Grand Cayman. Eastern had a right to fly into the Cayman islands but it is my understanding that the Civil Aviation Authorities could have dictated the airstrip on which they would land. So, in recent times Government gave away without a fight, the only opportunity or one of the few opportunities they had to provide a boost to the economy of Cayman Brac. In other words, if Eastern had flown into Cayman Brac with continuing flights into Grand Cayman, we might have had the jet service which the Member from Cayman Brac hopes for. Cayman Brac would be enjoying the advantage of international advertisements.

I hear talk about what is going to happen in Cayman Brac between now and the end of next year. If 1986 is any indication, the situation in Cayman Brac will be dismal indeed. I noticed on this table which was circulated to us that the hope for expenditure in Cayman Brac for 1987, that is Capital Expenditure, will be \$1,030,760. This is arrived at Sir, by taking the figure that is given for January to July which is \$601,294. If we continue to spend at the same rate, we will probably spend \$1,030,000 which is nearly a quarter of a million dollars less than what was spent in 1986. So, the hope for bonanza cannot come in 1987 when Government's Capital Expenditure will be substantially below what it was in 1986.

On the local scene, I have been told by Cayman Brackers that the air service with the Shorts is much worse than what they had with the Trilander because, at least, they could take out the seats from the Trilander and bring in some freight. So, there has been no improvement in the air services and I must dwell upon this because one of the essential ingredients in an economy is a reliable communications network - whether it be shipping or aircraft.

I believe, despite what has been said by some Members, Cayman Brac has the potential for tourism. I was surprised to hear one Member say that Cayman Brac has no good sight-seeing, no beaches and so on. I am puzzled by this statement because every visitor to Cayman Brac has been awed by the majestic cliffs on the Bluff, by the bone fishing and beaches of Little Cayman and I might say the friendliness of the Cayman Brac people. So, Cayman Brac has the potential for development, but it is for our Government to believe this and to understand it. This is where the fault is. We are not going strong enough at the things which are necessary because we do not understand the problem.

One Member tried to make fun of the Motion which is before the House and found a lot of fault with the whereas sections of the resolution, but I find no fault in it.

The Motion reads:

"WHEREAS in recent years the economy of the Sister Islands of Cayman Brac and Little Cayman have been depressed;

AND WHEREAS there is no present sign of improvement;

AND WHEREAS numbers of people of the Sister Islands have

relocated to Grand Cayman in order to earn sufficient to support their families;

BE IT THEREFORE RESOLVED that this Honourable House agree to assist in the stimulation of the economy."

These statements are true. The statements were borne out by Government statistics. Quite recently we heard about a census which was taken - a census which has shown that the population decreased - and there was a substantial decrease. The reasons are varied. It is not only that people have moved away to look for jobs, but families have moved with children to go to school and so on. However, there is a problem and if the decrease continues at the rate that it has in the last three years, pretty soon there would hardly be any people left. It is for Government to recognise these trends and take the steps to correct them.

The Motion seeks a reduction in import duties on all building materials to 2.5 per cent across the board. There are some Members who feel that the reduction in import duties, already implemented by Government, are sufficient, but only time will tell whether they are correct or not.

The mover is seeking a reduction for everybody including, as he likes to call them, the little men. There is great merit to this because it must be difficult, particularly for young couples, to find the money to construct a new house especially since there is a shortage of banks and trust companies offering mortgages that are reasonable.

The First Elected Member for the Lesser Islands mentioned that they are enjoying the relief from duties which are not now charged on freight continuing on from Grand Cayman to the Lesser Islands. If such a small relief can make a difference, how can he argue that this substantial reduction would not be any good for Cayman Brac? The argument has to be hollow.

The mover recommends a reduction to five per cent on all other dutiable imported goods, with the exception of liquor and tobacco products. Some Members say that if this is given to the Cayman Brac, it should also be given to other districts. Well, perhaps there is some truth in it, with the exception that the people who say this do not understand the insularity of Cayman Brac and the fact that it is, as a little kingdom by itself, set out in the middle of the ocean and does not enjoy the benefits of the mainland; and that the cost of doing everything in Cayman Brac has to be much higher. Even while the First Elected Member for the Lesser Islands was fighting this section, he also went on to make it clear that Cayman Brac suffers because merchants there, being much smaller, usually purchase goods from merchants here. So the very fact that they are sort of a customer of the merchants here, puts them at a disadvantage - and this could be argued as a reason why the Second Elected Member for George Town put this section in his Motion.

Number 3 of the Motion seeks development of the needed infrastructure facilities. I must say on this that over the last 11 years the Governments have done quite a lot in putting in the infrastructure. The dock is a clear example - and I would just like to deal with this one item, although I could deal with a dozen more.

The dock in Cayman Brac is a classic example. It was never thought that Cayman Brac could have a dock, the type of which it now has. It was not until the matter was discussed with Caribbean Development Bank, and their agreement given, that the Cayman Brac dock or part would become a part of the Port Authority in Grand Cayman, that it would be administered by it, that it would be under its control and that the dock here would pick up the shortfall when it was necessary to make the repayments. The dock here has paid, in the past, many of the payments (I believe all of the payments) on the loan for the Cayman Brac port and they have even had to pay, sometimes, the overdraft to cover the operating expenses. However, it is a wise investment to provide the infrastructure that will be needed if there is ever to be any substantial construction work in Cayman Brac. So, I am not convinced that over the last three years the Government has done enough to carry on the building of this infrastructure. Perhaps this is because so much had been done in the previous eight years. Nevertheless, something has been done and we hear of the new terminal which is to come. The mover has not left his Motion wide open for all times, but has recommended a two-year review.

My colleague, the First Elected Member for Bodden Town, made some useful suggestions and I find it easy to agree with both my colleague and the mover because I believe that the Motion before us does not go far enough. This is not to say that the recommendations are not good.

Mr. President, I find it a pleasure to support the Motion because from my first day in the Legislative Assembly I have championed the cause of Cayman Brac and I have had the pleasure of working with the Honourable Third Elected Member of Executive Council over the four years that we spent together in Executive Council. I have had the pleasure of working with him prior to that when he was a solid Member of the opposition camp, and even now I find that he is one Member whom I can relate to because he is what I call a no-nonsense Member. I have found that when he gives me his word, he generally keeps it. The trouble is that he does not give it to me often enough. However, I find it a pleasure to support this Motion, and although he seems to differ from my good friends who presented the Motion, I am certain that when the chips are down he will put his vote along with ours.

MR. PRESIDENT:

Does any other Member wish to speak?
The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON:

Mr. President, I am surprised that as much as the last speaker had to say about the Honourable Third Elected Member of Executive Council that he did not instead support the argument which was put forward by him.

Mr. President, I really had no intention of speaking on this Motion because I am sure that the Honourable Third Elected Member of Executive Council and the First Elected Member for the Lesser Islands have put their case forward so very carefully, in such detail and so strongly that the rest of Government's bench should really have no problem in understanding the case which they have put forward. But, I would really like to reply to some of the things that were said about the economy of Cayman Brac and in fact, the Cayman Islands because, here, whilst in the House, I represent a constituency, George Town, and in Executive Council I represent the Cayman Islands. So whatever is said about the country affects me one way or another. The public is listening to what goes on in this Honourable House so I believe it behoves us to make it quite clear what the position from the Government's point of view is; apart, Mr. President, from the specific issue which was dealt with by the Honourable Third Elected Member of Executive Council.

The last speaker said that the Motion which is before us has put the issue squarely before this House. In other words, the Second Elected Member for George Town, presenting the Motion, has put his finger on the pulse of the economic problem in Cayman Brac. However, Mr. President, I tend to agree with the suggestion of the First Elected Member for the Lesser Islands who said that, in his opinion, politics plays the big part in the Motion before us. Cayman Brac might be suffering somewhat, but all of us suffer. There are large areas in George Town, in my opinion, worse off than Cayman Brac and Little Cayman. I have been around Cayman Brac and Little Cayman and I have seen how the people live there... (INTERRUPTION - INAUDIBLE)... Yes, we all say what about George Town? It is quite so. Why not speak about George Town in some of the issues before the House?

Mr. President, speaking of George Town - when we came into Government in November of 1984 we saw people leaning up all around the corners of George Town and other districts who were out of employment... (INTERRUPTION - INAUDIBLE)... Mr. President, I did not disturb any Member when they were speaking.

Mr. President, it was amazing to us that in that sort of situation existing in George Town where people wanted something to do and they wanted to earn a few dollars to help them, but nothing was done about it. Yet, still, they are lambasting this Government which has really in some way, re-established and resurrected a strong economy in this country.

In 1984 that Government spent about \$5 million to buy property. My own opinion is that that money could have been spent to build something here, and that would have injected \$5 million in the economy of this country rather than putting it into the pocket of one or two people.

That

MR. JAMES M. BODDEN:

On a point of order, Mr. President, I think what the Honourable Member is saying is quite irrelevant with regard to the Motion before the House - about the money being spent in 1984 by Government to acquire the Tower Building which was very much needed to acquire the property for the sewer plant and so forth. If I was out of order yesterday, I am sure he is irrelevant in what he is discussing this morning, Sir.

MR. PRESIDENT:

Thank you. I gave latitude to the Second Elected Member for Bodden Town on this point earlier and I do think I have to give the same latitude here. However, I am watching it. Thank you.

HON. VASSEL G. JOHNSON:

Mr. President, the accusation was that this Government wrecked the economy of Cayman Brac and that we would have done the same to Grand Cayman if the economy here was not that strong. That is the point which I am trying to make. Who wrecked what is the question? Our memories can be so short.

When we came into Government we found a disaster area along the Seven Mile Beach, formerly known as Paradise Manor. This Government recreated that disaster area.

MR. JAMES M. BODDEN:

Mr. President, please, on a point of order - I am not referring to this book right now, but what the Honourable Member is saying about Paradise Manor is entirely incorrect. The groundwork for the rehabilitation ...

MR. PRESIDENT:

I will take this on a point of clarification or information, but I do not think it is a point of order. Please go ahead.

MR. JAMES M. BODDEN:

What I am saying, regardless of which way it is taken, is that what the Honourable Member is saying is entirely incorrect. The ground work for the rehabilitation of the Paradise Manor had been laid, and laid well in advance of this present administration being elected in 1984. So the House should not be misled. The

people of the country should not be misled by this Honourable Member.

HON. VASSEL G. JOHNSON: Yes, Mr. President, the foundation was laid, but what else? What else? It was

MR. JAMES M. BODDEN: What "what else" was, is that what is seen there, the result of what was done by the previous administration. Not by your administration.

HON. VASSEL G. JOHNSON: Well, Mr. President, it was a good while after the appointment of this Government that anything happened down there, and certainly, what is seen there today - a beautiful hotel - that was done by this Government.
What about the Hyatt?

MR. PRESIDENT: I really think we have pursued this line sufficiently. The Motion is on the economy of the Lesser Islands. We have had latitude to relate this to the economy as a whole. I think we should try to go back to the main subject of the Motion. Thank you.

HON. VASSEL G. JOHNSON: I accept the ruling, Sir.
Mr. President, we heard from the two Members for the Lesser Islands that there is a state of full employment in Cayman Brac at the present time. People are applying to the Caymanian Protection Board and pressurising it for work permits. So, Mr. President, I am not too sure what the Motion is really saying because had the situation there been studied and looked upon carefully before the Motion was prepared, then these facts would have been evident. So the need for such a Motion would automatically fall away.

I can assure you, Sir, that this Government lost no time to look at the situation in Cayman Brac from time to time, and at least, over this present administration. We went there and built roads on the Bluff because the people of Cayman Brac said to us that if we built roads there it would open the country to development.

I know, they (previous Government) built the road to the Community Centre, but we built roads stretching out from there right across the country - across the Bluff and invited people there to develop the virgin lands. We spent hundreds of thousands of dollars doing that, Mr. President. We built roads in Little Cayman inviting development there. Development will come. The thing is that people are not patient enough to wait. Already the Members for the Lesser Islands are reporting full employment - oodles of projects on the line to be developed. They are concerned about where labour will come from. So I cannot see what the problem is.

The thing, Mr. President, is that the study of the economy and what is required to move it is a very technical exercise - I will tell you that. Not everyone can understand the subject so well, and so, if one does not understand the subject, one will end up talking a lot and get very confused.... (INTERRUPTION - INAUDIBLE).... Well, that is for you to judge.

Mr. President, as I said, Sir, I did not have any intention of speaking on the Motion, but I just could not let things be said about the economy which is now flourishing and buoyant in the Cayman Islands. Look around the country and see what is out there. See what is going on. Anywhere one turns, Mr. President, activities are there. Everybody is working. We have a state of over-employment. That is why the Caymanian Protection Board is being pressured with applications for new work permits.

Mr. President, let not anyone fool you by saying that we are not aware what the position is. We have created a lot of things in the past three years - a lot of things. We are not here to brag of what we have done. What we have done can be seen by everyone, and, Mr. President, that is the message that I want to leave here today. This country is booming. The economy is buoyant and we are still moving on to continue developing the country.

Thank you, Sir.

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

MR. W. McKEEVA BUSH: Mr. President, most of the speakers which I have heard so far have gotten up and said that they did not intend to speak, but that they are going to speak. Well, I am going to tell you the truth - I intended to speak.

Mr. President, the Motion before the House - Economic Incentives for Cayman Brac and Little Cayman - is a Motion that I do have some support for. I support some of the things in the Motion.

We heard from the two Elected Members for the Lesser Islands who should know exactly what is going on and we have seen some of what Government has tried to do thus far. I supported Government in trying to get outside investors to go to Cayman Brac. That is good. What can one do without foreign investment? However, I feel, Mr. President, that local investors in Cayman Brac must be taken care of as well. That is, if one looks at Cayman Brac and its history - who are the people who built up Cayman Brac? The Cayman Brackers themselves. They built their own hotels, hospitals and everything there except, one could say, for Government's projects. But all private business have been done by Cayman Brackers themselves.

I am not going to prolong this debate, but I feel that I should state my reasons for supporting the Motion.

We hear about financing problems for the people of Cayman Brac. There are many problems that they are facing, but nobody can say they are not facing problems - they are. It a good thing that they can come to this Island and get employment. That is one good thing in the whole picture.

I know some of the business people in Cayman Brac who have told me there are problems that they are facing. For instance one person is a ship owner and my information is that he comes to the dock here - I do not know who is responsible for this - but cannot use the forklift on the dock. There are apparently only special days when he can use the dock. Maybe the Honourable Third Official Member of Executive Council responsible for the Port Authority can enlighten during the break on this. That is just one problem, Mr. President.

We heard about full employment. That is very, very elementary. If there are 20 jobs, but there are only 10 people there is bound to be over-employment. This is just the fact.

In 1978 Cayman Brac had a population of 1,603. Today there is a difference of approximately 200. That can make a large difference when it affects jobs. Those people have moved away. We see them here working; so something must have gone wrong with the economy there.

In supporting this Motion, Mr. President, I do not think anyone could charge me with any dereliction of duty to my constituency. I think that is bunch of rubbish because these are two completely distinct cases. We have a mainland - the large Island and we have two small Islands miles across the sea. Two completely distinct, different cases, and in supporting this Motion I have not done anything against the West Bay constituency.

If it is being said that by giving a further reduction in duty means that we will be taking more revenue from this Island, Mr. President, be it so because we have to do it in many, many other areas. For instance Cayman Airways. We have to pour money into Cayman Airways, but it is a fact that it is needed. We have to support it.

I am going to offer my support to the Motion regardless of what other Members may say. I do not agree with everything in it, but there are relevant sections that can be applied to the situation in the Lesser Islands and I would trust that no Member in this House would say that I am becoming political with it.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, enough has been said on this Motion, so it is my intention to be quite brief.

Let me say that I support the Motion to stimulate economic incentives for the Lesser Islands.

Mr. President, my reason for supporting the Motion before the House is not political. I would like to make that abundantly clear. My reason is based on many complaints that I have received from persons from the Lesser Islands who have actually lived there and have encountered what we are talking about.

I have seen and I have talked with families who have had to relocate here in Grand Cayman for survival and regardless of what has already been said here, there is a problem in the Lesser Islands, and perhaps it is bigger than we think.

Mr. President, I do not believe that the Motion before the House is asking for too much. I believe it is a straight forward Motion and one that takes the trend of the past. Many other incentives have been offered by Government in the past and this is the only thing that the mover and myself were trying to base our Motion on.

It is disheartening, Mr. President, to sit here listening to the many ways in which this Motion has been twisted. It would lead one to believe that this has been one of the worst things in the world that the Second Elected Member for George Town and myself have done. Let me say, Mr. President, I have a clear conscience. I have seconded this Motion and supported it with all good intent for the Lesser Islands. So regardless of what may have been said, I know that I am innocent and I will continue, as long as I am in this House, to do whatever I can, not only for the district of East End, but for these Islands as a whole.

Mr. President, some Members aired the idea that if this Motion is passed, the same would apply to their districts. As the previous speaker pointed out, we are dealing with two completely different things. It leaves one to wonder how short-sighted they could be because many other incentives have been offered to investors in this country and nobody has ever come forward to say that they are going to claim this or that for their district.

We have on the statute book of this land, laws such as the Hotels Aids Law that offers certain investors incentives to try to motivate the construction of hotels. So what are we talking about when we get here and try to paint this Motion black? After all I am not knocking any Member who wants to speak against the Motion because both the Mover and myself felt that, before we brought it here, we were going to come up against a brick wall. But, at least, Mr. President, the people of this country know today where the various Members stand.

The Motion was not an open one. It was clearly stated that after a two-year period it would be reviewed. So why should anyone try to make it sound that we were giving an open-blanket policy to the Lesser Islands? It is only something that we thought would assist to motivate and help a situation that now exists there.

Mr. President, it is a sad day in the history of these Islands when such negative attitudes are displayed in the parliament of the land by knocking a Member when he sees a problem and endeavours to rectify it. Anyway, Mr. President, as I have said before, I seconded the Motion; I stand by that and I hope and trust that Members will have a change of heart.

Thank you.

MR. PRESIDENT: I think we might take our lunch break now ... I am sorry ... the Second Elected Member for West Bay. Do you wish to say something?

MR. W. McKEEVA BUSH: Yes, Sir. There is a downpour of rain outside and I think we should carry on - at least for a little while longer.

MR. PRESIDENT: I think actually, from where I sit, it looks as though it is not quite so bad. (LAUGHTER) So we will suspend until a quarter past two. Thank you.

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MR. PRESIDENT: Proceedings are resumed on Private Member's Motion No.9/B7. Does any Member wish to speak? The Honourable First Elected Member of Executive Council.

HON. BENSON D. EDANKS: Mr. President, my comments on this Motion will be rather short and sweet I hope, and in fact, if the Second Elected Member for Bodden Town had not strayed so far from the Motion I would not have needed to say what I am going to say anyway.

I think that the First and Second Elected Member for the Lesser Islands dealt quite well with the Motion. I believe that what this House should do is to give an opportunity to see what the results of the actions already taken by Government will be. For that reason I have to say that Private Member's Motion No.9/B7 is, in my opinion, unnecessary because I can support the aspect of the Motion which seeks to reduce duty on materials for development purposes, but, Mr. President, I cannot in good faith and conscience support the reduction of import duty on materials to build private housing in Cayman Brac while not doing the same for Grand Cayman; nor can I support the reduction of import duty on items, even foodstuff, to five per cent in Cayman Brac without doing likewise in Grand Cayman.

The concessions for development have been a long established trend in both Islands and therefore the reduction on development material is able to be supported. This is what Government has done. We heard that there are some projects on the way because of what has been done by Government. So, Mr. President, I think it is reasonable to give that a trial and to see what results it produces.

Mr. President, I hope that when I am finished that the Second Elected Member for Bodden Town will decide that it is time that he tried to compose a new ditty for 1988 because what he has been singing since 1972 managed to work in 1976, but I believe that that tune has become a bit sour. It did not work in 1980, it did not work in 1984 and it will not work in 1988. So he should try to learn some new ditties.

With respect to the oil trans-shipment project in Little Cayman, Mr. President, my knowledge of that between 1972 and 1976 was that on one occasion the proprietor behind that motion came one evening after we were dismissed from Executive Council with a representative from Cayman Brac. At that time we sat down and listened to that gentleman - he had a couple of notes on a few sheets of paper torn out of a notebook - we told him that it sounded good, but that we could not give him a decision there. We told him that he should put his proposal in writing and send it into Government and we would consider it and call him in to discuss it if necessary. I have not seen the gentleman since until after 1976. I do not know what happened, Mr. President, whether the proposal could not be put into a proper form or what. But, that is what happened with that. He did come back and do the project for a while after 1976. Of course I am happy to know that the people in Cayman Brac got some work out of it for a while, but unfortunately it did not last as long as most all of us had hoped.

Mr. President, as the old lady from West Bay said about the economy at the moment, I will have to quote that to the Second Elected Member for Bodden Town when he talks about the Government succeeding in stifling the economy in Grand Cayman and that we need to perk it up here. Some of his supporters were telling this lady in West Bay this, and she said, "Well, if they cannot see development now, they should soon bump their foot on it." I will leave him to think about that, Mr. President, because it is a fact that the economy of the Cayman Islands has never been as buoyant as it is today.

I believe, too, that the economy in Cayman Brac will rebound - in fact, it has already started to rebound. That was demonstrated from the figures given to the answer asked by the Mover of this Motion. Revenue has continued to rise and this year looks even better than most. We have heard of the developments that are going on; those that are planned and the fact that there is concern whether they will find sufficient labour to maintain or support the development that is planned.

I would like to make it clear, too, that the 200 and odd people who have left Cayman Brac since the last census or in the last three years, let us say, are not all people in the job market. That 200 persons comprise of wives who did not work in the Brac and a lot of children. So it is not 200 job persons who held jobs in Cayman Brac that have left since the last census and now. I think it serves to show how many people could return if there were even 50 new jobs created in Cayman Brac.

It is not new that people have had, on occasion, to leave Cayman Brac to seek work elsewhere and it is good to know that they do not have to go any further afield than Grand Cayman at the moment to find employment. This means, at least, that many of them can return on weekends.

I have always been one, Mr. President, that once Grand Cayman had reached a certain stage of development there would be an overflow to Cayman Brac, and I feel that this time has arrived. I have made a few trips to Cayman Brac in the last couple of years and each time I go back I see signs of progress in the tourism and its related industries being developed.

The taxes that Government was forced to place on certain items during the last three years was necessary because without that revenue, Government would not have been able to pay its recurrent expenditure much less undertake any capital development. The revenue base of Government had been eroded at that point and, in spite of the fact that we took the bull by the horns and increased taxes in 1985, it means that we have not had to do it since and hopefully not have to in 1987 or 1988.

With regard to Cayman Brac, I would like to point out that in imposing taxes we have always been aware of the special circumstances there and things such as fees for business licences and so on, have always been adjusted downwards. They have been less in Cayman Brac than they have been in Grand Cayman. In many instances, they are 50 per cent of what they are in Grand Cayman.

I believe, as I said before, that the actions taken by Government earlier this year, coupled with the industrious nature of the people in Cayman Brac, will produce the results sought. I believe that the economy of the Lesser Islands is about to take off. The people there, Sir, are hard-working. They, I am sure, would not expect and do not expect any special concessions in their day-to-day cost of living other than to be given a fair break and an opportunity to earn a fair day's pay. This, I believe, they are going to get, and, as I said, I cannot support this Motion that would reduce even duty on foodstuff to five per cent as opposed to the 15 per cent or 20 per cent paid in Grand Cayman. I do not believe it would be fair and therefore I cannot support the Motion.

Thank you.

MR. PRESIDENT:
to this debate?

Would the Mover care to exercise his right of reply

MR. LINEFORD A. PIERSON:

Thank you, Sir.

Mr. President, I will only touch briefly on the comments made by the First Elected Member for the Lesser Islands, but before going into the reply to the contributions to my Motion, I wish to thank each Member who spoke on this Motion - whether they spoke for or against it. This is a sign of true democracy in practice.

I had a number of notes here during the time the First Elected Member for the Lesser Islands spoke, but I will only deal with two of the points raised by him.

Whenever I stand in this House and make a statement, I tell the truth. I do not lie. I feel it is *infra dig.* to lie to any man. When I said that the First Elected Member for the Lesser Islands told me that he would support my Motion, I was telling the truth as I am doing now - which I think he confirmed. I will say no more on that.

It appears that he had a change of heart, but this is his prerogative. I do in fact have a great deal of respect for that Member. We have gotten along well for many years and I will not let any indiscretion on his part, at this time, change this.

Another point that was made by him is that he felt that this whole Motion had something to do with my political aims. To give a true chronology of this Motion, it was tabled in this House long before Mr. Gilbert McLean declared his candidacy for the Lesser Islands. I made that quite clear in the presentation of my Motion. Yes, I do support Mr. McLean, but, no, my Motion was not being brought here for political reasons. It was brought because of the obvious needs in Cayman Brac.

It is quite clear to anyone of the problems over here. I have heard Members here say that there is over-employment, but as the Second Elected Member for West Bay said: if there are 10 people, but 20 jobs - that is a situation of over-employment.

The true problem, Mr. President, is that since 1979 over 200 people have left Cayman Brac - a drop of 17 per cent and I would wager a guess

that 90 per cent of that drop was in respect of the work force and their families coming to Grand Cayman and moving elsewhere. I cannot see why there was so much bitterness in dealing with this Motion. Members seem to have taken this opportunity to vent their venom.

Also, Sir, I deal with the Honourable Fourth Elected Member of Executive Council. The Honourable Member said, in his contribution, that there are parts in George Town that are just as bad off as Cayman Brac. My only question to the Member is, what has he, as a Member of Executive Council, done to better any of these situations? ...

HON. VASSEL G. JOHNSON:

Provided jobs.

MR. LINFORD A. PIERSON:

... What has he done? ...

point of order I will give way.

Mr. President, if the Member wants to stop me on a

MR. PRESIDENT:

We will just find out what his point was shall we?

MR. LINFORD A. PIERSON:

If he does not wish to stop me on a point of order,

let me continue.

HON. VASSEL G. JOHNSON:

I will tell you what.

MR. PRESIDENT:

Please continue.

MR. LINFORD A. PIERSON:

Yes, my question is, what has the Honourable Member done to help his constituency of George Town since 14th November, 1984?

He also said that the people of Cayman Brac are not patient enough to wait. "Dodges of projects", he said. Mr. President, it would be interesting to know how many trips the Honourable Member has made to Cayman Brac. His impression otherwise would be much different. I can understand the Honourable Third Elected Member of Executive Council defending his position as I can the First Elected Member for the Lesser Islands, because they represent those Islands. It is their duty to defend their position. I am not annoyed that they defended their position. This is their democratic right. But, when a Member speaks of a country that he hardly visits or knows very little about, that is cause for concern. When I speak of Cayman Brac it is because I have always had a keen interest in that Islands and not just because of politics, but because I generally like the people and the Island.

I have a great deal of respect for the Honourable Third Elected Member. He mentioned - I will not go into the details of what he said because I know that deep down in his heart he realises that this is a good Motion, but because of his constitutional obligation under, I believe, section 9 of the Constitution, he has no alternative but to support the Government bench - but he said that each time he went to Cayman Brac he could see signs of development. I wonder whether the Honourable Member will say how often he goes there? Or is it correct that he said that it would not be necessary for him to go since he has just about closed down the schools?

Mr. President, I certainly would not miss this opportunity to exercise my right of reply by responding to the contributions made to my Motion by various Members of this Honourable House. It is a true saying that the only fool bigger than the person who knows it all is the person who argues with him. There is also another quotation that says: "some minds are like concrete thoroughly mixed and permanently set".

Before dealing with the individual contributions of honourable colleagues, I would crave your indulgence, Sir, to comment on that Jamaican proverb that the Honourable Third Elected Member of Executive Council so eloquently quoted in this Honourable House on Thursday the 10th of September in his contribution to the debate on my Motion which asks for certain economic incentives for Cayman Brac and Little Cayman.

He said, if I quote him correctly: "There is an old Jamaican saying that goes as follows - You throw a stone amongst a herd of swine and the one that bawls is the one that was hit." I can only say in response to this brilliant quotation from him that there was also a lot of bawling from himself and his supporters in response to letters from myself and those who supported my views. But, as in the case of the Honourable Member, I, too, would never refer to him as a swine. I would say one thing, Mr. President, that he however, seems to have much more experience than I do in the ways and antics of that animal.

Enough said on this inappropriate and tasteless quotation from the Honourable Third Elected Member of Executive Council. His quotation was not only in bad taste, but most inappropriate.

Mr. President, the bigger issue before us is not the snide remarks or other unnecessary attacks against me for trying to help the people of Cayman Brac, but indeed the obvious way in which the Lesser Islands have been neglected by the Honourable Third Elected Member. The Hansard of this Honourable House will show that the presentation of my Motion was most comprehensive and couched in the simplest of language in the best Queen's English, as the saying goes. But, Sir, I cannot be blamed if the Honourable Third Elected Member does not understand basic economics and finance. The most I can do in the circumstances is offer to assist him and the Elected Member for North

Side in courses in basic economics and finance on my time off - usually on Saturday mornings.

My first instinct in listening to the contribution made by the Elected Member for North Side was to not comment on what he said. I find it most difficult to find any substance in what he had to say on which to comment. It is very difficult indeed, Sir. It was obvious to me that the Elected Member did not understand my Motion or fully absorbed the contents of my presentation; and, that in his usual rambling style, replied as the self-appointed expert for the group. This is the reason, Mr. President, that earlier I referred to the saying: "that the only fool bigger than the person who knows it all is the person who argues with him". However, Mr. President, I am not referring to the Elected Member as a fool.

Early in the contribution made by the Elected Member for North Side, he actually inferred that he did not understand what the Motion was all about when he said, and I quote: "I cannot support the Motion because it would give Cayman Brackers many advantages not available to my constituents.". How selfish, Mr. President.

It is obvious that the Member did not understand that the effect of my Motion would provide work opportunities to the people of the Sister Islands - a situation that we cannot complain of in Grand Cayman. We have an over-employment situation even after absorbing all the Cayman Brackers who were forced to seek employment in Grand Cayman.

Perhaps, if the Elected Member had given himself sufficient time to study and understand my Motion, he would have been in a better position to have made a more meaningful contribution to it. I am therefore sorry that I could not find more substance in his contribution on which to reply. However, I can fully understand that he has just returned from a long flight from Malaysia and could possibly have still been suffering from jet lag.

In rounding off my response to the contribution made by the Elected Member for North Side, I am reminded of the words of George Bernard Shaw who said: "He knows nothing, he thinks he knows everything - that clearly points to a political career.".

Regarding my comments regarding the positive aspects of the economic theories of the multiplier effect, I am sure any of the other Executive Council Members or perhaps Members from this side of the House would be pleased to explain this to him and to the Honourable Third Elected Member of Executive Council. I have already offered my assistance in my spare time.

Mr. President, it was Pope Pious who said "a little learning is a dangerous thing - drink deeper, taste not the Perrian Springs, their shallow drafts intoxicate the brain and drinking largely sobers us again".

Moving on to the contribution made by the Honourable Third Elected Member of Executive Council - if I can call it a contribution - as one of his constituents, not mine, said to me in a telephone conversation following my debate on my Motion, that the Honourable Third Elected Member seemed to have given new meaning to the word contribution. Many of them were disappointed. A number of the influential Cayman Brackers called me and told me that they voiced their disappointment at the response of the Honourable Third Elected Member to my Motion.

I can excuse the Elected Member for North Side for not understanding my Motion as I do not believe he had sufficient time study it or to absorb the details of my comprehensive presentation to the Motion. Also, as I said, he could possibly have had ill effects from jet lag. But, Sir, I cannot excuse the Honourable Third Elected Member of Executive Council as he had ample time to study and understand my Motion.

It is obvious that the Honourable Third Elected Member did not understand my Motion; neither did he appreciate the purpose and intent of the Motion for him to have said in his contribution, that events have overtaken its usefulness. This is not only an insult to his constituents whose interest he should be representing, but it shows a pitiful lack of comprehension and understanding on his part. It is no wonder, Mr. President, that the people of Cayman Brac are experiencing such a rough time.

The Honourable Member attempted to show me in bad light because I have shown that my interest for my fellow Caymanians transcends petty group or electoral constituency politics, but that it is of national significance. I would invite the Honourable Member to walk or drive around George Town and ask my constituents if they honestly feel that I, the Second Elected Member for George Town, have neglected them in any way. He is invited to do this.

I would further request that he does this in my absence. I am sure that he will be surprised to learn that my constituents generally feel that I am doing and have done all I possibly can to help them, and that I would accomplish much more for them if my hands were not tied. A lot of what I would like to accomplish is decided upon by himself and the other Honourable Members of Executive Council.

I have had a number of motions passed in this House so I cannot complain if one or two of them are not passed as I feel will happen. But, to date, Mr. President, I have yet to see any action taken on those motions. They were just passed to placate me - not in the interest of my people or the people of the Cayman Islands because no action has been taken on them. There are a number of roads, lights, repairs to homes, etcetera, that I would like to have put in place, but unfortunately, only certain

favourite backbenchers get any attention. I wonder though, whether the Honourable Third Elected Member can truthfully say that he has done all he could for his constituents in Cayman Brac and Little Cayman. I would remind him that many of his constituents have said to me that they feel that they have been neglected.

The Honourable Member said that his moving from Cayman Brac to live in Grand Cayman is no different from my leaving East End to live in George Town. Again, a brilliant revelation of the lack of knowledge and understanding. It is true that some 28 years ago I left East End and have been living in George Town ever since. What the Honourable Member fails to understand is that I am in fact living in the same constituency that I represent and have been living here for almost 30 years. I am not divided from my people by 90 miles of water. On the other hand, the Honourable Member, as I mentioned, is not in the same situation as me. He is separated from his people by approximately 90 miles of water, and from what I am told, he is rarely available to deal with their day-to-day problems. I am always available - 24 hours of the day. My telephone rings at all times of the night and I answer it. If necessary I get out of my bed and deal with the problem.

Mr. President, I do not think that I need to say more on this because it should be quite clear that there is no comparison with the Honourable Member living in Grand Cayman representing Cayman Brac and my leaving East End to live in George Town and representing the people of George Town. Would the Honourable Member honestly admit that in all his life that he has not spent more than approximately 15 to 20 years in Cayman Brac in succession? He can clear that up if I am wrong. I also know a lot of the old-timers in Cayman Brac and I do my homework.

How well does the Honourable Member really know his constituents? No wonder some other caring politician such as myself, has had to look after his constituents and the interest of our fellow Caymanians in the Lesser Islands. If the Honourable Member is as interested in his constituents as he claims, why did he not advise them of the unspent \$3 million, which, if spent, would have certainly improved the economic conditions of these Islands? Why did he not advise them of this? Was it because he did not know that this money was still pending? How aware is he about the conditions of the people of his own constituency?

Mr. President, I felt justified in bringing this Motion because I can truthfully say that I have looked after the interest of my people to the best of my ability and within the constraints of the present system of Government. Why is it that the Honourable Member for the Lesser Islands is only now finding out about the \$3 million which he hopes to spend in the next few months? Is this indeed where politics is being played? Is this the election ploy being played? Is this the election ploy that he alluded to? Yes, Mr. President, to use the same words of the Honourable Member - "one can fool some of the people all of the time and all of the people some of the time, but you cannot fool all of the people all of the time". I know that saying too.

The Honourable Member said that he was not offended by Mr. Linton Tibbetts' alternative. He blamed the press that he was misquoted or otherwise got the wrong impression. I really wonder. He said that he disagreed with Mr. Linton Tibbetts because he tried to change the recommendations unilaterally.

I, like many others with whom I have discussed this matter, feel that he was upset with Mr. Tibbetts because his alternatives were not the same as those contained in my Motion or because his alternatives were the same as those contained in my Motion. This is why the Honourable Member said that my Motion should be called Mr. Linton Tibbetts' motion. Mr. President, I was insulted by that remark. Most Caymanians, if not all, know my background and know that I am intelligent enough not to need Mr. Linton Tibbetts', or anybody else's assistance to bring a motion to this House. Can the Honourable Member say the same?

Mr. President, it was Abraham Lincoln who said "it is better to remain silent and be thought a fool than to speak out and remove all doubts". The Honourable Member said that the fact that I supported my Motion by figures provided by parliamentary questions shows that I had no knowledge of the true position of Cayman Brac's economy. I would have thought that my wanting to support my Motion with facts and figures would have been better than talking off the top of my head.

When I come to this House I like to have as many facts and figures as possible. I wonder though, whether even at this late stage, the Honourable Member really understands the state of the economy of the Lesser Islands. No one really needs statistics to see the economic stagnation in Cayman Brac as this is most evident.

During the break, Mr. President, the Honourable Third Elected Member of Executive Council managed to find somebody to convince me that the situation was very good in Cayman Brac, but the poor gentleman was so confused because he must have been told what to say. He even got the facts wrong. This is not fair.

I wonder whether the Honourable Third Elected Member will one day tell this Honourable House the true facts surrounding the aborting of the condominium development that was proposed for Little Cayman by the developers Messrs. Linton Tibbetts, Heber Arch and Keith Balwin, early last year, which would have amounted to millions of dollars. But, Sir, alas, this project was made to flop.

I wonder whether the economy of the Lesser Islands would not have been much improved today had he not kicked against a reduction in import duty on the materials to be brought in for this condominium development? I wonder whether the people of Cayman Brac have all the facts on this matter? What were the other

considerations that resulted in destroying this planned condominium development? This would have brought a lot of work, not only for the people of Cayman Brac, but for the few who live in Little Cayman. The people of the Lesser Islands deserve to know.

The Honourable Member stood in this Honourable House on Thursday last and said that Cayman Brac has not been neglected. How then can he explain the 17 per cent drop in that Island's population? He further said that there is enough work and that no one is out of work. Perhaps he is right, but he failed to state that most of the young people and other workers have had to come to Grand Cayman to seek employment.

While we, in Grand Cayman, are happy to have the Cayman Brackers come and live amongst us, it is indeed unfair for them to have to close up their homes and leave their families and friends behind in order to earn a living in Grand Cayman and elsewhere. How would we in Grand Cayman like to have to leave our homes to go to some other country or some other island to make a living?

Mr. President, why is there such a flurry recently to get something moving in Cayman Brac? Could it be because the 1988 elections are right around the corner?

The Honourable Member stated in this House, on Thursday last, that he really did nothing of consequence to address the problems in Cayman Brac until after the First Elected Member for the Lesser Islands, in debating the Throne Speech in February, made reference to the grave economic situation there. This is the reason why his committee was not formed until February this year when there were obvious signs from three years ago that things were going bad.

Why was it that the main meeting of his committee took place only in June this year - just some three months ago? And, then he got Executive Council to rush through his concessions. Mr. President, it was one month after knowledge of my Private Member's Motion.

It is no wonder, Mr. President, that the Honourable Member claims that my Motion was overtaken by events. It would seem that he deliberately set out to tackle a number of the problems raised in my Motion prior to it being presented to this Honourable House.

Mr. President, had the Honourable Member dealt properly with the problems in the Lesser Islands I would have been happy to have withdrawn my Motion - and I told the Member this. I told him, and he cannot deny this, that if he brought realistic concessions for Cayman Brac I would have withdrawn my Motion. However, instead of working along with me and other Members of this Honourable House to really help our fellow Caymanians in the Lesser Islands, he has instead, recommended concessions that will have the effect of benefiting only the "fat-cats". Yes, his recommendations will only help the Islands in the long-term - if at all.

I was not asking for his recommendations to be totally scrapped, but that more assistance be given to the average Cayman Bracker who needs immediate assistance; and, as I said in the presentation of my Motion, they need that help now. Not in three to four years time, but now.

As I said earlier, the Cayman Brackers who have telephoned since the airing of my Motion and the reply, in particular, from the Honourable Third Elected Member of Executive Council, whom they elected to give them good representation, told me that they are comforted by the fact that there seems to be light beyond the tunnel. They also said that they hope that 1988 will bring them that light and hope. They further told me that they need good solid representation.

Yes, Sir, the Honourable Third Elected Member's own constituents called me from Cayman Brac and congratulated me for standing up for them. Regardless of the abuse that I get in this House from the Honourable Member or any other Member, I will continue to stand up for what I think is right. Nobody will intimidate me. I am not made of that kind of weak stuff. The Members of this House should know that. I think in my three years here thus far they should know that.

I want the people of the Cayman Islands to understand that while I do in fact have a great love and respect for the people of Cayman Brac, I will not stand idly by and see Caymanians, from any constituency, in the Cayman Islands suffer unnecessarily. We are Caymanians. Regardless of whether we live in Grand Cayman, Cayman Brac or Little Cayman we are all Caymanians, and we should be big enough now to be looking at that fact with the national pride that it deserves.

Of course I realise that there is a certain amount of poverty in my constituency of George Town, but my people know that I am doing my best to cope with this problem. However, Mr. President, no one living in Grand Cayman can truthfully say that there is a shortage of work here. The problem in Cayman Brac is the lack of work opportunities and why Members cannot differentiate is beyond me. We are talking about apples and oranges. How can the Honourable Executive Council Members who spoke on this, in particular, not understand the difference?

It should be abundantly clear, even to the Elected Member of North Side, that the situation is much different in Cayman Brac than what exists here in Grand Cayman. Let us not be selfish politicians who will say that the only way that the Sister Islands can be helped is if the same concessions are given to Grand Cayman when we should understand that the purpose of the concessions for Cayman Brac and Little Cayman is to stimulate the economy of those Islands. If this stimulation was not needed, why then did the Honourable Third Elected Member of Executive Council recommend the concessions that he did? My position is that those concessions recommended by him and his

committee are woefully inadequate and will only help the more wealthy individuals such as people wishing to retire in the Sister Islands. It seems that the Honourable Member wishes to have the Islands filled up with people of retirement age, when in fact a large percentage of those 1,300 people now living there are reaching retirement age.

I have already pointed out the impracticability of stimulating the economy in short-term through the methods recommended by the Honourable Third Elected Member, but, Mr. President, as I said in presenting my Motion there is none so blind as he who refuses to see.

Regarding the demise of the oil transfer project in the Sister Islands - the causes of the world economic depression that caused the slump on world markets are well known throughout the world. Other countries even more directly and severely affected than the Cayman Islands took the necessary measures to help their people recover. Why then did not the Honourable Third Elected Member do all he could to help his people after the flop of the oil transfer business in Cayman Brac?

The Honourable Member said that there are present signs of improvements in the economy. However, it is a pity that something was not done in the last three years following the 14th November 1984 General Elections to avoid the exodus of a significant percentage of the work force in Cayman Brac. Why is it indeed that efforts are only now being made - just one year away from November 1988?

The Honourable Member stated in his contribution that he had received a letter from Tiara Beach Hotel complaining of the serious labour problems there. I am not surprised about the situation when in fact, most of the people, most of the work force, of Cayman Brac have had to leave their homes to work in Grand Cayman. It is no wonder that they are having a problem finding people to work. They are all over here. This is the reason that Hotel and other businesses will have a problem with labour and this will continue until there are more job opportunities created in the Sister Islands.

It should be noted that work in the hotel industry is seasonal. How could the Honourable Member reasonably expect people to leave their full-time, 12-months-a-year jobs to go over to Cayman Brac, root up their home life here, go to Cayman Brac for three months and to be put out of a job for the remaining nine months? This would not be practical or feasible.

MR. PRESIDENT:

Could I interrupt you? Would it be convenient for us to break now?

MR. LINEORD A. PIERSON:

Yes, Mr. President.

MR. PRESIDENT:

We will suspend for fifteen minutes.

AT 3:18 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:40 P.M.

MR. PRESIDENT:

Please be seated.

Proceedings are resumed, but before the Second Elected Member for George Town continues on his reply, there are a couple of business matters.

First of all there is a suggestion that we should sit until about 5:00 o'clock this afternoon in order to complete our proceedings in a fewer number of days. If Members have no objection then we will sit until 5:00 o'clock today. Would that be acceptable?

MR. JOHN B. McLEANS:

Mr. President, I will have to leave at 4:30 o'clock. I have a prior commitment.

Mr. President, I will have to leave at 4:30

MR. PRESIDENT:

Well, since I think you are involved in the next Motion we will I think have to adjourn at 4:30 o'clock today - depending how it goes. If you feel able to leave having seconded the next Motion.

STANDING ORDER 24(6)

DEFERMENT OF PRIVATE MEMBER'S MOTION NO. 11/87

Then the second matter is procedural. By an oversight on the Business Paper, four motions were entered for the Second Elected Member for George Town. Under Standing Order only three motions are permitted for any Meeting from any given Member. So, after consultation with the Second Elected Member for George Town, he has decided to defer, to a future Meeting, Private Member's Motion No. 11/87 in regard to the Caymanian Protection Law.

We felt we should make this announcement for public information as well as information for Members of the House.

Thank you. We will now resume Private Member's Motion No. 9/87.

PRIVATE MEMBER'S MOTION NO. 9/87

(CONTINUATION OF DEBATE)

MR. LINEFORD A. PIERSON:

Mr. President, in continuing with the reply to the contribution made to Private Member's Motion No. 9/87 that deals with economic incentives for Cayman Brac and Little Cayman, I would refer to a statement also made by the Honourable Third Elected Member of Executive Council who said that the Superintendent of the Public Works Department in Cayman Brac was also finding it difficult to find sufficient people to work.

The answer again is quite simple. The reason for this shortage of labour is, as I have stated before, that most of the work force has left Cayman Brac to come and work in Grand Cayman.

The Honourable Member in his reply to my Motion also said that the 17 per cent drop in the population of the Sister Islands was much less than anticipated. I was surprised to hear him make this admission. Perhaps, like others, seeing how badly the economy had been left to stagnate and the shortage of labour that resulted, he was indeed surprised that more people did not leave. Is this something for him to feel pleased about? What indeed is his justification for making such a statement? A 17 per cent drop in any populations is a situation for much concern. He should be asking the question as to the reasons for this drop in the population of Cayman Brac and he should have done something constructive long ago to prevent the obvious decline in the population.

It is the Honourable Member's responsibility to offer his people the best possible representation. It is his responsibility to ensure that there is sufficient work in the Lesser Islands to avoid the work force having to leave their homes to seek employment in Grand Cayman. Yes, Mr. President, he is responsible and cannot at this stage, attempt to gloss over this problem. The damage has already been done. He, in fact, admitted that the reasons the young people were leaving Cayman Brac were due to the lack of jobs there. If most of them have come to Grand Cayman to look for work, then it is because the situation became intolerable for them in Cayman Brac.

I would suggest to the Honourable Member that he should look at this problem again and perhaps, before I conclude here, he would change his mind and try to change the minds of the other Honourable Members of Executive Council to support this Motion, because by this he must see that it is a good Motion indeed.

As I said earlier, as far as the Elected Member for North Side is concerned, I cannot understand the basis for his contribution. He may need more than 7 votes in 1988 if indeed his people are being neglected by him to the same extent as those who have been neglected in Cayman Brac. However, his people can rest assured that as long as I am in this Honourable House I will not sit back and see them suffer. In case the Elected Member does not know, I, too, have a lot of friends and relatives in his constituency of North Side. So I would advise him to really look after his people as I am doing in George Town, or I may be forced to support a candidate against him in the next election.

The Honourable Third Elected Member of Executive Council in dealing with the Resolve section of my Motion said that if Government gave a 2.5 per cent concession on building materials as suggested in my Motion, the people of Grand Cayman would want and deserve the same. I can only say in reply to those remarks that again, it is quite clear that the Honourable Member does not understand the purpose of my Motion.

The answer to my Motion is quite clear. It is quite clear and quite simple that the people of Grand Cayman recognise that the situation is very serious in Cayman Brac; and also that my recommendations are for a period of two years only for the sole purpose of boosting the economy of the Sister Islands. It is not intended for this to go on year-in and year-out. It is only intended for a two-year period to give an immediate boost to the economy. It is not the intention that these concessions would be fixed for an indefinite period.

I am sure, Sir, that the Honourable Third Elected Member of Executive Council must understand what I am saying. Most Grand Caymanians and a large part of his own constituency understand the purpose of the Motion. It seems that this Honourable Member and the Elected Member for North Side, and a few others of their hard-core supporters, are the only individuals who refuse to understand the purpose of my Motion and the fact that the situation that has existed in Cayman Brac over the past years is much, much different than the situation in Grand Cayman. The basic difference is that Grand Cayman has a very buoyant economy and Cayman Brac has a stagnant economy. That is the basic difference, but it is a major difference.

Mr. President, I trust that when the time comes for voting on the Motion, Members of this Honourable House will realise that to support my Motion is to say to the Cayman Brackers; yes, we care and no we are not selfish individuals who only care for our own constituents, but, rather, in addition to looking after the needs of our constituents we also do not want to see any Caymanian suffer regardless of the electoral district involved. Our interest must go beyond our own selfish political ambitions. Let us be statesmen who are interested in the national interest of all Caymanians - be they from Grand Cayman, Cayman Brac or Little Cayman.

Mr. President, a two-year period of reductions in the current revenue of Cayman Brac will not cause any strain on our revenue in the long-term. As I have demonstrated here in this Honourable House, the interaction of the

economic theory of the multiplier effect would more than replace any revenue lost in the short-term, and would have the other advantage of bringing immediate assistance to our fellow Caymanians in the Sister Islands.

Needless to say, again, Mr. President, this Motion was brought to help the people of the Lesser Islands and I am sure that the majority of the people of Grand Cayman agree with me on the interest I am showing in the welfare of the people of the Sister Islands. Grand Caymanians are not selfish people who would want to see the residents of our Lesser Islands suffer in any way.

The Honourable Third Elected Member of Executive Council correctly said that my first consideration should be for my people of George Town, and believe me, my first consideration has always been and will continue to be for my constituents. I have already invited the Honourable Member to check with my constituents to ascertain the truth of this statement.

My people believe in the Caymanian way of live and let live. They also know that I have in the past given them good representation and will continue to do so. So there is no use of the Honourable Third Elected Member of Executive Council or any other Member trying to put a red herring across the track. My people cannot be brainwashed. They know me.

Again, I was amazed to hear the Honourable Member relate to this House what other private sector individuals were doing to help the economy of Cayman Brac. However, it was very noticeable that not once did he mention what he had done. I wonder if this conspicuous omission on his part was out of modesty or simply because he had done nothing. The people of Cayman Brac have the answer.

Mr. President, as you and the listening public will note, I am dealing more with the Honourable Third Elected Member of Executive Council than with any other Member who spoke in this House. There is a reason for this, Sir, because he is indeed the Executive Council Member elected to look after the people of Cayman Brac. There is nothing personal against him. He knows that. The same way he shook my hand when he was through with his contribution and said: "Old boy, no hard feelings." I hope that when I am through I can do the same with him. There are no hard feelings. I have a lot of respect for the Honourable Member, but the truth is the truth.

The Honourable Third Elected Member said that I could not be serious in the resolve section of my Motion which says, and I quote:

"BE IT RESOLVED that goods transferred to Grand Cayman, from the Sister Islands, during this two-year period be subjected to existing rates of import duty in Grand Cayman to avoid any person(s) attempting to abuse an incentive which is specifically intended to benefit the people and economy of the Sister Islands."

I believe, Mr. President, that the Honourable Member understands exactly what is involved in this section and what it is intended to prevent. Basically, this is trying to prevent any merchants operating in Grand Cayman trans-shipping goods from Cayman Brac which have been subjected to the reduced import duties. This should not be abused by anyone doing business in Grand Cayman. It is intended for the people living in the Lesser Islands. This is what is meant, and I believe that the Honourable Member understands this.

I have heard that certain merchants may be importing yams grown in Jamaica through Cayman Brac in order to obtain duty-free concessions here in Grand Cayman. This is one of the reasons why that was put in the resolve section. It is to prevent any possible abuse.

The Honourable Member said that the concessions recommended in my Motion would have the effect of demoralising the people of Cayman Brac. Again, I can only say that I feel sorry for his regrettable lack of perception and understanding. The fact is that they are already demoralised. Thank goodness, however, I believe there is someone out there who will deliver the people of the Lesser Islands out of their present bondage and situation - just as Moses delivered the children of Israel out of the hands of Pharaohs.

The Honourable Member used a number of proverbs and sayings which were totally unconnected to my Motion, and in my opinion, Mr. President, are really relevant only to himself. One such Chinese saying he said was to the effect that "give a man a fish and he can feed himself today, but if you teach him to fish he will feed himself forever". Very true, Mr. President, but the situation in Cayman Brac is that the Honourable Member has neglected to give his people the proverbial equipment to fish with. This is where they have been totally neglected. They have no fish and they have no means of fishing.

I think I have made my position quite clear in replying to this Motion. Defeated or supported I feel justified in what I am doing. I know that there is no question of political leanings in this Motion. My private political leanings are my own. I am sure as the Honourable Third Elected Member of Executive Council has, I have the right to my own private political leaning.

Mr. President, in concluding my reply to the contributions of various Members, I wish to thank those who have spoken on the Motion. Whether they were in favour or against the Motion they have indeed exercised their democratic rights. I trust that this Honourable House and the listening public have fully appreciated the purity of my intentions. I believe, Sir, that this Motion will long be

remembered for the people of the Cayman Islands and, in particular, the people of Cayman Brac and Little Cayman.

They will be the judge of the wisdom of my Motion. They, Mr. President, will in their own way show to the world whether or not they are pleased with the present situation by exercising their franchise or by making whatever changes they deem necessary in the future.

Mr. President, I feel I have done my best in identifying the problem and in proposing workable solutions. Unfortunately, from the contributions made on this Motion, it is quite clear to me that it will not get the majority support of this House. A sad day indeed.

It is a sad day, Mr. President, when politics clog good common sense and deprive the people of rightful entitlement. I would nonetheless again ask this Honourable House for their full support in this Motion. Think of your fellow Caymanians and put aside political differences.

May I appeal to all Honourable Executive Council Members to ask the President to relieve them of their collective responsibility under the Constitution that they may vote their conscience. What we need in here today is a vote of conscience.

In closing, Mr. President, it seems most appropriate under the circumstances that I should use the same quotation used by the Honourable Third Elected Member as it seems to apply to him more than it does to me. However, let the people be the judge of this. One can fool all of the people some of the time and some of the people all of the time, but one cannot fool all of the people all of the time. The day of reckoning is drawing near.

Thank you, Mr. President.

MR. PRESIDENT:
No. 9/87.

I shall put the question on Private Member's Motion

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT:

The noes have it.

MR. LINFORD A. PIERSON:

May I have a division, Mr. President.

MR. PRESIDENT:

A division please Clerk.

DIVISION
NO. 9/87

AYES: 4

- Mr. W. McKeeva Bush
- Mr. Linford A. Pierson
- Mr. G. Haig Bodden
- Mr. John B. McLean

NOES: 10

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Huriston
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mrs. Daphne L. Orratt
- Capt. Mabry S. Kirkconnell
- Mr. D. Ezzard Miller

AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 9/87 DEFEATED.

MR. PRESIDENT:
Elected Member for George Town.

Private Member's Motion No. 10/87. The Second

PRIVATE MEMBER'S MOTION NO. 10/87
LOW-COST HOUSING

MR. LINFORD A. PIERSON:

Mr. President, I wish to move Private Member's Motion No. 10/87 on Low-Cost Housing, standing in my name, which reads:

"WHEREAS there is a need for low-cost housing within the Cayman Islands;

AND WHEREAS it is very difficult for the lower income residents of these Islands to qualify for financing for housing through the banks and the Housing Corporation;

BE IT THEREFORE RESOLVED that this Honourable House agree to provide an appropriate system of arranging mortgage financing for housing purchases through commercial banks for lower income applicants."

MR. JOHN B. McLEAN:

Mr. President, I beg to second the Motion.

MR. PRESIDENT:

Private Member's Motion No. 10/B7 has been duly

moved and seconded.

Would the Mover wish to speak to it?

MR. LINEFORD A. PIERSON:

Mr. President, before dealing with the text of my Motion, I wish to record my acknowledgment of the efforts made thus far by the Chairman of the Housing Development Corporation and to commend the Board for its efforts made to provide the necessary financing for the Corporation.

I would also register my appreciation and thanks to the financial institutions in the Cayman Islands which contributed to the Housing Development Corporation through the purchase of debenture stock.

It was also satisfying to hear the advertisement on the radio advising Caymanian residents who qualify to take advantage of the attractive terms attaching to loans offered through the Corporation.

Mr. President, these are all positive actions by the Corporation and which are good. However, with all the attractive terms offered by the Corporation - 9 per cent interest rate and up to 20 years' repayment terms - many of our poorer people are still not able to afford to build or purchase a home. To even get their application processed, they are forced to pay a CI\$200 deposit fee which is totally lost if the application is unsuccessful - or this was the case until very recently. To some persons, CI\$200 may seem insignificant, but to many of the poorer individuals in our Islands, CI\$200 means a lot. I have recently heard that this fee is being reduced, however, and have heard a public announcement to that effect.

The Housing Development Corporation was established in 1981 with its main objective to provide opportunities to Caymanian residents to build and own their homes. In 1983, the Housing Development Corporation received a grant of CI\$137,000 for setting up expenses. Since then Government has raised funds from private financial institutions secured by debenture stock.

According to the Corporation's report for the years ended 30th June, 1985 and 1986, the Corporation is now seeking external financing through the Caribbean Development Bank. So, Mr. President, the management of the Corporation of past or present Governments cannot be faulted in their attempts to obtain the necessary funds to make its operation a viable concern.

What can be justifiably criticised, however, is the stringent requirements for eligibility for mortgage financing, the conditions to be fulfilled and the standards to be met by the borrower.

Under the present guidelines of the loan programme, borrowers from the Corporation are expected to pay at least 10 per cent of the loan in order to qualify. Unfortunately, many applicants in dire need are not financially able to find the required 10 per cent deposit. Believe it or not, there are many Caymanians who live on or below the subsistence level - not out of choice, Mr. President, but out of necessity.

It is my understanding that the Housing Development Corporation will consider assisting potential clients with either the building of a house or the purchase of an existing house. However, the maximum valuation of the completed house cannot exceed CI\$55,000 with a maximum loan of CI\$45,000.

Under the present system it is almost next to impossible for the very poor individuals to receive any help. The system is not designed to help the poor. While it is true that an equal opportunity may exist for potential borrowers, this incentive is negated by the qualifications required, and which are acceptable to the Corporation and its institutional investors.

As acknowledged earlier, while I can fully appreciate, conceptually, what the Housing Development Corporation is trying to achieve, it is true to say that the statistics of unsuccessful applicants is sufficient proof that the whole of the system requires restructuring.

Might I suggest, Sir, to the Corporation that the first major important exercise to be undertaken by it, or by Government, is to conduct a comprehensive survey to determine those individuals who are unable to fulfill the 10 per cent deposit requirement. And, on the basis of this information, decide how best to satisfy the housing need in the Cayman Islands.

Since the Chairman of the Corporation is also a Member of Executive Council, it should really not be a difficult task for the Corporation and Government to develop the necessary liaisons and cooperation, in determining and satisfying acceptable criteria for low-cost housing in the Cayman Islands.

Under the present system, if a poor family cannot afford to put up, sometimes, a substantial deposit, he can be deprived of needed accommodation - a situation which should not be allowed in the Cayman Islands. Again, one has to consider the cost of living in the Cayman Islands and determine how much can be done with CI\$45,000 towards building a home, especially where the cost of the land is included in that amount.

Mr. President, under the present system, if someone has a house that will be valued in excess of CI\$55,000 upon completion, he is told that he cannot obtain a loan. Worse still, what about those individuals who are turned away without any assistance at all - merely on the basis that they are too poor to qualify?

Because of these restrictive policies, the very nice sounding advertisements on the radio are not only unrealistic, but somewhat misleading. I would have thought that the administration of the Housing Development Corporation would have by this time developed a system for more appropriately and effectively dealing with the problems of potential borrowers of varying financial backgrounds.

Our Government, together with the Housing Development Corporation, should now be considering a more long-term plan designed to satisfy the housing needs of those unfortunate individuals. Something should be done to assist those individuals who cannot find the 10 per cent deposit, but who are nonetheless, in a position to meet a reasonable amortized repayment schedule which would also include the capital cost of land and building. This concept is not at all unprecedented as many of our Caribbean neighbours have adopted such a system in order to provide the necessary housing for the poorer and less fortunate citizens.

Jamaica and the Bahamas are but two examples of a number of countries that provide housing for their people without subjecting them to the hassles of prohibitive deposits and the requirements to provide the land for the building. It is my understanding, Mr. President, that we are fortunate to have someone of your calibre and experience in housing, and I believe that the Honourable Fourth Elected Member of Executive Council should perhaps sit with you and discuss this matter.

May I take this opportunity to state that the Manager of this Corporation, Mrs. Angela Miller, is a lady for whom I have a lot of respect. She is a very intelligent and capable lady, so any statement made by me in my presentation of this Motion, or in my reply, which may appear critical, should not be misinterpreted to be a criticism of this good lady. After all, I, like many, realise that she has to be guided by the Housing Development Corporation Law and guidelines that she has to work with.

In Friday's (31st July, 1987) issue of the Caymanian Compass an article appeared on the front page of that paper captioned: "Higher property values to be allowed for Housing Development Corporation Mortgages". Mr. President, in the article referred to which appeared in the Caymanian Compass, Mrs. Miller who is the General Manager of the Corporation is quoted as saying: "We think that these changes ...", referring to the increase from C\$40,000 to C\$55,000 in maximum value of property, "have produced realistic limits, bearing in mind that the aim is always to concentrate on the needs of the lower-income person.". However, I think I have already demonstrated to the House that the whole system is unrealistic. What the Corporation has really done is heighten the hopes and expectations of our people without having a realistic proposal to offer them - and one indeed, that the majority of the people can afford.

The General Manager of the Housing Development Corporation went on to say: "We seek to help people achieve their own homes, but we cannot ignore the need to safeguard the Corporation's investment.". I will repeat that: "... but we cannot ignore the need to safeguard the Corporation's investment."

Mr. President, perhaps this philosophy of the Corporation is the main reason for its unrealistic policies. Perhaps this is the main reason why so many people are being turned away who cannot qualify for loans. In order, therefore, for the Housing Development Corporation to operate effectively, Government will have to formulate a policy designed to take into account assistance to those who are not in a position to meet the present stringent requirements of the Corporation. Consideration must be given to those who may be able to meet monthly mortgage payments, but who cannot find the required 10 per cent deposit or the required land on which to build a house.

The social issues surrounding many of these cases are not being properly addressed or even considered. The need for adequate housing is an increasing problem for many of our people, and, unlike remarks that I have heard, I do not accept that all these individuals in need are lazy people. I cannot accept that, Sir. What is true is that many of these individuals are hard-working people who are the victims of circumstances and who really only need the opportunities such as the people in Cayman Brac.

What, indeed, is our Government doing to help these people? Are the measly poor relief handouts enough? What are the pillars of society doing other than making life more difficult for those who really try to earn a decent living? What is really being done to help our fellow Caymanians as a whole? These are the questions to be answered.

Mr. President, my Motion states that it is very difficult for the lower-income residents of these Islands, including Cayman Brac and Little Cayman, to qualify for financing for housing through the banks and the Housing Development Corporation. I trust that the Honourable First Elected Member of Executive Council is listening to this, because provision is made in this Motion to help those people.

To some extent my Motion may have been overcome by certain, very recent developments within the banking institutions. It is my understanding that certain commercial banks are now considering offering long-term loans up to 20 or 25 years and interest rates as low as 11 per cent.

If my efforts have had any effect in bringing this about, I can only say that the consideration of this Motion would not have been in vain. I trust, however, that major considerations will also be given to setting other guidelines for obtaining mortgages that will make those mortgages more attainable to the lower-income individuals. The reason, therefore, why I have brought this Motion is to request this

Honourable House to agree to provide an appropriate system of arranging mortgage financing for housing purchases through commercial banks for lower-income applicants; also to offer a more realistic system for poorer individuals - not for those wealthy people who can well afford to put up the necessary collateral, but for the poor people and for the less fortunate amongst us.

Mr. President, in order therefore for such a system to work, Government may have to give urgent consideration to providing land for a proper housing scheme. Government may have to work out a suitable level of interest rates for those who really need such assistance and in certain cases may have to provide accommodation free of cost for those who just cannot afford to meet any financial obligations at all - even though I realise that this would have to be on the recommendation of the Social Services Department after proper means tests have been carried out on particular applicants.

Mr. President, it will be necessary, initially, for Government to appoint a special committee perhaps comprised of members of the banking sector, together with members of the Housing Development Corporation and Members of Government to investigate ways and means to best cope with the low-cost housing problem in the Cayman Islands. As a result of the deliberations of such a committee it is hoped that an appropriate system for mortgage financing can be formulated through the cooperation of both the commercial banks and the Housing Development Corporation, and no doubt, appropriate plans for a proper housing scheme can be formulated.

Without rent controls and affordable mortgages, the problem of affordable housing will continue to worsen. With the 500 banks and 300 insurance companies registered in the Cayman Islands, I am sure that much more can be done to provide the necessary financing if this matter is handled properly and in the spirit of mutual respect and cooperation. We cannot force people into making investments, but, Mr. President, if we show them the mutual respect, then we will go a long way.

I was shocked to read in a local publication that certain expatriates working in the Cayman Islands are qualifying for 100 per cent financing - yet Caymanians are being forced to pay a mandatory deposit to the Housing Development Corporation and banks or else they are deprived of needed financing to build and purchase their homes.

The article stated that these expatriates qualify for 100 per cent financing by the husband getting the traditional financing from one institution of say 65 per cent and the wife obtaining the balance of the 35 per cent from another. I hope this is not correct, but I have available the article and in my usual fashion, I do not ramble on in this House without facts.

Mr. President, if this is correct, why should they have this privilege while our own local Caymanians are being forced to fork up the mandatory deposits of up to 35 per cent of total cost when the mortgage is through a bank, or, in the case of the Housing Development Corporation, of 10 per cent?

In summary, Mr. President, I would recommend that this Honourable House support this Motion, which, as stated, is seeking for Government to provide a system through cooperation with the commercial banks for arranging mortgages that are affordable to lower-income applicants.

The present system is unrealistic and it creates an unnecessary burden on applicants through its inappropriate guidelines and general criteria. Our people are being squeezed by the non-refundable application fees of up to CI\$200, but, as I said earlier, I understand that recently this has been discontinued. I am not sure what the present fee is, but perhaps the Honourable Fourth Elected Member of Executive Council will advise us.

Mr. President, whilst I cannot see Government having any reasonable grounds for not supporting this Motion, I must admit that nothing surprises me in this House any more. The people of this country will be the judge as to whether or not their interests have been properly protected. They have put their confidence in us by putting us in positions where we can help them. Let us not let them down. Mr. President, I would therefore ask the Members of this Honourable House to give this Motion their full support.

As I mentioned earlier, I understand that in your last assignment, Sir, in Hong Kong, you were responsible for a major government housing scheme or something to that effect - perhaps one of the largest in the British Commonwealth. I feel sure, Sir, that you will gladly lend of your expertise in this particular area as in other areas of our country's development. We are therefore fortunate to have someone of your calibre who is able, not only to appreciate theoretical "on-paper" development demands, but one who has also had the practical experience of working in such a situation.

Accordingly, Mr. President, I trust that the Chairman of the Housing Development Corporation will solicit your views on what you see as a proper procedure to follow in the development of a low-cost housing scheme for the Cayman Islands.

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to interrupt the Member just

for a brief moment. As we agreed, by nod of head, earlier, we have now reached 4:30 p.m. and I move under Standing Order 83 the suspension of Standing Order 10(2) until 5:00 p.m.

QUESTION PUT: AGREED. STANDING ORDER 10(2) SUSPENDED TO ENABLE THE HOUSE TO CONTINUE BUSINESS UNTIL 5:00 P.M.

MR. PRESIDENT:

We will proceed.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

My watch was only showing 4:28 p.m. I will have to get it corrected.

As I was saying, Sir, we are fortunate indeed to have someone of your calibre and experience in housing matters. Believe me, Sir, there are many poor Caymanians and during your time here I will try to take you around some of the areas of my constituency. There are poor Caymanians all over the Cayman Islands, including the Sister Islands. The whole philosophy of the Housing Development Corporation is wrong. I think it means well, but it needs a total restructuring.

Let us therefore put aside our pride and political ideologies and for once consider what is indeed best for our people. There is no use having attractive loans that are unattainable by those most in need.

I would again Mr. President, ask this Honourable House to give this Motion its full support.

Thank you.

MR. PRESIDENT:

The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON:

Mr. President, I am indeed grateful to the Mover of this Motion for the compliments he paid to the Manager of the Housing Development Corporation. Any criticism about housing is quite rightly mine.

We have a Board that is constituted under the provisions of the Housing Development Corporation Law. It provides for the appointment of members. I happen to be the Chairman, and the Board is responsible, under the Law, for the administration of the Corporation. So, whatever criticism might be levelled at me, I think it must also be borne in mind that the Board is largely responsible for carrying out the provisions and wishes of the Law.

I do look forward to meeting with you sometime to discuss housing. Had housing to the lower-income residents of the Islands not been an important issue, the Law would not have been introduced back in 1981. It is indeed a very important subject.

Assistance from the Corporation is only possible when mortgage funds are available to the Corporation and so when we think about the administration of the Housing Development Corporation, we also have to consider the various means of raising funds to provide for the mortgage financing.

Looking at the Motion and reading it carefully, it says that there is a need for low-cost housing within the Cayman Islands. That is a fairly positive statement. The other statement is that it is very difficult for the lower-income residents to qualify for financing for housing through the banks and the Housing Development Corporation.

Well, Mr. President, the banks do provide financing for those people who can provide sufficient and adequate collateral to secure the loan, and those people who do not have good collateral to go to the commercial banks would go to the Housing Development Corporation because as far as commercial loans are concerned, the Corporation offers, up to this stage, the best terms and conditions. The Corporation offers, at the present time, loans up to a certain figure repayable over 20 years and at 9 per cent interest. There is no commercial institution in town that offers interest rates at that level.

Mention was made a while ago by the Mover that commercial banks are offering up to 25 years. That may be so, Mr. President, but I am not really aware of any such loans being made so far. I did understand that one bank is offering terms of up to 25 years.

Nevertheless, Mr. President, regardless of what the term may be, I contend that the Housing Development Corporation is offering, up to this stage, the most attractive loan to low-income people who do not have sufficient collateral to go to the commercial bank, but who can satisfy the Corporation because, in fact, the collateral that is used in the Housing Development Corporation is to hold a mortgage on the property that they buy.

When people cannot reach the terms of the Housing Development Corporation - and, Mr. President, let me say this - we have really stretched ourselves to the limit to assist some of these lower-income people with loans, many of them have been very grateful for the assistance and have come forward to make their regular repayment, but we do have problems with some. It is not altogether easy going.

We have heard quite a lot of the present system. The Resolve section of the Motion says that this Honourable House should agree to provide an appropriate system of arranging mortgage financing for housing purchases through

commercial banks for lower-income applicants.

Now that, to my mind, means that Government is being asked to provide a guarantee to the commercial banks to make loans to lower-income residents to build their homes. Now, nothing could please the commercial banks more than this - to hold a guarantee from Government to dish out loans for lower-income residents. Do you know why? It is because the banks will have no compunction of falling back on Government to say that it is responsible for loans and that repayments are behind, please make good. The question arises then as to whether or not this is what Government is really looking for? Is this the system we want to create here - which to my mind is nothing short of a social welfare system?

Now, what the intention of this Government is, is to assist social development and social need. The scriptures say "blessed is he that considereth the poor". And, the poor, Mr. President, will always be with us. No country will ever be without the poor, and so there will always be that need in the society. The question is, how far can one go to assist the poor?

We have two systems organised by Government for assisting the poor. One is through the Housing Development Corporation and the mover, himself, mentioned here that Government placed into that Corporation a sum of CI\$137,000 as a start-up budget to get the Corporation off the ground.

Government has also provided a scheme for financing civil servants' housing projects, and I take it that it is especially those people in the lower-income bracket as well.

So there we have two different forms of loan being sponsored by Government for low-income persons. And, there is another system that when a person cannot afford to repay a loan, but needs his house renovated or repaired or something of this sort, they apply to Government to the Social Services Department where a poor person housing scheme is administered. There arrangement is made for free money to be given to these people to assist them with their housing.

Now, one would ask how many of these poor low-income people are there to assist because the Member moving the Motion spoke about a survey? Well, the Statistics Department of Government carried out a survey some time ago and I think it is about to update that survey in the near future. We will then have good information of what the position is. However, one will have to look at Government's capacity to assist the poor and to decide how much money or funds there are to be placed at the disposal of either commercial banks, the Housing Development Corporation, the civil service, the Housing Scheme or the Social Services Poor Person's Scheme. Then we come to Government with our budget and we make those proposals. But, what I am trying to say here is that it is not Government's policy and Government would certainly not tolerate or would not consider a policy at this present time to give a guarantee to commercial banks to dish money out to lower-income persons. Because, in the first instance, Government is now assisting schemes that would channel money to low-income persons.

We have looked at the Housing Development Corporation, Mr. President, in recent times and we have looked at complaints coming from Members of this Honourable House that the Housing Development Corporation was not doing sufficient to assist people because there were many coming with applications and those applications were refused. So, when we went there we decided to look at the guidelines that we found in the Housing Development Corporation. We saw for instance the requirement to make a deposit of CI\$200 upon application for a loan. That was there. We inherited that. We did not create that and so we abolished that, and I told the mover of the Motion some days ago that that had now been abolished.

We also looked at the operating guidelines and we made amendments to those guidelines. For instance when a maximum loan - that is to say the 90 per cent - was CI\$35,000, we have raised that sum to CI\$45,000 and where the value of the property was CI\$45,000, we have raised that to CI\$55,000. Where we had a limitation on the income of a person (the applicant) at CI\$25,000 per annum, we have also increased that to CI\$30,000 per annum.

As I said, Mr. President, we made quite a number of improvements to those operating guidelines, we advised the public accordingly, invited them to enquire from the Housing Development Corporation Department about their needs and to make application if they wished.

After the amended guidelines were completed and the information went public, we received numerous enquiries at the Housing Development Corporation and we even have, now, some applications that I understand are good applications and will go before the Board shortly.

When we went into Government in November of 1984 we found no mortgage money there because the previous Government had committed the lot. They had raised a sum of CI\$634,270 and they had committed these to loans. So, we sat there trying to put things in order and to decide what move we would make next to raise some money because all the commercial banks in the Island had been approached and they had made contributions of that amount. There were not many left for us to go to.

Anyhow, in mid 1985, in a brave attempt, we made a second appeal to the commercial institutions largely banks and trust companies that were not approached before - those were largely new companies coming in - and we included insurance companies and law firms. One law firm made a contribution or bought debentures in the sum of CI\$20,000. Another law firm wrote a four-page letter to me suggesting ways that we could try to raise some money. If he had put even \$5,000 in his letter and said

this was all we can afford, it would not be so bad - but four pages of trying to tell me means and ways that I could raise money. I replied to the letter and my staff laughed the whole of that day over that reply to him.

One insurance company, Mr. President, in that second appeal, made a contribution of CI\$200,000 to housing and we obtained quite a number of other contributions that amounted to CI\$505,448.

We have some funds there and these funds will soon be committed according to the applications that are coming in now. My fear is, what will happen after these funds are exhausted? I have recently made a third appeal. Over one hundred letters have gone out to new institutions coming in, together with other local institutions that had not been asked before. This was about three weeks ago. I had a few replies from a few offshore companies that made excuses one way or another. I am still hopeful all the same, that we will be able to raise more mortgage funds through that third appeal.

It is not that simple to raise money, Mr. President, for the Housing Development Corporation to continue its programme on the present terms and conditions. We went to Caribbean Development Bank and asked if they were prepared to assist the Corporation. After two years of correspondence they came back and said that they were sorry that the only money available to the Corporation was their commercial loan. That commercial loan is at 9.5 per cent interest, plus whatever else would be added to it. So, I think we could do better locally because I am sure that the local banks would offer better terms. That would be our next alternative.

If we cannot raise sufficient money by the debenture issue, we will have to renegotiate with the local commercial banks to see what they can offer.

The operation of the Housing Development Corporation is not all that simple. The Board has spent a lot of time - I mean that people who have volunteered their services free of charge go and sit down and give a lot of thought to the operation of housing. It is not that the Board members sit there and twiddle their fingers, but because there is genuine concern of how the Corporation will be able to assist. But I think we are doing quite well.

One of the other problems that we met was regarding staff. In the three years that I have been there we have changed managers three times. We needed an accountant from the time I went there and only about one month ago we were able to recruit one. Fortunately he is a qualified accountant and we have fairly good staff there now, so the Corporation should be able to get on quite well with its work from here on.

Mr. President, I cannot support the Motion, Sir. I know that our policy is to assist low income people as much as we can, but the form and the system by which the Member moving the Motion has recommended in his Motion, is one which the Government could not really accept. And as I said, we have thrown out the suggestion to the public to come along to see what we have to offer, and we have a few coming to us. In recent times we have had more than a few.

We hope that in time if the Housing Development Corporation runs short of money we will be coming to Government to ask whether it can assist with any and I think that in the future, if we can raise our mortgage commitment to a level of \$2.5 million, I think that would be an economic level that could operate the Corporation for many years in the future.

I see the Honourable First Official Member of Executive Council is smiling over there. That means to me, Mr. President, that he will support that application when it comes to Government.

HON. THOMAS C. JEFFERSON:

I think he got it wrong, Mr. President. (LAUGHTER)

MR. PRESIDENT:

I think he was sailing about the time. (LAUGHTER)

HON. VASSEL G. JOHNSON:

Mr. President, I was just about to wind up because the Honourable Member said that I still had two minutes. He did the same thing to the Mover of the Motion a while ago.

I do hope that the third appeal will bring some more money in and that the Housing Corporation, with its improved operating guidelines and with fairly adequate staff at the present time, will make an impression in the future. But I hope that Honourable Members here will be able to see that improvement and will agree that the Housing Development Corporation is doing a good job.

I am sorry that I cannot support the Motion, Mr. President, but we will always have a great interest in assisting low-income persons.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, in accordance with Standing Order 10(2), I move the adjournment of this Honourable House until 10:00 a.m. tomorrow morning.

MR. PRESIDENT:

Before I put the question may I say that the Chair is grateful for your agreement to go on until 5:00 o'clock today, but also to say that I think we should be prepared, perhaps, to go on until 5:00 o'clock or later on Wednesday and

Thursday if we are to finish this week " subject, as always, to the leave of the House.

QUESTION PUT: AGREED.

AT 5:03 P.M. THE HOUSE STOOD ADJOURNED UNTIL
10:00 A.M., WEDNESDAY, 16TH SEPTEMBER, 1987.

THIRD MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

WEDNESDAY, 16TH SEPTEMBER, 1987

(SIXTH DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 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

THIRD MEETING OF THE 1987 SESSION OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY, 16TH SEPTEMBER, 1987

(SIXTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. PRESENTATION OF PAPERS AND REPORTS

(1) REPORT OF THE STANDING FINANCE COMMITTEE
(Meeting held 26th August, 1987)

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, CHAIRMAN OF THE STANDING FINANCE COMMITTEE.

(2) REPORT OF THE STANDING BUSINESS COMMITTEE
(Meetings held 4th and 7th September, 1987)

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, CHAIRMAN OF THE STANDING BUSINESS COMMITTEE.

3. QUESTIONS TO HONOURABLE MEMBERS.

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. 73: WOULD THE HONOURABLE MEMBER SAY HOW MANY STUDENTS ARE PRESENTLY IN TRAINING AS TEACHERS AND AT WHICH COLLEGES/ UNIVERSITIES AND IN WHICH COUNTRIES?

NO. 74: WOULD THE HONOURABLE MEMBER GIVE A LIST OF ALL THE OVERSEAS INSTITUTIONS OF HIGHER EDUCATION WHICH GOVERNMENT RECOMMENDS FOR TEACHER TRAINING?

NO. 75: WOULD THE HONOURABLE MEMBER GIVE A PROGRESS REPORT ON THE PROPOSED SOCIAL SECURITY SCHEME AND STATE GOVERNMENT'S PLAN OF ACTION?

4. GOVERNMENT BUSINESS

BILLS

SUSPENSION OF STANDING ORDER 46
TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER
TO ENABLE THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS)
BILL, 1987 TO BE READ A FIRST TIME.

FIRST AND SECOND READINGS

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987

5. OTHER BUSINESS

PRIVATE MEMBER'S MOTIONS

1. PRIVATE MEMBER'S MOTION NO. 10/87
LOW COST HOUSING

- CONTINUATION OF DEBATE THEREON.

2. PRIVATE MEMBER'S MOTION NO. 13/87
ESTABLISHMENT OF REMAND HOME/APPROVED SCHOOL FOR JUVENILE
OFFENDERS

TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR GEORGE TOWN
TO BE SECONDED BY : THE SECOND ELECTED MEMBER FOR WEST BAY

3. PRIVATE MEMBER'S MOTION NO. 15/87
INCREASE OF AGE OF CONSENT FOR GIRLS

TO BE MOVED BY : THE THIRD ELECTED MEMBER FOR WEST BAY
TO BE SECONDED BY : THE ELECTED MEMBER FOR NORTH SIDE

4. PRIVATE MEMBER'S MOTION NO. 16/87
INVESTIGATION INTO ALLEGATIONS OF CORRUPTION OF THE
ROYAL BAHAMAS ISLANDS FORCE

TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR WEST BAY
TO BE SECONDED BY : THE SECOND ELECTED MEMBER FOR GEORGE TOWN

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WEDNESDAY

16TH SEPTEMBER, 1987

10:02 A.M.

PRAYERS

HON. W. NORMAN RODDEN:

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 Name's sake, Amen.

Our Father, who 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. Our proceedings are resumed.

Papers. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING FINANCE COMMITTEE

(Meeting held 26th August, 1987)

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to lay on the Table of this Honourable House the report of the Standing Finance Committee meeting held on 26th August, 1987.

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:

Mr. President, a number of approvals were given at that meeting, but before I get into it, perhaps it is also significant enough to say that I tried on 22nd July to have a Finance Committee meeting, but on that date we could not for lack of a quorum. But in the meeting of 26th August, the Finance Committee gave its approval to a number of supplementary expenditure requests from various heads of departments, which I will now outline in detail, while I am on my feet.

Police Department, Head 40-002 Boats:

Finance Committee approved \$194,000 to purchase a 33 ft. Bertram launch to replace the one lost some months ago. In addition to that sum, it approved \$6,000 for the purchase of an 155 horse power outboard engine, for the M.V. Lima I.

There is a dissenting report on this purchase of the Bertram, Mr. President, from the Second Elected Member for West Bay, who thought that another boat of equal size and maneuverability could be purchased for less cost. The dissenting report is attached to the Report of the Finance Committee for all Members of the Honourable House and members of the public and the press to see.

The Prison Department:

Finance Committee approved a total of \$48,700 for overtime, to meet the cost of manpower needed in the prison to cater and to secure inmates. As most Honourable Members know, the prison has been running on most days above

its capacity, therefore the need to pay overtime to ensure that those inmates are properly looked after.

In addition to that sum, for dietary and food supplies, \$60,000, and it is really for the same reason, Mr. President, that the budget which was prepared last year and approved in November of that year was insufficient to meet the cost for the prison population as it at present stands. \$60,000 it is estimated will take it to the end of December. In addition to that sum, and this is all for prison, Mr. President, there is \$80,000 supplementary approved for water. This is a large sum, but we have discovered that the plumbing system at the prison was, for lack of a better word, riddled with defects, and we have now put that right. Water was wasted as a result, because the piping was not up to standard.

For staff houses, \$2,500, other equipment, mainly for the kitchen and for replacement equipment, \$26,500. Other furniture for the dormitory where prison guards who had been recently recruited in the Eastern Caribbean will live on site - we had to purchase sufficient furniture, beds and mattresses to make them comfortable at a sum of \$16,000.

Finance and development:

Finance Committee approved the sum of \$30,000 for private schools, being a revote of funds for grants to private schools. In 1986, by some fluke, the second portion of the private schools entitlement was not paid. Usually, the total sum of \$80,000 is allocated on a six month basis. The last six months in 1986 they did not get and the revote of \$30,000 is for that purpose. We cannot in any way overlook the effectiveness of the private schools and their usefulness to this Government and certainly to the children within their register of pupils.

Again for Finance and Development, a sum of \$167,502. In a recent loan agreement for funds provided by Caribbean Development Bank (CDB) to the Agricultural and Industrial Credit and also for student loans, Government agreed to make an allocation to that body, the Agricultural and Industrial Board, a sum of \$200,000 and the supplementary requested is to fulfil our obligation to CDB and to the Board.

Finance and Development again: \$17,590 for a claim made against the Government by Mr. George Howarth in respect of an out-of-court settlement relating to a payment irregularity for the cab insulation contract and electronics contract for the central tower cab at Owen Roberts Airport. This is a long-standing claim, Mr. President. Mr. Howarth's company had a contract with Government to supply the cab which is that lovely piece of glass work - if we can call it lovely - that sits on top of the air traffic control tower, and some irregularity with the payment was made. His claim was of a substantial amount - over \$100,000, and the settlement at the end of the day, with the blessings of the Legal Department, is that we should settle for \$17,590, and the Finance Committee also gave its blessing to it.

Continuing on with Finance and Development: under Head 40, sub-head 1B dealing with vehicles, \$47,643 for the purchase of two vans for Public Works and one van for the prison, which were ordered in 1986, but were not received until this year.

Customs Department:

A request for \$30,018, broken down under a number of sub-heads, Mr. President, including uniforms, allowance for dog handlers, maintenance of dogs, the training of Customs Officers and a miscellaneous vote dealing with equipment, office equipment, other office equipment and vehicles was approved.

Customs, as we know, Mr. President, not very long ago established a task force section, and we needed to assist that section financially, to carry out the function for which it was established. We have seen and witnessed a lot of very excellent work by the task force, a number of boats have been seized. The \$30,000, the majority of which was funded from the proceeds of one of the boats that was seized and put out to public tender, and I think the cost of the budget, in essence, is about \$8,000, because one of the boats that was seized was put through the court and forfeited to Government, and this was sold for roughly \$22,000.

Continuing with the Customs Department, a sum of \$900 for motor car upkeep allowance to one of the Customs officers was also approved.

The Judicial Department:

For allowance and attendance \$60,000 - this is to meet the court's commitment for the year. As most Members and the public as well know, recently we employed a second magistrate and we are allowing one of those on occasions, to act as judge. So the court is working diligently to remove any backlog that is presently with it and in so doing, we need to have witnesses and pay jurors certain sums of money; therefore the need for this supplementary of \$60,000.

Legal Department:

Miscellaneous visits and entertainment - a sum of \$6,500. Provided for the graduation ceremony of the Law School, and air fares and accommodation for Lord and Lady Templeman who are patrons to the Law School. Certainly, Mr. President, the sum, in my view, is justified. We have been talking for many a day in this House about the number of articulated clerks - we have now seen them graduate and be

called to the Bar - I believe that a ceremony for their graduation is certainly in order.

Education Department:

Supplementary sum of \$81,205 to deal with the need for additional educational supplies, school equipment and school furniture.

Mr. President, this is certainly a long report, but I am sure members of the public and Honourable Members wish me to continue with it.

Education Department again: school equipment, \$3,000 to purchase typewriters for the Community College in Cayman Brac.

Development and Natural Resources:

\$16,704 to cover the 1987 salary for Mr. Ladner Watler who has been transferred from the Police Department to the Portfolio of Development and Natural Resources in the capacity of Marine Enforcement Officer. And an additional sum of \$13,990 to be paid to Mr. Watler for the use of his boat in relation to his work activities.

Tourism, Aviation and Trade:

A sum of \$18,908 for Pirates Week office to cover the excess expenditure over income for the year ended 31st December 1986. And, Mr. President, this has resulted from Government's decision not to allow the Pirates Week Committee to auction the car because in our view, and I think in the Legal Department's view, it is gambling. As we are prosecuting other people for playing numbers, we thought that we should set the example here. As a result, it has cost us \$18,908, but good money and for a good purpose.

Under the portfolio of Tourism, Aviation and Trade - public buildings: to complete the car park and landscaping work at the George Town Craft Market, \$16,602.

Public Works Department:

For maintenance of buildings, \$7,500 for repairs on the George Town town clock.

The Treasury Department:

Overtime \$6,000, mainly to cover the cost of the conversion from a manual system to a computerised system, where the staff has been required to run two systems. We did not have sufficient staff to do that, and we had to pay overtime to existing staff to complete that exercise.

Treasury Department: a further sum of \$9,580 to purchase necessary items of furniture and equipment, and for special cabinets, files, chairs and desks.

Internal and External Affairs:

\$8,000 to replenish the stock of flags and Coats of Arms of the Government Information Services.

Internal and External Affairs: \$5,712 to cover the salary in the sum of \$4,200 for the United Kingdom Cayman Islands' Government Office arising out of the 1987 salary revision. Mr. President, I apologise, it should be Finance and not Head 2.

Finance and Development:

Leave passages - \$4,962 to provide leave passage entitlements for the Financial Secretary and for his deputy.

Legal Department:

\$5,000 for the Legal Department for reference books, mainly to cover orders placed in 1986, but orders which were received this year.

Mosquito Research and Control Unit:

\$4,950 to supplement the annual allocation for the purchase of an aircraft navigation system for the larger of the two planes. This is an electronic system, Mr. President, which provides markers for the plane and allows us to save and not overlap when we are spreading insecticide, so, in my view, it is something of importance and necessity.

Tourism, Aviation and Trade:

Wages, \$2,000. The Public Works Department will be installing additional toilet, walkway, floodlights and roll-away gates at the Hell Post Office and shop. And there was an additional sum of \$12,000 to provide for those.

Public Works Department:

A sum of \$121,302 to cover additional air conditioning equipment for the Government Administration Building.

Other matters:

Other matters Mr. President, were approved such as the confiscation of boats for the Marine Department, a boat which was forfeited by the court to the Crown, and approval was given for the Marine Enforcement Officer to use it during his work. Approval for the sale of the old boat house which was Crown land - Finance Committee gave its approval for Government to reimburse Mr. Norberg Thompson a sum amounting to the stamp duty paid on the purchase of Block 148G, parcel 6, George Town Central on the condition that the said property be filled in order to permanently house the Goldfield.

Purchase of land: Finance Committee gave its approval for Government to purchase the following parcels of land: in Cayman Brac East Block 1.11E parcel 61 for a boat ramp facility, \$5,250; for the purchase of Block 93C parcel 45, again in Cayman Brac West, a parcel of land contiguous to the runway at Gerrard Smith Airport, US\$26,000; and parcel 136 in Block 95C a sum of \$30,000 for another piece of property which is contiguous, or adjacent to Gerrard Smith Airport.

Capital projects: Finance Committee gave its approval for the Public Works Department to utilise the sum of \$188,000 arising out of a savings of two major completed projects on the Badden Town road - \$123,000 from the remaining road works programme, and \$63,000 for the master ground transportation programme study.

Finance Committee also gave its guarantee to the Cayman Brac Power and Light Company for a sum of \$180,000 to allow it to purchase a generator from Mirreless Blackstone Company in the United Kingdom.

Other matters which were raised during the meeting were the need for additional street lights and primary school fencing - those were approved, Mr. President, and Finance Committee also gave its blessing to a loan previously granted to the Turtle Farm that the three year moratorium on that loan would be on both interest and principle repayment, and the interest at 5 per cent.

Thank you, Mr. President.

MR. PRESIDENT:

I believe the House is deemed to have accepted that report as a Motion under Standing Order 67(4).

SUSPENSION OF STANDING ORDER 67(4)

MR. W. McKEEVA BUSH:

Mr. President, I, under Standing Order 83, would move the suspension of Standing Order 67(4).

MR. PRESIDENT:

I believe a seconder is required for that.

HON. RICHARD GROUND:

Mr. President, yes.

MR. LINFORD A. PIERSON:

Mr. President, I second the Motion.

MR. PRESIDENT:

Would the mover speak to the Motion, please?

MR. W. McKEEVA BUSH:

Yes, Mr. President, thank you.

Mr. President, I move this suspension this morning because I feel so strongly about at least one of the items discussed in Finance Committee, which has asked for very important expenditure from the Treasury of this country. At that meeting, Mr. President, we hardly had a quorum, barely had a quorum. I moved the suspension because this bit of expenditure has very much to do with Government's policy of judicious spending.

My dissenting report is before the House, and I moved the suspension also to say exactly what the report says, and I would read that report, Mr. President.

MR. PRESIDENT:

If you would excuse me one minute, I think the first thing is to decide on the Motions. I have to put the Motion before you can go on, I think. Please go ahead and support your Motion before going into the content of what you wish to discuss, if the House agrees the suspension of Standing Orders.

MR. W. McKEEVA BUSH:

Well, I seek the suspension to try to get Members, Mr. President, to stop any negotiations going on with the police boat at present and to look into other possibilities as far as the purchase of the boat is concerned.

MR. PRESIDENT:

Thank you. Does any Member wish to speak on the Motion to suspend the Standing Order 67(4), that is.

Since this is rather an unusual Motion, I shall give Members a few more seconds to decide if they wish to speak on it.

The First Elected Member for Badden Town.

MR. JAMES M. BODDEN:

Mr. President, I must apologise, because I do not have my papers in order for this morning's debate yet, but what I understand that the

Member is trying to do. I fully support the Motion and hope that we can get to debate this important subject, because I too agree that the expenditure is not warranted at this time.

MR. PRESIDENT:

The Second Elected Member for George Town?

MR. LINFORD A. PIERSON:

Mr. President, I too feel that there is much merit for this Motion, because even though in Finance Committee the particular item got the majority support of the House, there is no question at all that there was much discussion on this. As a matter of fact, it attracted so much discussion that the Commissioner himself was asked to come down to the Committee. So, Mr. President, I would give this my full support.

MR. PRESIDENT:

The Honourable First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, I think the mover and seconder of the motion have all good intentions, but it seems, to me, that under Standing Order 67(4), the matter was raised in the Finance Committee meeting. There was the need, and we did invite the Commissioner to come along and to give more information on the subject, that is, the purchase of the 33 ft. Bertram. Some Members were of the view that the cost was too high. The Commissioner did explain that he had taken the decision after consultation with a number of his colleagues in the other dependent territories, as well as one of the naval advisers who are based in the Bahamas. I agree it is a large sum of money, Mr. President, but I also believed that the matter was sufficiently thrashed out. The Chairman allowed the Second Elected Member for West Bay to have his dissenting report and I think, in my view, the process of democracy has taken place, the vote went in favour of purchasing that boat, and I see no need now to debate it further. I cannot support the Motion, Mr. President.

MR. PRESIDENT:

The Elected Member for North Side?

MR. B. EZZARD MILLER:

Mr. President, I wish to oppose the Motion because I see it serving no real purpose other than for Members to reiterate and regurgitate their unsuccessful arguments which may have taken place in the Finance Committee's meeting. We may be setting a very dangerous precedent for future Finance Committees on even more sensitive matters. For those reasons, Mr. Chairman, I cannot support the Motion.

MR. PRESIDENT:

The Second Elected Member for Rodden Town?

MR. G. HAIG HODDEN:

Mr. President, I have to support the Motion because I believe in the principle of democracy, that the Member must have the fullest latitude in expressing his sentiments, particularly when the matter is of great importance and involves excessive expenditure. I fully support the Member in his efforts and commend his minority report, and would like, Sir, to debate other aspects of the paper which has been laid. I trust that as we embark upon this Motion today, Members of Government will find it possible to allow, for once, the minority to have their full say, which they will be entitled to if the Motion is carried.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, I support the Motion before the House and I commend the Second Elected Member for West Bay for proposing it. Mr. President, after all, it is his right to bring such a Motion here, even if a matter is discussed in Finance Committee we have a section in our Standing Orders which he has exercised, and exercised correctly, and regardless if we are setting a precedent or not, it is in order, and I support him 100 per cent. We must always remember there are only two people who cannot change their minds. One is a dead man, and the other is a fool. I do not believe that we have either of those here. So I commend his Motion, and I hope other Members will do likewise.

MR. PRESIDENT:

Honourable First Elected Member of Executive Council?

HON. BENSON D. FRANKS:

Mr. President, the matter before the House as far as I am concerned, Sir, is unnecessary. Due notice was given of the Finance Committee meeting. A quorum was present, decisions were taken, and in the normal fashion, the report is being laid, including, as I understand it, a minority report.

In referring to the procedure that is trying to be adopted, I do not see where the mere suspension of Standing Order 67(4) would permit the debate of the report. Even if that were so, Mr. President, it would seem to me that notice of any amendment proposed to the report should have been given, and to suspend Standing Orders in order to debate a Report of Finance Committee is most unusual. If Members were concerned with having an input into the matters before Finance Committee they should have attended. They were given notice and there is no reason, in my opinion, why this procedure should be adopted this morning.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORREYI:

Thank you, Mr. President.

I cannot support the Motion before the House, and in doing so, I would like for this Honourable House to take note that of the five persons who have supported the Motion this morning, there were only two present at that Finance Committee meeting. That was the mover of the Motion, the Second Elected Member for West Bay, and the seconder, the Second Elected Member for George Town.

There was a lot of debate during the Finance Committee meeting. It was carried out in a democratic manner, a decision was made and it puzzles me, Mr. President, that especially the First and Second Elected Members for Bodden Town should be able to come to this House and support this Motion, having really no background as to the reasons why such a decision was made.

Mr. President, the records of this House will prove that these two individuals are hardly ever present at any Committee meetings. How can they come here this morning to decide upon a Motion such as this? The business of this House, Mr. President is done not just within these four walls when the radio is turned on, but much of it is accomplished in that Committee Room. These Members have no business, no right to stand here this morning and support this Motion. When a meeting is on they can be gallivanting all over the globe. Find yourselves here....

MR. G. HAIG BODDEN:

Is she a communist?

MRS. DAPHNE ORREYI:

...be to the Committee meetings, lend your support and make your input at that time.

Mr. President, I cannot support the Motion. Thank

you.

Mr. President, I cannot support the Motion. Thank

MR. PRESIDENT:

Does any other Member wish to speak?

MR. JAMES M. BODDEN:

Mr. President, I am afraid that even if I had not intended to speak, I would have spoken ...

Mr. President, I am afraid that even if I had not

MR. PRESIDENT:

Sorry, I beg your pardon, you have spoken once on this Motion, and I must ask you to be seated.

Sorry, I beg your pardon, you have spoken once on

wish to exercise his right of reply.

If no other Member wishes to speak, the mover may

MR. W. McKEEVA BUSH:

Thank you, Sir. Mr. President, when I decided to seek suspension of Standing Orders, I knew that it would not be passed. No matter how good my intentions are, and no matter what I do, Government and their yes men and extension cords are going to say no. That is a fact.

Thank you, Sir. Mr. President, when I decided to

and I am hoping I can refer to them. My request, first of all, was to be able to look again at other possibilities as far as the purchase of the police boat is concerned. The Honourable First Elected Member for Council said it is most unusual. Certainly it is, but it is provided for in our Standing Orders. Yes, Mr. President, the Honourable Member continues to say that I am wrong ... this is all he ever does, without offering constructive criticism otherwise. Standing Order 83, Mr. President ...

Mr. President, many things were brought in here,

MR. PRESIDENT:

Excuse me one moment. It will be necessary to rule on that question later, after the Motion has been put and voted upon.

Excuse me one moment. It will be necessary to rule

MR. W. McKEEVA BUSH:

Mr. President, I am replying to the debate given, that is within my rights, Sir.

Mr. President, I am replying to the debate given,

MR. PRESIDENT:

No, indeed it is within your right, but what we are debating, what the House is debating, is the suspension of the Standing Orders, not whether or not something may follow thereafter.

No, indeed it is within your right, but what we are

MR. W. McKEEVA BUSH:

Mr. President, the Honourable First Member said it was most unusual. I am replying to that, Sir.

Mr. President, the Honourable First Member said it

MR. PRESIDENT:

Your previous point was not that, you are entirely in order in replying on the question of it being unusual, but not the question of whether or not it can allow the House to do certain things.

Your previous point was not that, you are entirely

MR. W. McKEEVA BUSH:

Well, Mr. President, there is nothing unusual about it, because those who put the Standing Orders together must have thought that at some stage this would happen. The Honourable First Elected Member of Council was a Member of the Committee that put the Standing Orders together, so I do not know what he is saying about "most unusual". Suspension of Standing Orders can be made under Standing Order 83. His tactic in this House is that every time I get up in this House is to make it look like I do not know what I am doing or saying.

Well, Mr. President, there is nothing unusual about

Mr. President, the Member for North Side who did not support the Motion, but because of being away on a C.P.A. conference was not here to vote against the purchase of the boat, as he told me he would do. And I thought at least he would have sought in some way, to try to help me to get further ...

Mr. President, the Member for North Side who did

MR. D. EZZARD MILLER:
Member could substantiate this point?

A point of order, Mr. Chairman, I wonder if the

MR. LINFORD A. PIERSON:
state it?

What is the point of order, Mr. Chairman, he should

MR. D. EZZARD MILLER:
motives of Members.

Standing Order 34(2) the man is impugning improper

MR. PRESIDENT:

Please continue.

MR. W. McKEEVA BUSH:
foolishness too.

Thank you, Sir, I am glad you think it is

Mr. President, the Member, before he left to go on that conference certainly spoke to me concerning the purchase. He even wondered whether he could get Finance Committee brought forward so he could be there to attend it. But, as I said, anything that I bring here Government and their extension cords, that is, some Members of Government, is not going to support me. But this is not political, Mr. President, this has very much to do as I said before, with Government's policy of judicious spending. Certainly, Mr. President, this sum of expenditure cannot be deemed to be judicious.

The Third Member for West Bay, Mr. President, in her usual manner, did not support the Motion. She said that those Members who did not attend the Committee meeting for whatever reasons, did not have any background to support the move for suspension. That is not correct. I wonder if the Member herself has read the minutes and seen the report of the discussion with the Commissioner of Police. There is much background here, Mr. President, and I will go on to further explain that point.

MR. PRESIDENT:
the Chair. I am attending.

I would be grateful if you do not actually point at

MR. W. McKEEVA BUSH:

I am not pointing in a disrespectful manner, Sir, and I think you and I could get that straight. That is my way of expressing myself.

But the Member herself in the discussion with the Commissioner of Police, which is stated in the report that I claim is background for any Member's dissension here, asks whether the Commissioner's other colleagues provided any alternative. In reply, the Commissioner stated that the other alternative would have been to purchase a boat in the United Kingdom which would lead to further delays in replacing the lost vessel.

HON. RICHARD W. GROUND:

Mr. President, on a point of order, the Member is now debating the report. It is a public document, it lies in the House on the Table and can be read by the public. But this is irrelevant to the Motion before the House.

MR. W. McKEEVA BUSH:

It is not irrelevant.

MR. PRESIDENT:

I have to sustain the point of order. The House is debating the suspension, not the matter which you wish to bring up if a suspension is agreed. Please continue.

MR. W. McKEEVA BUSH:

But Mr. President, with respect, Sir, if I could explain myself. The Third Member for West Bay raised the point that no Member had any background to support my Motion. Check the Hansard. That is what she said. I am showing the background where Members have every bit of information. In that information I am showing where the Member herself asked the question, and that report is attached to the Finance Committee's Report. I am not out of order Mr. President and I refuse to be handled this way in this House every time I get up. May I continue, Mr. President?

MR. PRESIDENT:

I think so, but I would be grateful if we could maintain our usual dignified debate.

MR. W. McKEEVA BUSH:

Mr. President, please do not insult me, Sir, I am being very dignified. I am pointing at every issue in this House. I do not think I am rude to the Chair, I am only stating my point.

MR. PRESIDENT:

I am giving you every latitude to do so, but we must try to observe Standing orders.

MR. W. McKEEVA BUSH:

Please do not say that I am not being dignified, I think you are wrong.

MR. PRESIDENT:

Would you please continue?

MR. W. McKEEVA BUSH:

Thank you, Sir.
Members have already said they are not going to support it, Mr. President, and they themselves have not given any constructive reasons why

the suspension should not be carried through. I agree with the Honourable First Official Member who said that the process of democracy had been carried through. To an extent, that is correct. The process has not yet finished as far as I am concerned. I have done my part, Mr. President, and they are going yet to sup sorrow for this kind of expenditure.

MR. PRESIDENT: I shall now put the question, which is that Standing Order 67(4) be suspended.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: Can I have a division, Mr. President?

MR. PRESIDENT: The noes have it and a division will be taken.

DIVISION
NO. 68/87

AYES: 5

NOES: 10

Mr. W. McKeava Bush
Mr. Linford A Pierson
Mr. James M. Dodden
Mr. G. Haig Dodden
Mr. John B. McLean

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemaal Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Dodden
Hon. Capt. Charles L.

Kirkconnell

Hon. Vassel C. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

AGREED BY MAJORITY: MOTION TO SUSPEND STANDING ORDER 67(4) DEFEATED

MR. PRESIDENT: We now proceed to the second item under Presentation of Papers. The Honourable First Official Member.

REPORT OF THE STANDING BUSINESS COMMITTEE
(Meetings held 3rd and 7th September, 1987)

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee of the meetings held on 3rd and 7th September 1987.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the meeting on 3rd September dealt with a number of items which appeared on Business Paper No. 1, and the meeting on Monday 7th dealt with matters appearing on Business Paper No. 2. The Report, which is self-explanatory and brief, I think speaks for itself and I have no further comment to offer.

MR. PRESIDENT: We will proceed, then, to Item 3 of our business, Questions.

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

MR. LINFORD A. PIERSON: Mr. President, in view of the very limited time we have left, I wonder if this Honourable House would agree to the suspension under Standing Order 83, 23(7) so that Members can have time to ask the Questions on the paper?

HON. THOMAS C. JEFFERSON: Mr. President it was our intention to move Standing Order 23(7) to allow the questions to be taken.

MR. PRESIDENT: We would normally move it just before 11:00 a.m., but I think it would be in order to put that Motion now. The Motion is that the Standing Order be suspended in order that questions on the Business Paper be taken.

QUESTION PUT: AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED

QUESTIONS TO HONOURABLE MEMBERS.

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. 73: Would the Honourable Member say how many students are presently in training as teachers and at which colleges/universities and in which countries?

ANSWER: There are a total of 18 students currently enrolled in teacher education programmes as follows:

- 2 - Plattsburgh State University - USA
- 1 - University of Leeds - UK
- 4 - St. Leo College - USA
- 1 - Macalister University - USA
- 1 - Stetson University - USA
- 1 - Brock University - Canada
- 1 - Taylor University - USA
- 1 - Union University - USA
- 1 - Jacksonville University - USA
- 1 - Covenant College - USA
- 1 - Averett College - USA
- 1 - Xavier University - USA
- 1 - University of Central Florida - USA
- 1 - University of Tampa - USA

MR. PRESIDENT: Are there any supplementaries, please?

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: I wonder if the Honourable Member could say how soon will the first students qualify and return home for service?

HON. BENSON D. FRANKS: No, Mr. President I do not have that information at hand.

MR. PRESIDENT: As there seem to be no further supplementaries, let us move to Question Number 74. 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. 74: Would the Honourable Member give a list of all the overseas Institutions of Higher Education which Government recommends for teacher training?

ANSWER: For individuals wishing to be trained as teachers, scholarship applicants must first receive offers of acceptance from accredited institutions offering programmes in teacher education. The Education Council uses as its guide to accredited institutions in the USA, Barran's Profiles of American Colleges where the institution must be rated not less than competitive. In the United Kingdom, the Institutions of Higher Education offering teacher education programmes are approved by the Council for National Academic Awards, (CNAA). The courses on offer have to be first approved by the Council for the Accreditation of Teacher Education, (CATE), so there is a wide choice of overseas institutions available.

The selection of the institution is left to the individual once it falls within the aforementioned guidelines.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. I wonder if the Member could say whether the colleges of the University of the West Indies are included in Barran's Profiles of American Colleges and the Council for National Academic Awards.

HON. BENSON D. FRANKS: Mr. President, I have to apologise to the Member in that, we did not but should have included the University of the West Indies. Likewise Canadian universities approved by the National Accreditation Board in Canada would be acceptable for teacher training.

MR. PRESIDENT: No further supplementaries? Question 75, please.

MR. W. McKEEVA BUSH: Yes, one supplementary, Mr. President.

MR. PRESIDENT: Please go ahead.

MR. W. McKEEVA BUSH: Can the Honourable Member say whether the Cayman Islands Government still contributes to the University of the West Indies.

HON. THOMAS C. JEFFERSON: Yes, Mr. President, fortunately for us of course, we are still drawing on a credit balance we have with them because of the devaluation of the Jamaican dollar.

MR. PRESIDENT: Question 75, please.

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. 75: Would the Honourable Member give a progress report on the proposed social security scheme and state Government's plan of action?

ANSWER: Mr. F. Gordon Smith, Government's Actuarial Adviser on the scheme arrived back in the Island on 13th April, 1987. Since that time he has been meeting with groups of employers and employees explaining and answering questions on the proposed scheme. He has also held a meeting with the Cayman Islands Chamber of Commerce.

As a result of these meetings and suggestions resulting therefrom, certain amendments are contemplated to the scheme.

Members will realise that there are many competing and conflicting interests to be served by such a scheme and that to find the right mix will not be easy.

Once the contemplated amendments have been made it is the intention to present the plan to the public in a series of meetings throughout the Islands and if necessary, further amendments will be made as a result of input received at these meetings.

The final proposal will then be presented to an informal meeting of Members of the Legislative Assembly and if support for the scheme is forthcoming, the Legislation will be taken to the Assembly for passage into Law.

Members will no doubt recall that under normal circumstances I would have been making a progress statement on the Social Security Scheme in accordance with Motion No.14/85. This answer, therefore, will serve as that statement.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries please. The Second Elected Member for Badden Town.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member give us a tentative date for the completion of the amendments?

HON. BENSON D. FRANKS: No, Mr. President, in fact, just yesterday evening when I returned to my desk, there was quite a lengthy letter of representation there with what I consider to be some useful suggestions, so suggestions are still coming in.

MR. PRESIDENT: If there are no further supplementaries, perhaps we should take our usual fifteen minute break. Proceedings are suspended for fifteen minutes.

AT 11.07 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.30 A.M.

MR. PRESIDENT: Proceedings are resumed. Item 4 on the Business Paper. Government Business. Bills. Standing Order 46. The Honourable First Official Member.

GOVERNMENT BUSINESS

BILLS

SUSPENSION OF STANDING ORDER 46

HON. THOMAS C. JEFFERSON: Thank you, Mr. President. Today I am in the hands of the House more than ever before as I am moving the suspension under Standing Order 83.

Standing order 46 to enable me to move the First and Second Reading of the Merchant Shipping (Applicable Conventions) Bill, 1987.

MR. PRESIDENT: The Motion is that Standing Order 46 be suspended for the purpose stated by the Honourable First Official Member. The Motion is therefore duly moved. Would any Member wish to speak?

The Second Elected Member for West Bay is on his feet.

MR. W. McKEEVA BUSH: Mr. President, I gladly support the suspension of Standing Order 46. I indicated my support to the Honourable Member days ago. This Bill needs to be passed quickly, and I think Government is doing the right thing in getting it through the House as quickly as possible. It is a very important piece of legislation, more important than my Motion to suspend the other Standing Orders, but mine was equally as important. I support it, Sir.

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

MR. G. HAIG BODDEN: Mr. President, I have to oppose the suspension of this Standing Order, the reason being that the Bill is a very lengthy one and it has not been circulated in the time prescribed, which means that Members will not have had sufficient time to digest the mighty clauses of the Bill, and the one hundred and odd pages of the text. It will also mean that Members will not have had the time to discuss this Bill with people in the community; people that will have knowledge of this very technical subject; Members will not have had the time to do the research necessary to deal with this type of legislation.

The second reason why I oppose the suspension of the Standing Order is that suspension of Standing Orders for important bits of legislation have become a way of life with the present Government. Ever since 1984, in nine out of ten cases, every major piece of legislation has come to the House at the last minute, has come to the Members at the eleventh hour, and have precluded the Members from dealing with the Bill in an intelligent manner. But what is even worse, the public has been effectively precluded from digesting the subject matter of the Bill, and while I know the importance of the legislation, and will not get into the merits of it, other than to say it is time that it has come, I feel that the Honourable Member should have published this Bill earlier, or, not having done that, he should delay the passage until the Budget Session.

So, Mr. President, I have to vote against the suspension of the Standing Order, because of the volume of legal matters contained in the Bill and on the grounds that the time prescribed in the Standing Orders has not been met.

MR. PRESIDENT: Does any other Member wish to speak on this Motion?
The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I rise, Sir, to support the Motion for the suspension of Standing Order 46 to enable the Merchant Shipping (Applicable Convention) Bill, 1987 to be read a first time.

Mr. President, I am sure that all Members of this Honourable House are quite aware of the very long struggle which this Government has had over the last fifteen to twenty years, and especially over the last thirteen years, to introduce to the Cayman Islands a Port of Registry. It was largely because we were searching for another avenue of income for the Cayman Islands. We thought that as a Port of Registry we could attract quite a lot of business here. Again, Mr. President, it was largely because the Cayman Islands was traditionally a seafaring country and in order to continue to maintain this tradition ...

MR. G. HAIG BODDEN: Mr. President, may I rise on a point of order. I think the Member's debate is not relevant to the suspension of the Standing Order, it is more on the purpose of the Bill.

MR. PRESIDENT: I think that the Member has a point. Would you please continue.

HON. VASSEL G. JOHNSON: Yes, Mr. President, I was only trying to lay the background for the need to rush this piece of legislation through.

Mr. President, the present problem, and the reason why it is necessary to have this legislation in place at the earliest possible time is that presently, Caymanian flagged ships entering the United States Port have been served an ultimatum by the United States Government that within a specified time, if these ships are not properly certified by the Caymanian Registry, that they might be debarred from entering United States' ports. There are quite a number of ships represented by local institutions who are out there very nervous about the situation. To say, Mr. President, that the public has not had an input - there was a committee appointed between Government and the private sector from a long time ago, last year, looking into this matter, and in fact, Mr. President, accompanying the Government delegation to London earlier this year was a member of the private sector. So no one can say that the private sector is not being appraised of what is happening. I am sure that you will have full support from the financial community

for this Bill to be passed by this Legislative Assembly at the earliest possible time. That is the wish and desire of those people who understand what it is all about, and know the importance of this piece of legislation to the Cayman Islands now that we have been able to convince the British Government that the Cayman Islands should be established as a Part of Registry. And therefore, Mr. President, I think that the Motion before the House at this time is appropriate, it is necessary, it is needed, and I hope this Honourable House will support it.

MR. PRESIDENT: If no other Member wishes to speak, I will invite the Honourable First Official Member to reply to the debate.

HON. THOMAS C. JEFFERSON: Mr. President, I think those Members, those Honourable Members who have spoken, and those who have not, tend to tell us that we are on the right course and let me sit down and allow you to put it to the vote.

MR. PRESIDENT: The question will therefore be put. The Motion is that Standing Order 46 be suspended.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: Can I have a division, Mr. President?

MR. PRESIDENT: A division please, Clerk.

DIVISION
NO. 69/87

AYES: 14

NOES:

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson O. Ebanks
- Hon. W. Norman Badden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeava Bush
- Mrs. Daphne Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. James M. Dodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

- Mr. E. Haig Badden

AGREED BY MAJORITY: STANDING ORDER 46 SUSPENDED TO ENABLE THE
MERCHANT SHIPPING (APPLICABLE CONVENTIONS)
BILL, 1987 TO BE READ A FIRST TIME

MR. PRESIDENT: Bills. First Reading.

FIRST AND SECOND READINGS

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987

FIRST READING

CLERK: THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS)
BILL, 1987

PRESIDENT: A Bill entitled The Merchant Shipping (Applicable Conventions) Bill, 1987 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS)
BILL, 1987

PRESIDENT: The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill

entitled The Merchant Shipping (Applicable Conventions) Bill, 1987.

The Memorandum of Objects and Reasons, Mr. President, really says the Bill provides for the implementation of, and enables effect to be given to certain conventions and international agreements relating to shipping. Quite frankly, Sir, I believe I got off easy so far with the suspension of Standing Orders - I expected some objection, but it is all in the spirit of democracy, Mr. President.

This subject of ships registry, Mr. President, I remember it from the first day I returned from my training overseas. I took up office in January 1978. It had been going on then, I believe, for about four or five years - everybody diligently working to try to make a decision about the Shipping Register, and trying to gain the United Kingdom's approval to an extension of these conventions to this country to enable our Shipping Registry to be as respectable as any in the world. And I must say, Mr. President, thanks be to God we are almost there.

This Bill is triggered from a number of meetings which were held with a consultative committee which I chaired, which was made up of a number of practitioners in the financial community, lawyers, bankers, trust managers, accountants, insurance personnel and the like. When we came to this Floor earlier this year to put forward a Bill to give the Governor in Council authority to remove certain ships from the Register, and also to give the Registrar of Shipping the authority not to register certain ships, Members then were of the view that we should have had a much more comprehensive piece of legislation. They were right, Mr. President. I agree with them now, and I agreed with them then. But it was our message to the United Kingdom that this Government had stopped talking about what they were going to do and was getting on with some action and demonstrating that, like they say, 'we mean business'.

The Cayman Islands Shipping Register, Mr. President - I could be wrong - I do not believe has ever been under the pressure that it is today, and I am not saying this and trying to point fingers and blaming people. But, in order to elucidate, I have to say that the Coast Guard of the United States - and perhaps they have the right because we have been talking about this as I indicated earlier, and I think the Honourable Fourth Elected Member of Council also indicated, we have been talking about this for twenty years - are fed up with us talking about it, and they are taking steps to ensure that the ships on our Register are going to comply with the legislation in the United States that the Coast Guard is required to administer. And many of the ships that were on Cayman Register have now moved elsewhere.

In essence, Mr. President, when you enter the United States and you show this certificate that says non-convention at the top of it, because these conventions we are still trying to get extended to us - the Coast Guard says this is not acceptable, and if you do not put your house in order - that is, the Cayman Islands Shipping Register, we are going to require you to dry docking and that may cost you \$100,000 as well as other requirements laid down in our legislation.

The reason for the rush, Mr. President, and I apologise to Honourable Members for it, I think the Hansard will show that during my short time in this House I have never done this before - the reason for the rush is that unless, in my view, we take some action, and I am sure it is the view of many of the Members in this House - unless we take some action quickly we may not get the Conventions extended to us, and all of the ships would have gone. So then you would have to spend lots of money promoting yourself again. It is that issue that has convinced me to move the Standing Orders this morning and to ask the Clerk yesterday to put it on the Order Paper. I had a good sleep last night, I decided this morning that I was ready to take my licks if that is what has to happen, and I hope that if the Members across the floor are going to give licks on this issue, Tom Jefferson is the person to give it to.

This legislation, Mr. President is, as the Second Elected Member from Bodden Town said, is very lengthy, and also very technical. I spent a few years of my life sailing the high seas, but I am not sure I understand all this in here either. One thing I am certain of however, is that I have taken sufficient technical shipping legal advice that what is here is in the best interests of the Cayman Islands. Perhaps, Sir, in order to try to simplify what the Second Elected Member from Bodden Town said was 102 pages - and it is - is to say that this legislation really sets out the requirements for SOLAS (Safety of Life at Sea) Convention. It also covers safety conventions for ships not registered in these Islands, the requirement for the load line conventions, powers and exemption and the requirements of the convention relating to oil pollution. Other main headings, Mr. President, are a Court of Survey, Surveyors of Ships, Inspectors and the Power to make Regulations, Repeals, and also Miscellaneous Detention Provisions.

When I held some meetings on this with the consultative committee, Mr. President, their views were, like mine I guess, we are not so technical that we understand all that you are talking about, and we would recommend that all of your meetings be held on this subject with the law firms that are providing the registered office for these ships on the Cayman Register, which we did. Those law firms then recommended to me that I take one of the lawyers in one of those law firms to the negotiating table with us, which we did. They said to me that he is by far the most knowledgeable on shipping in the Cayman Islands, as a lawyer.

We know, Sir, that there are not millions of dollars to be made by the Cayman Islands Government in revenue from shipping but maybe over the years it may amount to that. The important thing, though, Mr. President, is that it adds to the facilities present in these Islands. If we do have a register of

respectability, which we are seeking to do, it does create more jobs, and it does have spin-off effects. I think the Second Elected Member for George Town talked earlier in the meeting about the multiplier effect. This has one as well.

One thing I must make clear, because I never wish to be in a position where a Member accuses me of misleading the House, is that the legislation which is before us has the blessings of the Department of Trade to move forward in this Assembly. They have not said to us that everything you have in here is approved. What they have said to us is that there are no major issues in here that we will not approve. But I wanted to make it abundantly clear that there will be amendments to this legislation, and the amendments are being made to benefit us, not to benefit anybody else.

We went to the United Kingdom in late March, spilling over into the first and second day of April of this year, and we have been diligently working trying to get this legislation together - 102 pages of it, all technical legal jargon. We circulated this document to Members on 3rd September. Maybe it is not sufficient time - I apologise for that. But they had some time to know what we were doing. In addition to circulating it to Members, Mr. President, these three law firms that I referred to were circulated with this document on the same day. So they have had almost two weeks now to look at it. Some people say silence gives consent, and I believe that is the case with the three law firms - they are happy with what we are doing this morning, and, I am sure that before too much longer, everybody on this Island is going to agree that this is what should have been done, because I see great benefits to this country from an improved and respectable shipping register.

Cayman Islands, Mr. President, if you will allow me to go off on a tangent a little bit - have been in this business of attracting international traffic for approximately 20 years. The banking legislation became effective, to the best of my knowledge, in 1966 - So about 20 years. If we can ever reflect what it was like in 1966, even the mosquitoes we were still fighting, and the jobs were not so plentiful either. Many of the males of this country were still at sea, and I believe that every one of them who has had the opportunity of listening to the broadcasts on the radio when this is announced will congratulate every one of us for what we are doing this morning.

But you know, we boast about Cayman being the number one financial centre and we talk about the things we have done in recent times to make a respectable image for the Cayman Islands. We went far. We were the first country in the world that I heard about, signing a Narcotics Agreement with the United States, the leader in the Caribbean to sign a Mutual Legal Assistance Treaty. The drug laws in this country, Mr. President, however you want to interpret it, but I would say, are as strong as any in the world and maybe better than most.

We cannot do all that, Mr. President and close our eyes to what is happening in shipping. Every day, and I think I am pretty confident here, but let me say, almost every day we get information about the ships on the Cayman Register that are breaching somebody's regulations or somebody's shipping laws. They are either getting caught on the high seas with marijuana on board, running up the English Channel in a careless, irresponsible way, or dumping oil off the United States and polluting their waters. What would we do if they did it to us? This legislation, Mr. President, in my view, ties all the pieces together and puts us in control of what we are doing and what image we are projecting to the outside world. Frankly, Mr. President, I believe that when this Bill is passed - and I am sure there may be a few objectors - we will have put the legislation in place to control shipping that we are not happy with, shipping that breaches, perhaps, our regulations too. Safety of life at sea for a seaman is just that - he is either protected or he is dead, and that is what we are doing this morning. I am tempted to go on, Mr. President, but I will try to be brief.

We in Cayman, I believe, are facing a new world. We are on the eve of great things to come. We are wrestling with a number of subjects, including population but we will find the answer - an answer hopefully that will be accepted by all, because history tells us that if there is ever one thing about the Cayman Islands, it is this - they try to be fair. Whatever I have not said before, Mr. President, I will, in my winding up, use the opportunity to say. But I recommend this Bill to all Members of this Honourable House, and I say again, there will be amendments and there may be a number of them.

It is the - if I can use the phrase or the words without being negative, when the legal draftsman sits down to knock what he thinks is a technical document - and I am not talking about our legal draftsman, because I think in essence he is doing a job and his job is well done. I had promised, Mr. President, to jekingly give him some accolades, and that is as far as I will go this morning. I think we have put great pressure on the Legal Department, including my Second Official colleague, and the response I have gotten has always been, in my estimation, excellent. I wish to commend all of them, not just for this legislation, but for their efforts in all respects for this country.

Thank you, Mr. President.

MR. PRESIDENT:

The question is that a Bill entitled The Merchant Shipping (Applicable Conventions) Bill, 1987 be given a Second Reading. The Motion is open for debate. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, my support for this Bill is 100 per

cent. This talk of ship registration has been knocked around in this country ever since I can remember. It was planned and knocked around on the political platform for many years. In the interim period this country has been kicked from pillar to post regarding ship registration. The cold facts are that we are losing ships from our registry, we are being pressured, and people have pulled out. Not to say, that ships holding registry in other countries, even in the mother country, is not something to be desired. They too have fallen in a bad way. The smuggling of narcotics, contraband, you name it, and they have been involved. But that does not say that we need to 'sit pat' and do not seek to put our house in order.

I have great admiration for the Honourable First Official Member, our Financial Secretary, who I believe has spent many, many tedious hours on this Bill, and has had many headaches before the subject has reached this stage. My congratulations go out to him, not only for myself, but I speak today from a district which has had, or has, a great seafaring heritage. We have come a long way. Our country has a great seafaring heritage which we can be justly proud of. Our forefathers, our grandfathers and our fathers have tasted the salt. They know what it is. They went out turtling, they had the Swanee Shipping Company, they had Southwall, they had National Bulk Carriers, you name it, and Caymanians, our seamen, have been there. Yet they still say we have no national heroes.

Mr. President, our Honourable Financial Secretary has summed it up well, and because of the great importance of this Bill to become law, I think it should have expeditious passage. It needs no long debate, and I would urge Members to take my lead here. I, too, Mr. President, could have done a lot of research, I could have gotten conventions, I could have gotten figures from other countries, and I usually do that when I am in opposition to a Bill. But since I am in support of this one, I think what I have said is enough.

I congratulate the Government bench in this move, and especially our Financial Secretary, who has been battling with this thing for quite a long time. Thank you Sir.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BORDEN:

Mr. President, I support the Bill, and would like to offer my congratulations to the Honourable First Official Member of Government who has presented the Bill and who had the courage to put it forward despite the short notice.

I know that he has worked assiduously on the matter of having a proper register for ships here, and this Bill is merely a part of that process. During the years 1972 to 1976, my colleague from Bodden Town and I put forward a Motion in the Legislative Assembly asking that Government set up a committee to implement a proper ships register. Would you believe that the Government, who at that time was headed by the person who is now the First Elected Member of Government, and the person who is Fourth Elected Member of Government, that is of Executive Council, opposed our Motion strenuously and the Government bench voted down the Motion? However, Mr. Russell was a very sage old guy, and he saw the merit in the arguments which we put forward that day and shortly afterwards he set up a committee through Executive Council to look into the matter of ships registration. The committee was chaired, I think, by the Second Official Member of Government, the Attorney General at that time, and the present Third Elected Member of Executive Council was also a member of that committee.

The committee worked very hard came a long way, did a lot of spade work, but they finally came to a halt when they reached with very strong objections from the British Government. So I am glad today that the British Government and the Board of Trade have had a change of heart, and are now willing to allow us to use these international conventions which are extended by this Bill, and the many hurdles which were put in our way at that time seem to have disappeared. I will not go into all of that, to deal with the objections caused by the United Nations Convention on Trade and Development, nor will I deal with the objections to finding surveyors and so on. Suffice it to say that the work in the past seems to have done away with these hurdles, and today perhaps, because of the new Thatcher Government, we are able to move forward in this very important area of Cayman's life.

The Bill before the House may even cause us to lose a few more ships. There probably will be some that will leave rather than comply with the conventions, but I think the Bill is the correct thing, and over the long run will probably result in attracting and holding bigger and better ships. So, we can look upon this Bill as an investment which will produce revenue for the Government somewhere down the line, if not even this year or next year, in the long run it should be beneficial. We can look upon the Bill as the Second Member for West Bay said, as a matter of continuation of our heritage, because we have been linked with the sea for many years, and most of the Members here including myself, have spent a number of years on ships at sea. We know what the Member has said with regard to safety - either you have it or you die. The Bill before the House will also stop the attrition which has been going on - the Honourable Member introducing the Bill told us about the loss suffered on our Register - and the Bill before the House will also help to ease the pressure which has been put on our vessels registered here, the pressure which has come from the United States Coast Guard.

So the Bill is a good Bill, and is perhaps, the only positive action to come from the Government over the last three years. They found a good foundation for this Bill in the many volumes which are present on the committees that

net and the advice from the Government, recommendation from the legal sources and shipping experts. What has come is something that was inevitable, despite the many blunderings, they could not stop this, because it had come of age and the child had to be delivered.

I am glad that, for once, we have a Bill which in some respects supercedes the Merchant Shipping Act, and I am delighted to see this in clause 80, that whenever there is "any inconsistency between any provision of the Law and any provision in the Merchant Shipping Act, 1894 of the United Kingdom, applicable in or extended to the Islands, the provisions of that Act are repealed to the extent of such inconsistency". So that whenever there is a question of doubt, it would appear to me that with matters relating to the conventions, the provisions of this Law would be paramount.

The Bill will not be without cost to us.

Provisions are made in Clause 71, for the appointment of inspectors, and also in the Bill, there is a provision for the appointment of surveyors under Section 69. Perhaps if this hurdle could have been overcome earlier on, we may have had a proper shipping Bill with these conventions. We were told at one time by the British Government or its representatives that there was such a high cost involved in getting surveyors and in setting up the instruments for their work that we would never be able to meet the cost. But here again, in this Bill, the cost seems to have taken a very lowly seat, and it is perhaps because of the ingenuity of our Honourable Financial Secretary we are able to find the necessary funds to pay these professional and technical people.

For many years we have sat back and allowed this aspect of our lives and the potential for earning revenue to be relegated to insignificance, and we have watched other Crown Colonies move ahead of us in attracting and registering more shipping. We know about the Shipping Act in Bermuda and Hong Kong, and the very large tonnage on these registers as compared to our own. Here again we seem to have got rid of one of the big hurdles which prevented a proper register in that, provision is made in the Bill for us to deal not only with ships that are on our register, but ships that are not on the register. At one time we were told that in keeping with United Nations Convention we could have no ship on our register unless the ship had a direct economic link with the country. That is, either owned by the nationals of the country, or trading directly from the Cayman Islands to some other country. So, we have come a long way and I believe it is cause for rejoicing if this is an acceptable explanation of our feelings.

The Bill itself is perhaps one of the longest Bills we have dealt with over the past three years, and the Member for West Bay who spoke mentioned that he normally would not do very much research if he was supporting the Bill. I can say that I believe even if the Member had set out to do a lot of research on this Bill, he would not find much help in Cayman. I do not believe there are too many people that really understand what these conventions mean, other than the layman that understands that the Safety of Life Convention simply means that the ship and all the actions on the ship, are geared to give all the help possible to the crew and passengers so that they may survive each voyage.

I am glad to see in the Bill that the conventions make provision for the carrying out of boat drills. This is very important, that every passenger on every ship and every crew member know precisely what has to be done if the ship has to be abandoned. I am also glad to see that the conventions make provision for life saving equipment to be aboard the ships and that provision is made for the proper loading of vessels so that they are not overloaded and not loaded in a fashion that may cause the boat to capsize.

The Bill before the House is a part of our heritage. The Coat of Arms, which bears the words "founded upon the seas" is really no idle dream. For many years the people of this country survived because of the sea. It gave them food, and it gave them a chance to visit other countries. And, although shipping today locally has been superceded by other aspects of the community, it has played a noble part, and I believe it has been the discipline of the sea which has produced the Caymanian which the entire world envies. It is because of the hardships which they endured, and the discipline instilled that we have a country where tourists today are happy to come to. We would not have arrived in the 20th century economically if it had not been for our heritage of the seas. When other countries were finding it difficult to meet their balance of payments, our men on sailing ships abroad were sending home money. Later on in the days of National Bulk Carriers, when the remittances from seamen exceeded a million dollars a year, we were perhaps at that time made the richest country in the Caribbean. So any matter which this Bill enables to become a reality can only help to sustain the heritage which we have had, and to carry on the momentum which we enjoy.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINDFORD A. PIERSON:

Mr. President, I too wish to congratulate the Honourable First Official Member and Financial Secretary for the obvious hard work he has put into presenting this most comprehensive Bill. I would take this opportunity also to congratulate the Honourable Second Official Member for his obvious input into the Bill.

My contribution, Mr. President, will be very short, mainly because there are very few areas of this Bill for complaint. Mr. President, it is a very good Bill, and as the previous speakers have said, the content of the Bill is fairly technical, and therefore I could see very few Members of this Honourable House being in a position to deal with it in a very comprehensive manner.

Mr. President, it deals basically with three main areas. Part 1 deals with the safety conventions, Part 2 with the load lines convention, and Part 3 with conventions relating to oil pollution. These are the three basic areas the Bill deals with. In my efforts to ensure that I was in a position to deal with this matter properly, the Bill before us, I too got some technical advice on it. As a matter of fact, the advice that I have here I got out of London, from one of the leading marine lawyers in London. I have already shown this information to the Honourable First Official Member, and to the Honourable Second Official Member, and I have also promised them that I will let them have a photocopy of this. They have thanked me for this because they see in it points that were also raised by the technical lawyers in London.

Mr. President, I feel that this Bill is timely, and I would not take any more time of the House in discussing it - only to say to them again, congratulations, and I support the Bill wholeheartedly. Thank you, Sir.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

I would just suggest that since we are only three or four minutes from closing time, if we were to adjourn now rather than someone start for just those few minutes - I am ready to start, but it would be better if we were able to go through with the debate rather than just having to stop after three or four minutes.

MR. PRESIDENT:

I am sure you are right, I was just wondering if anyone was going to emulate the Second Member for George Town.

In that case we shall suspend until 2:15 p.m.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.16 P.M.

MR. PRESIDENT:

The Merchant Shipping (Applicable Conventions) Bill, 1987. The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, I give my wholehearted support to this Bill, The Merchant Shipping (Applicable Conventions) Law, 1987. At one stage, Sir, I felt that we would never see legislation introduced in this Honourable House that would establish the Cayman Islands as a proper port of registry. We are here introducing legislation that will enable the United Kingdom Government to extend, by Order in Council, three very important international conventions to the Cayman Islands. They are the Safety Convention, the Load-line Convention, Conventions relating to Oil Pollution, commonly known as Marpole Conventions. These conventions are very comprehensive and complicated, and not easily understood by the layman. The Honourable First Official Member this morning made this point, Sir, and to debate this Bill in full would take us to the balance of the year, and I am doubtful whether at that time Members would be more enlightened or not.

In February, Sir, we paid a visit to the United Kingdom and were greatly assisted by the Foreign and Commonwealth Office, who arranged a visit to the Department of Transport where we held meetings directly with the top brass of that Department. For years, Sir, before that I had been a member of the committee to try to establish a ships registry here, letters, cables, telexes, whatnot had gone back and forth, we had visits from various inspectors from the United Kingdom, we had problems with UNCTAD, and we kept being put off down the line. Eventually we bit the bullet this year and decided the best way to tackle this problem was to go and see the people in person, let them realise that they were dealing with responsible people, that our intentions were honourable, and that we too wanted to put our registry in order. Not having the Load-line Convention, the SOLAS convention, the Marpole Convention extended to our ships under our registry prevented the United Kingdom from doing anything to ships that were trading with Europe, they were not up to international standards and we could not tell the United Kingdom to go and inspect them, we were powerless.

So, Mr. President, once the conventions are extended to us, we will have two surveyors stationed here, we will have the support of the Department of Transport who will give us all the back up that we require. We will then restore our registry to respectability, and we will be up to international standards.

I know, Sir, people are going to say it is going to cost quite a bit of money, and this is true. I anticipate for the first two years if we break even we will have done well. But, I feel Mr. President, once we have a proper registry here, we will attract shipping that we have never heard of before. As a matter of fact, during our stay in London, we were asked to pay a visit to a very high international body of merchant shipping representatives in the United Kingdom who were very interested in finding out the steps that we had taken and when our registry would be put in force.

Since returning or even before we went to the U.K. ship owners were experiencing a lot of trouble because the certificates which they carried were non-convention. Ships have been prevented from entering American ports, ship owners were warned that unless the Cayman Islands Registry complied with the international conventions, they were going to have to be dry-docked, inspected and passed by their authority. Mr. President, once that was done, say, in the United States, the United States

could not issue these ships under our flag a conventional certificate. If they went to Europe, if they went into France, Germany, they still had the non-convention certificate, and these ships would still be subjected to inspections by the various countries. So ship owners decided, some have already decided, to remove their ships from our registry and that is why the Honourable First Official Member has asked this House to allow him to introduce this Bill at this sitting even though the time has not been complied with. It is an urgent matter, Mr. President.

The ships we now have on our registry, unless this Government acts, and shows the American Government that we are actively pursuing legislation that will bring our registry up to international standards, unless this is done, we would soon have very few ships on our registry that are worthwhile. So that is why the Honourable First Official Member has brought this Bill to this House, and that is why it is so urgent that this Government take steps now.

Mr. President, this move to form a ship registry here in the Cayman Islands will add another pillar to our economy. We have Banking, we have Tourism, and Ships Registration could be a very worthwhile pillar of strength to our economy, not now, but in a few years to come.

There are many advantages to ship owners to want to register here. First of all the Cayman Islands have a very stable form of Government. Our currency is linked to the U.S. dollar. The business efficiency with company registration is good here. All of the business conducted will be in English. We will have the protection of the British flag, and Mr. President, what were could shipping companies really want from a port of registry? I think the Cayman Islands have the geographical position, we have a registry which we intend to bring up to full strength, so that it will be effective and efficiently run, and I am sure the United Kingdom Government today will welcome the move that we are making here and give us full support.

So, Mr. President, with those few remarks, Sir, I am asking other Members of this House if they would give this Bill their full support.

MR. PRESIDENT:

The Honourable Fourth Elected Member of Executive Council.

MR. VASSEL G. JOHNSON:

Mr. President, I think Sir, in summary, I said most of what I wanted to say this morning. But I would just like to say a few more words about ship registration in the Cayman Islands, because I think I have been through it all when the Government first made an attempt at obtaining London's permission to establish in the Cayman Islands a port of registry based on acceptable international standards.

In those days, we went to London almost single-handed. Of course, going and sitting in the Department of Transport or the Board of Trade, we had audience with senior people there, but in those days there was a terrific objection to 'flag of convenience registration', and there were many of those throughout the world - Panama, Honduras and what have you - and this is what the British Government was trying to avoid within the Commonwealth, that no more flag of convenience operations should be allowed to establish, especially in small territories. And so the battle was pretty stiff.

Of course, the recent approach to London was flavoured with a lot of things in our favour. Our delegation, which comprised of Members of this Government and headed by someone like Sir Ian Percival, who could touch top buttons in the Foreign and Commonwealth Office and lead us to the right places was something in our favour. Another thing in our favour was that we had conducted ourselves in a very orderly manner in dealing with the law enforcement treaty negotiation between the British Government, the United States and ourselves. Our performance in that negotiation impressed the British Government very much. So, when our delegation went before them, headed again by Sir Ian Percival, the attitude of London changed completely, and we were able to obtain their approval for something that had taken us so long, with so much effort over the past years to obtain.

The mover of this Bill made a very good presentation this morning. We will notice that he did not touch on any sections of the Bill. Mr. President, this Bill is a very technical one. It is not something that we can take into Committee and fiddle with sections in there to say what we would like to have, because the Bill has in fact been already examined very carefully by the British Government, and by the ad hoc committee established by the Honourable Member presenting the Bill, and so it has had its technical input. When reading the Bill - I am not saying that we cannot look at things in there and make suggestions - but it reminds me of days gone by when we presented two particular bills in this House which were not interfered with by the Legislative Assembly because they too were considered technical legislation. The Legislative Assembly accepted what was presented to it, and I dare say, that the confidence of the Legislative Assembly was proven to be of utmost success to this country in the years to follow.

Those two pieces of legislation were, first, a new Exchange Control Law introduced in the Cayman Islands in 1966. It was one of the package of laws which were the forerunners to the creation of the financial industry in these Islands. We operated previously by the English Exchange Control Law, which was adopted by Jamaica and extended to us. But we found that law did not allow flexibility for us to develop our financial industry, and especially in the way of investment abroad. The British Government then said to us if you can create the sort of legislation that you need

then we will look at it. That we did, because they were not prepared to prepare the sort of legislation that we were looking for. We did it, we put it into effect, and it has served this country well.

The other piece of legislation, Mr. President, was the Currency Law, introduced in 1971. The Legislative Assembly accepted the Bill as was presented, largely because we had technical input in that Bill coming from the Bank of England and the British Government, together with local input. The Legislative Assembly said, well, this is another technical piece of legislation, we will accept it and wish it well. Today, that law has proved that the attitude of the Legislative Assembly was correct, because it has served this country well, it is serving this country well, and I should say that blessed was the day when we introduced that law and established our own currency. Otherwise our financial industry would not have grown.

MR. JAMES M. BODDEN:

Mr. President, on a point of order. I think we are debating the Merchant Shipping Act, and not these other laws that have been on the books for 20 years or more, I think this is quite irrelevant and the Honourable Member is out of order.

MR. PRESIDENT:

I have, during this meeting, given a great deal of latitude, as the Honourable Member will appreciate, on all sorts of motions for debate. I take your point, but this is an extremely important Bill, and I think the Honourable Member is adducing comparable examples.

HON. VASSEL G. JOHNSON:

Exactly so, Mr. President, and I am coming to the point now, with regard to the Bill before us.

I have given the example of those two pieces of legislation to show this Honourable House that the legislature in those days had confidence in some of the things, or in the things Government presented here, and I am saying today that we must have the same confidence in the Honourable First Official Member and what he has done with this Bill, because I am sure that if he was not satisfied that the Bill carried in it the sort of provision which would bring to the Cayman Islands entire success in our endeavour to establish an acceptable port of registry in the Cayman Islands, he would have taken a much longer time to look into the legislation before bringing it here. He has brought it, he has rushed himself with it, because behind it all lies the fact that if we are not in a position to introduce this piece of legislation at the earliest possible time, we could lose a lot of the business we now enjoy.

The Bill before us is a technical document, it is a long document, and if we are going to spend time to look at every section and debate it, we probably would not get out of here this year. So, I am appealing to Honourable Members to bear that in mind. I am not saying that in time to come there may not be the need to look at some of the sections, after the Bill has been put into operation and tested, because I dare say that all legislation is like that. We introduce something and a little while afterward, through experience of its operation, we see the need to make some minor amendments. I am sure that these will come forward if there is a need for it. But right now it is a technical document which has been vetted by London and vetted by the technical committee established locally to advise Government on the legislation.

I support the Bill, Mr. President, I hope that Members will give it the consideration it deserves and pay attention to the urgency which is necessary to put this piece of legislation into effect.

Thank you, Sir.

MR. PRESIDENT:

Reading of this Bill?

Would any other Member wish to speak on the Second

Council.

MR. BENSON G. FRANKS:

Mr. President, I am happy to support the introduction of this Legislation. I think it is probably as important a piece of legislation as has ever been placed before this House. I hope it is not coming late in the day, because even now, I know of developments that could give us more competition than was envisaged even when we embarked on this exercise. But I believe, that with this legislation and the extension of the Conventions to the Islands we will give most places a good run for their money.

I have not been able to research what took place between 1972 and 1976 regarding ships registration legislation, but I can remember distinctly, Sir, that in 1976 and again in 1980 that ship registration for the Cayman Islands was the main revenue plank in the manifesto on which the Second Elected Member for Bodden Town ran. In fact, Mr. President, and I am saying this in relation to the remarks made by that Member in his contribution, because, the people of this country have a much longer memory than most people give them credit for having. In 1976 and again in 1980 as I said, that was the main revenue plank in their manifesto. It had one or two flaws and that is, that the shipping they were going to get was the shipping that was in Panama. Panama used to make so many million dollars a year, and they were going to make so much money from ship registration that they were going to remove all other taxes in Cayman.

Now, Sir, as I said, I do not recall specifically what the Government did between 1972 and 1976 about shipping, nor do I recall specifically

what was done since then to 1984. But I do know this - that if the Government from 1972 to 1976 had been so negligent and so incapable of getting the ship register put in order, certainly the Second Elected Member and his team, if they were as committed to it as they said in their manifesto, had enough time between 1976 and 1984 to have done it.

I am not one who need to boast about anything I have done in this House or elsewhere, but I am glad, Mr. President, to have been one of the moving forces behind this legislation being before us today, and I also take humble pride in the fact that I was a member of the negotiating team that went to London to deal with this earlier this year. I think the mover and the Honourable Fourth Elected Member referred to ground work that had been laid for this legislation, and I do not think that we should forget the amendment which we passed to our shipping legislation in November last year. That gave the British Government an indication that we were serious about cleaning up our act, about cleaning up our register and going about it in a mature fashion. And, I remember distinctly the Members who opposed that amendment, and I am sure the members of the public recall that. But because we had the courage to go through with that we have today, been able to come forward with this comprehensive legislation which we are now doing.

With those few words, Mr. President, I give this Bill my wholehearted support, and trust that all other Members will do likewise. Thank you.

MR. PRESIDENT:

It appears that no other Member wishes to speak. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I trust that in my deliberation of this Bill, I will be granted by the Chair the same latitude that has been granted to some of the previous speakers.

I would like at this point, to compliment the Financial Secretary for his tenacity and his ability in having this Bill before the House. It is a Bill which I can support. I am not intimating at this point that I support it in its entirety, because some Members would like us to believe that it is not necessary to make any changes. I do not fully ascribe to that belief, as I have yet to see any Bill of any importance come before this House that has not had to have changes and amendments made to it. But, I am particularly pleased to see this Bill before the House, because if it had not been for the tenacity displayed by some Members of the House on the opposition side, we probably would have no Shipping Registry today, because this present administration was suggesting, and was about to bring legislation that would have closed our shipping registry - if not completely, partly closed it. It was only through the stand that was taken by a few Members of this House that that was not pursued any further.

I also wish to join with my colleague from Bodden Town in saying that the Government bench is always very particular to see that everything done by the opposition is done according to all the rules of the House. Yet, they will not follow in the same path. I believe that this Bill could have been gazetted under the normal time periods of the House, and there would have been no call for my colleague from Bodden Town to speak on that issue this morning. However, that is only one more point to exaggerate on how this present Government acts in the conduct of this House.

With us enacting this Bill into Law we will be maintaining our long heritage in regards to the sea. Our country's motto is "he hath founded it upon the seas". We will be telling the world that we are still pursuing that belief. If anyone doubts the part that has been played in the development of the Cayman Islands by the men who have gone down to sea in ships, they do not have to look any further than the plaque on the old George Town lighthouse which carries the names of many of our people who paid the supreme sacrifice. So our tradition is well founded. It goes back many, many years. This country has built its economy on the sea. The part that our seamen have played in the development of this country has to go down in history. It has to have its roots. It is firmly embedded in even most of the Members of this House. It is a solid foundation which has been laid over the ages by the Caymanian men who had backs of steel and made the wooden ships.

Mr. President, my colleague from Bodden Town and myself saw the importance of such a Bill from the early 1972 to 1976 period, in this House. I cannot recall the exact date that we brought the first Motion in regard to amending the Ships Registry to this House, but I do think it was early in 1973. But one thing that does stand out in my mind is, that that Motion was solidly defeated, as it would be at this time if we had brought the Motion. And the two Members who now occupy the supreme positions in the elected Executive Council, and I refer to the Honourable First Elected Member of Council and the Honourable Fourth Elected Member of Council, were the people that fought my colleague and myself, and the few other Members who supported us the hardest. It is all recorded in the Hansard of this House.

With the help of the Honourable Third Elected Member to Executive Council during 1976 to 1980, the Government of that day tried very hard to put legislation like this into effect. We then continued our efforts from 1980 to 1984, when a committee which during those years I would venture to say, was constantly working on this Bill. We had a great amount of help from the private sector. But during those years we could not get the support that was needed from London in order to allow this Bill to become Law.

The First Elected Member of Executive Council, in

speaking on this Bill, said that this had been a main plank of revenue for the Unity Team campaigns from 1972. That it has been a part of the plank of the Unity Team from 1972 is correct, but it was not one of the major revenue earners that we expected. It is true that people have long memories, and that is why the people of the great district of West Bay put that particular Member out to pasture in the years 1976 to 1980. It is true that memories are long. He would let the people believe that at the time the Unity Team Government was trying to enact this Bill into Law that we were only after the business that would have been generated from Panama. That is incorrect, it is misleading. It is wrong to try to get up in this House and intimate such things on radio to the people of this country. The people of this country well know that that particular Member has never, until now, supported this particular piece of legislation, or been in favour of doing anything to upgrade the shipping law and the shipping registry.

The United Kingdom constantly stood in opposition to us, and it is on record in the Administration Building, and he has access to it. And, it is my humble belief that the only reason the U.K. Government is now allowing us to put this through is because we are now becoming an embarrassment to them when we read the foreign press and find what is being said about the Caymanian registered ships. The other reason I would say is because for once since World War II ended, the British Government is a Government that I think I could respect fully, and I refer to the Thatcher Government. I believe that the present Government in England is not a Government that looks at points like this in an insular manner. I give them at least that much credit.

One Member - I think it was the Honourable Fourth Elected Member of Executive Council - was referring to the Mutual Legal Assistance Treaty (M.L.A.T.), and that is what had softened the attitude of the British Government in order to allow us to present this Bill today. I humbly submit to this House that it is my belief if anything could have stopped us from putting this Bill through, it would have been the M.L.A. Treaty, it would not have been the way that they conducted themselves in negotiating the M.L.A.T. Treaty in London. Because we all know the detriments that can be suffered under the M.L.A. Treaty. It has been discussed from time to time in this House and will be discussed again. The M.L.A.T. Treaty was something that had to be passed immediately, or the Island would sink below the waters of the Caribbean Sea. Yet, we find ourselves a year later and the M.L.A. Treaty has not been acted on by London or by the United States. We are the only ones that are bound at the present time fully by that Treaty. Why should we try to cloud these issues any more?

I will submit one point of view, Mr. President, and we can have the smiles from all the people in here and in the balconies and on the outside that we want to have. And I know that some of the strong supporters in this Chamber will smile when I say this: that if this Bill is enacted into Law, it will be the only positive action that this present Government will be able to boast of. But, the only point about that, Sir, is that this Bill when passed into law, is another part of the solid foundation that was left behind for them by the Unity Team. This will be a foundation like the Hyatt Hotel and the Treasure Island Hotel that the Honourable Fourth Elected Member tried to mislead the people of this country on yesterday. The foundations to put these two projects into place were fully laid before this present administration ever came to power in 1984. So the public must not be misled any more. The truth must be told.

The Honourable Fourth Elected Member of Executive Council also went into great detail about the 1966 Exchange Control Law, which I, in my humble opinion, submitted to you as President of this House, was irrelevant. Yet you in your wisdom, saw fit to rule that it was not. That particular Law may have had some good effects on the economy of this country, but I would submit that it hampered development more than it did any good, until the Unity Team administration had the good sense to abolish it more than ten years later, after it was passed. Why does he not tell the truth one more time in this House?

I agree that this Bill, once put into Law, it will be some time before it will be a revenue earner, or be profitable to the country, because some of the ships that are presently registered will undoubtedly leave the register; it will not be profitable for them to remain on our register. So we must face that fact, that we will have to be paying out more money for the next two or three years than we will receive. What we have to do is to look at the end effect over a period of many years.

I have not completely covered this Bill yet, I have a few pages left to go through, and maybe this particular point is covered in it. But I do know, that one of the strong objections that we had in the past in regards to the English allowing to pass on the different conventions to us was the fact that they wanted to ensure that there were English officers used on any ships registered under this Law. That would have precluded our people who have sailed for many, many years in high positions on the sea, as Captains and Chief Engineers, and so on. It would have precluded them from filling those positions. And, if I have to stand alone, if that right is not still preserved for those of our people who hold Liberian licences, I will have in the end to stand in objection to this Bill - if I am the only one that votes no, as much as I would like to see this come into Law.

Mr. President, the Honourable Third Elected Member to Executive Council, as a licensed Master Mariner, has spent a lot of time on this particular Bill, from 1976 that I am aware of. I would hope, and I would be guided, by the suggestions that would be made by him, that when we come to Committee stage on this, that you will allow him to speak, you will relieve him from collective responsibility, you will not fetter his hands in regards to suggesting changes that in his opinion could be

applicable. I am saying this because I say that in his past experience, he would be the most capable one at this time to guide the House. And, I would hope that you would do so.

I will also hope and pray, that when this Bill is passed into law, that some of the avaricious law firms on the island will not use it to register Russian ships, as they did so shortly after this administration came into power. I, for one, have never been a Communist, never will be a Communist, never will be a Socialist, I will die a Capitalist if I die with one penny in my pocket. But, I will never earn any money by registering, or trying to register, Russian ships under our registry. So I hope that the Honourable First Elected Member of Council, with all of his good intentions, will lay his heavy hand on top of the hands of some of his very good friends, and keep us with a registry that will be clear of Russian ships today, twenty years from now, and a thousand years from now if our Island remains.

I support this Bill, I think it will be very beneficial to the country. I am pleased to see this Government make at least one positive step during the three years that they have been in power.

Thank you.

MR. PRESIDENT:

Perhaps before I invite any other Member who may wish to speak to do so, I believe there may be a Motion to adjourn the House a little early today. Oh, obviously not all Members are aware of this, I had thought they might be. I was going to suggest that if we were to adjourn early, we might forego the tea break.

May I explain further. There are at least four Members of the House who wish to leave early to attend a funeral. Two of them are among the Members who would be moving and seconding the next items of business, and they have therefore sought permission to be absent. It seemed to me reasonable in the circumstances, that this should be granted, but it does leave us without movers and seconders for the Motions. So would the House be agreeable, when the time comes, to adjourning at about 4:00 p.m., but proceeding now without a tea break? Thank you very much.

We will continue, then, with the Second Reading of the Bill. Would any other Member wish to speak?

In that case would the mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON:

I do, Mr. President.

I must say, firstly, Mr. President, today and the activities in this House shall be carved in my diary by five o'clock this afternoon. A day to remember, when every Member of this House is agreeing to a Bill which in my view, is going to be a document that our grandchildren will thank us for.

Mr. President, many of the Members raised a number of points in respect of clauses in the legislation. Every Member in the House, Mr. President, has the right to suggest amendments. In moving the Bill, I did indicate that the U.K. Government had vetted the legislation and their approval for us to move ahead with it is on the basis that they see no major change necessary to the legislation, but that minor amendments shall be coming forward to us from them. Their vetting - and this information, came to us very late in August - we did not want to lose the opportunity of presenting this Bill to the House, and we therefore, with respect, rushed the Bill. But it is not all that bad, because the requirement of Standing Order 46 is that the Bill must be in the hands of the Members for fourteen days - fourteen days is tomorrow. I asked the Clerk to put this Bill on simply because tomorrow Private Members' Motions take precedence, and I wanted to get this piece of legislation considered by the Members today. I would prefer if all Honourable Members who have any amendment which they wish to suggest, that it be held for consideration and let us consider that amendment at the same time that we are taking the amendments which are coming forward from the Department of Trade. If we can agree to that, Mr. President, I am sure that the Government bench will agree to look at any amendment that is put to us. I think in essence, that procedure may be acceptable to the Members on the other side of this House.

I think, Sir, that during the debate, one of the Honourable Members made a remark in respect of the Mutual and Legal Assistance Treaty, and said that it was not ratified by the U.K. or the U.S.A., and I believe it was a slip of his tongue to include the U.K. because it has been ratified by the United Kingdom Government.

One of the points that was raised by the First Elected Member for Bodden Town is that of whether in this legislation, we are tied to officers - Chief Engineers, Masters, Chief Mates and others - having to be from the United Kingdom. I can assure him that he does not need to worry about that one - it is not in here.

But, before I close, it would be remiss of me not to say how cooperative the officers at the Foreign and Commonwealth Office were to us on this occasion, especially the Honourable Humphrey Maud who even hosted us to lunch, and I would like on behalf of the team that visited the U.K. to record our grateful thanks to him. Thanks also go to members of the consultative committee, especially to the three law firms who have been very instrumental and helpful in dealing with this major piece of legislation. They know who they are I do not need to name them.

I think it is important that I point that out, Mr. President, that in clause 1(2) of the Bill, it reads "The provision of this Law shall come into force upon such day as the Governor may appoint in the Gazette and the Governor may appoint different dates for different provisions of this Law".

Again I wish to say thanks very much to Members for

their full and unanimous support.

MR. PRESIDENT:

I shall therefore now put the question to the House.

QUESTION PUT: AYES AND NOES

HON. BENSON D. FRANKS:

Could we have a division, Mr. President?

MR. PRESIDENT:

Please, Clerk.

DIVISION
NO. 70/87

AYES: 9

NOES: 0

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. Benson D. Ebanks
Hon. W. Norman Rodden
Hon. Capt. Charles L. Kirkconnell
Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell

QUESTION PUT: AGREED. THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987 GIVEN A SECOND READING

MR. PRESIDENT:

We will now go on to Other Business, and return to Private Members' Motions. The House will resume debate upon Private Member's Motion No. 10/87 on Low-Cost Housing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 10/87
LOW-COST HOUSING

(Continuation of debate thereon)

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH:

Mr. President, I rise to give my support to Private Member's Motion No. 10/87.

Mr. President, Housing is one of the fundamentals of economic and social development. This Motion will help one area of need. It is not, as intimated yesterday by the Honourable Fourth Member of Council, seeking to get a guarantee, as he put it, for the Government to give a guarantee to any bank. I think he read that wrong. We look at the Housing Corporation and we see that it can only help one area of need. We have a much deeper problem to contend with. Some months ago, and I trust I am not deviating from the Motion, I tabled a Motion in this House for Indigent Housing. The need is there because of people who, for instance, have land but can get no further than that, for people who maybe have started a small home, just a basic home, no frills, but can get no further, because they do not qualify with the Housing Corporation requirements, and they do not qualify with that of the commercial banks. Then we have the need of people who desperately need a house, but because of age, cannot qualify again with the requirements of the Housing Development Corporation.

So, Mr. President, I think the Member has done the right thing in bringing this Motion here. It is a difficult thing when we talk here about the attitudes of our people, it is a most difficult thing to try and inspire a person to even a sense of national pride when he has not got a proper home to go to, nor shelter for his family, not even basic accommodation for them to grow up and live in. In going through this country, I have observed, Mr. President, too much substandard housing conditions. Too much, I say, given the affluence which is so often flouted in this country.

In my district alone, I have pinpointed some ten cases and that was last year when I put forward my Motion, Sir. Some ten cases that cannot qualify with the Housing Development Corporation, needless to say the commercial banks. Government did make some move to give some money, but that money up until now, the ninth month of the year, has been unused, by some \$92,000. One has to wonder whether the Government in this country is really concerned about these type of people.

Just yesterday afternoon, the mover of this Motion

and myself were approached and were taken to a home, if you could call it that, Mr. President, a hut, I would call it, where a man lay in a terrible condition. It was a building maybe four by four, and we did with that, Mr. President, what I did with the condition in my district with the family of six living in an eight by eight building. In that case I had some photographs taken to place on the table of this House, and Sir, I do so again today, to stress even more, to see whether we can touch the hard heartedness of the people in this House to move quickly to do something for our people in this manner.

If you will allow, Sir, I would like the Sergeant-at-Arms to place this on the Table or to take it around to Members for them to see. I think that is better.

MR. PRESIDENT: I think it is in order to do that. But may I just say the Motion is about persons for whom financing might be possibly arranged.

MR. W. McKEEVA RUSH: I am getting to that, Mr. President. We already heard that the Government is not accepting that. Well we have an alternative for them, and I trust they will accept that alternative.

I trust that when I sit down that you will not hear Members get up and say that that man is a drunkard, that is why he does not have any home, because that is usually the answer you get in this House. You search the Hansard and you will find out that that is what they tell you, once you bring these kinds of conditions to the attention of Members here. That type of situation should not exist in this country of 20,000 people.

The Government Member responsible for Housing has said that Government is going to throw out this Motion because they cannot support it. Well, Sir, there is a suggested amendment, Mr. President, coming from the mover, I will only read it, and he can move it, but I think that the House should support it. The Suggestion is: "That the resolve section be changed, that this Honourable House agree to form a Committee of the whole House, for the purpose of examining ways and means of providing an appropriate system to properly deal with the housing problems of the poorer individuals in the Cayman Islands."

I trust that Government today realise that their system is not working for the type of people that we are talking about, which is growing in number, that the commercial banks are not able to help them, and that the Social Services of this country is hopeless when it comes to helping with housing. So, I trust that we would at least, form a committee to look into our problem and that all the experts in this House have some answers.

MR. PRESIDENT: I may have misunderstood. I think you were going to move an amendment to the Motion, or are you saying that you expect the mover to move the amendment?

MR. W. McKEEVA RUSH: I think the mover will move the amendment, Mr. President, the mover and the seconder.

MR. PRESIDENT: Thank you.
The First Elected Member for the Sister Islands.

MR. MARRY S. KIRKCONNELL: Mr. President, Private Member's Motion No.10/87, Low-Cost Housing is something that has given me a lot of concern for many, many years. I agree with what the mover has said in his Motion, and I read: "Whereas it is very difficult for the low income residents of these islands to qualify for financing for housing through the banks and the Housing Corporation"- I mentioned this in my debate here yesterday. I would wholeheartedly support this Motion if the resolve section was amended as the Second Elected Member for West Bay mentioned earlier.

I think, Sir, that it is incumbent upon each and every one of us, I know not to incur additional expenses on Government, to seek ways and means in which we can provide for people less fortunate than ourselves. We all have much to be thankful for if we do have a home with all the facilities but we must realise that there are others in this community less fortunate. All the districts have their problems. I feel that as a united committee, with assistance probably from the Banking Association, from your good self as Governor and others, we could come up with some solution that would be beneficial to the people who are in dire need of a house. Some of them, may have created their situation, but many unfortunately, may not have had an opportunity to provide for themselves and with the high cost of living they find themselves today not able to qualify to the commercial banks for houses.

With these few words I would ask the Government bench, when considering this Motion, if it is amended as have been suggested, that they will give it their very serious consideration, and let us all try to improve the situation of our less fortunate. Thank you, Mr. President.

MR. PRESIDENT: I have just asked the Clerk if she would get a copy of the proposed amendment. If I may have a copy of the text of the proposed amendment, please. Handwriting is perfectly all right, it is just that under Standing Orders I have to read it and see that it does not materially alter the scope or any principle etc.

MR. LINFORD A. PIERSON:

Mr. President, I may mention here that this would fall under the scope of Standing order 24(9)(2) where it is being recommended that it be taken to a Select Committee of the whole House, and no notice would necessarily have to be given.

MR. PRESIDENT:

Until I have the text I really could not be sure quite what it was going to be. (Pause) Thank you. It is in order, but it may be that other Members wish to speak on the Motion which you originally put. I think we should give Members an opportunity to speak on that. And certainly in any case the Government bench will wish to speak, and I think they have a right to speak again, in fact, on the amendment.

The Honourable First Elected Member for Executive Council.

MR. BENSON D. FRANKS:

Yes, Mr. President.

Mr. President, I believe that the intention behind this Motion, is good, and I am glad to hear some indication that there might be amendments proposed to the Motion, because as it now stands, it is difficult really, to understand what the Motion is asking.

In listening to the debate yesterday, there were times when I had to wonder whether we were dealing with middle income housing, low cost housing, or in fact, indigent housing. I think all areas were covered. Nevertheless, Sir, we can only deal with what is before the House, and that is Motion No.10/87, and the second "Whereas" of this Motion says:-

"WHEREAS it is very difficult for the lower income residents of these islands to qualify for financing for housing through the banks and the Housing Corporation;

BE IT THEREFORE RESOLVED that this Honourable House agree to provide an appropriate system of arranging mortgage financing for housing purchases through commercial banks for lower income applicants."

Mr. President, if the applicants do not meet the criteria for financing through the commercial banks or the Housing Corporation, it is difficult to see how Government is going to provide any form of mortgage financing through commercial banks unless Government is going to accept the liability for that financing? This is the point I believe, that the Honourable Fourth Elected Member made. I think it is a valid one. Certainly, Mr. President, the mover of the Bill gave us the impression that that was what he was talking about, because he, in his introduction, said that "maybe the Motion had been overtaken by events" because it was his understanding that some commercial bank was now intending to loan money at 11 per cent for a period of 25 years as opposed to the Housing Authority's terms of 9 per cent over 20 years.

He went on further to say that if the Motion did not more than succeed in causing that to happen, it would have had the desired effect. So, Mr. President, it appears to me that the intention behind the Motion, was exactly what the Motion says, to find some form of financing on a commercial basis through commercial banks. And, while I am dealing with this, the terms that the Member referred to, I thought I would do a little research last night, since the Member says he always researches his contributions thoroughly, and he was offering some courses in finance and economics during his debate. I did a little sum on those two terms, that is, money at 9 per cent over 20 years, and money at 11 per cent over 25 years.

I took the arbitrary figure of \$40,000 and I found that \$40,000 at 9 per cent over 20 years would require a monthly repayment of \$359.89. And \$40,000 at 11 per cent over 25 years would cost \$392.05 per month to meet the repayments. So that the Housing Development Corporation's terms, are in fact, less demanding on the resources of the borrower.

Having said that, Mr. President, I agree with those who have said that there is need for housing in this country that cannot be met by normal commercial financing, and I am glad to hear that we might be thinking of a committee of the House to look into this. I also heard, Sir, of the visit that, I think it was the mover and seconder, they had been taken on yesterday afternoon, and we have seen the picture. Mr. President, I believe that the purpose of that visit was specifically to show those two Members the point that was made in the House during the debate on the Motion for incentives for the Lesser Islands. And that was, that there were severe and very substandard living conditions existing in Cayman, and particularly in George Town. And, Sir, I have reason to believe that because I heard remarks the day before that maybe some of the Members who were talking about the Lesser Islands should in fact, look around George Town. I believe that tour was arranged.

MR. W. McKEEVA BUSH:

On a point of order, Mr. President, or a point of explanation, I should say, if the Member would give way.

HON. BENSON D. FRANKS:

Mr. President, there is no Standing Order to my knowledge, which gives a point of explanation. If the Member can name that Standing Order,

I will yield.

MR. W. McKEEVA BUSH:
then I would not have to get up?

Well, why do you not tell the people the truth, and

HON. BENSON D. FRANKS:

I am telling the people the truth.

MR. W. McKEEVA BUSH:
was not the purpose of the visit.

You are not telling them the truth, because that

HON. BENSON D. FRANKS:

Mr. President, I gave my view of the purpose of the visit, based on comments that had been made to me the day before.

MR. LINFORD A. PIERSON:

Mr. President, on a point of order, Standing Order 34(b) gives a Member the opportunity "to elucidate some matter raised by the Member in the course of his speech, if the Member speaking is willing to give way....."

MR. PRESIDENT:

That is correct, but that is not necessarily a point of information. I think if the Member wishes to give way, if the Second Elected Member for West Bay will name the point he wishes to have elucidated, that will do.

MR. W. McKEEVA BUSH:

Yes, Mr. President, if the Member is kind enough to give way. The point I would like to clear up is the matter he just raised concerning the visit yesterday afternoon. It was not the seconder of the Motion, it was the mover and myself. And I would like to further clear up the reason why we were taken there. And since the Member is kind enough to give way, the reason we were taken there was (1) to show us the living conditions of the man, and (2) to try to get him moved to the Pines Retirement Home.

MR. PRESIDENT:

I think we have had enough on this particular point. The fact is that this Motion is not about housing of indigent people, it is about housing for people who cannot at the moment meet criteria to obtain a loan. So I think we are straying from the point. I would also, if you would excuse me, Honourable Member, for a moment. I am trying to obtain the text of some amendment which is perhaps to be proposed later, or a Motion for a Select Committee. Because if this is going to come forward, I think we should consider that, and I would like the text. Otherwise at the moment we are not getting much further on in the debate on this particular Motion. May I just have a moment for that.

With the leave of the House I wish to put a question to the Mover of this Motion. Could you please tell me whether you are proposing to move an amendment to the Motion in the form which I have here roughly, or whether you are going to propose a Select Committee on either the specific question that the Motion refers to, or the wider issue of housing for the indigent, those who cannot raise loans and so on? Could you please clarify that?

MR. LINFORD A. PIERSON:

Mr. President, the amendment to the Motion would be made in accordance with the text which I have in the hand written form you have there, Sir.

MR. PRESIDENT:

So it will be an amendment to the Motion, not a separate Motion for a Select Committee?

MR. LINFORD A. PIERSON:

An amendment to the Motion, Sir.

MR. PRESIDENT:

Thank you. In that case I think it would be helpful to the House if you put the amendment now, because the debate strictly cannot proceed on this amendment until it has been put. So would you please do that.

HON. RICHARD W. GROUND:

Mr. President, just before we proceed, on a point of order, I do not think it need stop the procedure you have proposed, but Standing Order 25(2) requires two days' notice of an amendment to a Motion, unless you give leave in exceptional circumstances. If you are minded to that, then it ought to be recorded.

MR. PRESIDENT:

I think I may have it wrong, perhaps you would advise me on this: I had thought that 24(7) of the Standing Orders permitted the mover of the Motion to propose a variation - I may be incorrect.

HON. RICHARD W. GROUND:

Mr. President, it permits the mover of a Motion to give amended notice of his Motion. Once the Motion is into debate, then he is not giving an amended notice of the Motion, he is amending the Motion. If one looks at the framework of the two Standing Orders, Standing Order 24 appears to deal with the procedure leading up to the Motion, while Standing Order 25 deals with what happens once the Motion has been moved, and before the question is put.

STANDING ORDERS 25(2) AND 24(7).

MR. PRESIDENT:

Thank you, that is very clear. In that case,

since, if I may without offending the House say so, the debate is becoming somewhat confused, and there has been, I think, misunderstanding as between the sides of the House about the resolution clause, so I would give leave that the amendment be made without the notice required, because I think that will enable, as I understand the course of the debate, will enable the Government to support an amended Motion rather than find that the vote will be taken on a Motion which perhaps was not quite as comprehensively worded as the mover intended. Would the House agree to that?

MR. D. EZZARD MILLER: Mr. President, I think it would only be fair to Members to have a copy, to ask us to vote blindly on what is proposed I think is unfair. I think - if you would suspend proceedings - we should have a copy of it.

MR. PRESIDENT: There most certainly will be a written notice of the amendment, but I think perhaps we cannot deal with this today as we are going to adjourn shortly anyway. I suggest that we do adjourn when the Motion is made, and that we get this amendment sorted out, typed up, and deal with it in tomorrow's business. Is that all right?

I am sorry, Honourable First Elected Member for Council, we did rather interrupt you.

HON. BENSON D. EBANKS: No, Mr. President, I can continue once the amendment is before the House, because I think I made my point on the Motion as it now stands.

MR. PRESIDENT: Thank you.

HON. THOMAS C. JEFFERSON: Then I take it that I am to move adjournment of the House at this time? I do not want to cut anybody off for two minutes again today.

ADJOURNMENT

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.

QUESTION PUT: AGREED. AT 3:59 P.M. THE HOUSE SINCE ADJOURNED
UNTIL 10:00 A.M., THURSDAY, 17TH
SEPTEMBER, 1987

MEMBER LISTING OF THE 1957 SENATE OF NEW
JERSEY

1957

SENATE

SENATE MEMBERS

THE SENATE OF NEW JERSEY, AS COMPOSED OF THE SENATORS, AS OF

SENATE MEMBERS

MR THOMAS D. BENTLEY, DRA. ST	SENIOR SENATOR MEMBER RESPONSIBLE FOR FINANCE AND BUDGET
MR RICHARD W. BISHOP	SENIOR SENATOR MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
MR J. LAMUEL BURNETT, ST	SENIOR SENATOR MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
MR BRUCE D. BURNETT, DRA	SENIOR SENATOR MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES
MR J. NORMAN BROWN, DRA	SENIOR SENATOR MEMBER RESPONSIBLE FOR TOURISM, RECREATION AND TRADE
MR CARL CHARLES L. KIRKCONNELL	SENIOR SENATOR MEMBER RESPONSIBLE FOR DEFENSE, PUBLIC WORKS AND DISTRICT ADMINISTRATION
MR HAROLD S. JOHNSON, DRA, ST	SENIOR SENATOR MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

SENATE MEMBERS

MR W. MARSHALL BUSH	SENIOR SENATOR MEMBER FOR THE FIRST SENATORIAL DISTRICT OF NEW JERSEY
MR DAVID L. CROTTY	SENIOR SENATOR MEMBER FOR THE THIRD SENATORIAL DISTRICT OF NEW JERSEY
MR CONRAD A. PIERRON, ST	SENIOR SENATOR MEMBER FOR THE SECOND SENATORIAL DISTRICT OF NEW JERSEY
MR HARRY S. KIRKCONNELL	SENIOR SENATOR MEMBER FOR THE FIFTH SENATORIAL DISTRICT OF NEW JERSEY
MR JAMES M. BROWN	SENIOR SENATOR MEMBER FOR THE SEVENTH SENATORIAL DISTRICT OF NEW JERSEY
MR E. PAUL BROWN	SENIOR SENATOR MEMBER FOR THE EIGHTH SENATORIAL DISTRICT OF NEW JERSEY
MR B. SAUNDERS MILLER	SENIOR SENATOR MEMBER FOR THE NINTH SENATORIAL DISTRICT OF NEW JERSEY
MR JOHN S. KELLEN	SENIOR SENATOR MEMBER FOR THE TENTH SENATORIAL DISTRICT OF NEW JERSEY

WOMAN ISLANDS AND MARINE RESERVE

1987-1988

WOMAN ISLANDS AND MARINE RESERVE

1987-1988

(CONTINUED)

1. SUMMARY

TO BE READ BY THE FIRST ELECTION MEMBER FOR THE ISLAND ISLANDS.

2. SUMMARY OF THE ISLANDS

THE ISLANDS ARE... (text is very faint and partially illegible)

3. THE ISLANDS ARE... (text is very faint and partially illegible)

(a) THE ISLANDS ARE... (text is very faint and partially illegible)

(b) THE ISLANDS ARE... (text is very faint and partially illegible)

4. THE ISLANDS ARE... (text is very faint and partially illegible)

THE ISLANDS ARE... (text is very faint and partially illegible)

5. OTHER ISLANDS

WOMAN ISLANDS AND MARINE RESERVE

1. PRIVATE NUMBER... (text is very faint and partially illegible)

2. PRIVATE NUMBER... (text is very faint and partially illegible)

3. PRIVATE NUMBER... (text is very faint and partially illegible)

4. PRIVATE NUMBER... (text is very faint and partially illegible)

5. PRIVATE NUMBER... (text is very faint and partially illegible)

6. PRIVATE NUMBER... (text is very faint and partially illegible)

7. PRIVATE NUMBER... (text is very faint and partially illegible)

8. PRIVATE NUMBER... (text is very faint and partially illegible)

SECRET

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THURSDAY

17TH SEPTEMBER, 1987

10:06 A.M.

MR. PRESIDENT:

Prayers.

PRAYERS

CAPT. MARRY 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 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, who 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.
Questions - the Second Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 76: Can the Honourable Member say:

- (a) whether any report was made concerning police brutality against an incoming passenger from Jamaica in the Customs detention area at the Owen Roberts' International Airport since the beginning of this year; and
- (b) whether, subsequently, the passenger has been charged in connection with possession of a controlled drug?

ANSWER: No report about any incident of this kind was made to the police prior to the receipt of this question, but a written allegation received on 9th September, 1987 (suggesting police misconduct at an incident said to have occurred on 30th July, 1987) is now under police investigation.

The incident under reference involved two incoming passengers, both of whom pleaded guilty at court on 31st July and were fined and sentenced to terms of imprisonment on drug offences.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH:

Mr. President, can the Honourable Member say whether a similar incident happened in the Customs detention at the Tower Building?

MR. PRESIDENT:

I think that is outside the scope of the original question. I think that should be put separately.

Are there any other supplementaries?

MR. W. McKEEVA BUSH: Can the Honourable Member state the extent of the brutality involved?

HON. J. LEMUEL HURLSTON: Mr. President, I believe I should refrain from answering that, Sir, on the grounds that the matter is under police investigation.

MR. W. McKEEVA BUSH: Can the Honourable Member say whether the persons involved were Jamaicans?

HON. J. LEMUEL HURLSTON: Mr. President, if the Member is referring to the nationality of the two incoming passengers, my understanding, Sir, is yes, they were Jamaica nationals.

W. McKEEVA BUSH: Can the Honourable Member say whether the policeman involved, himself, was a Jamaican?

HON. J. LEMUEL HURLSTON: That, I am afraid, Mr. President, I cannot confirm.

MR. W. McKEEVA BUSH: Mr. President, the Honourable Member said that he had a report. He must know who the report was about.

MR. PRESIDENT: In other words you are repeating your question?

MR. W. McKEEVA BUSH: Yes, Sir.

HON. J. LEMUEL HURLSTON: Mr. President, I did not say that I had a report, Sir. I said a written allegation was under police investigation.

MR. W. McKEEVA BUSH: Well, if there was an allegation, Mr. President, whether the Honourable Member had it or not he now knows about it. He surely must know who the allegations were made against.

MR. PRESIDENT: The Member must put it as a question please.

MR. W. McKEEVA BUSH: That is the question, Mr. President. I am repeating the same question.

MR. PRESIDENT: Well, it has been answered twice. The Honourable Member does not appear to be able to answer it further.

MR. W. McKEEVA BUSH: Do you mean to tell me, Mr. President, that the Honourable Member does not know which officer an allegation had been made against?

MR. PRESIDENT: It is not a question of whether I or the Chair know that - please.

MR. W. McKEEVA BUSH: But, Mr. President, I did not say you, Sir. I said the Honourable Member answering the question. I said the Honourable Member, Sir.

MR. PRESIDENT: Thank you. You have made your point and the Honourable Member has said that he cannot answer further. So there is no more to be gained from going on.

MR. W. McKEEVA BUSH: It is more that he will not answer, Mr. President.

MR. PRESIDENT: No, I am sorry. Let us not argue about this. Your point has been made.
Supplementaries?

MR. G. HAIG BODDEN: Mr. President, since this should not prejudice the investigation, can the Honourable Member give the name of the officer involved?

MR. PRESIDENT: I would like the Honourable Second Official Member to comment on that first, please.

HON. RICHARD W. GROUND: Mr. President, no charges have been laid yet, nor any charges be laid. It would depend upon the police investigation. In those circumstances I would have thought it would be unhappy to have the name of an officer who may be innocent and that these allegations may turn out to be quite unfounded, so I would have thought that this House would not really want to press for that answer in public, because it may severely damage an innocent man.

MR. PRESIDENT: I hope the Member will accept that. At the end of the investigation, of course, it will be a different matter.

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Can the Honourable

Member say - I do not know whether it came out in any of his answers - what was the basis of the allegation?

HON. J. LEMUEL HURLSTON: Mr. President, the original answer contains the basis of the allegation, Sir. It says that the incident suggested police misconduct at an incident said to have occurred on 30th July. So the allegation is 'police misconduct'.

MR. W. McKEEVA BUSH: May I ask, Mr. President, what was the basis of the misconduct?

HON. J. LEMUEL HURLSTON: I am sorry, Mr. President, I do not have the report with the detailed allegations because the matter is under police investigation, and even if I had it, Sir, I would feel constrained not to give any details at this stage.

MR. W. McKEEVA BUSH: That will be like some of the other reports that went in.

MR. PRESIDENT: Please stand when you are addressing the House.
If there are no more supplementaries, we will go on to the next item of business - a Personal Explanation under Standing Order 31 - the Elected Member for North Side.

PERSONAL EXPLANATION

MR. D. EZZARD MILLER: Thank you, Mr. President.
Mr. President, the people of the district of North Side had the best intentions of taking forward their project on the public beach, parcel 47, lot 33B in the Rum Point registration section.

The committee involved in this project have taken the opportunity to develop a facility of which the district and the Island will be proud.

As intended, the facility will provide a paved parking facility for eight vehicles; a landscaped entrance and exit; restroom facilities for male and female persons, including showers.

The proposed thatched hut, built of materials indigenous to the Islands, will provide a shaded rest area for visitors, in particular evidence of the traditional building materials of the Islands.

It may be that the enthusiasm of the people involved has gone in advance of the strict requirements for projects of this nature. However, these strict requirements have now all been met and the evidence of their goodwill and hard work will soon be available for all members of the public to see.

I should like, on a point of information, to state that the officers of the committee were elected by the normal democratic process at a public meeting and not, as may have been intimated by a Member of this Assembly, by my appointment.

I would hope that the Members of this Assembly and the public at large will quickly come to understand that this project has been conceived on the best motives and for the best interest of the public, and, in particular, for the people of North Side - and should not be criticised on grounds otherwise than of the public interest.

In conclusion, may I say that it is only because I have a clear conscience in the public interest and a particular appreciation of the integrity and ability of the members of the North Side Civic Action Committee in their pursuance of the project, that I retained a dignified silence in the course of the question, and supplementary questions, raised in the Assembly on the 15th of September, 1987.

Thank you, Sir.

PRIVATE MEMBERS' MOTIONS

MR. PRESIDENT: Item 9 of our agenda today - Other Business - Private Member's Motion No.10/B7. When we suspended yesterday afternoon we were expecting an amendment from the mover of the motion. Would he accordingly now move his amendment.

STANDING ORDERS 25(2) AND 24(7)

MOTION TO VARY THE TERMS OF PRIVATE MEMBER'S MOTION NO.10/B7 LDW-COST HOUSING

MR. LINEORD A. PIERSON: Thank you, Mr. President.

Mr. President, in accordance with the provisions of Standing Order 24(7), leave having been granted in accordance with Standing Order 25(2), I move to vary the terms of Private Member's Motion No.10/B7 as follows:

"WHEREAS there is a need for low-cost housing within the Cayman Islands;

AND WHEREAS it is very difficult for the lower-income residents of these Islands to qualify for financing for housing through the banks and the Housing Development Corporation;

BE IT THEREFORE RESOLVED THAT this Honourable House agree to establish a Select Committee for the purpose of examining 'ways and means' of providing an appropriate system to properly deal with the housing problems of the poorer individuals in the Cayman Islands."

MR. JOHN D. McLEAM:

Mr. President, I beg to second the motion.

MR. PRESIDENT:

The amendment has been duly moved and seconded.

Would the Mover wish to speak to it?

MR. LINFORD A. PIERSON:

Thank you, Mr. President. Only to say that I am very pleased that the Government bench has indicated its support of the amended version, but I would wish to say, Sir, that I am still somewhat at a loss as to why this was necessary as I had in fact explained in my presentation of my motion details of the resolve section.

The Honourable Fourth Elected Member of Executive Council mentioned that the resolve section proposed that Government guarantee mortgages for poor people. Mr. President, he and other Members supported this same view and I regret that that was the impression they got, because I feel that had they paid a little closer attention to my presentation of the motion, they would have noted that I gave a full explanation and recommendation as to how the whole matter should be handled.

For clarity, Mr. President, I should like to repeat what my explanation on this particular point was. I read from my notes. I said, Mr. President, that it will be necessary, initially, for Government to appoint a Select Committee comprised of members of the banking sector, together with the Housing Development Corporation and Government to investigate ways and means to best cope with the low-cost housing problem. I went on to say that as a result of the deliberations of such a Committee, it is hoped that an appropriate system for mortgage financing can be formulated through the cooperation of both the commercial banks and the Housing Development Corporation - and no doubt appropriate plans for a proper housing scheme.

Mr. President, I would have thought that that was abundantly clear because the reason why a Member moving a motion is asked to speak to the motion is to further clarify the details of a particular motion. But since, as I said, there was some misunderstanding in this, I have gladly taken the opportunity of amending the resolve section, mainly because I feel that this motion is most important to our people in the Cayman Islands and I hope, Mr. President, that it is now in a satisfactory form that can receive the support of the Government bench.

Thank you, Mr. President.

MR. PRESIDENT:

Does any Member wish to speak?

Council.

The Honourable First Elected Member of Executive

MR. BENSON D. FRANKS:

Mr. President, we would certainly wish to comment on the amendment, but I have only now seen the amendment so I would like an opportunity to discuss it a second.

MR. PRESIDENT:

Does any other Member wish to speak in the

meanwhile?

Perhaps it would be better if we take short suspension. We will suspend for 10 minutes.

AT 10:26 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 10:44 A.M.

MR. PRESIDENT:

Proceedings are resumed.

Council.

The Honourable First Elected Member of Executive

DEBATE
ON MOTION TO AMEND
PRIVATE MEMBER'S MOTION NO. 10/87
LOW-COST HOUSING

HON. BENSON D. FRANKS: Mr. President, now that we have received notice of the amendment to the motion, it appears that we are dealing with a class of person who falls more appropriately under my Portfolio now, so that is why I am, shall I say, speaking to the proposed amendment.

As I see it, Mr. President, Government has no objection to the appointment of a Committee to examine ways and means of providing an appropriate system to deal with the housing problem of the poorer individuals in the Islands. In fact, Mr. President, this merely mirrors what is already stated in the Five Year Economic Development Plan as Government's plan of action dealing with this problem. So it is easy or simple for Government to accept this.

As I understand the selection of committees, Mr. President, this would probably be done by Government through the Financial Secretary, and I have no problem with the amendment as it now stands.

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

MR. G. HAIG BODDEN: Mr. President, I would like to support the amended motion that is before the House.

Through the Housing Corporation, Government is already involved in helping people

HON. BENSON D. FRANKS: Mr. President, if the Member is prepared to give way, Sir, could I just enquire for clarification? Are we dealing with the amended motion now or merely that section of the motion? The amendment to the motion is what I really considered.

MR. PRESIDENT: We are. The House is debating the motion to amend the motion. So I take it that the Member is supporting the amendment to the motion.

MR. G. HAIG BODDEN: I thought that is what I said.
Mr. President, what I am supporting is that the House agrees to establish a Select Committee to examine ...

MR. PRESIDENT: Do excuse me. You are supporting the proposed amendment. What I propose to do is to put the question on the amendment. If it is passed we then revert to debating the motion as amended.

MR. G. HAIG BODDEN: Mr. President, we have become so technical on this motion that it is difficult for me to say what I support now; but the Honourable Member who spoke just before I did claims that what he has supported naturally falls under his Portfolio. I have no difficulty at all with it.

The question of providing housing for those unable to do it on their own has had the approval of governments in the past, and ways have been worked out to help them through the Housing Corporation and the Social Services Department where there is a special vote to help with improvements.

The idea is one that Government can well accommodate with its large revenue, but it is clear that it would be virtually impossible for Government to provide housing for everybody who may need it. So the most that can be expected is that the Committee will work out some means of assisting the extreme cases.

I fully support whatever it is we are debating at this time and I assure the Member that he is on the right track.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, yesterday when we were asked if we would consider an amendment to Private Member's Motion No. 10/87 dealing with low-cost housing, I replied that there was a bit of reluctance on this side to send the matter to a Select Committee.

It was the view on this side, Mr. President, that over the past few years we have had such an awful experience in trying to provide quorums in Committee meetings to deal with the business of the House. Members had become so despondent about the thought of sending anything to a Select Committee for that reason, and that was why we expressed some doubt of sending anything to a Select Committee.

Mr. President, I wonder whether those who are supporting this motion can really give an assurance to this Honourable House that when this matter goes to a Select Committee that they are going to attend and participate in the business of that Committee.

Mr. President, as a responsible Government, whatever motions or bills are presented to this Honourable House we must examine them so

that we can be assured that their effects will not have any detrimental results as far as the country is concerned and as far as the financial position of Government is concerned.

The first motion, Mr. President, was something of an open-ended affair because it was recommending that Government provide a system of providing assistance through commercial banks to people in the lower-income group for housing purposes. There was really no suggestion of how this would operate.

We have heard so much about multiplier effects during this Meeting that it seems to me that that was one of them - that funds would continue to flow out of the Treasury to meet the guarantee of Government in the providing of funds through commercial banks and that there would be no way of ensuring that those funds would be put back in the Treasury.

Mr. President, we are quite prepared to support the amendment to the motion because, as I said in my debate on the original motion, it is always Government's intention to seek means and ways of assisting those who are in need; those who have not the wherewithal to go to the commercial banks and borrow money. So it remains a responsibility to the state to assist those less fortunate people.

I also mentioned that I have sent out a third appeal based on Government debenture, which is a five per cent - 20 year debenture, and I am hopeful that it will produce some more money, but those institutions that had good intention of assisting schemes of this nature have already made contribution and I am not too sure whether there are many others who would follow suit. And so, in order for the Housing Development Corporation to continue to be in possession of mortgage money, Government will certainly have to find other means and ways of raising money.

Just this morning I had discussion on this matter with bankers and I will not say here what the result of that discussion was, but it is pointing to the fact that the local bankers are not prepared to go any further in assisting in this five per cent - 20 year debenture stock. So it definitely, Mr. President, needs this Government to sit and study the matter in some detail and for all of us together to look at it in a sensible way and to decide what methods or system we can recommend back to this Honourable House.

I will be delighted, Mr. President, to sit in Committee to deal with this matter. Again, I would ask all those who are support this amending motion today to please put in their diaries the dates of these Committee meetings so that they can attend and participate in the discussions because it is of interest to the people of these Islands.

Thank you, Sir.

MR. PRESIDENT: If no other Member wishes to speak on the motion to amend the motion, I invite the mover to reply.

MR. LYNFORD A. PIERSON: Mr. President, my reply on this motion to amend the substantive motion will be very short and will be mainly to thank Honourable Members for their support to this amendment.

Thank you.

MR. PRESIDENT: I shall put the question on the proposed amendment to Private Member's Motion No.10/87.

QUESTION PUT: AGREED. MOTION TO VARY THE TERMS OF PRIVATE MEMBER'S MOTION NO.10/87
PASSED.

AMENDED PRIVATE MEMBER'S MOTION NO.10/87

MR. PRESIDENT: The House may now resume the debate on the motion as amended. If I may say, with great respect to the House, Members seem to have expressed their views fairly clearly. Perhaps you would wish me to put the question on the Motion as amended?

MR. W. McKEEVA RUSH: I would just rise to say one thing, Mr. President. I am happy that the motion has gone this way and to make it abundantly clear that my attendance at Committee meetings is well recorded.

MR. PRESIDENT: The question is that Private Member's Motion No.10/87 as amended be passed.

QUESTION PUT: AGREED. PRIVATE MEMBER'S MOTION NO.10/87 AS AMENDED PASSED.

PRIVATE MEMBER'S MOTION NO.12/87
ESTABLISHMENT OF REMAND HOME/APPROVED SCHOOL
FOR JUVENILE OFFENDERS

MR. PRESIDENT:
No.13/87.

The House then will move to Private Member's Motion

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, I beg to move Private Member's Motion No.13/87 on the subject of the establishment of a remand home/approved school for juvenile offenders which reads:

"WHEREAS there is a growing incidence of juvenile delinquency in the Cayman Islands:

AND WHEREAS there are no appropriate facilities here to adequately deal with the more serious offences committed by our youth:

BE IT THEREFORE RESOLVED THAT Government give urgent and serious consideration to the establishment of a properly equipped and staffed Remand Home/Approved School for our juvenile offenders as soon as possible to avoid those who qualify being sent to approved schools in Jamaica."

MR. W. McKEEVA BUSH:

I am pleased to second the Motion, Mr. President.

MR. PRESIDENT:

Private Member's Motion No.13/87 has been duly moved and seconded. Would the mover wish to speak to it?

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

Mr. President, for many, many years, long before I even considered running for a political seat, I have been most interested in the future of our young people, and, in particular, the rehabilitation of juvenile offenders.

It was no doubt for this reason that I took a major interest in the establishment of the Bonaventure Boys' Home and the Francis Dodden Girls' Home. Together with Mr. Vernon Jackson, the then Principal Secretary for Personnel, and Mr. Mike Valanie, the then House Father of the Bonaventure Boy's Home, I escorted the first batch of boys who attended Boy's Town in Omaha, Nebraska.

I was, at that time, Mr. President, the Principal Secretary for Health, Education and Social Services. In addition, Sir, I have spent many, many hours sitting in Juvenile Court as a Justice of the Peace, as well as keeping in touch with the young people of my constituency. So, Mr. President, I am fairly well knowledgeable of the problems facing our youth today and of the alarming increase in these problems in recent years.

Mr. President, no one can truthfully stand up in this House and shout that my interest is politically motivated. Neither can any one truthfully say that my interest is a recent development. It is therefore because of my interest in the youth of the Cayman Islands that I have, since 1984, brought two motions to this House dealing with the provisions of appropriate and needed facilities for our youth. Both motions were passed, but they might as well not have been passed as Government has not yet done anything to make these projects a reality.

One motion called for a community centre to provide various avenues and activities for our youth, and the other for a civic centre that could have been utilised along the same lines. The second motion for the civic centre was brought for the establishment of the centre as it was quite clear to me that no action would be taken by Government to establish the needed community centre.

To date, Mr. President, no funds have been allocated for either of these two projects, yet, Government can find the necessary funds for all the many, many other projects upon which they have placed a priority. However, for our Government to ignore our youth is not only neglectful, but a retrograde step in our country's development.

I will not comment further on what I regard as an abrogation of Government's responsibility towards the youth, but, Mr. President, Hansard of this honourable House will show my futile efforts over the years to have these facilities established.

About two years ago, Mr. President, I was instrumental in the establishment of the George Town Boxing Club. However, due to the lack of available adequate space, we have had to close down this facility, with the result that approximately 40 to 50 young men are back on the streets, otherwise seeking activities in which to expend their energies.

This is the reason, Mr. President, why I have to agree with the letters which recently appeared in the papers from Mrs. Bridget McPartland and Mrs. Beryl Arch regarding the lack of wholesome activities for our young people. I, too, do not agree that churches provide the total answer. The spiritual side of the youth is important and I can, for this reason, support that. Perhaps it is of paramount importance, but one must not lose sight of the fact that there are other aspects of the total development of the human being including the physical and social development aspects.

Mr. President, we must develop not only our

resources, but indeed our thinking must be developed in pace with the changing times. The important point, Mr. President, is that we cannot afford to neglect our youth.

I was somewhat touched with the statistics revealed during the debate on crime which took place at the Hyatt Hotel on Wednesday 22nd August last. Unfortunately, Mr. President, not one Member of our Legislative Assembly attended that meeting, which is certainly an indictment against all of us sitting in these chambers. Regardless of our excuses, I too, Mr. President, had an important assignment or appointment that evening, but I, too, do not excuse myself for not attending that very important meeting.

I think it was the Police Superintendent Ian McGill who pointed out to the gathering at the end of the seminar, and I quote: "One of the biggest factors in the increase in crime is indicated by the empty seats you see beside you tonight." And how true. Notice of that meeting, Mr. President, had been given in the press and on radio, and circulated among the Chamber's 400 members, yet only 20 people turned out.

What happened to the members of the various churches, Mr. President, the service clubs and the Island's community generally? Why such lack of interest in such an important topic? It is no wonder that such low priority has been given to the development of a proper remand home/approved school over the years. Is it because we have been satisfied to shuffle our children over to Jamaica to approved schools? Why, Mr. President, has it taken so long for Government, present and past, to have provided local facilities long ago? Mr. President, I hope no Member admits that it was because they did not see it as an important project or perhaps because there were not enough funds.

It is important that proper interest be shown in our youth from an early age. It was a startling revelation to learn from the report on the debate on crime, referred to earlier, that when Mrs. Angela Martins, the Director of Social Services, joined the Social Services Department in 1983 the Juvenile Court met only once every three months and dealt with perhaps six to 10 cases. Today, however, Mr. President, the Juvenile Court sits weekly and sees some six to eight offenders each week.

The Director stated that the offences for which juveniles are processed are in rank order of vandalism, theft, burglary, drugs, alcohol, assault, grievous bodily harm and unlicensed firearms. But, Mr. President, it was also startling to note that the top four offences were vandalism, theft, burglary and drugs. Mrs. Martins also said in the debate that what was also beginning to concern the Department is gang type activities, which include burglaries and drugs.

The Juvenile Court has a number of alternatives in dealing with young offenders. There may be a probation order such as school attendance, or participation in a youth group, etcetera. Placement in a foster home is another alternative, and of course placement in an approved school, which relates to the subject of the motion.

Mr. President, I further agree with Mrs. Martins that offenders do not come from any particular walk of life, or of any particular race or income level. They tend to be individuals who lack parental supervision, and who are prompted to be influenced by and to believe in the materialistic attitudes within our society.

Mr. President, while the problems of our youth have obviously worsened over the years, the juvenile problem in this country is not a recent phenomenon. Because of the worsening trend with juvenile offences in the Cayman Islands, however, a Juvenile Law Committee was formed in August 1985 with the specific terms of reference to discuss and make recommendations regarding the revisions of the Juvenile Law, and with regard to the establishment of a remand home and approved school facility in Grand Cayman.

The committee was comprised of private citizens, heads of departments including Social Services, Education, Police, Juvenile Court and the Attorney General's Department. Mr. President I was also privileged to be appointed to this committee. The committee which was appointed by the Honourable Member for Health, Education and Social Services had as its chairman the Honourable Lemuel Hurlston, the then Principal Secretary for the Portfolio.

Mr. President, I feel it is appropriate that I give a fairly comprehensive background of past events in relation to my motion, as it is only fair to recognise the efforts made by Government thus far.

The Committee held ...

MR. PRESIDENT:
it sounds like it.

Would that be a convenient moment to break or ...

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

MR. PRESIDENT:

Proceedings are suspended for fifteen minutes.

AT 11:17 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:41 A.M.

MR. PRESIDENT:
Second Elected Member for George Town.

Please be seated. Proceedings are resumed. The

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

At the break I was recognising the efforts that had been made by the Honourable Member for Health, Education and Social Services, and the appointment of a committee to study the Juvenile Law and I also said, Mr. President, that I felt it appropriate that I give a fairly comprehensive background of past events in relation to my motion, as it was only fair to recognise the efforts that have thus far been made.

Mr. President, the committee held regular meetings from August 1985 through January 1986, and in March 1986 an interim report was submitted to the Honourable First Elected Member of Executive Council responsible for the Portfolio for Health, Education and Social Services. Since then, however, Mr. President, there has been very little or no action taken through the committee in response to the report, or at least none to my knowledge. But I am sure that the Honourable First Elected Member of Executive Council will clear this point.

Mr. President, in August 1985, during the Committee's deliberations, the Director of Social Services reported to the committee that there was a need to bring Caymanian juveniles back to Grand Cayman from approved schools and caring homes in Jamaica. This recommendation was based on a visit she had made to the Jamaican approved schools facilities. She found facilities overcrowded and understaffed. I am aware, Mr. President, of other Members of Government including the Second Elected Member for West Bay who has also visited these facilities and returned with similar sentiments. Mr. President, I have even been told that some of the facilities do not have telephones and in view of the remote location of these facilities there is no immediate means of contacting the outside world in the event of an emergency.

There is a need to keep juvenile offenders, and those on remand, pending hearing before the juvenile court completely separate from each other. It is felt, Mr. President, that one facility would suffice for both - the juvenile offender, and the juvenile on remand, as long as it is ensured that the groups will be kept apart, and separate from each other, although kitchen staff could prepare food for both groups, and office personnel could utilise a common office space. However, Mr. President, dining areas, outdoor space and living accommodation should preferably not be shared.

During the deliberations of the Juvenile Law committee, the need for educational programmes was raised with the Chief Education Officer, who agreed that teachers could be provided for the facility through the Education Department. These teachers would use, in the approved school/remand centre the same educational materials and the same syllabus as is used in the regular classroom. However, Mr. President, much consideration will have to be given to setting up such a system.

Mr. President, I am not here advocating that initially an expensive structure should be built, even though a temporary facility would, of necessity, have to provide the adequate teaching equipment, etcetera. It is, however, my view that provision be made in the estimates as soon as possible for the establishment of a purpose built facility, as this is most urgent and needed at this time. It is believed, Mr. President, that a modular system for a purpose built facility would be most appropriate. Such a facility could house eight to ten juveniles in each module. It is generally believed that institutional living on an open ward system, such as obtains at Northward prison, is not appropriate for juvenile offenders. They need more individual attention.

Mr. President, for many years we have had problems in finding adequate facilities as a lock-up for juveniles on remand. We have experienced this difficulty in the Juvenile Court in issuing a remand order and again this formed the basis for much discussion at the Committee's meetings. It was the view of the Justices of the Peace sitting in the Juvenile Court that, even though the West Bay jail is not suitable as a lock-up for juveniles on remand, in the absence of other more suitable accommodations, the court was left with no choice but to use the West Bay jail for this purpose.

Mr. President, from extracts of the minutes of the meetings of the Juvenile Law committee, I am recorded as stating that the committee should have developed guidelines for the type of facility being considered. On the 19th of September, 1985 I told the committee that once these guidelines were established, the committee could more easily define and select appropriate temporary facilities pending the construction of a purpose built facility. However, Mr. President, to date, to the best of my knowledge, no action in this respect has been taken.

It is important, Mr. President, that the Education Department, and Social Services Department agree as early as possible on the most appropriate type of facility to be used as there seem to have been major differences of opinion at the committee meeting as to what layout would be most appropriate to meet the needs of various types of juvenile offenders using the facility.

In addition to children in need of care and protection are those who may be generally neglected by their parents, resulting in them being admitted to a juvenile approved school or remand centre. Government will also have to consider the emotionally disturbed child who will require specialist attention.

Mr. President, Government will need to give urgent attention to selecting the most suitable location for an approved school or remand centre. I recall at the committee's meeting that we were advised that the Public Works Department

was in the process of preparing plans for the facility; even though I found it somewhat strange that we, as a committee, had not yet agreed on the basic configuration of the facility, and were therefore not in a position to fully advise Public Works what was required. And, Mr. President, as I recall, up to the last meeting, of which I received notice, no guidelines of the type of facility required had yet been presented by the chairman of the committee.

The committee's records will, however, Mr. President, show that I recommended that we involve architects from the private sector to assist us with the plans if P.W.D. was not able to render the assistance required, since it was felt that because of the Public Works' workload they may not have been able to give this matter the priority it required. As far as I can recall no action was taken in this regard either.

Mr. President, I will challenge anyone, in or out of this House, to say that I have not done all in my power to help the youth of my constituency - whether in providing facilities for wholesome activities to keep our young people out of trouble, or, as a member of the Juvenile Law committee, in trying to have a proper approved school and remand centre established.

Mr. President, to support the interest I have shown in my constituency to young people, recently I also sponsored a velley ball team known as T.R.C. Spikers, and, Mr. President, I understand that the way in which they have been playing they may come top of the league. I am not saying this to boast, but to just show my interest in the youth of the Cayman Islands.

Mr. President, as the public are aware, one individual can only do so much and no more. We need the full support of this Honourable House. Yes, I would again agree that my motions for a community youth centre and civic centre for George Town were passed, but to date no funds have been provided in the budget for these facilities.

I even advised the Portfolio for Health, Education and Social Services that a client of mine had promised me to supply a 5000 square foot steel building to house the boxing club and for other sporting activities, but to date I am still looking for suitable available property on which to erect the building. I am not here, Mr. President, accusing the Portfolio for not giving some assistance in this, because I do know that they too have been trying to find suitable space. But, I am aware of certain Government lands that could have been used for that purpose, and I also brought this to the attention of the portfolio. But, Mr. President, I am well aware, having spent sixteen years in the Government Service, that the wheels of Government grind slowly. I am also aware that in a small government such as ours, we are bound to meet with bureaucracy and red tape. That is the way governments work the world over.

Mr. President, I would reiterate the need for Government to decide on a basic philosophy and criteria before any decision can be reached with regard to the type of facility required. It must be flexible enough to meet the needs of the broad spectrum of children we serve. Some children will benefit from a few months of intensive care, while others will need more long term custodial care.

The need for an approved school/remand centre has long been accepted. What we now need to decide on is the best possible facility, and the type of rehabilitation programmes that will be required. It should be fully understood that an approved school is not just for incarceration purposes; it is also a place where the child can be fully rehabilitated back to society.

Since we now have two caring homes for these children in need of care and protection, the Bonaventure Boys' Home and the Francis Bodden Girls' Home, we now need a more disciplined and structured facility for the serious offenders. To accomplish our goals, Mr. President, again I say we must establish the proper criteria and guidelines to determine our goals and objectives, and in order for us to build the type of facility needed.

Mr. President, it will be a waste of the time of this Honourable House, and an insult to the public if this notion is passed without the full intention of Government to make it become a reality as soon as possible. If Government has no intention of making this a top priority then it would be just as well that it did not pass the motion. Promises are not enough for our people - they deserve more than promises.

May I take this opportunity, Mr. President, to acknowledge my gratitude to the Jamaican Government for all the assistance that it has given us over the years; even though we now bite the hands that once fed us. Jamaica was and is still good to us. We still have no facilities here for our insane people and for our children in need approved school facilities. The Jamaican Government even provides university facilities for us. It is a good thing that they are not as hard on Caymanians as we seem to be on them, but enough on that.

We have come of age, Mr. President. We can now afford to provide the appropriate facilities for our young people who need the discipline and care of an approved school environment. Let us no longer send our children away from our shores to another country, where they stand a chance of becoming worse off as a result, through the unwholesome influences of children who may be many times worse than they are.

Mr. President, should not the purpose of an approved school be to help the children make themselves better individuals? It should not just be a place for punishment. And it is our responsibility, in this Honourable House, to ensure that our young people get the very best treatment.

Mr. President, much will have to be done by Government prior to the physical establishment of the structure for an approved school/remand centre. For example the necessary amending legislation to provide for an approved school is needed, but I understand, from the Honourable First Elected Member, that this legislation is soon to be presented to this Honourable House, and I am eagerly awaiting that presentation.

Of major concern, Mr. President, and urgency is the need for a temporary facility which can be used as an approved school/remand centre pending the establishment of a purpose built facility. We need a temporary facility now. Let us make a sincere attempt to bring our children back home as soon as possible. Our children, deserve better than we are giving them.

Mr. President, some years ago the Government took the decision to bring our prisoners back from Jamaica - adults, people of mature age who could be held fully responsible for their offences. Much more, Mr. President, should we now be giving urgent attention to bringing our children back to our shores.

Mr. President, one year and six months ago the interim report of the Juvenile Law committee was submitted to the Honourable Member for Health, Education and Social Services. In this report the urgency of an approved school/remand centre was fully stressed. As stated, to date nothing has been done, regardless of the good intentions. And I am sure, in replying, that the Honourable First Elected Member of Executive Council will certainly set the record straight on that particular point. I trust that we will see that positive action is taken before the end of this year.

I can only hope and pray that Government will support this motion, and in so doing resolve to have a properly equipped facility built or acquired as soon as possible. Mr. President, it is important that we give our full support to this motion. I have seen, time and time again in this honourable House Members get up and give their conditional support, which does not really materialised into anything. I have heard them give qualified support. I would not be surprised if in this instance my motion is given such treatment. Regardless, however, of the way in which it is handled, as long as the people of this country can look forward to the needed facility, I feel that as a representative of this country I would have done my job.

Mr. President, as I said in my presentation, I have given full acknowledgment and recognition to the efforts thus far made by the Government, and I feel that they should be congratulated for what has been done thus far. But I also feel that things could have moved much faster than they have. We knew for a long time that a temporary facility was much needed. I understand that things will in fact take a little while, but let us move on this with haste.

A number of our children in approved school in Jamaica are suffering. I got a report where a little boy is said to have dropped off a truck, but because there was no telephone in the facility, the full details of the matter could not be immediately ascertained. This was told to me by the mother of the child and I reported the case to the Social Services Department. I am not here to say whether this is true or not, I am just saying that there is room for such concern.

Mr. President, good intentions are not enough. This matter should be made a top priority. Let us resolve today that we will in fact make the establishment of an approved school/remand centre for the Cayman Islands our top priority.

Thank you Mr. President.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I cannot support Private Member's Motion No.13/B7 for two reasons mainly. One, I do not see how this motion is going to speed up the process of the establishment of a properly equipped and staffed approved school for juvenile offenders.

I would agree with the mover of the Motion that such a facility is urgently needed, but I have to say, Sir, that I believe it has been given priority. In fact, Sir, if Members take the time to refer to the Five Year Economic Plan which was tabled ... (INAUDIBLE)... Mr. President, I would be grateful Sir if you would explain Standing Order 34, in kindergarten language, to the Second Elected Member for West Bay as to when he is privileged to interrupt Members, and I will give way for that, Sir.

MR. PRESIDENT:
say something?

The Second Elected Member for West Bay wishes to

MR. W. McKEEVA BUSH:
look at him.

He is again, Sir, imagining things - I did not even

MR. PRESIDENT:
something, whether you looked or not. If you have something to say, please be upstanding and say it.

Well he is under the impression that you said

MR. W. McKEEVA BUSH:
myself.

Mr. President, I was reading the Juvenile Law to

MR. PRESIDENT: In that case I must ask you to read it more quietly.

MR. W. McKEEVA BUSH: Sorry, Mr. President, did you hear me speak?

MR. PRESIDENT: I heard that you said something, I could not hear precisely what you said.

MR. W. McKEEVA BUSH: You heard him.

MR. PRESIDENT: I am not going to be corrected by you in this matter.

MR. W. McKEEVA BUSH: I am sorry, Sir, I did not speak.

MR. PRESIDENT: If you did not speak, you made a noise approximating speech.

MR. W. McKEEVA BUSH: No, Sir, I was reading.

MR. PRESIDENT: Would the Elected Member for North Side continue.

MR. D. EZZARD MILLER: Thank you, Sir.
As I was saying, Mr. President, the Five Year Economic Plan, which was tabled in this Assembly some time back, provided in its third year - next year, that is, 1988 - in Section 4(3) under Social Services, Project 17(2) Remedial Facility. With your permission, Sir, I would read what the Economic Plan says specifically about a remedial facility. And I quote, Sir:

"The multipurpose remedial facility will be designed to hold approximately 75 children. The facility will also include the necessary classrooms for educational needs. The plan will be drawn up in 1987 and land acquired. Construction will commence in 1987 and be completed in 1989. The construction cost of this project is provisionally estimated at CI\$1.5 million. In addition, the sum of CI\$110,000 is estimated to cover site selection. Purchase and investigation, CI\$250,000. The construction cost is allocated for 1987 and the remaining CI\$1.25 million divided equally between 1988 and 1989."

Following that, Sir, and in keeping with Government's commitment and priority as given to this project, earlier this week we were circulated a computer print-out of the Public Works Department by the Honourable Third Elected Member of Executive Council, and 41-021 deals with this item, and once again, Sir, with the indulgence of the House I would quote what this report says:

"41-021 Remand Homes. 17-3201 Approved School.
Remarks: Phase Development Plan under preparation for 1988 budget. Estimate prepared."

Mr. President, I believe those two documents give ample evidence of Government's commitment and its priority to this project. But as indicated by the mover of the motion, this project is not a simple one. It requires a lot of detailed planning, and it will take time to develop. Further, Mr. President, all Members will be given the opportunity to support provision in the 1988 estimates for the remand home in the budget session for 1988, including, if necessary, Mr. President, additional revenue measures if it was possible. I am not suggesting Sir, that that is the case, but what I want Members to understand is that if we are going to commit on the expense side, we have to balance the scales, and if necessary - I do not envisage it being necessary at this time, but all things can happen, Sir, - we have to therefore be prepared to make the necessary commitment.

Mr. President, I believe that the mover of the motion has amply demonstrated and given credit to Government for the steps it has taken. Without wishing to repeat those accolades, I believe he has adequately proven that Government has given, is giving, and intends to give, priority to this project.

Mr. President, had this motion, and if it is amended, to say that Government should take immediate action to provide temporary facilities, then I believe, you might achieve what the Member is trying to do in getting people home earlier than possible. But with the late stage in which the development of this facility appears to be, in that the estimates for 1988 have already been prepared, I would hazard to guess at this time that it would be more expedient to add, at this stage, a temporary facility. We might be better off to continue as we are and provide this proper equipped and staffed remand home in the 1988 and 1989 financial years of this country.

Mr. President, I have to take issue with the mover of the motion when he indicated that it was an indictment against me and other Members of

the House for not attending the Chamber of Commerce's meeting. I will reserve my reasons and descriptive explicatives of why I have the regard that I do for the Chamber of Commerce. Suffice it to say, Sir, that I am no longer a member of the Chamber of Commerce and did not attend the meeting.

Mr. President, I cannot support the motion as it stands. Thank you Sir.

MR. PRESIDENT:

While Members are deciding whether or not to speak further on this Motion, I think I would like to say from the Chair, something about Standing Order 34. It is a matter of pride to me that in this meeting of the Assembly I have not had to call, formally, Order, Order, and I think that is a matter of satisfaction to the House, too. But proceedings in other Houses indicate a certain give and take over Standing Order 34, and I would not wish to apply too rigid an interpretation of it. So perhaps it will be sufficient if I say that I hope that interjections will be occasional, will be relevant, and will be given and taken in good humour. That is how I would like, from the Chair, to regard it.

Would any Member wish to speak on the Motion before the House? The Honourable First Elected Member of Executive Council.

HON. BENSON D. FRANKS:

Yes, Mr. President, I would like to thank the last speaker for making the points he did with regard to the provisions that have been made and steps that have been taken to implement them.

Mr. President, there is no doubt in my mind that the mover and seconder of this motion have strong feelings about the motion, and that it is brought with good intent. But I would have to question, really, Mr. President, their power of recall. As the Member for North Side pointed out, the Five Year Economic Development Plan, which those Members studied, commented on, and accepted in this House, includes provision over the next three years, starting in 1988, for the provision of a juvenile remedial rehabilitation centre. And as the mover pointed out, this facility will be much more than just a remand home and approved school.

It is true, Mr. President, that I appointed a committee in 1985 to look at the revision of the Juvenile Law, and later on expanded the terms of that committee to include the examination of facilities required for dealing with juvenile offenders and/or other juvenile needs in the community. The report, once drawn together, was given to the Legal Department. Unfortunately at that time they were buried with other demands for legislation. The most recent piece, which happened to slip in front of the Juvenile Law, was the Merchant Shipping Law. But the Legal Department has now assigned a specific officer to draft this law, and I have been advised that we should have the first draft in two or three weeks time. So, Mr. President, we are moving in that direction as well.

Now, Mr. President, the thing that I have been a bit taken aback on, is the comments by the mover of the motion that he has not seen any plans for the facilities and so on. I do not think the terms of reference of the committee went as far as for them to approve the plans of the facility to be provided. That comes, Mr. President, from the mere technical people whom I have been consulting on the facility.

Mr. President, we felt so strongly about the matter from 1985 that we actually looked at every available or possible building owned by Government in this country with a view to making some makeshift arrangements, but it was concluded that there was no building suitable for that purpose, and therefore we had to go for the purpose built facility.

It is not as simple as some people would have us believe. I was told by one member of the community: 'No big deal, go down to Captain Charles' and get some lumber, put it together and put the children in it'. Now, Mr. President, whatever might happen to me in my political career, I do not want anyone to look at a facility provided for our children and be able to call it Benson's Folly. Whatever we build is going to serve the purpose.

As I said, Mr. President, it has been accepted that it is urgent and desirable that we get the children home from Jamaica, but if Members will recall correctly, when the prison was built, and we were going to bring our prisoners home from Jamaica, we were going to reduce the number of prisoners dramatically, particularly repeat prisoners, because we were not going to have this bad influence which they were getting in the Jamaican jails.

Now, Mr. President, what do the statistics prove? Our own jail has had the direct opposite result. The number of prisoners in Northward is roughly eight times more than what we had when we started to build the facility. The statistics will prove that the number of repeat offenders is large, and I would hope that we do not suffer a similar fate with the children who are in Jamaica in approved schools, once we have our own facility available here. It points to the fact, Mr. President, that no makeshift facility is going to be good enough; we have to have a facility that's going to do the job otherwise we are better off without it.

Some mention was made, Mr. President, about Members not attending the meeting at the Hyatt sponsored by the Chamber of Commerce. I did not go, but I have no real apologies to make about that, other than if I had had the time I would have gone to have lent my support to the effort. But no information came out of that meeting, Mr. President, which I did not already know. I try to keep abreast of developments in those areas on, at least, a monthly basis, if not more often.

I have to mention the boxing club facility. The mover of the motion did speak with me in the Committee Room once. I have spoken to him since and asked what was happening about it. He did tell me that some client, or friend, had promised a building. I said that this would be great and that if we could get a plan of this building, I believed that we could situate it on some land which is owned by Government. I even gave some suggestions that the building be built high enough to accommodate other sports. But, Mr. President, certainly I have not seen the plans for that building and I do not believe that they are anywhere in the Portfolio, because I believe I would have had them. But if they perchance have been handed in to the Portfolio, I would like to know about it so that I can move it along. I think it is a good thing, but I do not believe that the plans have been submitted to the Portfolio for a decision to be made as to whether it could be located on the piece of land that we had in mind or not.

Mr. President, as I said, this motion does not do or would not cause any action to take place that has not already been done. I consider the motion redundant. The mover and the seconder of this motion must know that the money has been put in the Five Year Economic Development Plan. I can assure them that next year's provision has been submitted in the budget requests, so that it is being treated seriously and urgently. This motion could not add any more impetus than what is already behind the project.

In addition to what has already been pointed out about the provision of money and the need to build and equip this centre properly, I can say, Mr. President, that even since the recruitment of teachers and added personnel, who will be used in this type of facility - for example for the first time we have a properly trained Educational Psychologist in post and other technical staff, and already they are at work on this project. So, Mr. President, for that reason I have to say that I thank the mover and seconder of the motion for their indication of even greater support when the budget provisions are brought before the House in November, but I regard the motion as redundant and therefore I cannot support it.

MR. PRESIDENT:
Member wish to speak?

The Motion remains open for debate. Does any other

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I rise to support Private Member's Motion No.13/87 for the establishment of a remand home/approved school for juvenile offenders.

If I may say, one of the greatest dangers to the stability of this country is our growing social problems, and we urgently need to attack these problems with all the tools at our disposal. The root cause of these growing social problems is mostly with our juveniles. This certainly appears to be the case.

We have spent, and are spending, considerable sums of money providing community and sports' centres, somehow thinking that this will bring us the answer. All these things are good and necessary and they have my full support, because no effort is too great for our young people. However, with all these things going for them our youth will benefit but little unless we find the way to attack the real cause of problems with our youth.

One of the big causes in this country is a lack of discipline and control - it is a fact. And there are many reasons why this problem has developed and is rapidly growing in our community. One of the reasons is the growing cost of living, where it has become impossible for the many one-parent families in this country to provide the bare necessities of life for their family. It is thus requiring even the second parent, usually the mother, to practically abandon her God-given role of staying at home and supervising the children. Instead of this, she is required by bare need to go out and take a job that takes her away from her home where she is mostly needed. Well, I do not know what can easily be done about that.

Another cause, Mr. President, in this country, is the many parents, both father and mother, who bring children into this world and then neglect them. It is a known fact that most of our juvenile problems originate in the one-parent home, as I said before.

Mr. President, what can we as a Government do concerning these situations? Much sympathy has come, at least, from the lips for this motion - sometimes words are plentiful, but action is very little; even with the many experts we have, the know-it-alls.

Mr. President, I know that we have a provision in the Economic Development Plan. I read my plan. I was the seconder of the motion which brought the plan into being. What this motion seeks Government to do is to make a commitment, further than they have gone. The Economic Development Plan has cited many areas of need, not only a remand home, but, Mr. President, if the juvenile remand home in this country gets as much support and action as have some of the other Government projects in this country, then that is sure to fail. I cite one - housing. With the amount of money that we have budgeted for housing in this country for indigent people, \$100,000, up to now \$92,000 is still left unused. Why? Simply because Government has made no commitment to render the housing situation, amongst the poorer people of this country, to a better position than what it is now. No commitment!

Mr. President, I have sat and listened and heard all the talk, but have seen no action. If someone has a big mouth, open it, but back it up

with something. There has been much talk, but no real action.

Concerning this motion I recently had a case which I drew your attention to, or the Governor's attention to, and nothing really developed from the case - there was nothing that could be done because I believe that, under the Juvenile Law, once our children have been sent to an approved school in Jamaica, they are left under the responsibility of the Minister in that country.

I spoke to the Honourable Member who, on many occasions was confronted with that problem. Now I am not saying that it was an easy problem to solve, but more could have been done about it. A child came home to this country, Mr. President, and spoke to the Honourable Member himself. He told him of many things that were going on in the school. If I am not mistaken, Mr. President, in my discussion with the Honourable Member concerning the visit that the boy paid him, he assured the boy that he would soon have him released....

MR. PRESIDENT: Is this a point of order, or ...

HON. BENSON D. EBANKS: Mr. President, I do not think that this is really relevant to the motion ...

MR. LINEFORD A. PIERSON: Mr. President, is this a point of order?

MR. W. McKEEVA BUSH: Where is the Honourable Member's point of order?

MR. PRESIDENT: Order! Order! Please be seated.

MR. LINEFORD A. PIERSON: If the Member is not rising on a point of order, he should not get up in this Assembly.

MR. PRESIDENT: Please be seated. Order! Order! I want one Member at a time. I am waiting for the Honourable First Elected Member to speak. Until I hear what he says, I cannot rule. Please be quiet. Please be quiet!
Honourable First Elected Member, would you state your point of order?

HON. BENSON D. EBANKS: Yes, Mr. President, I am talking about relevancy, and the Member is certainly misleading the House. No one came to me.

MR. PRESIDENT: I greatly regret having to act as Chair in this way, but we must allow Members to speak before it is possible to decide what they are talking about, or what point they are trying to make. Would the Second Elected Member for West Bay please continue, and please remember we are giving full latitude, but let us stick as closely as we can to the motion.

MR. W. McKEEVA BUSH: I am glad to hear that there is latitude given to me, Mr. President, because other Members roamed all over this House today, and I am only replying to some of what was said.

MR. PRESIDENT: The Chair is not asking you to justify yourself, the Chair has ruled and asked you to continue. Please continue.

MR. W. McKEEVA BUSH: Mr. President, the First Elected Member for West Bay, the Honourable First Elected Member of Executive Council, knows that I am not telling a lie in this House. He knows that the child went to him personally and had a discussion with him. He knows that he had a discussion with me concerning the visit the child made to him. Why he would now get up and say that I am misleading the House, Mr. President, is beyond me. But maybe he is another one of those experts who is never wrong.

Mr. President, he gave that child an assurance that he would soon have him released, after the child told him about the problems in the school in Jamaica. The problems of the bad food, the problems of clothes disappearing, and other instances, Mr. President. And my point is that I know that in the Juvenile Law once a child is sent there, he is in the control of the Jamaican authorities. The point I am stressing is that the Honourable Member should quickly bring about the new Juvenile Law to render that situation to a position where, if we see fit after having sent the child, we can then have some say in the child's situation.

Recently, Mr. President, to cite a situation that is happening, that child came back to the country and I was approached about the situation. When it was time for the child to go back the mother had not one cent to buy him clothes, because she was not working at the time, and so there became a confusion over the child going back. Police, Mr. President, were sent to the home to have the child arrested. The child did not object in any way concerning his departure to Jamaica. But to show that the Member's department is not doing its work - and he knows that they are not doing their work - why send the police; three policemen!, Mr. President, to get a little boy no taller than would catch me around my waist. Instead of interrupting Members in this House he should pay attention to his department, which he knows is lacking. But they give him full support now and that is all he wants. He is not getting that from me, so everything I say is wrong.

MR. PRESIDENT:

Perhaps I may interrupt ...

HON. BENSON D. FRANKS:
Standing Order 35(7)?

Mr. President, could I call your attention, Sir, to

MR. PRESIDENT:
officers mentioned?

You are referring of course to the three police

HON. BENSON D. FRANKS:
about the three police officers. I am talking about the Member's accusations of my conduct.

Not necessarily, Mr. President, I did not know

MR. PRESIDENT:
I accept this, I was about to say that maybe we should break for lunch, but I would like to say something about Standing Order 34, hopefully that we may avoid a recurrence of our little simultaneous speaking a few moments ago. Standing Order 34 provides for points of order and points of elucidation, and I think that perhaps the Honourable First Elected Member could properly have risen on a point of elucidation earlier on. When the conduct or the actions of a Member of the Assembly are brought up when a Member is speaking, it seems to me quite reasonable that if the Member spoken about wishes to rise, that the Member speaking should give way and allow the point of elucidation. The Chair will have of course to decide whether it is relevant, and how far it may be taken, but I do think we should allow ourselves at least this exchange.

Shall we now suspend proceedings until 2:15 this afternoon?

AT 12:52 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:21 P.M.

MR. PRESIDENT:

Our proceedings are resumed on Private Member's Motion No.13/87. The Second Elected Member for West Bay was speaking.

MR. W. McKEEVA RUSH:

Mr. President, when we took the suspension, there was so much confusion and red herrings drawn into the debate that I nearly lost sight of where I was at. Before I go on to that Mr. President, sometime in the debate you spoke to me concerning what you thought was a fault of mine on a standing order. All I would say to that is, Mr. President, maybe I was as guilty of reading aloud as the manner in which the Member is guilty of sipping his coffee - one shows bad manners as the next.

MR. PRESIDENT:
closed.

I think we will regard that incident as firmly

MR. W. McKEEVA RUSH:

Mr. President, there was the matter of redundancy raised in the debate. I cannot see how the two Members, who have objected so far, can say that the motion is redundant. Their argument is that the motion is redundant because it is placed in the Economic Development Plan. The Economic Development Plan, Mr. President, is only good intentions, and we all know that the road to Hell is paved with good intentions. The Plan is only a guideline and in the matter of a remand home, events have since taken over the Plan.

Mr. President, one Member talked about how good the country of Jamaica has been to this Island, up until now, and it is true. However, today that country is experiencing many problems, and therefore the remand facilities in that country leave something to be desired. Sometime back, maybe in early 1985 or 1986, I asked the Honourable First Elected Member of Executive Council to send a delegation to Jamaica to look at the remand facilities there. Well, nothing came of that, but I have since paid a visit and I can say that we would not send a dog to certain centres there.

Mr. President, if the two Members who oppose this motion can show me how these centres, and some of what I have observed, can be conducive to a child's upbringing, then I would say that neither of them have any real interest in that type of situation and in those types of children. There are no good sleeping facilities. The cooking facilities leave something to be desired. The bathrooms - well, to keep some sort of dignity in this House I will not go into the bathroom facilities, but I am certain, Mr. President, that no Member in this House would want their cousin or child to be under such circumstances.

Mr. President, you heard about one child falling from a truck. There is another serious situation that exists which I will not voice on the floor of this House, but let me say that if we continue to send our children to those kinds of centres - it does not have to be two years, it can happen in one instance, and the child gets back into this country - we are going to have more difficult problems than finance or mere political points. Because of the extreme situation, Mr. President, I would not carry on with that particular point. But I really wish, not next year - election year, that the Member would authorise a delegation of some Members of this House.

Children take clothes there, Mr. President, and

when they come back they do not have any. The same with food. And that child is expected to come back into our community to be the citizen that we try to make him? The Member knows, Mr. President, the case of the one child in West Bay. We are not accomplishing anything by putting a child like that in that sort of environment, and then bring him back here to work.

Still speaking on redundancy, Mr. President, since March 1984, it was said, the Member had a report from the Committee on the Juvenile Law dealing with a recommendation for an approved school and other things. Mr. President, the Member knows the extreme situation. Can he give me any good reason, any good reason, why he has not yet put something in place? Do you mean to tell me, Mr. President, that we have to go to England to get people to tell us what we need? Or is it, Mr. President, the fact that these kinds of items have been left for the beginning of an election year so that on the campaign trail one can get up and say "You see what I am doing", or in the case of just finishing the project, "You see what I have done".

MR. PRESIDENT: I think you are getting close to imputing improper motives - getting close to it.

MR. W. McKEEVA RUSH: Well, Mr. President, I will bow to your ruling. However, I do not think it is improper if a Member so chooses to help himself at election year.

HON. BENSON O. FRANKS: As the Member is doing now, Mr. President.

MR. W. McKEEVA RUSH: My interest, Mr. President, goes far beyond politics, and this cannot help me politically. My record is good, and the people will judge accordingly. The Honourable Member who interjected with that little statement had better realise that his record on social affairs in this country is poor, and his chances on social affairs in this country are very bleak indeed.

Mr. President, I can do no more - I have done my part. I know that they have a saving clause in this debate, in that one of the Members is going to get up and refute everything I have said. But I stand firm in my belief that in our situation the need for an approved school/remand centre is so great that we should not wait until next year to start it. We should not have waited this long, Mr. President. However, whenever he brings it, and I hope he brings it in good time, I will be thankful, because I have fought for it - and not only now. Social issues in this country have been something of promises in our election manifestos.

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

MR. G. HAIG RODDEN: Mr. President, I want to support the motion before the House because it seeks the construction of a facility which is needed more than anything else upon which money is spent during the fiscal year. I wish that the Member who just spoke, that is the Second Elected Member for West Bay, had really given the House a more detailed account of his visit to Jamaica, and if he had I am certain that Members would have been more shocked than they were.

A few years ago the Government took a decision to build a prison in Grand Cayman in order to prevent the convicted persons from being sent to Jamaica. The Government at the time had been criticised for it, but the Government at that time, made only one mistake - they should have built the facilities for the juveniles first, but both of them needed to be done.

Even if this motion is not accepted, I feel that you, in your position as Governor, should send a delegation to Jamaica to visit the facilities in which our youth are confined; because it was a delegation from the Legislative Assembly, and the Police and the Probation Department which at that time examined the prison, found the shocking conditions which caused the construction of a prison here.

So I view this motion as very important, because in my mind it is wrong to spend thousands of dollars on a person after he has become a hardened criminal rather than to spend a few dollars earlier in an attempt to save that juvenile from becoming a hardened criminal.

I believe that the money which has been spent on marine parks and all of the conservation nonsense could well have been put, could have been better spent and would have been more useful to future generations than anything else. This is not to say that their efforts on conservation and other matters are not good - I am saying that the priorities of this present Government seem to be mixed up, if they, as a Government, can allow the Honourable First Elected Member of Council, and his supporter on this side of the House, to speak against this motion. What is the use of marine parks and beautiful gardens when these places are filled with a criminal element?

The motion asks the Government to give urgent and serious consideration to the establishment of a properly equipped and staffed remand home/approved school for juvenile offenders. The Government has the right to say "We will not do it", but to try to lessen the need or to try to abuse the Members for bringing it, or to try to show that other matters should have priority, would, in my opinion, be entirely wrong.

I do not think it is necessary to have a long

debate on this, as I feel it is the will of the House that we finish the business on the Order Paper by tomorrow. But although I may not speak for long, I think it is imperative that Government re-do its thinking.

We heard the Member introducing the Motion give some alarming statistics on the increase of juvenile crime. Only five years ago the juvenile court met quarterly; today it meets weekly and has six or eight cases to deal with. While all crimes in Cayman seem to have increased, the increase in juvenile offences is far more alarming, because what we are looking at is a future generation spawned from a present generation of juvenile crime.

I fully believe that we cannot help a juvenile offender by sending that person into the conditions which they meet when they go abroad, so I support this motion and I trust that other Members may see fit to do the same.

MR. PRESIDENT:
Elected Member for West Bay.

Does any other Member wish to speak? The Third

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.
Private Member's Motion No.13/87 - The
Establishment of a Remand Home/Approved School for Juvenile Offenders - reads:

"WHEREAS there is a growing incidence of juvenile delinquency in the Cayman Islands;

AND WHEREAS there are no appropriate facilities here to adequately deal with the more serious offences committed by our youth;

BE IT THEREFORE RESOLVED that Government give urgent and serious consideration to the establishment of a properly equipped and staffed Remand Home/Approved School for our juvenile offenders as soon as possible to avoid those, who qualify, being sent to approved schools in Jamaica."

Mr. President, I had, earlier, not intended to speak on the Motion. However, I knew how my vote would go, because what the mover and the seconder, in the resolve section of the motion, have asked Government to do is to give urgent and serious consideration to the establishment of the remand home/approved school for juvenile offenders as soon as possible. I, Mr. President, have all along been aware that this was a matter that had not been pushed away on a shelf or under the carpet, but was being given attention.

Mr. President, Members here were provided by the Honourable First Elected Member of Council an update on the activities of his Department, concerning the Remand Home/Approved School. The remarks, as far as the present status of that particular project is concerned, read thus:

"Phased development plan under preparation for the 1988 Budget.
Estimate prepared."

Mr. President, having seen that, I, too, felt that the motion was redundant. If something is actively being pursued, I can hardly see the reason for bringing forward a motion to do exactly what is being done now.

I agree with the background put forward by the mover. The seconder of the motion also gave quite a number of background case histories, perhaps, in his deliberations. However, Mr. President, I do not want it to be misconstrued that even if there were only one child requiring help and attention, that I would in any way be complacent or careless in what priorities Government should have in place. I agree with the Honourable First Elected Member of Council that any such project takes time and money, and I am pleased to see that it has come as far as it has.

We do have social problems in this country. We do have youngsters who need special care and attention and who need the type of home that is being asked for here, but what must be made clear is that this Government is doing something about it.

Mr. President, the Social Services Department has its hands full. Any Elected Member in this House, needs to think carefully before standing and saying that the Social Services Department is doing nothing, or words to that effect.

MR. W. McKEEVA BUSH:

You would not know, because you do not do that yourself.

MR. PRESIDENT:

New, Honourable Members will please not repeat the behaviour of this morning. If you have a point to make and you wish to invite the speaking Member to sit down, he or she may give way. Please continue.

MRS. DAPHNE L. ORRETT:

Thank you, Sir.

Mr. President, what I am trying to say here is that the cases which require children to be sent to Jamaica are heart-wrenching, it hurts, it is somebody's child, it could have been mine. I am not here to say that the Department must overlook one child, two children, three, four, five or six children, I am not saying that.

What I am saying here is that the listening public in Cayman must never be misled to think that the Honourable Member nor his Department are doing nothing about social problems in this country.

Mr. President, not everything done by a Member in this Assembly has to make the Caymanian Compass headlines, otherwise it would be known that many nights I am in homes or on the street looking for young women who have become addicted to alcohol or drugs or involved in something else. Mr. President, my turn will come. My time for being repaid for what I do will come, because I want to make it abundantly clear that my being in this House is to serve my country, and I do so because first I serve my God. Being here is his calling for me. Time will tell how long he intends me to be here.

The Social Services Department has its hands full. It is not easy to find social workers. The administration must be sure that they have capable, responsible people - people who are well trained, who have experience, who are not looking for a job like that just for the money. They need all the encouragement we can give them. Who are we to judge the Social Services Department or what they do? I know a bit about what they do. I know the early mornings that some of them go around homes getting children out to school; those who go into all kinds of home situations taking insults from parents when they are only trying to do their job. And we are going to stand in this House and say that they are doing nothing!

Can I blame the Honourable Member, Mr. President, for standing on his feet to defend his Department? He would have a lot less backbone than I think he has if he did not. And why should he not strive to have his Department work with him? Can a house divided amongst itself excel? I am so pleased that it was not this morning that the school children of this country sat upstairs to watch the proceedings of this House. The people of this country elected us because of what they thought we could do, but, Mr. President, our dignity and decorum both outside and inside this House says something about each of us. There is no excuse for politics. Who said politics had to be dirty and demeaning and undignified?

Mr. President, the 1988 elections are a little over a year away. But may I remind each Member of this House that this country is a small country, and we cannot fool the public about who we are or what we are doing or why we are doing it. There are Members in this House who want to destroy what the Government is doing. We live in a land of blessings. Every morning we can get up without having to face what a lot of other countries are facing. And yet we are here trying to destroy it!

MR. PRESIDENT:

Excuse me, I must ask you to stick to the motion, you have strayed beyond the bounds of it.

MRS. DAPHNE L. ORRETT:

Mr. President, thank you.

I am sorry if I strayed a bit there, but the actions in this House this morning, as well as at other times, prompted my saying what I just said. And if I may get back on the subject, it is to say, Sir, that I believe the Government is doing its best to have the remand home in place as soon as is possible. We have limited funds, and that is not to say we are to get our priorities wrong. But, Mr. President, may I ask the Members of this Honourable House to act in a manner becoming of an Elected Member and also that, before they speak, they think of the efforts which go into making a country tick, and the Social Services Department is not the least of these.

Mr. President, I have probably not even followed my notes, but I cannot support the motion. As I mentioned, I agree with many of the social problems which have been explained this morning, I know them quite well, but I cannot support the motion as it has been brought to this House.

Thank you very much.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I rise to support this Motion.

Contrary to what one of the speakers has said, in the past few years most of us have heard nothing sung except that this present Government would give us a Garden of Eden and the kind of utopia with regard to the youth as well as the economy that no one had ever experienced before.

Alas, I think the facts bear out that they were idle words, and here is a good indication of it today. In my opinion we, as Legislators, cannot spend enough money in trying to change the path of the youth of this country. I think that we can see from the court reports, and in what we learn from actual experience every day, the path which is being taken in our country. I am not saying that that path is any different than what other countries experience, because other countries today have the same problem.

Our youth are facing I would say, and as has been mentioned in this House before, a cultural shock. They are facing an historical gap because they are taught but very little of the values of the old Cayman; they are taught very little about the history of our country and so I feel it is incumbent upon each and every Member of this House, be they in Government or on the opposition, to support any measure that will help the youth of this country. It is the youth that will build this country.

In the next few years most of us, with the exception probably of the three younger Members over here, will pass away from this House.

and our places will be filled by the kids who are on the street today; and if we are worried about the future, then we have to be worried about the kind of youth who will fill the positions in this House and dictate the future of this country in the years to come.

I believe that today the majority of our kids are wandering, like the Jews did in the biblical days of 40 years in the wilderness. I hope that we as Legislators will not sit idly by and continue for 40 years to let them wander in misery.

It is not just good enough, Mr. President, to put the youth in jail. I believe in harsh sentences for the offenders, but I also believe that the time has come when we have to look at these harsh sentences in the reality of our day.

I believe that, the first time that a young person gets into trouble, he be sent to a remand home, and that the remand home will dictate and set the pattern for his future existence. If the groundwork in that remand home is not of a suitable nature, then we are wasting our time in sending that young person there.

Years ago, Mr. President, I, along with some of my colleagues, made a trip to Jamaica to view the situation of the people whom we had sent there. The result of that visit sparked the rapid building of the prison system as we know it in our country today, because most of us who examined the facilities, and the conditions under which our people lived in Jamaica, determined that it was inhuman. People had committed offences; they had done something wrong and society was slapping their wrists, but that was no reason for us, as responsible Legislators, to sit idly by and see them go through such degradation as they were.

At that time, Mr. President, I also visited one of the remand homes. Now that is several years ago, I think probably ten years ago, and I must truthfully tell this House that I did not find the conditions at the remand home the same as I found at the prison. I could make but very little complaint about its conditions at that time. However, I imagine that the conditions there have deteriorated just as everything else seems to have deteriorated, not only in Jamaica, but also in this country.

In speaking on this subject, Mr. President, many years ago, the Rotary Club of this country donated a fair amount of money and a lot of time to assist the Government in the preparation of a boys' home which was named Bonaventure House. The Government has been operating this and I would say that a lot of the young people who have been remanded to Bonaventure House over the period of years have changed their ways and have become young people that we can be proud of in this country. However, I have heard recently that, for some reason or other - administratively I think, there have been some radical changes in the operation of Bonaventure. To be honest with this House, I am not sure whether the statements I heard are correct.

The people of this country who viewed it important to do something for the boys and the girls built the boys' home. They also built the girls' home, which I feel has been doing a worthwhile job in our community. But I wonder if the reason why the Honourable First Elected Member of Executive Council is dragging his heels with regards to the remand home, mentioned in this motion, is because he does not have a political supporter whom he can appoint to be Housefather, or that he is afraid that he will get egg on his face as he has gotten it in that case.

MR. PRESIDENT: I have to interrupt the Honourable Member, that is imputing improper motives and must not be stated. Will you please continue otherwise.

MR. JAMES M. BODDEN: I said I wondered, Mr. President.

MR. PRESIDENT: I do not mind whether you wondered, wondering is sufficient to impute an improper motive, please do not question the Chair. Please continue.

MR. JAMES M. BODDEN: Mr. President, I think we have some democracy still left in this House, Sir. You are questioning me whether I am wrong. I am questioning whether your decision is wrong, and I think I have as much right to speak in this House ... I have been elected by my people for sixteen years, Sir, and I am prepared, as I said in my opening statement when you came to this country, to give you the hand of friendship providing I got it. Now I am not here, Sir, to take any insults from the Chair regardless ...

MR. PRESIDENT: Please be seated, you are questioning the decision of the Chair. You have a right to question it. I have stated that in the Chair's opinion, you were imputing improper motives, and that is not within Standing Orders. I ask you to accept that without further dispute and continue with your speech.

MR. JAMES M. BODDEN: Mr. President, I think I have come to the conclusion that you are following in the steps of your predecessor ...

MR. PRESIDENT: Please be seated, please be seated. Will you be seated at once! Order, or I shall suspend the sitting.

Thank you for sitting. Does any other Member wish to speak?

We have five minutes to our normal break. I think perhaps the mover may wish to take more than five minutes to reply, or would he wish to be

started?

In that case we will adjourn for fifteen minutes.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:32 P.M.

MR. PRESIDENT:

The Second Elected Member for George Town in reply.

MR. LINCOLN A. PIERSON:

Thank you Mr. President.

Mr. President I wish to take this opportunity to thank the Honourable Members who spoke on this motion - those who supported it and those who did not. Again I must say, Mr. President, that they have exercised their democratic rights.

I am, however, very saddened this evening by the outcome of the deliberations on this motion; saddened indeed that we, the Members of this honourable House, had a golden opportunity to do something positive for our people and we have allowed that opportunity to escape.

I am also saddened that there seem to have been many problems surrounding this motion, but I hope, Sir, that the dignity of this House will indeed be restored and that we, as Members and representatives of this House, can have the freedom of speech without tangling with the Chair. I know that sometimes Members may try your patience, but perhaps a little more tolerance from all of us would help the situation.

Mr. President, in dealing with the contribution made by Members I will be very brief, because, as I have said, this to me is a very dark day in the history of the Cayman Islands.

My motion recognised the growing incidence of juvenile delinquency in the Cayman Islands, and I did my best to support my motion with available facts and figures; and I must say that one of my greatest disappointments is that I am forced into a position where I can hardly, again, accept or believe anything said to me by the Honourable First Member of Council.

Mr. President, I was led to believe that this motion would have gotten his support. But alas, this was not the case. However, that is his democratic right. I am not going to cause any problems here, and I am going to stick strictly to the points raised in the contribution to the debate.

The debate by the Third Elected Member for West Bay, I can only say, seems to be almost word for word what was previously said by the First Elected Member - so if I deal with him I will not again have to repeat myself. But I would ask this honourable House if there is anything more undignified than a screaming woman?

Mr. President, I am not so upset because my motion will be lost. I am upset yes, because I felt that deep down in my heart the people of this country deserved an opportunity now. I have been reminded both by the Elected Member for North Side and the Honourable First Elected Member of the Five Year Development Plan tabled here some time ago, and they have used this as the basis for rejecting the motion. Mr. President, I can only say that, as in other matters raised in the Five Year Development Plan, this is at best a good guide for us over the next five years, and the Members who raised this point also know that the Five Year Development Plan will be reviewed on an annual basis.

Mr. President, if it was a situation where the Five Year Development Plan had to be followed religiously, then there would be no need for revising it each year. Revision, Mr. President, means that matters can either be brought forward or taken further back, depending upon priority. This matter dealing with the remand home and approved school is of urgent priority. It should have been taken now. The Honourable Member for Health, Education and Social Services had the report from the Juvenile Law Committee from March 1986. Mr. President, how long must the people of this country wait? How long must they suffer?

I would submit that this whole report on the matter has been sat on. Nothing has been done - and why? Our children are suffering in Jamaica. I am not asking or guessing that, I got that from the horse's mouth. Mr. President, anytime, and I will not give details of the working of the Juvenile Court as it is done in camera, that the Justices sit on that Court, we are very reluctant to send anyone off to Jamaica. It is only in extreme cases that we do so, but our experience has been that when they return to us, they return as more hardened individuals.

Mr. President, the Honourable First Elected Member of Council said that he was taken aback that I had not seen plans. Mr. President, I am not as fortunate as some of the other backbenchers. I do not get the privilege of the inner workings of Government, but if the Honourable First Elected Member of Council will make these plans available, I will be more than happy to go to his office and see them.

He also, used an example which I thought was best inappropriate. He suggested that, because the prisoners who had been brought back from Jamaica had not seemed to become rehabilitated, statistics show an increase in our prison population, and he further extrapolated that therefore it would indicate that bringing our children back here would not help them, but that there would be a growth in juvenile delinquency. How short-sighted, Mr. President, especially when this is coming from the

Member responsible for Social Services.

Mr. President, I feel that a facility, a temporary facility for our youth should be provided, and provided urgently. The people of this country deserve that much.

On the question which the Honourable Member raised regarding the boxing club, as is the usual manner of that Member, he does in fact tell the truth, but omits much of it. He said what was of interest to him. Yes, I did discuss the boxing club with him, but Mr. President, there seems to be a major breakdown of communication, between him and the members of his Portfolio and Department, if he did not know that draft plans had already been submitted to his Principal Secretary and to Mr. Winston Skinner, the Director of Sports. Mr. President, I cannot help it if he is not keeping a closer communication with his staff.

I have heard the word "redundancy" used here. Mr. President, in my effort to see exactly what the Honourable Member was talking about, as my connotation applied to that word did not agree with his, I checked the dictionary - and it seems that the only redundancy here is the inertia within his Portfolio.

Mr. President, I submit that the Honourable Member sat on this matter. If he had not, it should have received attention long ago, because the report was given to him in March 1986, almost 18 months ago. He has said that my motion will add no more impetus than what is now being done. I do not doubt that, Mr. President, because if we have to deal with the situation we are faced with now, I can see where he is coming from. But the Member should realise that to deny this facility at this time is not denying the opposition bench a privilege that they need.

Mr. President, good or bad for us over here, we have passed the stage of being juveniles. There are a lot of delinquents, but there are very few juveniles in the House. I am most disappointed because 90 per cent of those kids in Jamaica are from very poor homes; people that I know and people who are crying out for help. I wonder, Sir what would be the position if these kids were from different backgrounds?

Mr. President, I have to agree with the comments made by the Second Elected Member for West Bay and the First and Second Elected Members for Bodden Town. We need this facility now, not in two years time. The suggestion made by the Second Elected Member for Bodden Town, should perhaps be given serious consideration. Perhaps Sir, in your position as Governor, it might be a good idea if a delegation could be sent to Jamaica to really examine the situation there. Also, a similar suggestion was made by the Second Elected Member for West Bay.

Mr. President, much talk was made of my reference to the seminar which took place at the Hyatt Hotel and which was sponsored by the Chamber of Commerce. It is my understanding that there are a number of Members who for one reason or the other do not think very much of the Chamber, but Mr. President, I think they are doing a fairly good job.

I must congratulate the Compass also for reporting such a comprehensive overview of that debate on crime. But since there is so much about Christian principles, about love for neighbours and love for our people, I would have thought that there would have been a bit of humanity, a bit of heart, towards the poor people who have chosen us to represent them. Mr. President, they are crying out for help, they want our assistance, but they know that the most that the backbenchers, like myself, can do is bring motions to this House and try to get these things done. This morning I almost had to strip my soul to get a motion through here for low-cost housing.

Mr. President, as I said, I am very sad about this, and I can only hope that the Honourable Members turning it down can sleep with themselves. Thank you Mr. President.

MR. PRESIDENT:
Motion No.13/87.

I shall now put the question on Private Member's

QUESTION PUT: AYES AND NOES

MR. JAMES M. BODDEN:

Could we have a division?

MR. PRESIDENT:

A division please, Clerk.

DIVISION
NO.71/87

AYES: 4

NOES: 10

Mr. W. McKeever Bush
Mr. Linford A. Pierson
Mr. James M. Bodden
Mr. G. Haig Bodden

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnel
Mr. D. Ezzard Miller

AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 13/87 DEFEATED

PRIVATE MEMBER'S MOTION NO. 15/87
INCREASE OF AGE OF CONSENT FOR GIRLS

MR. PRESIDENT: Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President.
Mr. President, I would like to move Private Member's Motion No. 15/87 - Increase of Age of Consent for Girls - which reads as follows:

WHEREAS the age of consent for girls in the Cayman Islands is 14 years;

AND WHEREAS in many other countries the age of consent is 16 years or higher;

AND WHEREAS there is great concern amongst the people of these Islands regarding what is felt to be a very low age requirement for the age of consent;

BE IT RESOLVED that this Honourable House take steps to rectify this situation by extending the age of consent to 16 years.

MR. D. EZZARD MILLER: Mr. President, I beg to second the Motion.

MR. PRESIDENT: Private Member's Motion No. 15/87 has been duly and seconded. Would the mover wish to speak to it?

MRS. DAPHNE L. ORRETT: Yes, thank you, Sir.
Mr. President, the motion before this House is seeking to rectify a situation which has been on our statute book for many years, and one which is certainly not in line with similar regulations in other free countries of the world. For example, in Britain, the age of consent for girls is 16 years. In the United States, in large cities such as New York and California, the age is 16 and 17 years respectively.

This intent of the motion is to bring before this honourable House, as well as to the public at large, the fact that a young woman still of school age in these Islands must be solidly backed by our laws in maintaining her dignity and self-worth.

Mr. President, need I remind anyone sitting in this honourable House, or indeed listening, that we live in a very permissive age, an age in which there are those who say I will do what I please when I please, how I please and for as long as I please. The what, when and how may be possible, but society is learning, Mr. President, that as long as I please is another matter to be reckoned with. Dreaded diseases such as AIDS alone will attest to the fact that society must reckon with its base permissiveness.

Mr. President, the Law as it stands does, in my opinion, present weaknesses and those weaknesses need to be corrected. The change in age put forward here could have positive effects in strengthening the Social Services Department, and the courts, in dealing with the matter of child abuse, as well as in other areas. The issue, Mr. President, in my opinion, as the regulations stand at the present time in the Penal Code, is a ready tool for child abuse, and the regulation lends support to such abuse by tying the hands of parents and that of the Social Services Department, as well as the courts, in dealing effectively with the issue.

In presenting my motion, Mr. President, I would hope that I might be brief enough in order that the facts put forward may be heard and assimilated by those listening; detailed enough to demonstrate how the points put forward relate to the motion; and coherent enough to give a clear and helpful picture. It is my hope that those directly involved in the prevention and treatment of child abuse will find it useful and that it will also be of interest and relevance to those others who are concerned with or about the general care and protection of girls.

The functions of the Social Services Department, Mr. President, are to a large degree determined by the Law. It might therefore prove helpful here if I touch briefly on the relevant statutory provisions, and what is possibly the thinking underlying them.

Mr. President, section 122(3) of the Penal Code states:

"Whoever unlawfully or carnally knows any girl under the age of fourteen years is guilty of an offence and liable to imprisonment for a term not exceeding seven years;

Provided that it shall be a sufficient defence to any charge under subsection 3 if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so

charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of fourteen years."

As pointed out in the first whereas of the motion, the age of 14 is presently the age of consent. The age of 14, Mr. President, was years ago, the school leaving age in our country. It seems therefore reasonable that this, perhaps, was the rationale behind the decision to set down the age of consent at 14 years. I doubt, however, that it can be argued that the maturity of a 14 year old girl to make such responsible decisions with such far-reaching consequences is justified. The role of the concerned parent and the Social Services Department can only be fulfilled insofar as they are able to work within the legal framework. Thus I feel that the time is right in addressing the issue in question.

Mr. President, there were a number of concerned citizens who indicated to me that I should perhaps have proposed the age of 18 years rather than 16 years of age as the age of consent. However, one has to be realistic. Therefore, when considering that the average age for girls graduating from High School nowadays is between the ages of 16 and 18 years, and further, when considering that upon graduation, many of these young women commence working and oftentimes get their own apartments and so on, it seemed reasonable in proposing that the age of consent for girls be extended from 14 years to 16 years.

Mr. President, in today's society, when an unfortunate young woman who resides in a home where there are many financial restraints, or where there is an alcoholic or drug addicted father or mother, or where some other adverse situation exists, when any such young woman who, even though in her tender early teen years is seduced by some man who perhaps promises her that the grass is greener on the other side, uses that opportunity simply to satisfy his own lustful desires and only further compounds her problems.

Mr. President, because of her home environment, it would seem that some members of society simply look at the situation, shrug their shoulders and say in a rather matter of fact way, this is all that can be expected. Mr. President, we have had cases where parents who although not the fittest of guardians themselves, have tried to persuade their young daughters to remove themselves from situations such as I have explained earlier, but to no avail. Sometimes this is because they are threatened by the man with whom they are cohabiting, or they are enticed with drugs, or because the parties involved knew that the hands of the court are tied in not being able to force the girls to leave. Or unfortunately she is running from a similar terrible situation she faces at home.

Mr. President, I have known of situations in our Islands where not just one, but two or three full grown men - shall I call them men? - have taken advantage of a young woman still in her tender teen years, simply because she needs to get another fix of cocaine, and she gives her consent. The frustrated mother's hands are tied, Mr. President, as are those of the Social Services and the courts.

Fourteen years, Mr. President, is a very tender age. Surely there should be something on our statute book which will prevent such situations from existing without there being some recourse to the courts for help. Any man worth his salt should not have carnal knowledge of a girl of 14 years, even with her consent. But surely to help rid, or at least to minimise such evils in our society, the courts must be in a position to act accordingly.

At the age of 14, it is easy enough to be seduced, whether for drugs, money, clothes, or some other enticement, and such a child, regardless to whose family she belongs, regardless of the colour of her skin, regardless of the moral or financial situations in her household, she must be protected by the laws of our land.

Mr. President, a young woman must be guaranteed those rights she has been given. She has one body, and one alone, it is hers and none others, and perhaps the unfortunate circumstances with which she has been faced is all the more reason why there must be some solution to her dilemma.

Mr. President, "let no man despise their youth", can certainly be interpreted in a number of ways, and it is my belief that oftentimes there are those men who believe that a young woman's body is like a handy tool to be used as they see fit, when how and where.

My belief is that in extending the age of consent from 14 to 16 years gives two more years in which to mature, the opportunity to graduate from school and then to go out and work and provide for herself. A young woman is in a much better position to make a right, or at least a rational decision of to whom she will give of herself. A young woman has a right to retain her chastity if she so desires, and I reiterate it does not hinge upon what her economic situation is, nor her colour nor her level of education, nor even the social status of her family. She has these rights because she is one of God's choice creations. That right has been given to her and she should not be deprived of it, whether by threat of force, nor use of force, nor by intimidation of any kind, nor by fear of bodily harm, as is stated in the Penal Code.

Mr. President, I am often made to wonder how much of this takes place without the evil offenders being brought before the courts and punished, and how much of it takes place with these evil men simply saying I had the young girl's consent. It is my belief that oftentimes, when we hear of a young girl of 14 going out on her own, she may likely be running from adverse situations, but only to fall prey to someone who again will exploit her.

Our laws, Mr. President, must be tailored to protect her. Many young women live with a guilt complex all their lives because of this early exposure to an involvement in such adult situations. It is a known fact, Mr. President, that most prostitutes are those women who from an early age were exposed to carnal knowledge, resulting in their losing their self esteem, placing little value on their self worth, and going through life searching for someone to fill the emptiness and the void in their lives. But for the grace of God, Mr. President, many would live in degradation all their lives.

Perhaps, Mr. President, there might be one, even now, listening to this speaker who has fallen into that category, who, through a set of circumstances, not of her own making, suffers untold agony and heartache. But may I take this opportunity to say to any under the sound of my voice that there is still hope for you. There are still those who care, members of the Christian community are there to help, and there is still a plan which God has for you in this life. He is no respecter of persons, Mr. President.

Mr. President, I do not mean to preach a sermon, but I really need to express what I feel. When I think of God's creation, of all the beautiful things which he has created, and man being his choice creation, giving us all things to enjoy, and that the relationship between a man and woman was his gift to us, surely he intended that it not be abused and misused and handled carelessly.

Every young woman ought to have the privilege of deciding when and with whom she will share of herself, and 14 years of age is hardly the age to make such a decision, if it is to be made rationally. A young girl of 14 years is yet to learn many other things in life. There are many other areas and activities in which to find enjoyment and fulfillment.

Mr. President, I trust that parents, teachers and pastors, members of the community, and certainly we as Legislators, will see the important part we play in educating our young people to the fact that when their youthful energies are challenged in the right direction, there will be little chance of getting involved in evils such as drugs, whether in using it, or distributing it, in stealing, in promiscuous sex and other things resulting from the need for money to meet the urge for drugs. It is a known fact that this is the reason behind many a young teenager giving away her life.

I am convinced that if a child is raised right, if he is given love and security, if that child is raised so that he is taught to obey his parents, not out of fear but out of love; if that child is raised so that he hears equally as much praise for his achievements, or hers, or even for his trying to achieve, as he hears in reprimand for his mistakes; if that child has his share of parents' time and friendship, as does anything or anyone else; if that child is taught not only by precept but by example the better things of life, that child will be well equipped to face the challenges of life.

Time spent with a child is a wholesome activity - just being there when he needs someone to talk to is never a waste of time. Mr. President, not only does the child benefit, but so does the parent. Many times a situation in which a young woman is faced stems from the fact that she is not given the care and protection which she needs at home. In these cases, Mr. President, where parents have let down their responsibilities, it should be possible for the Social Services Department, and the court, to step in and help a young woman to find a better station in life. There is no substitute for a happy childhood - none. But for those who have been so unfortunate as to have missed out on this, I trust that society will be in a position of helping them gain a lifestyle and seek and find goals in life which can help to fill that void.

Mr. President may God have mercy on the souls of those who abuse children, those who have ruined the emotional stability of a young woman, and who take advantage of her for their own evil, lustful appetites. Better would it be that a millstone were hung about his neck and he were drowned in the depths of the ocean for offending one of these little ones - so says the word of God. Those who beguile with their sweet words as smooth as oil on water, yet who have only evil ulterior motives and lead young girls to a life of sin will be reckoned with.

What can a 14 year old decide for herself, Mr. President? How can she possibly determine what is best for her? Surely it can be seen that this low age limit for consent by a young woman is too low. At 16 she is certainly at a better and more mature age to make such a decision, especially if she has been exposed to proper training and guidance at home. The emotional scars are awful on a young woman. As I mentioned earlier there is a loss of self respect, there are suicidal tendencies, there is inability to study in school, the underlying trauma of feeling like she will never get ahead in life, and many other critical factors brought about as a result of being involved in such experiences at an early age.

Mr. President, in a nutshell, a young woman of 14 years is not in a position to decide whether she will have sexual relationships with a man, and should such an unfortunate situation occur, then the parents, the Social Services Department and the courts should be in a position to deal with the matter effectively. Mr. President, I ask all Members to consider favourably the action before the House.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?
The Honourable Attorney General.

HON. RICHARD W. GROUND:

Mr. President, I rise to speak to this motion because as the mover pointed out, the age of consent in these Islands is dealt with in the Penal Code, and that is a matter which falls within my responsibility.

Mr. President, I rise on behalf of Government also to support this motion, and I may say that I rise happily to support it.

I do not think I need go into the moral and social reasons that lie behind this motion; they have been very eloquently addressed by the mover. As she pointed out, the provisions are presently contained in section 122(3) of the Penal Code, which reads that whoever unlawfully and carnally knows any girl under the age of 14 years is guilty of an offence and liable to imprisonment. And it also has a defence: if the man genuinely and honestly believed her to be over that age. Mr. President, that provision is based exactly upon a provision in the United Kingdom law, and the age in the United Kingdom law is 16.

Having said that, I think there is very little I can add to this motion, other than to repeat my and Government's support for it.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINEORD A. PIERSON:

Mr. President, there is very little reason why a motion like this should not receive support, but I am somewhat surprised that the Honourable Second Official Member would admit in this House that he did not see that this was necessary long ago.

Mr. President, this is a matter that should have been taken care of by Government long ago, and the motion is indeed redundant and should not have had to be brought to this House. However, I do not want to give the wrong impression. I support the motion. Unlike some of my colleagues I see the virtue of this being done right away and not in two or three years time when we find it somewhere in the Economic Development Plan.

Mr. President, I would have thought that the Honourable Second Official Member would have advised the mover of this motion that there are a number of other relevant laws that may require similar amendments, and that we should cease in this House to make ad hoc piecemeal amendments to bits and pieces of legislation. The Marriage Law falls under a similar category, the Age of Majority Law, the Juveniles Law in the same position as the Penal Code. Section 3(2) of the Marriage Law states:

"A marriage solemnized between persons either of whom is under the age of sixteen years shall be void."

Section 29(1) as amended further states that persons who have reached the age of 18 years of age may marry without the consent of others. It is suggesting, Mr. President, that between the ages of 16 and 18 that person still needs the consent of the parents; thus inferring that persons up to 18 years of age are still, under this Law, regarded as juveniles or minors. The Age of Majority Law, 1977 - section 2(1) of this amending law - states inter alia:

"As from the date on which this section comes into force a person shall attain full age on attaining the age of eighteen years....";

again specifically stating that the recognised age of majority when an individual is fully responsible for his own acts is 18 years of age. The Penal Code, Law 12 of 1975, section 12(1) states:

"A person under the age of eight years is not criminally responsible for any act or omission."

Section 12(3) states:

"A male under the age of twelve years is presumed to be incapable of having carnal knowledge.";

I will point out the inconsistency in the laws, Mr. President, and why more homework should have been done on this, and why to bring motions here that will have the effect of an ad hoc amendment and piecemeal amendments to our laws is not right. I am not under any disillusionment, Mr. President, because I know it will be passed, and I hope it will be, because it is a good motion - but I am pointing out that there are many other areas that should be addressed.

Section 122(1) of the same law, the Penal Code, and this is what we are dealing with, states:

"Whoever unlawfully and carnally knows any girl under the age of twelve years is guilty of an offence and liable to imprisonment for a term not exceeding fourteen years."

Section 122(3) states:

"Whoever unlawfully and carnally knows any girl under the age of

fourteen years is guilty of an offence and liable to imprisonment for a term not exceeding seven years."

But Mr. President, there appears, as I said, to be potential problems and conflict between section 12(3) of the Penal Code which states:

"A male person under the age of twelve years is presumed to be incapable of having carnal knowledge."

and section 122(1) and (3) which I just read. The proposed amendment, Mr. President, if passed by this House would not allow a girl, and I would like to make this point, would not allow a girl of up to 16 years to give consent; yet a boy between 12 and 16 can commit the offence. For example, if you had two teenagers, say both 15 years old, boy and girl, the girl could not give consent, but the boy can commit the offence. Mr. President, this seems somewhat anomalous, and should be brought in line.

Under the Juvenile Law (Law 16 of 1975) a juvenile is defined as a person under the age of 17 years, which includes both a girl and a boy. That juvenile, once reaching the age of 17 for the purposes of the Juveniles Law is regarded as an adult, having reached majority. If he or she is therefore under this law held responsible in the same way as an adult, it seems unreasonable that this same adult is prohibited from marrying without the consent of parents or other guardians.

There are a lot of things here, Mr. President, that require urgent attention. Why do we just take these little bits and pieces? We need to look at the laws and have them properly brought in line. It would seem that there are conflicts between this Law, the Penal Code, the Marriage Law and the Age of Majority Law. Therefore, to amend just the Penal Code would seem to approach this problem in an ad hoc fashion.

I can support this motion as I said, Mr. President, but I thought that I would take this time to show that motions are being brought here in ad hoc piecemeal fashions, and that they will indeed be passed because certain Members have the majority of support in this House.

Thank you, Mr. President.

MR. PRESIDENT:

In response to the entirely correct desire of the House, I allowed considerable latitude there. The Honourable Member introduced a number of points on which he may in fact wish to put motions at a subsequent meeting of the Assembly.

Does any other Member wish to speak?

to reply?

Apparently not. In that case would the mover wish

MRS. DAPHNE L. ORRETT:

Mr. President, just to say that I thank the Second Elected Member for George Town and want to bring to his attention that the resolve section did mention that we take steps to rectify the situation; so I am sure that the Honourable Second Official Member will have taken note of this and will do whatever is necessary to have the situation rectified.

Mr. President, simply to say that a young woman must not only live to survive, she must live to succeed, and I believe that the motion before us is only another tool which will put the young women of this Island in a better position to survive, and more importantly, to succeed.

I thank the Honourable Second Official Member and those who support the motion, and I want to say that I trust that each Member realises that this is motion which, although long overdue, is necessary and I am glad that it has received the support that it has.

Thank you, Sir.

MR. PRESIDENT:

No. 15/87.

I shall put the question on Private Member's Motion

QUESTION PUT: AYES

MR. W. MCKEEVA BUSH:

May I have a division, Mr. President?

MR. PRESIDENT:

Division, please.

DIVISION

NO. 72/87

AYES: 13

NOES: 0

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Dodden
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

AGREED: PRIVATE MEMBER'S MOTION NO. 15/87 PASSED

ANNOUNCEMENTS BY THE PRESIDENT

MR. PRESIDENT: Before we adjourn, a matter has been brought to my attention that today is the 200th anniversary of the Constitution of the United States of America. The suggestion has been made that it would be appropriate for this House to send a message in suitable terms of congratulations to the Government of the United States of America. So with leave of Members, and I trust with your approval, I shall formulate a suitable message and try to get it there before the end of the day.

QUESTION PUT: AGREED

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 9:28 P.M. THE HOUSE STOOD ADJOURNED UNTIL
10:00 A.M., FRIDAY 18TH SEPTEMBER, 1987

THIRD MEETING OF THE 1987 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

FRIDAY, 18TH SEPTEMBER, 1987

(EIGHTH DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O ERANKS, OBE	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 MARRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

THIRD MEETING OF THE 1987 SESSION OF THE
LEGISLATIVE ASSEMBLY

FRIDAY, 18TH SEPTEMBER, 1987

(EIGHTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL.

2. PRESENTATION OF PAPERS AND REPORTS

AMENDMENT TO THE REPORT OF THE STANDING FINANCE COMMITTEE
(Meeting held 26th August, 1987)

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, CHAIRMAN OF THE STANDING FINANCE COMMITTEE.

3. GOVERNMENT BUSINESS

BILLS:

COMMITTEE ON BILLS

(1) THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987

REPORT ON BILLS

(2) THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987

THIRD READINGS

(3) THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987

MOTIONS:

GOVERNMENT MOTION NO. 5/87
COMPOSITION OF SELECT COMMITTEE ESTABLISHED BY PRIVATE MEMBER'S MOTION NO. 10/87 AS AMENDED.

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER.

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

(1) PRIVATE MEMBER'S MOTION NO. 16/87
INVESTIGATION INTO ALLEGATIONS OF CORRUPTION
OF THE ROYAL CAYMAN ISLANDS POLICE FORCE

TO BE MOVED BY : THE SECOND ELECTED MEMBER FOR WEST BAY
TO BE SECONDED BY: THE SECOND ELECTED MEMBER FOR GEORGE TOWN

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FRIDAY

18TH SEPTEMBER, 1987

10:05 A.M.

PRAYERS

MR. PRESIDENT:

Prayers.
The Honourable Third Official Member.

PRAYERS

HON. J. LEMUEL HURLSTON:

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 Name's sake, Amen.
Our Father, who 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:

Papers. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

AMENDMENT TO THE REPORT OF THE STANDING FINANCE COMMITTEE
(Meeting held 26th August, 1987)

HON. THOMAS C. JEFFERSON:

Mr. President, I have to apologise to honourable Members of the House. The report of the Standing Finance Committee, which I laid on the table on 16th September, I am afraid did not include the bank loan guarantee for the Port Authority of \$350,000 for the Royal Bank of Canada, and \$200,000 for Canadian Imperial Bank of Commerce. Neither did it include the write-off of uncollectable school fees of \$37,340, although the minutes reflected Finance Committee's approval, and I beg you now Mr. President, to allow me to lay it on the Table.

MR. PRESIDENT:

So ordered.
We move now to the third item of business today, and the House will now go into Committee to study a Bill entitled The Merchant Shipping (Applicable Conventions) Law, 1987.

GOVERNMENT BUSINESS
BILLS

HOUSE IN COMMITTEE

MR. CHAIRMAN:

The House is now in Committee.
As the Bill before us is very long and large, may I suggest that we should ask the Clerk to read as usual clause by clause, then take a short pause and any Member wishing to speak on a particular clause may do so. Would that be acceptable?

HON. THOMAS C. JEFFERSON:

Mr. President, if I may. Some Members, in debating the Merchant Shipping Bill, indicated that they have some amendments that they think should be made. I am not asking the Member to give up his democratic right to say whatever he

wishes, but just to make one point, and that is that the legislation before us is only the beginning. There is lots more to come. Amendments are coming to us from our legal counsel in the United Kingdom on this issue, and I would appreciate if honourable Members could agree to leave the Bill intact, as it is, and to consider all amendments put to us, as well as those coming from our legal counsel in the United Kingdom, at some future meeting - maybe in November.

MR. CHAIRMAN: Just again, for the sake of clarity, the Clerk will read clause by clause. At any point would Members please interrupt and speak on a given clause, but before a Member speaks, for example on clause 5, I will put the question on the preceding four clauses so that they are out of the way. Is that agreeable?

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987

CLERK: CLAUSE 1. SHORT TITLE AND DATE OF COMMENCEMENT.
CLAUSE 2. INTERPRETATION.
CLAUSE 3. CONSTRUCTION ETC. RULES.
CLAUSE 4. RULES FOR LIFE-SAVING APPLIANCES.
CLAUSE 5. ENTRY IN LOG-BOOK ETC. OF BOAT-DRILL ETC.
CLAUSE 6. RADIO RULES.
CLAUSE 7. RULES FOR DIRECTION-FINDERS.
CLAUSE 8. FURTHER PROVISIONS AS TO RADIO NAVIGATIONAL AIDS.

MR. CHAIRMAN: The question is that clauses 1 through 8 stand part of the bill?

QUESTION PUT: AGREED. CLAUSES 1 THROUGH 8 PASSED

CLERK: CLAUSE 9. ISSUE FOR PASSENGER STEAMERS OF SAFETY CERTIFICATES AND EXEMPTION CERTIFICATES.
CLAUSE 10. CARGO SHIP SAFETY CONSTRUCTION CERTIFICATES AND EXEMPTION CERTIFICATES.
CLAUSE 11. ISSUE FOR CARGO SHIPS OF SAFETY-EQUIPMENT CERTIFICATES AND EXEMPTION CERTIFICATES.
CLAUSE 12. ISSUE FOR CARGO SHIPS OF RADIO CERTIFICATES AND EXEMPTION CERTIFICATES.
CLAUSE 13. ISSUE OF GENERAL SAFETY CERTIFICATES, ETC. ON PARTIAL COMPLIANCE WITH RULES.
CLAUSE 14. NOTICE OF ALTERATIONS AND ADDITIONAL SURVEYS.
CLAUSE 15. PROHIBITION ON PROCEEDING TO SEA WITHOUT APPROPRIATE CERTIFICATES.
CLAUSE 16. MISCELLANEOUS PROVISIONS AS TO SURVEYS AND CERTIFICATES.

MR. CHAIRMAN: The question is that clauses 9 through 16 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 9 THROUGH 16 PASSED

CLERK: CLAUSE 17. CERTIFICATES OF CONVENTION SHIPS NOT REGISTERED IN ISLANDS.
CLAUSE 18. MODIFIED SURVEY OF PASSENGER STEAMERS HOLDING CONVENTION CERTIFICATES.
CLAUSE 19. FURTHER PROVISIONS AS TO THE PRODUCTION OF CONVENTION CERTIFICATES.

MR. CHAIRMAN: The question is that clauses 17 through 19 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 17 THROUGH 19 PASSED

CLERK: CLAUSE 20. OPENING IN PASSENGER STEAMERS' HULLS AND WATERTIGHT BULKHEADS.
CLAUSE 21. SIGNALS OF DISTRESS.
CLAUSE 22. OBLIGATION TO SHIPS, ETC. IN DISTRESS.
CLAUSE 23. REPORTS OF DANGERS TO NAVIGATION.
CLAUSE 24. CAREFUL NAVIGATION NEAR ICE.
CLAUSE 25. CARRIAGE OF DANGEROUS GOODS.
CLAUSE 26. CARRIAGE OF GRAIN.

MR. CHAIRMAN: The question is that clauses 20 through 26 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 20 THROUGH 26 PASSED

CLERK: CLAUSE 27. REMOVING PERSONS IN CASE OF DANGER.
CLAUSE 28. POWER OF GOVERNOR TO EXEMPT FROM SAFETY REQUIREMENTS.
CLAUSE 29. EXEMPTION OF CERTAIN SHIPS FROM CERTAIN PROVISIONS OF THIS PART.
CLAUSE 30. NUCLEAR SHIP RULES.

MR. CHAIRMAN: The question is that clauses 27 through 30 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 27 THROUGH 30 PASSED

CLERK: CLAUSE 31. INTERPRETATION.
CLAUSE 32. SHIPS TO WHICH PART APPLIES.
CLAUSE 33. LOAD LINE RULES.

MR. CHAIRMAN: The question is that clauses 31 through 33 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 31 THROUGH 33 PASSED

CLERK: CLAUSE 34. COMPLIANCE WITH THE LOAD LINE RULES.
CLAUSE 35. SUBMERSION OF LOAD LINES.
CLAUSE 36. MISCELLANEOUS OFFENCES IN RELATION TO MARKS.
CLAUSE 37. ISSUE OF LOAD LINE CERTIFICATES.
CLAUSE 38. EFFECT OF LOAD LINE CERTIFICATE.
CLAUSE 39. DURATION, ENDORSEMENT AND CANCELLATION OF LOAD LINE CERTIFICATES.
CLAUSE 40. SHIPS NOT TO PROCEED TO SEA WITHOUT LOAD LINE CERTIFICATES.
CLAUSE 41. PUBLICATION OF LOAD LINE CERTIFICATE AND ENTRY OF PARTICULARS IN LOG-BOOK.

MR. CHAIRMAN: The question is that clauses 34 through 41 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 34 THROUGH 41 PASSED

CLERK: CLAUSE 42. VALID LOAD LINE CONVENTION CERTIFICATES.
CLAUSE 43. COMPLIANCE WITH LOAD LINE RULES.
CLAUSE 44. SUBMERSION OF LOAD LINES.
CLAUSE 45. ISLANDS LOAD LINE CERTIFICATES.
CLAUSE 46. PRODUCTION OF CERTIFICATES TO CUSTOMS OFFICERS.

MR. CHAIRMAN: The question is that clauses 42 through 46 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 42 THROUGH 46 PASSED

CLERK: CLAUSE 47. PROVISIONS AS TO INSPECTION.
CLAUSE 48. POWER TO DETAIN ISLAND SHIP, AND PROCEDURE FOR DETENTION.
CLAUSE 49. POWER TO DETAIN NON-ISLANDS SHIP, AND PROCEDURE FOR DETENTION.

MR. CHAIRMAN: The question is that clauses 47 through 49 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 47 THROUGH 49 PASSED

CLERK: CLAUSE 50. POWER TO MAKE EXEMPTION ORDERS.
CLAUSE 51. FURTHER POWERS TO EXEMPT SHIPS.
CLAUSE 52. ISSUE OF EXEMPTION CERTIFICATES.
CLAUSE 53. PROVISIONS RELATING TO EXEMPTION CERTIFICATES.
CLAUSE 54. INTERNATIONAL LOAD LINE EXEMPTION CERTIFICATES.

MR. CHAIRMAN: The question is that clauses 50 through 54 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 50 THROUGH 54 PASSED

CLERK: CLAUSE 55. SUBDIVISION LOAD LINES.
CLAUSE 56. DECK CARGO.
CLAUSE 57. APPLICATION OF PART IN RELATION TO CERTAIN OVERSEAS TERRITORIES.
CLAUSE 58. LOAD LINE CONVENTION COUNTRIES.

MR. CHAIRMAN: The question is that clauses 55 through 58 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 55 THROUGH 58 PASSED

CLERK: CLAUSE 59. CONVENTIONS RELATING TO OIL POLLUTION FROM SHIPS ETC.
CLAUSE 60. TRANSMISSION OF CERTIFICATES.
CLAUSE 61. CANCELLATION OF CERTIFICATE.
CLAUSE 62. DELIVERY OF CERTIFICATE.
CLAUSE 63. POSTING UP OF CERTIFICATE.
CLAUSE 64. DOCUMENTS TO BE HANDED OVER TO SUCCESSOR ON CHANGE OF MASTER.
CLAUSE 65. CERTIFICATE ADMISSIBLE IN EVIDENCE.

MR. CHAIRMAN: The question is that clauses 59 through 65 do stand

part of the Bill?

QUESTION PUT: AGREED. CLAUSES 59 THROUGH 65 PASSED

CLERK: CLAUSE 66. COURT OF SURVEY.
CLAUSE 67. POWER AND PROCEDURE OF COURT OF SURVEY.
CLAUSE 68. RULES OF PROCEDURE FOR COURT OF SURVEY, ETC.
CLAUSE 69. SURVEYORS OF SHIPS.
CLAUSE 70. POWER OF SURVEYOR FOR PURPOSE OF SURVEY OF SHIPS.

MR. CHAIRMAN: The question is that clauses 66 through 70 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 66 THROUGH 65 PASSED

CLERK: CLAUSE 71. APPOINTMENT OF INSPECTORS TO REPORT ON ACCIDENTS, ETC.
CLAUSE 72. POWERS OF INSPECTORS.
CLAUSE 73. PENALTY FOR OBSTRUCTING INSPECTOR IN THE EXECUTION OF HIS DUTY.

MR. CHAIRMAN: The question is that clauses 71 through 73 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 71 THROUGH 73 PASSED

CLERK: CLAUSE 74. ENFORCING DETENTION OF SHIP.
CLAUSE 75. NOTICE TO BE GIVEN TO CONSULAR OFFICER.
CLAUSE 76. LIABILITY FOR COSTS AND DAMAGES.
CLAUSE 77. REGULATIONS.
CLAUSE 78. APPLICATION OF UNITED KINGDOM LEGISLATION.
CLAUSE 79. CONSULTATION WITH SECRETARY OF STATE.
CLAUSE 80. REPEALS.

MR. CHAIRMAN: The question is that clauses 74 through 80 do stand part of the bill?

QUESTION PUT: AGREED. CLAUSES 74 THROUGH 80 PASSED

CLERK: A BILL FOR A LAW TO MAKE PROVISION FOR THE SAFETY OF LIFE AT SEA, AND AS TO LOAD LINES AND RELATED MATTERS, TO ENABLE EFFECT TO BE GIVEN TO CERTAIN INTERNATIONAL AGREEMENTS RELATING TO THE POLLUTION OF THE SEA AND FOR THE PURPOSES CONNECTED WITH THOSE MATTERS.

MR. CHAIRMAN: The question is that the title do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED

MR. CHAIRMAN: Thank you. That concludes proceedings in Committee on the Bill entitled The Merchant Shipping (Applicable Conventions) Law, 1987. The House will resume.

HOUSE RESUMED

REPORT THEREON

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled The Merchant Shipping (Applicable Conventions) Bill, 1987 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.

THIRD READING

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987

CLERK: THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) BILL, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled The Merchant Shipping (Applicable Conventions) Bill, 1987 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS)

BILL, 1987 GIVEN A THIRD READING AND PASSED.

MOTIONS

MR. PRESIDENT:

We now move to Motions, Government Motion No.5/87.

The Honourable First Official Member.

SUSPENSION OF STANDING ORDER 24(5)

HON. THOMAS C. JEFFERSON:

Mr. President, the other day when we came to the vote on the Private Member's Motion on Low-Cost Housing, I was not quick enough on my feet to make the motion at that time for the composition of the committee which would look into low-cost housing, and what mechanics need to be put into place.

The motion which is before us requires to be before us for five days, therefore I am caught up in this matter again, having to put myself in a position and ask Honourable Members to allow me to suspend Standing Order 24(5) in accordance with the suspension Standing Order 83.

MR. PRESIDENT:

The question is that Standing Order 24(5) be suspended to enable the motion before the House to be taken. Would any Member wish to speak?

In that case I will put the question that Standing Order 24(5) be suspended to enable Government Motion No.5/87 to be taken today.

QUESTION PUT: AGREED. STANDING ORDER 24(5) SUSPENDED TO ENABLE GOVERNMENT MOTION NO.5/87 TO BE TAKEN.

GOVERNMENT MOTION NO.5/87
COMPOSITION OF SELECT COMMITTEE ESTABLISHED BY
PRIVATE MEMBER'S MOTION NO.10/87 AS AMENDED

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to move Government Motion No.5/87 entitled Composition of Select Committee Established by Private Member's Motion No.10/87 as Amended, which reads:

WHEREAS Private Member's Motion No.10/87 as amended called for the establishment of a Select Committee for the purpose of examining ways and means of providing an appropriate system to deal properly with the housing problem of the poorer individuals in the Cayman Islands;

AND WHEREAS that Motion was passed unanimously by the Legislative Assembly on the 17th day of September, 1987;

BE IT THEREFORE RESOLVED that the said Select Committee shall consist of all Elected Members of the Legislative Assembly, and the Honourable First Official Member of Executive Council, the Financial Secretary;

AND BE IT FURTHER RESOLVED that the quorum of the said Select Committee shall be seven.

MR. PRESIDENT:

Government Motion No.5/87 has been duly moved.

Does the honourable mover wish to speak to it?

HON. THOMAS C. JEFFERSON:

Mr. President, I think that the words of many Members who debated Private Member's Motion No.10/87 dealing with low-cost housing are fresh in our minds, and I do not have to go over well-covered ground.

The only point that perhaps I need to bring out is that the subject of housing can be a quite substantial financial sum of money, and it is one of the reasons why I took the pleasure of including the Financial Secretary on the Committee. This, of course, Mr. President, is subject to Members who can amend the motion and take him off. But I leave it to honourable Members.

MR. PRESIDENT:

Does any Member wish to speak on this Government Motion?

The Elected Member for East End.

MR. JOHN D. McLEAN:

Mr. President, just to say that I think that the Financial Secretary should also be the Chairman.

MR. PRESIDENT:

You put me in a slight difficulty, but we will

pursue the question later.

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, I too would wish that when the appointment is made for the Chairman of this Committee, even though I understand that it will be an appointment by the Committee, that Members will consider the First Official Member as Chairman.

MR. PRESIDENT:

Does any other Member wish to speak? In that case I will put the Motion.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 5/87 PASSED

MR. PRESIDENT:

I was about to say something under Standing Order 69(2) about the appointment of the Chairman, but clearly I shall be happy to consider the advice given, and we will come to a decision a little later on. Thank you.

So we now proceed to Other Business, Private Members' Motions.

OTHER BUSINESS
PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 16/87
INVESTIGATION INTO ALLEGATIONS OF CORRUPTION
OF THE ROYAL CAYMAN ISLANDS POLICE FORCE

MR. PRESIDENT:

The Second Elected Member for West Bay to move.

MR. W. McKEEVA BUSH:

Mr. President, I beg to move Private Member's Motion No. 16/87 standing in my name, which reads:

WHEREAS the law enforcement arm of Government, namely the Royal Cayman Islands Police Force, is one of the most important bodies in this colony;

AND WHEREAS in the past there have been allegations of corruption in the force which gave cause for an inquiry to be undertaken, the findings of which were not made public;

AND WHEREAS allegations of corruption still exist, which, if true, would give cause for grave concern;

BE IT RESOLVED that this Honourable House do establish a Select Committee of the whole House to conduct a general inquiry into alleged corruption in the Royal Cayman Islands Police Force.

MR. LINFORD A. PIERSON:

Mr. President, I beg to second the Motion.

MR. PRESIDENT:

Private Member's Motion No. 16/87 has been duly moved and seconded. Does the mover wish to speak to it?

MR. W. McKEEVA BUSH:

(INAUDIBLE)

MR. PRESIDENT:

I think the problem is that the voice is not being recorded. I think you are coming over on the loud speakers, is that right? I am sorry to interrupt you, but it is important that proceedings are recorded. Would the Deputy Clerk explain please what the problem is?

If it is not coming through on that microphone maybe we could ask you to move across one. It appears maybe your microphone was off. Would you please try again. I am sorry about the interruption.

MR. W. McKEEVA BUSH:

In that case, Mr. President, I would like to begin from the beginning.

Mr. President, as I said, I rise on the motion with the greatest amount of sincerity, and the greatest amount of concern at the situation that obtains in this country.

I trust, Mr. President, that this motion will not be turned into another political row in this House - or, a claim of dignity.

I pointed out that much has been said about the sub judice rule. Most of us in this House quite understand what the sub judice rule is all about. However, I would sincerely hope and pray that the application of that rule is not being extended to prohibit Members, from their constitutional duty, to question wrong-doing in the highest halls of Government.

I was amazed yesterday at the answer to my question that an allegation was made after my question on police brutality was submitted. That

incident happened over two months ago. I am of the firm opinion - and, Mr. President, opinions are perfectly constitutional - that that report or allegation was made just in time to stop the flow of information that was bound to come to this House by my question and further supplementary questions. Let us hope sincerely that the awful hand of cover-up is not being exerted.

Mr. President, I would further say, to clear up any doubts whatsoever, that nowhere in the world could an enforcement arm of Government, namely the police, and I stress, nowhere in the world could the entire force be corrupted. There are some very good police officers in this country who take their duty seriously and, Mr. President, those officers have my support.

In recent years there has been mounting concern in international circles over disclosures of corrupt practices at highest levels of government. It was evident before, however, with the disclosures in the early 1970's of the Watergate incident, concern reached very high levels, to the extent that, at an international criminal law conference some years back, it was decided that acts tending to undermine the integrity of public administration should be incorporated in international criminal jurisdiction as an international crime.

Concern, Mr. President, stemmed from a variety of corrupt practices undermining the integrity of public administration. Numerous public officers in different countries of the world have had to face criminal prosecution, and in those countries I might add, Mr. President, action is certainly taken on those matters. It is not the persons who seek to disclose corrupt practices who are penalised and visited with the vengeance of the state, it is the persons who engage in corrupt practices who are penalised. In other countries, covering up a crime is a crime in itself, and high officials of the state are expected to assist in the discovery and prosecution of crimes, rather than the covering up of those crimes. Very high officials, including ministers of government, have been sent to jail. It is not a great surprise to us in this country that other West Indian Islands have experienced just what I am talking about.

Recently in the United States we have seen the police under considerable pressure, being prosecuted because of their involvement in corrupt practices, especially in the movement, sale and distribution of narcotics - very large quantities of drugs. And I should say, very large portions of the police force have been involved and suffered the consequences of the law. Corruption is not being condoned in other countries, Mr. President, and every effort is made to disclose it.

In this country there is evidence enough to say all is not well in our local law enforcement body, and we, as the governing body should leave no stone unturned in an endeavour to expose and bring to judgement those whom we know are involved. That, Mr. President, is our duty. That is our constitutional duty.

Mr. President, the motion before this Assembly gives us a chance to put things right, if, we want to. If we look at the way the motion is worded, we can hardly oppose it; there can be no room for constructive disagreement.

The first section of the motion says that the police force is one of the most important bodies in these Islands. Mr. President, there should be no disagreement with that. Some of the goals of law enforcement are to enforce laws, to prevent crime and to protect lives and property. So there should be no disagreement with the first section of the motion.

The second section says that in the past there have been allegations, and that there was an inquiry, and that the findings of that inquiry were hidden from the public. Mr. President, there can be no disagreement with this section either. And, Mr. President, it is this section of the motion which is so pertinent to the whole question of suspicions and allegations, and pertinent to the hope of any kind of conviction in this country. This section, if no other, should prick the Members of Government and their supporters into giving the motion their 100 per cent support to ensure a safe passage. This section takes us back to 1983 when there was much hue and cry concerning certain situations and controversy existing in the country at that time.

Mr. President, when this controversy arose, I, not then a Member of the House, called for a Royal Commission of Inquiry, and whether I was wrong or whether I was right, I was a citizen of this country doing my duty on what evidence I had. This was refused, whatever the wisdom of the Government of the day, and so, the Government of the day came up with their suggestion of a three-pronged investigation. Mr. President, I did not agree with most of that decision, but had no power to change it.

The three-pronged proposal was: (1) that a team from Scotland Yard would come to investigate certain unsolved crimes; (2) that a professional review of the effectiveness and efficiency of the Royal Cayman Islands Police Force would ensue; and (3) to have someone to advise them how to strengthen the laws to deal with corruption within the public service.

First to arrive was one Mr. Gibson, and his team. They were given some 13 cases to investigate, so they looked and they listened, but as I knew would happen, they had no better luck than our own force with the unsolved crimes. The major excuse was no evidence; it being too hard to get the evidence.

Well, next to come was one Sir Geoffrey Briggs, the one man whom I thought would make some sense, and I did put some confidence in him. He spent seven days on the Island, and on the day of his departure, he held a press conference in which he told the press that he found evidence of corruption within the public service. Briggs further told the press that he would be making a detailed report to the Governor,

and that he would recommend that his report be made public.

Before that, Mr. President, I understood from the Governor that he was going to make this report known, because that was the wish of the people. My understanding is the Governor received his report. He took it to the Assembly Members at that time, who, in majority, decided to keep the report from the public. Now, Mr. President, when I say in majority, I do not mean the Government and their supporters, I mean the entire Assembly - people who had stirred up this whole thing, and yet when the report came they kept it and hid it from the public. I wonder today how they are going to challenge my motion.

Next upon the scene was Mr. Brownlow and his team to review the police force. That report was made public, and with the exception of the Traffic Department, in my opinion, the report condemned its effectiveness and efficiency. force.

This bit of history, Mr. President, sets the ground to the second section of my motion. The question today is why was there hesitancy in accepting Sir Geoffrey Briggs' suggestions when the entire Assembly knew - and I stress the entire Assembly, not just the Government and their supporters, but the opposition - at the time; and when the whole Assembly knew that the one big problem in getting any kind of conviction against the many allegations that it knew of, was that of cold evidence. And I want to repeat that, Mr. President, the whole Government knew that the one big problem in getting any kind of conviction against the many allegations that it had received was that of cold evidence.

I personally, Mr. President, did not know of Sir Briggs' suggestion, at the time. I now know. I believe the one way in which we will ever clean up any kind of corruption in high places and in the force is - what most people in this country might, or most Members of the House, would object to - by the disclosure of assets. And I agree with Sir Briggs - the Government should take specific steps to bring certain legislative instruments to this House in order that certain obligations may be placed on high officials in the country, including the police, regarding the disclosure of assets, and to demand proof whenever there were charges of corruption. It might be a hard pill to swallow, but it is a sure way of finding out who is honest and who is not. And that is what the public is demanding.

The third section of the motion, Mr. President, cannot be refuted either - allegations still exist, and this gives us - the Members of this House, the general public, civil servants and even the Force themselves - cause for great concern. There is no doubt that suspicion is still rampant, and every Member is confronted with it.

We hear, Mr. President, of officers getting pay-offs. We see people coming into the country with pounds of drugs stating that they are coming to stay with certain police officers. We see the same persons being slapped up or ill-treated or brutalised, whichever way you want to put it, by the officers in question and, worse than that, Mr. President, we see that a report is not made until two months later, when a Member of the Legislature puts a question concerning it.

We hear, Mr. President, of thousands of dollars taken from an unconscious person and not reported - a person who was arrested for drugs. We see much involvements in drugs, and the list could go on and on and on. All of us here, all of us as Members have had these complaints. People keep coming to us to tell us these things. And, Mr. President, you would be surprised at the people who come and tell us these things. The one sad thing about all of this is that of getting the conviction; that of getting the cold evidence. What this country needs is a sturdy, methodical start and approach to this question of corruption. Serious effort need to be made to clear the air in this country of corruption.

The public outcry against corruption must be regarded as a constructive force. Resentment is mounting in this country, and, Mr. President, it stems especially from the belief that high officials and police alike go unpunished if even they are sometimes brought into the open by some strange ray of light. Everyone knows that it is difficult to get evidence. You know it exists. You hear people talking, but like the tip of the iceberg, that is all you can get - that is all you can see, just the bare tip. That is why it is so important for Government to provide itself with the necessary legislative instruments to enable it to act effectively. Otherwise, at best, we are wasting our time.

Mr. President, certainly persons who disclose information must be protected. Honest law-abiding citizens, people whom you could never point a finger to in this country, are unwilling to give information because they feel if they talk they will be victimised. The general public feels they cannot trust anyone with information, and that includes the Force, because the same people whom they complain to may be the same persons they are complaining about. So rightly or wrongly, the general public is scared of giving certain persons information.

Mr. President, it is a fact well known, it has happened to me, that time and time again information has been given and the person giving the information has been attacked in some manner by the person of whom he gave the information. So do not talk about the public not having an interest. The public is scared, and they have been scared for a very long time. So, Mr. President, here again is one reason why my motion is a viable alternative to what has been the usual in the past.

The resolve section which makes the motion operational asks that the whole House set up a Committee. We will then conduct our own

investigation. Unlike the investigation on the prison, we, as Members of this House would call our own investigators, set our own terms of reference and they would report to us. We are the guardians whom the people trust, so do not tell me that they are not going to come to us - they have been coming to us because they trust us. If we found evidence of corruption, the Attorney General, the Honourable Second Official Member, who will be a Member of the Committee, would then take action.

Of course, Mr. President, the Committee, which would be set under the terms of the motion, as I said, would set certain terms of reference. For instance, we could ask for the secondment of an experienced person to do the investigation, or we could call one from somewhere else other than the mother country. We could ask for such legal advice as necessary, which would be provided by the Legal Department, or such other person as advised by the Attorney General. Witnesses could be called to testify before the Committee when it found it necessary to convene to examine evidence brought to it by the investigating officer, or to examine evidence available to the Committee from other sources. And of course the findings of the inquiry would be laid on the table of the House for public perusal.

Mr. President, this investigation will not only concern drugs, but any aspect of corruption. However, drugs in this country today is at a level never before experienced. The citizens of this country are sick and tired of the little boy on the street being put away. It is said that with all the drugs coming in, and with all the allegations of some police and other involvement, there must be official knowledge. The public has demanded, and is still demanding, their pound of flesh. The best thing to do with anything that is crooked is to lift it up for people to see that it is crooked, and it will either straighten out or disappear altogether.

Mr. President, I know that this motion will fail, but there is no sound excuse, as given by the experts in this Assembly, why we should not have an investigation. Can they say, Mr. President, Can the Government, and its supporters whom I knew are going to vote against this motion, say that after three years of the present administration that the problem has gotten better? Can they prove any methodical approach towards corruption in this country, and its cure.

Mr. President, the drug situation in this country has overwhelmed us, and if we do not do something to clear up this matter, the police force in this country will never get the respect that a police force, which bears the name "Royal", should have. And that is all I want. If there is wrong-doing, the people must stand before the bar of judgement and accept the full consequences of the law. If there is none, then there should be finality on the question of corruption. But we must make the effort and we have not yet made that effort.

MR. PRESIDENT: I think we might conveniently take our fifteen minutes break. The House is accordingly suspended for fifteen minutes.

AT 11:12 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Proceedings are resumed. Private Member's Motion No.16/87. The Second Elected Member for West Bay continuing.

MR. W. McKEEVA BUSH: Mr. President, I thank you and I am sorry that we had a mix-up, because I really had not finished.

With respect to the second section of the motion, as I said, my concern of the matter goes back many years, and I have made reports. I had such discussion with the previous Governor, in particular on the Briggs' report. I wrote to him on one occasion just after I was elected, and I would read the letter, lest there be someone who says that I did not pursue this situation. It is written to His Excellency the Governor, with respect to corruption in the police force, and dated February 16th, 1985:

"Dear Sir,

I write in connection with the above mentioned subject which has been the cause of much discussion in the past three years, and especially between the two of us since the November elections.

In the past I requested of you to call an investigation, and your defence against this has been that of evidence. If I had cold evidence in my hands, again I say to you, I would need no investigation. Our police force reeks of corruption, and if we do not clean it up it will ruin this country. The Brownlow and Briggs' report, once more I hasten to remind you of your promise to the people of these Islands on the commencement of these investigations. That is that you would make them public, and now you are adamant in the concealing of the reports. I feel strongly about the matter, Sir, and I

feel it is your constitutional duty to tell the people of this colony what those reports say, and if you do not you are shirking your responsibility.

I close this letter by saying how disappointed I am in not being able to see what those reports contained, especially being an elected representative of the people.

Respectfully,

McKeeva Bush".

I had discussions with the new Honourable Member for Internal and External Affairs, and he too referred to evidence, hard cold facts. The previous Chief Secretary said the same thing, and the Members of Executive Council know that we had many discussions because they were in an election campaign which contained matters pertaining to corruption. They know that we had much discussion on this issue. So I do not want any one of them to say that this is just brought here today for election propaganda. No such thing, Mr. President.

Mr. President, it is the duty of the police to find and apprehend law breakers, but it is not their duty to unduly harass members of the public. And, since we are not dealing with that particular subject, I would leave it and ask the Honourable Member to bear in mind that it is happening.

We have a serious, serious situation in connection with drugs in this country, and it hurts the bottom of my heart because I also am a parent. I am a parent and I am an elected representative of the people. A lot of responsibility is laid on our shoulders and I find it very hard to accept that when we see certain things, such as I have named, there is not some involvement in officialdom - there must be if not direct involvement, then certainly knowledge of it. And this is what this motion seeks - to clarify and to clear up in this country.

I can do no more with what I have said. I know that I would be called to order if I mentioned in any respect certain Members of the Crown, and I do not want any cross talk between me and you today, Mr. President, so I would ask the Members to take this motion seriously, and to please not use it to get up and talk about dignity and about election propaganda. These are not the matters before this House. We have a serious job ahead of us, and if anyone in this country, and especially Members in this House, thinks that because there is economic activity that all is well, then they have another guess to make, and they are only living in a fool's paradise.

I will say no more, but will leave this motion to the Members of this House, and trust that they will use their good judgement to support it, especially, Mr. President, the Government, because we campaigned together on the clearing up of corruption, and I say that this is not cleared up, but is further compounded and there is no methodical approach to it in this country.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. FZARD MILLER:

Mr. President, I wish to oppose Private Member's Motion No.16/87 as it now appears before this Honourable House. It is my opinion, Sir, that the resolve section sets Parliament up as judge, jury, and hangman of the Royal Cayman Islands Police Force, and I cannot support that, Sir.

Mr. President, on returning to this country from the recent C.P.A. conference, I read an article in the Caymanian Compass which said that I had refused to sign this motion. Mr. President, that is incorrect. I had not seen the motion until I received it from the Clerk of the Assembly. However, the Member was absolutely correct in assuming that I would not support this motion in its present form.

Mr. President, I would not challenge your generosity in allowing this motion, other than to state that in my opinion it is unconstitutional because it promotes Parliament into your areas of reserved power, namely internal security which governs the police.

If this motion is passed in its present form, it is my opinion that it is a serious threat to the survival of parliamentary democracy as we know it today, and as has been handed down to us by our forefathers who defended it by the sweat of their brow and in some instances paid the ultimate sacrifice of life.

As I understand parliamentary democracy as handed down to us, including the separation of powers, documents, we have three distinct arms of government: Parliament, as the policy makers; the Civil arm, as the administrators of that policy; the Judicial arm, including police, as the enforcement - and the judicial system being the ultimate test as to the effectiveness, adequacy and application of a policy as decided in Parliament. And, Mr. President, it is my opinion that never the twain shall meet.

The mover, in his opening remarks, Mr. President, mentioned the Watergate scandal, and more recently the Iran Contra hearings as they occurred in the United States. Mr. President, I would respectfully submit ...

MR. W. McKEEVA BUSH:

On a point of order, Mr. President.

MR. PRESIDENT: Would you state your point of order, please.

MR. W. McKEEVA BUSH: Standing Order 34(b), Mr. President.

MR. PRESIDENT: You want to rise on a point of elucidation?

MR. W. McKEEVA BUSH: Yes, Sir, 34(b). Mr. President, the Member is completely incorrect. No mention was made of the Iran controversy. That is a figment of his imagination, Sir.

MR. PRESIDENT: As I remember it, in fact Watergate was mentioned, but not the Iran Contras. Please proceed.

MR. D. EZZARD MILLER: Yes, Mr. President, I sympathise with the Member's lack of understanding of the English language. There was a distinct pause in my speech, and I said that the Member had referred to the Watergate scandal and, I said, "...more recently...". That is in making my point, the Iran ... I did not intimate ... if I did I apologise to the Member, Sir.

MR. PRESIDENT: I think honour is satisfied all round.

MR. D. EZZARD MILLER: As I was saying, Mr. President, I would respectfully submit that both of those cases were an attempt to restore equality amongst those three powers, in that during both of them it was brought out clearly that the presidential, or parliamentary portfolio of those three arms was becoming more authoritative than the other two. And that is what gives me great concern with this motion, in that we are attempting to promote ourselves into areas of which we have no authority.

As I see it, the motion in its present form can do no more than destroy what little morality is left in the police force by such a public discourse on what is alleged, and I would like to stress 'alleged', because I have heard a lot about evidence this morning, Sir, but I have heard no real hard evidence.

My experience as a Member of this honourable House in dealing with this issue has been exactly that. I have had numerous complaints from individuals about this alleged corruption and their own interpretation and justification for making that charge. But when you say to these same people, would you be willing to go to the Governor's office with me and repeat that, or to the Chief of Police, or would you be willing to put it in writing, and sign it, there is great hesitance. And, Mr. President, all of the investigations in the world, all of the talk in the world will not settle this matter unless those people who supposedly have this evidence and who are making these allegations are prepared to stand the test and lay them where they will be effective. I had only one complaint from a person who was prepared to put it in writing - he has done that and I intend to lay it where I think we can get some results.

Mr. President, there are several factors which lead to my concern of the threat to parliamentary democracy as contained in this motion. One is reminded of the walk-out on the Mutual Legal Assistance Treaty and the petition that followed.

While some people have taken a liking, during this session, in referring to me as "expert", I will lay no great claim to being an expert on history, but I know - and I speak subject to correction - of no precedent being set in a parliamentary democracy where Members of Parliament have set themselves up in the fashion which this motion seeks to do; and that, as I said, of being judge, jury and hangman of the police force.

Mr. President, we must not take what, in my opinion, is a serious threat to parliamentary democracy as we understand it. If this parliamentary democracy is destroyed, if this travesty is allowed to succeed it cannot be restored by a luncheon meeting in some hotel.

I must say that I have always advocated the release of the reports identified by the mover. However, I do not believe that this motion will in any way achieve that objective. He may be right in that some of the allegations that he referred to could either be proven or disproven by the publication of those documents. I must also say, Sir, that I would like to see these allegations put to rest one way or another, but I disagree entirely with the methodology suggested in the motion that, as the resolve section states, this Honourable House do establish a Select Committee of the whole House to conduct a general enquiry into alleged corruption in the Royal Cayman Islands Force. That, Mr. President, in my opinion, is not the answer that we are seeking - to allow ourselves a carte blanche, uninhibited general enquiry into alleged corruptions. What kind of corruptions? Is the Member dealing with, as he intimated in his moving of the motion, cover-ups? Or does the word "general" enquiry into alleged corruptions go further than that? How far is he suggesting that it go? What are to be the terms of reference of such a committee?

Mr. President, before any doctor can cure a disease he has to first identify the disease he is trying to cure. I cannot agree with the mover's intimation that things are worse now than they were during the historical period that he referred to, 1983 and thereabouts. I have seen no evidence as to what extent the corruption was at that time, nor do I have any evidence as to what it is today. So I have

no basis on which to base his claim that the corruption is more widespread, or greater than it was then. On the other hand, Mr. President, I have certainly seen evidence, borne out by the annual police reports, which certainly indicates an improvement in the detection of crime and the prosecution thereafter of individuals.

Mr. President, as I said, I cannot support this motion because I could never subscribe to any motion which, in my opinion, sets Parliament up as judge, jury and hangman of the enforcement arm of parliamentary democracy, because I believe that is a serious threat to its survival. Thank you, sir

MR. PRESIDENT:

The Honourable Third Official Member.

HON. J. LEMUEL HURLSTON:

Mr. President, I rise to speak to Private Member's Motion No.16/87 - Investigation into allegations of corruption in the Royal Cayman Islands Police Force.

I am very pleased, Mr. President, that the mover of the motion pointed to his recognition, in the very first whereas of the motion, that the Royal Cayman Islands Police Force is an important part of this Government. Indeed, the title of the Force was enlarged and honoured by the addition of the word "Royal" just shortly after the visit of Her Majesty in February of 1983. The record of the Force has therefore distinguished itself and I need not go into the details of where we have come from and what has been accomplished.

The second section of the whereas portion of this motion, Sir, tends to take us back into the past, and indeed much of what was said in the presentation of the motion, Sir, was based on events of the past, events that did this country no good and I can see very little good coming at this stage in reopening some of those wounds and performing yet another postmortem on a corpse that has long decomposed.

With regard to the findings of previous enquiries and inspections, not having been made public, it is not for me, Sir, to rehash the reasons that went into the making of those decisions, and I know of no reason why the present Parliament cannot be invited to reconsider those decisions. But I would just like to refer to one journalist's account of the press conference that was referred to, the press conference at which Sir Geoffrey Briggs is quoted by the mover of the motion as having said he found evidence of corruption here.

This journalist's account, Sir, was published in a local paper dated 1st September, 1983, and I will just read the relevant sections of it. It quotes Sir Geoffrey Briggs as saying, "I do think there is corruption here", but then he goes on in the very same sentence and says "but some of the allegations seem to me more in the nature of rumour". The report goes on to say that he stressed that his role was not to investigate corruption but to find effective laws or machinery to deal with it.

We also heard, Mr. President, on at least two mentions, that the public is demanding its pound of flesh on this issue. I have yet, Sir, to hear from anyone else other than the mover of this motion. Which public is demanding its pound of flesh?

We have heard that all is not well in the Royal Cayman Islands Police Force and that there are cover-up and corrupt practices. Let me run the risk of being a bit technical here, Sir, and draw the distinction in my view between allegations of possible areas of misconduct by certain members of the police force, versus my understanding of corrupt practices and corruption.

All is not well in the Royal Cayman Islands Police Force. This motion, Sir, has not made the situation any better. This motion has come at a time when the Royal Cayman Islands Police Force are engaged in heavy responsibilities of investigating a number of serious crimes, including murder. This motion does no good. The Royal Cayman Islands Police Force has a record of which it can be proud, and indeed, measures up handsomely in comparison to all the forces in British Dependent Territories and indeed some of the Independent Territories in the region.

Let me just set the record straight that arising out of some of the difficulties in organisation and management of the past, and in particular the Brownlow report of 1983, the current organisational structure and management of the Royal Cayman Islands Police Force has been so designed and deployed as to produce planned desired results. There is in place clearly laid down procedures for the investigation of allegations of corruption, of investigations and of complaints, of both a criminal as well as of a disciplinary nature. And a quick reference to the annual report of the Royal Cayman Islands Police published for the year 1986, Sir, will indicate that during the year 1986, 24 police officers were the subject of disciplinary proceedings resulting from 33 various charges brought against them. The report also clearly states, Sir, that during that same year, 29 formal complaints were lodged either against individual officers or against procedure, and that all were investigated and appropriate action taken.

The police force, Sir, does not stand on its own, independently, without any element of accountability. All charges against any person involving a criminal offence are laid and once the investigation is completed, the files are passed to the Attorney General's chambers for prosecution, if he so deems it.

The fact remains, Sir, that the police force, as indeed, any other area of the public sector, can only be as good and as effective as we, the citizens of the community will allow it to be. We know, for example, that the current rate of crime detection is running at 76 per cent - a considerable increase in recent times. And this detection rate, for what it is worth compares most favourably with the

detection rate in many cities. For example in the United Kingdom the detection rate is 32 per cent, and in the city of London the detection rate is 16 per cent. So our 76 per cent crime detection rate speaks for itself. It does not speak of cover-up and corruption, Mr. President.

We know, Sir, that in every small community rumours will abound, and this motion today does nothing more than to give unwarranted credence to such petty and unfounded rumours. We heard that persons have made representations to the Second Elected Member of West Bay, and possibly to other M.L.A.'s as well - representations alleging corruption and other, perhaps, acts of misconduct.

The mover of the motion cited three examples of instances where irregularities are alleged to have occurred - his reference to officers being on pay rolls, receiving pay-offs, visitors being brutally abused and cash being stolen and unaccounted for from an unconscious drug victim. What I would like to invite the Member to do, Sir, is to advise this honourable House what steps he took as an M.L.A. to bring these matters to attention prior to September 1987. I will give him credit, Sir, for one of the three - the one dealing with the alleged police brutality, because it is true Sir that on receipt of his parliamentary question and on making some enquiries, we were able for the first time to extract a written allegation about that particular incident. But I would like him to tell the House, Sir, with regard to the other two incidents, what action did he take, or what action does he intend to take with relation to those points.

I am not going to give way now, Sir, the Member will have his turn to wind up.

MR. W. McKEEVA BUSH:

I thought he was asking me to tell the House, and I was willing.

HON. J. LEMUEL HURLSTON:

I agree entirely with the Member's statement, Sir that informants should and must be protected. Information given in confidence must be kept in confidence, and this is one of the key issues to successful policing. Any breaches of that confidence, Sir, must be dealt with appropriately in order to ensure that public confidence is maintained at the highest possible standard. But, Sir, we heard that the public is scared. Does this motion do anything, Sir, to allay fears and the scares of the public?

This motion, Sir, calls for the setting up of a Select Committee of all Members of this House to conduct a general inquiry. I question the competency and the appropriateness of parliamentarians sitting down to such an inquiry. We heard that the Committee could call witnesses, appoint its own investigating officers and legal advisers, and so on; and that it could even draw up its own terms of reference. My understanding, Mr. President, is that the terms of reference, for any Select Committee appointed by this honourable House, are set up by the House and not the Committee itself.

As I was saying earlier, Sir, I think we have to make a clear distinction between allegations of misconduct on the part of officers and allegations of the commission of criminal offences by those officers. There is provision to deal with all of these matters, and let me go back and start at the point where some of this all began. Following the receipt of the Briggs' Report, the Governor's Office issued a press release. I have a copy of that press release, and I would just like to read it for the record. The release reads as follows:

"Sir Geoffrey Briggs' report on the need for additional legislation or machinery to deal with corruption has been received. After careful consideration the Members of the Legislative Assembly have unanimously determined that the present law, especially Sections 78 to 80 of the penal code, is sufficient to deal with any allegations of corruption, but that some amendments to strengthen relevant provisions in government personnel regulations should be made during the current revision of these regulations. They (referring to Members of the Legislative Assembly) have also agreed that the Commercial Crime Branch should be charged with responsibility for investigating any future allegations."

The press release concludes by saying, and I quote:

"In view of the foregoing determinations, a majority of the Members of the Legislative Assembly decided that the publication of Sir Geoffrey's report is unnecessary and would serve no useful purpose."

Arising from that, Sir, I am happy to advise that government personnel regulations now renamed and now called General Orders have been rewritten and reissued effective June 1987, and there is ample provision in those General Orders requiring the disclosure of assets by members of the public service and I am reliably informed and can assure Members of this House that His Excellency the Governor will have absolutely no hesitation whatsoever in enforcing the provisions of that General Order - that is the General Order requiring public officers to disclose their assets.

In cases where there are reasonable grounds to do so, also arising from Government's consideration of Sir Geoffrey Briggs' report, the

strength of the Criminal Investigation Department and the Commercial Crime Section have all been appropriately strengthened and procedures put in place, that I referred to earlier, dealing with investigation of complaints and investigation of properly laid allegations. The police find it very difficult, Mr. President, to investigate rumours, and unsubstantiated allegations.

I believe that this motion, Mr. President, has served only to smear the good character and reputation of the serving officers of the Royal Cayman Islands Police who are doing their best to fulfil a commitment and heavy responsibility in this rapidly developing community. Rather than live in the past, as this motion seems to suggest we should, I would like to refer to the Member's own words, during this Meeting in his debate on the National Trust Bill, when he said how proud he was of the past, of how confident he was in the future, and of what he said about the unification of our population. Those are the areas in which I think it would do us all well to be mindful of.

I too am proud of the past. I too am confident in our future, and I only hope, Sir, that when the outcome of this motion has been decided that the local press will give the decision the same prominence that it gave the motion when it was set down, in order that the readers of the press may understand that the Cayman Islands are quite prepared to live with constructive criticism, quite prepared to undergo proper review and analysis, but that we abhor unfounded allegations of practices that are based on nothing more than rumour and the wishes of some people in the society to carry a grudge against the law enforcement agencies of the country, and that the Government is not prepared to tolerate.

MR. W. McKEEVA BUSH: On a point ... I know the Honourable Member has finished ... I am wondering whether the Honourable Member is saying that this Member is carrying a grudge against the police. I was not clear on that, Sir.

MR. PRESIDENT: I took it to mean some members of the community, and I do not think it was directed towards the Second Elected Member for West Bay. I am sure that the Honourable Third Official Member would wish to confirm that.

HON. J. LEMUEL HURLSTON: That is correct, Mr. President.

MR. W. McKEEVA BUSH: I thank you, Sir.

MR. PRESIDENT: It may be that the next Member wishing to speak may intend to take more than fifteen minutes. Do I infer from this that we should take an early lunch break, or would the House wish me to call on the mover to reply?
I think perhaps an early lunch break.

HON. THOMAS C. JEFFERSON: Maybe they are waiting for me to move the closure on Standing Order 38, Sir.

MR. PRESIDENT: In that case, we shall adjourn until ... I beg your pardon. Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, it is quite obvious that Members are going to speak on this and that they are only playing a waiting game. I think that Members should speak. We have at least fifteen minutes left until the usual time, and we have heard from no Elected Member of Executive Council yet.

MR. PRESIDENT: I think that each Member must decide whether he or she wishes to speak, but I take your point. Unfortunately the duty of the Chair is to try to keep the debate moving. What I am trying to do by having an early adjournment is to encourage Members, when they have been fortified by lunch, to speak.

MR. G. HAIG BODDEN: Mr. President, it is reasonable to take the lunch break now, Sir.

MR. W. McKEEVA BUSH: I will agree, Mr. President, I would not hold the House to fifteen minutes.

MR. PRESIDENT: In that case we will adjourn, I think till 2:00 p.m. which will give us an hour and a half.

AT 12.32 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.05 P.M.

MR. PRESIDENT: Would any Member now wish to speak?
I am not sure how long I can decently let this pause continue. There is no guidance in Erskine May on this!
The Second Elected Member for George Town.

MR. LINEFORD A. PIERSON:

Mr. President, I rise to speak on Private Member's Motion No.16/87 on the subject of investigation into allegations of corruption in the Royal Cayman Islands Police Force.

Mr. President, the motion states:

"WHEREAS the law enforcement arm of Government, namely the Royal Cayman Islands Police Force, is one of the most important bodies in this Colony;

AND WHEREAS in the past there have been allegations of corruption in the force, which gave cause for an inquiry to be undertaken, the findings of which were not made public;

AND WHEREAS allegations of corruption still exist which, if true, would give cause for grave concern;

BE IT RESOLVED that this honourable House do establish a Select Committee of the whole House to conduct a general inquiry into alleged corruption in the Royal Cayman Islands Police Force."

Mr. President, having listened to the mover of this motion, as seconder I can see nothing which was said by him that should leave the opinions in the minds of Honourable Members that he was setting this Assembly up as judge, jury and hangman of the Royal Cayman Islands Police Force. I can only write such a remark off as rubbish. What the resolved section states, Mr. President, and I would read it again:

"...that this honourable House do establish a Select Committee of the whole House to conduct a general inquiry into alleged corruption in the Royal Cayman Islands Police Force."

Mr. President, in my efforts to deal with this matter as fairly as I could, I in fact met with the Commissioner and the Deputy and I also questioned some of the things that I have heard that had given me grave concern. I got certain answers, Mr. President, that I felt fairly comfortable with from both those gentlemen, and Mr. President, I would be the last to get up in this Honourable House and demean the character of any member of the Royal Cayman Islands Police Force. As a matter of fact, Mr. President, this may or may not be known to you, Sir, but I do in fact have two brothers-in-law who are in fact members of the Royal Cayman Police Force, and are fairly senior members of the Force. So Mr. President, from that point of view, if from none other, I would be very reluctant to come into this honourable House and demean the character of those good gentlemen and other respectable gentlemen of the police force.

However, Mr. President, I, too, have heard a number of things that have caused me concern. As a matter of fact I have spoken to the Commissioner of Police, to the Deputy and even to the head of the Criminal Investigation Department about some of the allegations which I have heard, and I am comforted that some of these are now being investigated. For any Member to stand in this House and say that there is not some cause for concern, would be to deny the people of this country their rightful due.

Mr. President, I am not here suggesting that any member, in particular, of the force is involved in any matter that would be regarded as corruption. What I am saying, Sir, is that regardless of whether or not certain information may be known to Members of the Government bench, there is much out there that is being said whether it is regarded as rumour or not. Mr. President, there is an old saying: where there is smoke there is fire. So for any Member of this Government bench, or of this honourable House, to bury their heads in the sand as ostriches, and claim that because we have just recently received "Royal" before the name of our Cayman police force, that this is sufficient. Mr. President, they are sadly mistaken.

The United Kingdom Government also has a "Royal" police force, and I am sure that they have their problems from time to time. So having "Royal" before our name is a short-sighted naive understanding of the whole thing if we are to feel that this will preclude us from problems.

Mr. President, a Member also said that there are three distinct arms in parliamentary democracy. This is quite correct, Sir. He stated Parliament, which is the policy maker, the civil arm which is the administrative area, and the judiciary which is the enforcement arm. In actual fact it is known as the legislative, executive and judicial, but it is the same thing.

Mr. President, we, in this honourable House have a responsibility to our people and a responsibility for good government in this country. Regardless of the area of Government that is under scrutiny, we should not push it aside as though it is beyond our interest or control, and say that, we, as Members of this honourable House show no interest. It is our responsibility. As I said I am not here to criticise anybody because I have the very highest regard for members of the police force - there are some good people in there, but Mr. President, like any organisation, there are bad people.

Mr. President, I can remember when the other investigation into the police force was carried out, and a Commissioner, as a result, was forced to leave the Island. I did not fully agree with that, but that is history.

However, I must say that regardless of the outcome of any inquiry it shows that our Government believes in true democracy.

Mr. President, a previous speaker said that he is referred to as an expert in this House. I think he got that wrong. What was really said is that he thinks he is an expert. That particular Member, Mr. President, also said that the travesty of justice cannot be restored by a luncheon meeting in an hotel.

Mr. President, as I said, it would be wrong for any Member of this House, on a matter as important as this, to not try to get all the facts of the matter. Yes, Mr. President, I in fact did meet with the Commissioner and the Deputy and I discussed a number of matters with them which I will not mention here, but I am happy I met with them because at least I got two sides of this whole matter. And, arising from that meeting, I too am satisfied that they are doing what they can to investigate whatever allegations are made, be they supposedly without foundation or just rumours.

Mr. President, if we had all the facts of the rumours on the cases that we have heard, there would be no necessity to set up a Select Committee to examine these, or to conduct a general inquiry for we would already have all the facts and could just turn them over to the Commissioner, or to yourself, so that the matters could be dealt with speedily. This is the reason, Mr. President, why I feel that if there is nothing to hide, then there is no reason at all why we cannot have an inquiry and get this matter over with once and for all. But, Mr. President, to deny not just this honourable House, but indeed the people of this country, their rights in having this matter investigated is not going to solve this problem. It is going to make it worse because the public will see Government as using their power to deny the minority in this House.

Mr. President, mention was also made of the report from Sir Geoffrey Briggs. I think the statement was made to the local press sometime in September 1983, when, if I quote the Member correctly, the statement made by Sir Geoffrey Briggs stated:

"I do think there is corruption here, but some of the allegations seem to me were in the nature of rumour. Effective laws or machinery will need to be made to deal with these."

Mr. President, Sir Geoffrey Briggs is a gentleman, from my understanding, of high integrity and I am sure that he would not have made a statement like this loosely. He said "I do think there is corruption here". Mr. President, that is a very positive statement, and the fact that he went on to say that some of the allegations seem, to him, more in the nature of rumour, should be cause to have this matter fully investigated. He did not say that all of the allegations seemed to him to be in the nature of rumour - by implication he is saying that some of the allegations were not rumour, but had a basis for further investigation.

Mr. President, regardless of the way in which this matter is handled, it is immaterial to me, because as I said I have no reason to want to crucify any member of the police force. I hold those gentlemen in high regard. As I said earlier, I have a very close connection with the police force, but regardless of that my view has always been that we must call sin by its right name. If there is something wrong then by all means let us look into it. If there is any question at all that an investigation should be made, Mr. President, we should do so.

I am sure that even the United Kingdom Government would be happy to know that one of her colonies cared enough to ensure that their Royal Police Force was above reproach. I agree with the Honourable Third Official Member that the Royal Cayman Police Force has a record of which it can be proud, and I also agree that it is better than many, many of our Caribbean neighbours. However, I have always held the view that only the best is good enough for us.

The Honourable Member also said that the police force can only be as good and as effective as we, the citizens of the community will allow it to be. That is also a true statement, and that is why, if any member of the community is upset about something, we should sit down and listen to what that member has to say; not necessarily in a manner that would cause inconvenience, or that would cause any loss of face to members of the police force or any department, but indeed that we should not ignore the voice of the public.

Mr. President, I would have thought from the replies I have heard thus far that the Second Elected Member for West Bay bringing this motion had paid a major insult to this House, when in fact he had only complied with his democratic rights. What is so terrible about the motion before us? It is not accusing anybody of wrong-doing. To the contrary, Mr. President, it asks that a matter be investigated to allay any doubts as to the purity of our Cayman police force.

Mr. President, remarks such as 'petty' and 'unfounded rumours' were most unbecoming. I believe that perhaps if the Member who mentioned this, a gentleman for whom I have a great deal of respect, knew all the facts of some of the matters that have also been brought to my attention and which I have in turn taken to the police department, then he would see that there was perhaps a basis for this Motion.

I agree with the Member that the Legislative Assembly does not have the expertise to investigate a matter of this magnitude, but as in other cases, I would have hoped that if this honourable House saw fit to carry out such an investigation, or inquiry, that it would be done with the assistance of someone who has the

expertise.

Mr. President, another remark that was made in this honourable House which, because of my association as the seconder of this motion, I would like to clear up is the remark that this motion serves to smear the character of the Cayman Islands police. It is regrettable that this statement was made. I have to take umbrage to this statement. It is totally out of order. Mr. President, as seconder of this motion, believe me, my last intention would be to smear the character of the police force, or, indeed, any other individual.

MR. PRESIDENT:

If I may interrupt you for one moment, I would like to say that the Chair understands well your point. When I heard that particular remark, I reflected upon it and concluded that the speaker was talking about the effect of the motion, in his opinion, and not upon the motives of the mover and seconder in bringing it. I did reflect on it, and I hope that will explain.

MR. LINFORD A. PIERSON:

Thank you, Mr. President, for clearing that point. Mr. President, as I said, I am not going to debate long on this, because if it is the wish of this Honourable House that this motion should fall aside, then that is the democratic working and right of the House. However, Members need not get up and cast aspersions, or castigate Members for bringing motions.

Mr. President, when a Motion is brought to this House, I hope that it is brought with the best interests of the people at heart. If anybody get the feeling, or indeed any member of the Royal Cayman Police Force, that my association by seconding this motion was intended in any way to insult any particular individual, then this impression is totally wrong. I had the best intention, Mr. President, because I saw a matter like this, and not just from the motion, but as I said, from my experience and from the things that had been brought to my attention, I, too, felt that this would have been a golden opportunity to erase any doubts and get it over with once and for all. As one senior member of the police force told me, "If there is nothing to hide, then why should not the investigation be made."

Mr. President, again, I will say that I have the very highest regard for the police force, but regardless of whether it is called Royal or not, if we see something that needs to be done, and we are remiss in doing that, we will not have served our people to the best of our ability.

Thank you, Mr. President.

MR. PRESIDENT:

Does no other Member wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Mr. President, I rise, Sir, to speak on the motion before the House regarding investigations into allegations of corruption within the police force.

I was hoping that perhaps a few other Members might have spoken, because I have listened carefully to what has been said, both in support of and against the motion, and I am a bit concerned that the motion seeks to place within the hands of this body a little bit more power than we ought to be seeking at this time.

Secondly, Mr. President, allegations of corruption have not only been against the Cayman Islands Police Force. I have lived in this country all my life, practically, and may I ask one question in this House - is the Police Department the only arm, in this country, in which allegations of corruption and involvement in drugs have been levied against? Have we not heard it concerning other areas, including the civil service, including the Elected Members of Government, and other areas? Is someone to tell me in this House, that for five, six or maybe a dozen members of the Cayman Islands Police Force of whom allegations of involvement in corruption have been made, that I must subject one hundred and ninety strong to such an investigation?

Mr. President, if within this Legislative Assembly there was any allegation of corruption amongst certain Members, or were I a member of the Civil Service and such were the case, I do not think I would want anyone to include me in an investigation when in this small country we knew exactly who those allegations have been made against. We must be man and woman enough to single out those persons and find out exactly what their involvement is. If an investigation must be made, we must make it amongst those of whom these allegations have been made.

Mr. President, not today, but all my life, since I was a child, I have been taught to respect that arm which upholds the law enforcement in this country. Have question marks been in my mind? Often times. Have I heard rumours, have I heard people come to me and state certain allegations made of members of the Police Department? I have, but, Mr. President, in most cases the same names are mentioned.

What I am saying, Mr. President, is that if those individuals have to be investigated, so be it. Believe me, I am not sure that Members of Legislative Assembly should set up a Select Committee to do so. If there are those persons who are involved in something in which they should not be - of course they have no business in the police force. We should get them out of there as soon as possible. Perhaps there are those who have been in there a little too long.

What I am asking is can we not trust the Honourable Member responsible? Can we not trust the Commissioner of Police? Can we not trust the Governor to bring those names to his attention, or to the attention of Members and ask that

something be done about investigating these particular individuals whose names continually come up in allegations of corruption?

I see no reason, Mr. President, why 190 police officers, the majority of whom I am sure are clean and above board, should be subjected to any such investigation. We cannot set ourselves up as any body which can judge everything that goes on in this country.

Mr. President I have sat in this House and even had the actions of the Chief Justice queried. So I do not know who we are going to trust. We have to trust somebody. If you do not trust an Englishman who is the head of the Force, what makes us so sure that if we bring another one in from England, we can trust him? If you do not trust one Governor, and then we do not trust the other Governor, who then are we going to trust? Are we the only people who are trustworthy in this country? I would think that those persons who have no ties to members of the police force would probably be in a much better position to carry out an investigation and do it in a clean cut matter without any ties to anyone else.

Mr. President, drugs are not a new thing in this country, but I have never taken it for granted, because believe me it is a problem, and I am aware like every other member of this community, of the effects they have had, especially on the young people of this country.

I support the mover and seconder of the motion in that there is a real problem with drugs in this country. I have no hesitation in supporting that we have a problem, but not nearly as bad as in many other Caribbean countries. However, the sooner we nip it in the bud, the better.

Mr. President, the Royal Cayman Islands Police Force must have the full support of this legislative body, and the full support of the members of the community. It will be a dark day when we stand here and paint a picture of the police force which leaves in the minds of our people the thought that they are no good and that they are not doing their job. This can easily be done when we decide that an investigation of the entire force must be carried out.

There are some things, Mr. President, that are not always best to be exposed to the public. There are certain times when it is better that an investigation be carried out and that the public know that it is being carried out, but those persons who need to be weeded out will be weeded out and dealt with according to the law or the regulations of the constitution whatever they might be. Mr. President, this is how I look at this whole situation before us today. The eyes of the world are on this little country, and the day that we have question marks in people's minds about corruption in the force, in the Legislative Assembly and in the Civil Service, it is going to have an adverse effect on this country.

Mr. President, I am not against investigations being made, but I cannot see why we, as a legislative body, can set ourselves up as being judge and jury of the police force. I believe that we have a capable and a concerned Commissioner. I believe that if Members in this House went to that gentleman and explained all that we have heard and all that our representatives have brought to us, he will sit and listen; and I believe that at the end of the day he will do something about it. After all, it would bring a question mark in my mind if the gentleman would not want a force which he knew was clean and above board.

I cannot see, Mr. President, why Members of this Assembly who feel that they have good grounds for wanting an investigation carried out, cannot come to you, Sir, in your position as Governor, or to the Honourable Member in charge and lay all this out before them.

We hear that people do not want to talk or give evidence, but if we carry out an investigation and people are not going to give us evidence, then it is a futile effort. I see the same investigation being carried out in the manner in which it ought to be, and I do not see why we, as Members of the Legislative Assembly, should take it upon ourselves to have the law enforcement arm of this country held up to public scrutiny like this when it is only a handful. We have the names of those persons. Time and time again they have been brought to us. I think that if we need these individuals weeded out then we should get them out just as fast as possible, but that the entire force should be painted as questionable, Mr. President, leaves me not being able to accept the motion as it stands.

Mr. President, as I said, we want to get rid of drugs and any corruption and evil in this country. At least we want to minimise its flow and distribution in this country. But believe me, I do not think that 190 police officers are subjected to being involved, and I think we have to be man enough to sit down and weed out those who need to be weeded out, but not to subject the police force to an investigation like this, any more than we would want this Legislative Assembly to be investigated, or the Civil Service, because one or two names come up as being involved in the drug trade.

Mr. President, thank you very much.

MR. PRESIDENT:

The Honourable First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, I have been thinking over the last couple of days that the Members have been extremely good to me. But I have also been thinking about a motion of this kind and I am afraid, Mr. President, the longer I think about it, the more I see the negative ramifications of it. It is not what the mover

intends, it is how the public and the international world are going to receive what we are doing today.

I think, Mr. President, law and order is something that Tom Jefferson, if I may put it that way, is adamant about, and when law and order breaks down, what in essence do we then have? If the international public and businessmen around the world lose any confidence as a result of this motion then I think we would all agree that this is perhaps not the right way to deal with any allegations that may be made about the police force, or any member of the Civil Service.

The penal code that Sir Geoffrey Briggs referred to is very clear on the offences. Section 78 it speaks about official corruption, and the sentence for it. It speaks about extortions by public officers. It speaks about public officers receiving property to show favours in their official capacity.

I know the Member moving the Motion, Mr. President, has heard a lot of allegations, and I have heard them too. As one Member said earlier, sometimes the majority of what you hear points to one or two people, or maybe four. The problem is when you ask these persons who are making the allegations to go and see the Commissioner of Police, or to put it in writing, they say, "Oh, no. I'm not getting involved in that - do you think I want to get myself in trouble?"

What are we doing. We are spreading rumours and accepting that maybe there is official corruption, but do nothing about it. It means Mr. President, that if there are any members of the Civil Service or of the police, or if it is Tom Jefferson as well, and there is evidence, we should be big enough, woman or man, to come forward and make the statement to the proper authorities. I think once we do that we will then be in a position where allegations of corruption in the police force are not going to go away, but we have set the right course and made the right commitment to do something about these things.

I have been around in the Cayman Islands for a few decades now, Mr. President. Since I was a little boy I have heard these allegations. I think it is time we do something about it. I am not convinced that the motion which is before the House is going to solve the problem we have. It is not the fact that we do not hear the allegations; it is the fact that, this is not going to do what all of us who ask these people who make the allegations to put them in writing, this motion is not going to do that, and I cannot support it.

MR. PRESIDENT:

Does any other Member wish to speak? I am afraid we cannot all go on being so coy about this, the debate really should proceed.

In that case I will call upon the mover to exercise his right of reply.

MR. W. McKEEVA RUSH:

Is the Honourable First Elected Member going to speak or not?

MR. PRESIDENT:

I really do not think you should expect everybody to speak, you know.

MR. W. McKEEVA RUSH:

Mr. President, I never heard more feeble excuses in my life as to why we should not have an investigation. Everybody agrees that there is evidence of corruption, but nobody seems to want to do anything about it. Well, Mr. President, if there are allegations, how in the world are we going to get evidence if we do not do an investigation?

I am surprised, indeed, and distressed at the reaction of the Government to the proposals. I am going to deal with the Honourable Member responsible. He he is not an Elected Member, and so I do not think he made any promises in any campaign. But certainly some of the others we heard in opposition to the motion made promises. They did not put it in their manifesto, Mr. President. I have my manifesto which the Honourable First Elected Member of Executive Council, the Third Elected Member for West Bay, and myself ran and campaigned on. But you can believe that our campaign was an anti-corruption drive in this country. And I should say, Mr. President, that is one of the reasons why we were elected with such a large majority. The people in this country believed there was corruption, and that they were electing men and a woman who would do something about it. Have they forgotten their promises?

There is no doubt in my mind, Mr. President, that the investigation is needed. There is no doubt in my mind that the Government is taking this matter personally and therefore politically. They do not judge this matter on its merit, they are not even judging the matter with any deference to the people of these Islands who elected them on such promises - promises, Mr. President, to clean up corruption in this country. Alas, instead of a clean-up, what has happened in my strong opinion, is that the problems have intensified and have become compounded - compounded, when we are faced with officers taking bribes from dope peddlers, and the peddler is harassed enough to, you would say, commit suicide. Now I would ask the question, what is Government afraid of? If this is a matter of public concern, why do we not do an investigation?

Mr. President the Right Honourable expert in this House has deemed, he has spoken and he has deemed that my motion is unconstitutional.

MR. PRESIDENT:

Sorry, do excuse me. If you would like me to explain my consideration as Governor of this previous point, and why I permitted the motion

to stand, I am happy to do so, but I can briefly say that there are two functions, and one is as Governor in regard to the Executive Council, and the other is President of this House. And I took the decision as President of this House, as your presiding officer, that the motion was admissible. So if that serves to explain.

MR. W. McKEEVA BUSH: I thank you, Mr. President. I hope you have enlightened the Member who seems to know so much about the English language. He suffers from a delusion that he is an intellect, you see.

Mr. President, but I would further point out to him, and I would read from my Erskine May Parliamentary Practice which is the bible of parliaments. If you would look, Mr. President, on page 642, Chapter 25, the system of committees, it is very emphatic in what it says about committees and the functions of parliament. The function of these committees include the consideration and amendment of public and private bills, enquiries, sometimes of a quasi-judicial character into matters which the House refers to them for investigation. And on page 644, it says that a Select Committee may be appointed by the House to examine any matter which, in the opinion of the House, requires investigation. So, Mr. President, there is no doubt in my mind that you as President ruled correctly. How could the Member say that this matter is unconstitutional without referring to the facts? What are the bases of his statements. He might get a good hearing in the papers, Mr. President, but certainly he had no basis whatsoever - stupid and without basis would I consider his claim that the motion is unconstitutional. I trust that he would get a copy since he is such an intellect of Erskine May Parliamentary Practice, because that is the bible of the parliament.

Mr. President, the Elected Member for North Side also commented on a news report in the Caymanian Compass. He said that I was entirely incorrect in what I told the press. Mr. President, I do not lie about such matters. I am not going to tell you I am an angel, but I am not a hypocrite. Everybody in this country knows that the Elected Member for North Side and I have worked closely together in the past, and when I asked and told him about the situation, he told me of his concern. He felt that there was some basis for investigation - that was our first talk before the motion was even drafted. However, when I spoke to him the second time, right here in the chambers of this House or the precincts of the House, he said he was not going to second the motion because I could not bring him any evidence.

So, Mr. President, I do not know why the Member would now get up and try to make this House believe that I had not contacted him or that I had told a lie. You must put this man in his place. He constantly does it, and I am not going to put up with it much longer. I want to show you, Mr. President, how this Member operates, and the vicious way in which he carries on. He thinks that he can stifle it in his debate. I want to show you exactly what this Member has been doing in this House.

MR. PRESIDENT: Before you continue, is this strictly relevant to the debate in question? You are entirely entitled to correct if, in your opinion, he has recorded a conversation of yours incorrectly. You are of course at liberty to correct that, and he may then rise and ask for elucidation, but I just want to ensure that what you are going on with is relevant to the motion.

MR. W. McKEEVA BUSH: Certainly, Mr. President, the Member went on a whole deal concerning the constitutionality of the motion. He went on with regard to the report in the papers, and I am now further going to refer to what he said about the Iran Contra hearings, to show you, Mr. President, this House, and the listening public how this Member operates.

MR. PRESIDENT: I think ... I am sorry to interrupt you yet again, this is the matter that was raised this morning where I believe you took a point of elucidation. I thought we sorted that out. It certainly appeared, from what the Member had said, that he thought that you had mentioned both the hearings in question. It was elucidated that you had not said that, and I thought that he apologised for any misunderstanding.

MR. W. McKEEVA BUSH: No, he did not apologise, Mr. President.

MR. PRESIDENT: I believe that he did. I would be grateful if ... please continue, but no, do not let us make too much of the matter, I think both sides have had their say and I think he did apologise.

MR. W. McKEEVA BUSH: Mr. President, that is just it, the Member has been guilty of making dirty remarks in this House and when he thinks he can stifle it in the debate, he does it. That is what I am getting at.

MR. PRESIDENT: Well I think you must leave the Chair to judge that on future occasions. Would you please proceed.

MR. W. McKEEVA BUSH: I will leave that, Sir, but I have a copy of what he said. This is the Elected Member for North Side, and I quote:
"The mover in his opening remarks, Mr. President, mentioned the Watergate scandal, and more recently the Iran Contra hearings as

they occurred in the United States of America."

That was a statement of fact, Mr. President, that is when I rose on a point of order.

MR. PRESIDENT: I am sorry to interrupt you, but we did deal with this this morning. You are reading the record of the morning's transcript, are you?

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

MR. PRESIDENT: Well, we have been through it, and I am sorry, I do think we should move on. You made your point and the Member apologized.

MR. W. McKEEVA BUSH: Mr. President, I am rising and referring to what he said and to show you the Member's conduct in this House - how he carries on every time somebody makes a statement.

MR. PRESIDENT: No, I am sorry, I think we must desist from this. The past is the past, he has apologized for that incident, I hope you will trust the Chair inasmuch as it is able to control this sort of thing from any Member in future.

MR. W. McKEEVA BUSH: All right, Mr. President.

MR. PRESIDENT: Thank you very much. I think I have interrupted you several times. Should we take our break now and then would you like to continue afterwards, or would you like to go on?

MR. W. McKEEVA BUSH: I would just like to finish on that particular point. I will bow to your ruling on the point, Mr. President, I am not satisfied, of course, because I felt that the Member has made too many dirty remarks in this House and has hidden it properly in debate, and I come to the point that I must be vindicated. I will take the break, Mr. President, and leave the matter as put.

MR. PRESIDENT: Good. We will suspend for fifteen minutes, then.

AT 3:08 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:39 P.M.

MR. W. McKEEVA BUSH: Mr. President, when we took the break, I was dealing with the point raised under Standing Order 34(b), and I will leave that point. I think I have covered the Member's claim for the motion being unconstitutional, and I have shown that the Member does not know what he is talking about.

The Member also said, Mr. President, that he heard no hard evidence, and that, as I said in my opening remarks on the motion, is just the crux of the matter. That is why we need to have a proper investigation.

Mr. President, the Member also referred to the walk-out and the Mutual Legal Assistance Treaty. I have said what I have had to say on the treaty. I did not vote for the powers that we were putting into the law, and I said if I were proven wrong I would get up at that point and say that I was wrong. So far, Mr. President, there is no treaty, I do not know whether we have a treaty between Cayman and the United Kingdom, but certainly the treaty has not been ratified in the United States' Congress. So there is no treaty. Goodwill, perhaps, but no treaty.

Mr. President, my opposition to it at that point respected the welfare and interests of my people, nothing else. They have continued to try to claim otherwise, in other areas, and not only in this House. Maybe at some point the Member could tell us about his trip to Panama right after the introduction of the Mutual Legal Assistance treaty - which he so strongly supported.

MR. D. EZZARD MILLER: If the Member would care to give way now on a point of elucidation under Standing Order 34(b), I will gladly tell the Member why I went to Panama.

MR. W. McKEEVA BUSH: No, Mr. President, he has had his chance. Mr. President, you might know him, but he is family to Donald Chisholm and he will twist things around - so he has had his point ...

MR. PRESIDENT: I am sorry I cannot hear that, would you repeat it? I could not hear that, could you say it again, the last sentence?

MR. W. McKEEVA BUSH: I think we have crossed that point, Mr. President. With no disrespect to you, I think it was just a jive that has always passed between us.

MR. PRESIDENT: Well, I cannot rule on it because I have not heard

what it was. If the Elected Member for North Side wants you to say it, I fear that you will have to say it. Do you wish to let it go? I mean, I do not want to waste the time of the House ...

MR. D. EZZARD MILLER: It is not important, Mr. President, we all know in this House who is family to who ...

MR. W. McKEEVA BUSH: Sit down, sit down, you are out of order ...

MR. D. EZZARD MILLER: The Chair called me.

MR. PRESIDENT: Wait a minute, I invited the Member to speak, please.

MR. W. McKEEVA BUSH: On what point, Mr. President? On what point?

MR. PRESIDENT: The Chair may ask any Member to speak on any point.

MR. W. McKEEVA BUSH: Not while I am speaking, if I may say so, Mr. President, according to my Standing Orders.

MR. PRESIDENT: Now please, please do not let us get into a nonsense, please. I do not want to, the Chair does not want to, that is two of me does not want to, none of us does, please let us go on.

MR. W. McKEEVA BUSH: Thank you, Sir.
I will leave him to ponder on my question.
Mr. President, the Member also questioned what would be the terms of reference of such a Committee, and how far it intended to go. If the Member had been paying close attention to what I said in my opening remarks, he would have heard that I gave a term of reference which I think could be applied, and he also knows, since he is an expert, that our Standing Orders on Select Committees say that a Select Committee, which would be the whole House under this motion, would set its terms of reference. So why are they continuing to throw all this rubbish into the debate?

Mr. President, two Members made the point concerning the rise in detection, saying of course that there was such a good job being done in this country. The Member responsible, and also the Elected Member for North Side made mention of the rise in detection. Mr. President, what kinds of detections have we had in this country? What is the major portion? - drugs, not hard crime, Mr. President; and the only way they are getting detection is by a 1973 drug law. And I would read the relevant section that is being used to arrest the little barefoot boy on the street. That is where the major amount of detection takes place.

I do not know, Sir, whether you have paid a visit to the prison at Northward recently, but it is crammed full of young people - that is the detection rate, Mr. President. It is from no great police that they can get up and claim praise in this House. It is through the 1973 Misuse of Drugs Law, probably piloted by the Honourable First Elected Member of Council, and it states that 'a Constable or Customs Officer may arrest, without warrant, a person who has committed or whom such Constable or Customs Officer reasonably suspects to have committed an offence under this law'. A person who has been arrested under subsection (1) may, while at a police station, hospital or other convenient place, be required by a Constable to provide a specimen of his urine for a laboratory test, and if such person, without reasonable excuse, fails to provide such a specimen, he shall be guilty of an offence. If they want to claim credit for anything they can claim it for packing our jail full of young people, by a law, and as I said which was probably piloted by the Honourable First Elected Member of Executive Council, for urine tests.

HON. BENSON D. FRANKS: On a point of order, Mr. President.

MR. PRESIDENT: State, please, which point of order?

HON. BENSON D. FRANKS: I am sure that Law is a 1973 Law (revised).

MR. JAMES M. BODDEN: Mr. President, he must state what point he is raising.

MR. PRESIDENT: I think it is a point of elucidation rather than a point of order.

MR. W. McKEEVA BUSH: Mr. President, no, the revised law has it, yes, but it comes from the 1973 Misuse of Drugs Law, which the Honourable Member, I believe, piloted in this House.

MR. PRESIDENT: Excuse me, the point you are trying to establish, I think, is to do with the detection rate, so please go ahead with that.

MR. W. McKEEVA BUSH:

Yes, Mr. President. The Member who rose to interrupt knows what I am talking about. He piloted the Bill in 1973, and it was only instituted in 1985, under his Executive Council. So I must stress that when it comes to detection rate, at this point in time, the police cannot claim any great credit for some great conviction. It is purely a urine test that has put them in a position to claim that they have made so many arrests. And you know what, Mr. President, the sad thing is that we are not solving the problem with it.

The Honourable Third Official Member who should have risen first to answer me, said that he could see no good arising out of performing a postmortem on a decomposed body. I do not want to prolong the House, but I definitely have to answer. Although it was mostly rubbish, I just cannot let some of the debate which took place go unanswered. It is strange language, Mr. President, but the point is that we know that sometimes it is most necessary to perform postmortems on bodies which have already been buried because there possibly could have been a criminal action involved. That is the point, and I hope that he gets what I am talking about.

The Honourable Member said that the motion can do no good because the police are now involved in heavy investigations of murder and other things. Well, it is just that. As I said no one can say or believe that the entire force is corrupt - nobody has ever said that. And so, while certain officers have been going about their duty, others may have been involved in - to use some good words - unwholesome activities. This is what the motion is trying to stop.

With fast pace that we are now experiencing in our development, a lot of things go unnoticed and a lot of things are hidden under the carpet, so we must try to bring them to light. The Honourable Member said that the motion was petty and unfounded. Mr. President, all the other little remarks he made I did not take objection to, but I took objection to his remark that the motion was petty, and that in other words it was a move to denigrate the police.

Mr. President, I am as honest as any other Member in this House, and I have never done anything to circumvent the law of this country. I have a responsibility to the people of this country, and all I am trying to do in this motion is to carry that responsibility through. But it is a hard job when we have to deal with the people whom we are dealing with.

Mr. President, he called attention to my point concerning the allegation of money disappearing and a few other allegations. He asked what I did and what actions I had taken with regard to the allegations. Let me say again that the people in this country are afraid to go to certain persons to give information, but I am not so afraid, although I would not be so foolish to believe that there could not be retaliation towards me.

I called the Commissioner of Police twice since he has been here, and you know what he did? He did not speak to me, he referred me, without even finding out what I wanted, to his Deputy. I am an Elected Member of this House and I bend to no one in such matters. So I do not think that I will ever be calling him again.

The Honourable Third Official Member also referred to an earlier speech which I made concerning unification, and my points of being proud of the past and confident of the future. That is true, however, Mr. President, some of that confidence is already eroded when we find responsible people trying to duck and weave the way they have been doing.

There is nothing much more for me to refer to, Mr. President. The Honourable Member responsible could not give one good, honest-to-goodness reason why an investigation should not be carried out. He made claim to what the force has been doing, and a few other little things, that bear no relevance to the need for investigation.

The lady Member, Mr. President, well, I am not going to refer much to her debate because she refers to but very little. She reminded me of what Sir Winston Churchill, I believe it was, told another member - that when she got up she did not know what she was going to say and when she sat down she did not know what she had said. However, it looked to me, Mr. President, as though the Member was almost persuaded in supporting this motion - almost, but lost. She pointed out that there were maybe five, six or a dozen police officers of whom allegations were made - so were we going to accuse the whole?

Mr. President, this is exactly what I have been trying to do with this motion - to clear up, take out the bad, and leave the good. And if the Member honestly believes in what she was trying to say, then she should support this motion. She should not smite her conscience and vote with the Government bench. I would say one thing, Mr. President, I could never believe that we had a dozen corrupt officers in the force. What I believe is that there are a few, a very small few, but that few is raging havoc in this country, and the Government is doing nothing about it! They are hiding the fact.

Mr. President, I can do no more with this motion. I believe that the Motion is well put, it is well worded, and all the simple-minded excuses that we have heard have no relevance to the motion, and do not show why we should not have an investigation. All I would say, Mr. President, is that if, after my four years of public life, I were asked what one of the greatest perils facing our people was today, I would have to say one of those perils is the use of arbitrary power. We constantly witness the abuse of power, and until new attitudes to this abuse of power, whether it is one form of corruption or whatever, is engendered in our society - and Government must take the lead

- the abuse of power by those who have power and control will continue, today and in the future. That is the danger we face.

Mr. President, this motion is left to the whim of the House. I thank the Member who seconded the motion and who rose to speak in support. And to those who did not speak, I trust that their minds will be changed because they do know a good thing when they see one.

MR. PRESIDENT: I shall put the question to the House on Private Member's Motion No.16/87.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: The noes have it.

MR. W. McKEEVA BUSH: May I have a division, Mr. President?

MR. PRESIDENT: Please, Clerk.

DIVISION
NO. 73/87

AYES: 2
Mr. W. McKeever Bush
Mr. Linford A. Pierson

NOES: 8
Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. Capt. Charles L. Kirkconnell
Mrs. Daphne L. Drrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

ABSENTIONS: 2
Mr. G. Haig Dodden
Mr. John B. McLean

AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 16/87 DEFEATED

ANNOUNCEMENTS BY THE PRESIDENT

MR. PRESIDENT: Before we conclude business at this Meeting, I would like to report that I carried out the will of the House in regard to a message to the President of the Senate and the Speaker of the House of Representatives of the United States of America in connection with the 200th anniversary of the Constitution of the United States of America. I did so by sending a telegram to the British Embassy in Washington asking that the message be transmitted to the President, the Senate and the Speaker of the House. I thought this was the quickest way of doing it.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, the business of this Meeting having ended, I move the adjournment of this Honourable House until 13th November, 1987.

MR. PRESIDENT: The question is that this House do now adjourn until 13th November, 1987.

QUESTION PUT: AGREED. AT 4:06 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY, 13TH NOVEMBER, 1987

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 13TH NOVEMBER, 1987
(FIRST DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE FOR
FINANCE AND DEVELOPMENT

HON RICHARD W GROUND, QC SECOND OFFICIAL MEMBER RESPONSIBLE FOR
LEGAL ADMINISTRATION

HON J LEMUEL HURLSTON, JP THIRD OFFICIAL MEMBER RESPONSIBLE FOR
INTERNAL AND EXTERNAL AFFAIRS

HON BENSON O EBANKS, OBE 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 FOR GEORGE TOWN

CAPT MABRY S KIRKCONNELL FIRST ELECTED MEMBER FOR THE THIRD
ELECTORAL DISTRICT OF THE LESSER
ISLANDS

MR JAMES M BODDEN FIRST ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR G HAIG BODDEN SECOND ELECTED MEMBER FOR THE FOURTH
ELECTORAL DISTRICT OF BODDEN TOWN

MR D EZZARD MILLER ELECTED MEMBER FOR THE FIFTH ELECTORAL
DISTRICT OF NORTH SIDE

MR JOHN B McLEAN ELECTED MEMBER FOR THE SIXTH ELECTORAL
DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 13TH NOVEMBER, 1987
(FIRST DAY)

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR WEST BAY.

2. PRESENTATION OF PAPERS AND REPORTS

THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE
FOR THE YEAR 1988

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER
OF EXECUTIVE COUNCIL, FINANCIAL SECRETARY AND LEADER OF
GOVERNMENT BUSINESS.

3. GOVERNMENT BUSINESS

BILLS:-

THE APPROPRIATION (1988) BILL, 1987

FIRST AND SECOND READINGS

THE BUDGET ADDRESS TO BE DELIVERED BY THE HONOURABLE FIRST
OFFICIAL MEMBER.

MOTION

THE HONOURABLE FIRST OFFICIAL MEMBER TO MOVE THAT THE DEBATE ON
THE BUDGET ADDRESS BE DEFERRED UNTIL WEDNESDAY, THE 18TH DAY OF
NOVEMBER, 1987.

4. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE
COUNCIL, LEADER OF GOVERNMENT BUSINESS.

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FRIDAY

13TH NOVEMBER, 1987.

10:01 A.M.

PRAYERS

MR. W. McKEEVA RUSH:

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 Name's sake. Amen.

Our Father, who 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 Assembly is in session. We take first, Papers.

PRESENTATION OF PAPERS AND REPORTS

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE
FOR THE YEAR 1988

MR. THOMAS C. JEFFERSON:

Mr. President, I beg to lay on the Table of this Honourable House the 1988 estimates of revenue and expenditure for the Cayman Islands Government.

MR. PRESIDENT:

So ordered.

We now proceed to Government Business. Bills - first reading.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1988) BILL, 1987.

FIRST READING

CLERK: THE APPROPRIATION (1988) BILL, 1987.

MR. PRESIDENT:

A Bill entitled the Appropriation (1988) Bill, 1987 is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: THE APPROPRIATION (1988) BILL, 1987.

MR. PRESIDENT:

The Honourable the First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, the second reading of the Appropriation (1938) Bill, 1987 is being moved with the Budget Address which I now present.

Mr. President, we have never experienced more world uncertainty since the Great Depression than in October last, which effects will remain with us for many months to come. Black Monday, the greatest plunge in the Dow Jones Industrial average since the historic crash in 1929, where the average fell by 508.32 points in the heaviest trading ever seen on the New York Stock Exchange, when a volume of \$604 million shares were traded. Other world stock markets suffered sharp falls as well, with the tumble in London falling by 250 points, Tokyo 620, Hong Kong 420 and Frankfurt by 132 points.

This triggered the major banks in the United States to cut the prime interest rate, the Federal Reserve Bank to ease short term credit to its member banks to improve liquidity, but pressure remains on the United States dollar.

The growing world concern over the United States massive budget deficit and its unnerving high trade deficit are the root cause of the majority of turmoil in the financial markets.

We hear that in new talks among the United States, West Germany and Japan, the vital need to establish a new monetary accord is gaining acceptance by the officials of those countries. We are aware that the two major industrial countries which are amassing huge trade surpluses are Japan and West Germany.

One reason for the United States trade deficit problem is the relatively high cost of United States produced goods on the international market, compared with their competitors.

If a new monetary accord is reached, which renders United States goods more competitive on the international market, it will be an important step towards reducing the United States trade deficit.

However, even if a new monetary accord is reached, this alone will not stabilise the financial market. The United States' budget deficit is being funded by all of us around the world when we participate in the purchase of United States Treasury Bonds. If one day, that participation amounts to only 25 per cent of what the United States requires, the global financial market will again become very unstable.

There will continue to be ever increasing pressure for the United States to take the appropriate steps to reduce its budget deficit.

The United States dollar at the end of last month fell to a 40 year low against the Japanese yen, and a seven year low against the West German mark, and more recently it moved lower against the yen.

In European trading last month, the dollar fell to 137 yen, its lowest since 1947. So we can see the very nervous market reacting to different news reports and we have also seen the negative reaction of the New York Stock Exchange to news from West Germany that their September trade figures were a record surplus, signalling further trade deficits for the United States.

However, Mr. President, having made these comments, I am aware of the seven nation agreement called the "Louvre Accord" on exchange rate stability which is in effect. The United States, Japan, West Germany, France, Britain, Canada and Italy reached the accord in February in order to stabilise the dollar within certain ranges. These ranges have never been disclosed publicly. We have, late last month, witnessed the support of the United States dollar by the Central Banks of some of the seven nation countries. Japan bought \$1-1.2 billion United States currency and West Germany, \$400-\$500 million.

Turning now to other areas of the world economy.

Financial leaders of the Commonwealth Government, and the democratic world, are experiencing slow growth, large macro-economic imbalances persist among industrialized countries, commodity prices remain low, while new financial flows to developing countries have been reduced, protectionism has increased, and the problems of chronic indebtedness remain. Growth in developing countries is expected to average a moderate three per cent in 1987.

Some of the deepest concern is over the growing strength of protectionist pressures, and the spread of new trade restrictions. These measures are disrupting world trade, undermining business confidence and investment, causing immense difficulties for developing countries seeking to expand their economy by expanding exports.

Mr. President, in this world of troubled financial markets, slow economic growth and much uncertainty abounding, I am pleased to say that the economy of the Cayman Islands has never, in real terms, been more active than it now is. There is no doubt that the great architect who created this world watches over us.

The revised estimate for the Gross Domestic Product of the Cayman Islands in 1983 is approximately \$170 million. With the cooperation of the private sector, we will hopefully have a more accurate Gross Domestic Product figure next year. We have a total work force of 10,034, with Caymanians representing 74 per cent. Not included in this figure is domestic workers.

As we move around in Grand Cayman, we see much construction in progress, many tourists on our shores, much business activity, and a generally healthy economy responding to the demands of both residents and the international businessman and tourist visitors.

THE LOCAL ECONOMY 1987

a) The Financial Sector

(i) Banking and Trust

I am pleased to report that 1986 proved to be another good year for the banking and trust industry in Cayman. Despite strong and ever increasing competition from other countries, the steady and successful growth of this sector has continued into 1987. As I forecast in my address last year, the number of new licences issued, at 37, was similar to that of the previous year. This resulted in an overall net increase of 17 in the number of licensed companies, so that at the end of 1986 there were 498 banks and trust companies with current licences.

As always, several licences were cancelled. Many cancellations were a direct result of the problems experienced by smaller banks in the southern states of the United States of America, which have frequently resulted in mergers or reorganisations. Other surrenders resulted from the completion of the task for which the bank concerned was established. None of those surrendering expressed any dissatisfaction with the Cayman Islands or its standards.

In the course of the current year, we achieved a milestone of 500 banks with current licences, and I anticipate by the end of this year, the total will have reached around 515. What is especially pleasing is that the major banks of the world are so strongly represented in Cayman. Last year, I mentioned we had 20 of the 25 largest banks. All these banks are still with us, as are many of the next 25. So that we have 42 of the top 50. These are really remarkable statistics only, I suspect, exceeded by, perhaps, London and New York. It indicates clearly the high reputation the Islands have achieved. It reflects the stable atmosphere created by this Government. And I believe also results from the visible and vocal efforts of the Government to ensure only the most reputable of business comes to these Islands. Not only Government, but the resident banks, accountants, the lawyers and the Bank Inspector's team have all contributed by their efforts to create the sound, efficient, knowledgeable and well controlled conditions that appeal to the world banking fraternity.

Banks are now licenced here from 56 different countries, as in part a reflection of the problems of the United States mentioned earlier, currently only 31 per cent of licenced operations originate from the United States, compared with 33 per cent last year, and 39 per cent in 1981.

As well as the continued growth in banks, the volume of business carried on the books of the banks also showed a marked increase. At the end of 1986, it is anticipated that the total foreign assets of the Cayman offices of the licenced operations stood at US\$202.25 billion, an increase of 15.5 per cent on 1985. In absolute terms this was a larger increase than in 1985, but was marginally lower than the rate of increase of 16.5 per cent achieved during 1985. But it is still a very healthy rate of growth. Forbes Magazine, which has not always been kind to the Cayman Islands, considered that it was likely that we were now the largest offshore financial centre in the world. I am not sure how you measure the largest, but with over 500 banks, and over US\$200 billion of assets, it is clear we are a very important centre. This Government takes great pride in this world status, and will do all it can to see that the requirements of the banking industry are and will be treated sympathetically and with understanding. However, at the same time, we shall not be deflected from the high standards we have set, and which banks have come to expect from the Cayman Islands.

You will not be surprised to learn that in 1986, in financial terms, and considering only direct expenditure, the banking sector contributed substantially to Cayman Islands economy. In monetary terms, around C\$54.5 million. Of this sum, licence fees paid directly to Government amounted to \$5.1 million. In 1987, fees are likely to raise \$5.3 million. Licensees operating within the Islands provided the bulk of the overall expenditure, with some \$47.5 million. Much of this expenditure reflects salaries and wages paid to the local workforce, but it also covers costs such as company fees, rent, construction and refurbishing of premises, all of which benefits other sectors of our economy.

Nearly 10 per cent of the working force of Cayman is directly employed in the banking and trust sector. At the end of 1986 the total number of employees had risen to 967, with 758 of them being Caymanians. That is nearly 79 per cent. Of the overall increase of 77, 74 were Caymanians. The demand for labour in this sector is ever growing, and I can see no sign of any slackening of demand. In fact, the physical presence of banks in Cayman is rising quite strongly. We now have 62 and there are indications that several others will follow. In some cases, this reflects less settled conditions existing in other centres. But it is often the result of in-depth study and comparisons. Whatever the reason, the new arrivals all want staff, and for the foreseeable future, I see little likelihood of change in this sector, being a major employer of local labour.

(ii) Insurance

Last year I mentioned recent legislation in the United States of America which might have an adverse effect on the establishment of "Captives" in Cayman, or in other domiciles. I am happy to say this has not turned out to

be the case, and we continue to receive a good number of applications for new licences.

Because of the very rapid changes which do take place in the Insurance business, it is not easy to forecast very far ahead. However, there seems no reason why Cayman should not attract a number of new companies next year. And the Government revenue should approach the \$2 million mark.

Much of our business comes from the United States, but there is good business to be attracted from the rest of the world, and we must make sure we promote ourselves vigorously whenever the opportunity presents itself.

On the domestic front, it is encouraging to note the formation of the Life Underwriters Association of Cayman, the objects of which are to promote higher standards in the industry generally.

(iii) Cayman Islands Currency Board

Total assets of the Currency Board as at 31st July, 1987 amounted to CI\$19.4 million, as compared to the July 1986 figures of CI\$17.2 million. Total currency in circulation, excluding numismatic issues, was \$12.5 million at the end of July. During 1986 \$1.9 million in unfit notes were withdrawn from circulation and subsequently destroyed.

For the period January to July 1987, unfit notes amounting to \$2.8 million have already been redeemed for destruction.

In addition to the six notes currently in circulation, the Board issued a new denomination of currency notes in March of 1987. The new \$50 note bears the signature of the current Chairman. It features an old Caymanian dwelling house on the reverse side, and a portrait of Her Majesty Queen Elizabeth II and the Coat-of-Arms on the obverse. It is expected that this note will be beneficial to the banks and other businesses in their transactions with the public, and that it will eventually replace the \$40 note which has become a collectors' item.

The Currency Board will participate in the Royal Mint's 1987 Ruby Wedding Coin Programme. These coins will commemorate the Ruby Wedding Anniversary of Her Majesty the Queen and the Duke of Edinburgh, and consist of a \$250 gold coin and a \$5 silver coin. Approval has also been given for a 1987 Eight Coin Proof Set to be minted and marketed by the Royal Mint. It is intended that the Eight Coin Proof Set will be issued annually, and is expected to be well received by subscribers and other coin collectors.

In addition to the 1987 numismatic issues, the Currency Board arranged for a reprint of its full line of regular circulating coins, (25c, 10c, 5c and 1c). The reverse design remains the same as the circulating coins issued in 1972, but the obverse side features the new effigy of Her Majesty the Queen, by Raphael Maklouf. These coins were issued in October of this year.

As at 31st July, 1987, fixed deposits amounted to CI\$1.8 million, with investments in United States Treasury Bonds totalling CI\$10.1 million. Revaluation of these investments at 30th June resulted in a net depreciation of \$432,339. But as a comparison, last year we had a net appreciation of \$454,536. The loss from revaluation is simply a paper loss, due to the unfortunate fall in the bond market. Therefore, the Board adopted, prior to the sharp fall in the market, a more conservative position, reducing the portfolio to shorter term bonds. So far this year, the net loss on sale of securities is \$160,000.

For the second year in succession, no transfer from the operating surplus to the General Reserve was necessary, as it was in excess of the 15 per cent of demand liabilities, that is currency in circulation required under the law. Therefore the 1986 operating surplus of \$1,489,591 was, in its entirety, transferred to the Government's General Revenue. The operating surplus for 1986 was an increase of 7 per cent over the 1985 figure, making it the largest amount ever transferred to Government.

This year, I anticipate that the Board's contribution to Government will not be as large as the 1986 contribution, because the decline of the United States dollar is expected to continue, adversely affecting the price of bonds, and currency issue expense will be substantial.

(iv) Companies Registration

With the computerisation of the Register, companies can now be more easily regulated, and indeed this is reflected in the 596 companies which were struck from the Register so far in 1987, where the Department had reasonable cause to believe that they were no longer carrying on business. This striking off policy is in accordance with the Government Minute tabled in December 1986.

The striking off of these companies from the Register has had no overall effect on the revenue from company registration, which further serves to substantiate the view that companies now coming to these Islands are of a better quality and of sounder financial standings than in the past.

For the eight month period, January to August 1987, 1,617 new companies were registered in the Cayman Islands, compared with 1,435 for the same period in 1986, an increase of 12.7 per cent over 1986. Collection of revenue for the period was \$6,047 of the \$6.5 million budgeted sum.

His Excellency the Governor in March 1987 appointed the Registrar of Companies to hold the additional office of Public Recorder, and he is busy

transferring various records to the Companies Department. At the same time methods of preserving the documents are being examined. It is however necessary that any method chosen to preserve these documents must be acceptable to the Courts, because the original paper on which they are written will not last indefinitely. It is hoped that the legislation necessary to achieve this will be introduced in this Honourable House some time in 1988.

Previously, the Public Records were dealt with by two persons on a part-time basis, and under the Law the recording fee was personal to them. With the transfer of this subject to the Registrar of Companies Department, all fees collected are now paid into General Revenues of these Islands.

The Partnership Amendment Law 1986 introduced a registration and annual fee. CI\$18,660 has been collected in fees with ten new partnerships being registered in 1987. There are now 56 partnerships registered in the Cayman Islands, and with the recent amendment to the Partnership Law in May of this year, allowing a Partnership to be formed to carry on any lawful business, the scope for which partnerships may be established has broadened, leading to increased activity in this area of the Register.

The remaining Register showing any notable activity was the Trusts Register. Under this Register CI\$5,619 was collected for the period January to August 1987, in comparison with CI\$7,400 for the same period in 1986. Like the Patents and Trade Marks Register, the Trusts Register is an erratic Register, insofar as the estimation of revenue is concerned. Part of this problem may be attributed to the wording of the Law which allows for trust fees to be paid in March of each year instead of January of each year, and for Government fees to be based on revenue earned by the Trust where the Trust earns no revenue, no fee is payable to the Cayman Islands Government. It may be too that the revision of the fee structure in the Trust Law will be a primary consideration to any Trust Laws which may be brought before this Honourable House in the near future.

I am pleased to record that Mr. Woodward L. Terry resumed full-time duty as Registrar General in August 1987, having completed his LLB Degree through Liverpool University in the United Kingdom, and qualified as an Attorney-at-Law through the Cayman Islands Law School.

(v) Agricultural and Industrial Development Board

The Agricultural and Industrial Development Board has recently expanded its portfolio to include the financing of training programmes of study in higher and technical/vocational education. The Board works closely with the Education Department for the purpose of approving loans under the Student Loan Scheme.

A priority training list has been published which details the areas of our greatest manpower needs. Training in the medical and educational fields are being given priority by Government.

As at 31st August, 1987, fourteen loans were approved under the Student Loan Scheme amounting to over CI\$150,000. Areas of training include Elementary and Secondary Education, Computer Sciences, Accounting, Nursing, and Construction Engineering.

(vi) Management Companies

The Government is aware of the claim that some applicants for a licence have had difficulty in obtaining the proper insurance coverage. The Inspector of Company Managers, however, reports that most firms have now found a broker willing to give the necessary coverage, and all those applicants who are still experiencing problems in obtaining the proper insurance coverage should contact the Inspector of Company Managers, at the Registrar of Companies Department.

For the second year, we remain concerned that some firms in the private sector have not yet approached his office to obtain the required licence under the Law. These firms are strongly urged to contact the Inspector of Company Managers to make the necessary arrangements to be licenced under the Companies Management Law.

(vii) Legal Firms

The profession continues to provide the services that are so essential to a sound financial centre's operations, and it has recently been enriched by five local attorneys-at-law, who have been called to the bar after qualifying through our local Law School.

(viii) Accounting Firms

Those firms which are internationally renowned, provide the services that add to our credibility as an international financial centre. We have witnessed, in recent times, more local people who are professionally qualified joining this worthy profession as Certified Public Accountants and Chartered Accountants.

b) Tourism Sector

With the completion of two major hotels earlier this year, 1987 has brought a significant growth in the Tourism Industry. Effective marketing, promotions, and advertising campaigns by the Department of Tourism, Cayman Airways, and the private sector are responsible for this success, and it is hoped that the ties between Government and the private sector will continue to strengthen in the year ahead. Eastern Airlines commenced a daily service to Grand Cayman from Miami in January 1987, and in May, Northwest Airlines added a direct flight from Memphis, Tennessee. During the previous winter season, however, it was Cayman Airways which provided the largest increase in seat capacity from the United States, with a successful winter charter programme from New York, Chicago, Detroit, Boston, Philadelphia, St. Louis, Atlanta, and Tampa. The latter two cities were changed to scheduled points in the summer.

At the end of October, tourist air arrivals for the year totalled 171,908 which represented an increase of 26.3 per cent over the same period in 1986. The projection for 1987 is 209,000 or 26 per cent increase over 1986. Cruise ship traffic has remained stable, and a small percentage increase is projected for the end of the year.

No new major projects for tourist accommodation are expected to be completed before the end of 1988, so it is expected that tourist air arrivals will grow by a modest 10 per cent next year. The big increase will come in cruise ship passengers, with an increase of 25 per cent expected. This will occur primarily because of the introduction of larger ships by the cruise ship companies.

Acknowledging the need to continue to provide a high quality tourism product, and recognising that this can only be achieved through staff training, more emphasis will be placed on training programmes for hotel workers through the efforts of the Hotel Training School now operated under the Community College, the Cayman Islands Hotel Association, the Caribbean Hotel Training Institute, and George Brown University in Toronto, Canada. Additionally, under the Sister City Programme with Metropolitan Dade County in Florida, a Practical Trainee Exchange Project has been developed which enables the exchange of staff for on-the-job training.

c) Transport Sector

Cayman Airways Ltd.

Cayman Airways continues to play its important role in providing the Country with safe and reliable air transportation.

Following negotiations with Her Majesty's Government and the United States of America in late 1986, Cayman Airways was granted permission to operate scheduled services to three additional unnamed points in the United States territory. After much market research, and based on its own experience from its charter operations, the Company decided to request Government to select Tampa and Atlanta as two of the three points. This was done and scheduled services to those points commenced in June 1987.

In addition to scheduled services, the Company leased an extra aircraft for the 1986/87 winter season, and embarked on an extensive charter programme to seven United States cities which proved to be a success.

In spite of substantial growth in passenger arrivals the entrance of Eastern Airlines on the Miami route has undoubtedly created strong competition, which is bound to affect the operating results of our National Airline for the period ended 30th June, 1987. Nevertheless, it can properly be said that the airline has streamlined its operations, and is maintaining a fair market share. Favourable future results from its expanded route system to Tampa and Atlanta are anticipated.

The Company has continued to meet its financial obligations on a timely basis, and in order to continue to do so, will require the necessary Government subsidy. With this financial assistance, the introduction of new scheduled services from the United States of America, the operation of a successful charter programme, and the dedication of the staff, Cayman Airways is expected to continue to provide a much needed service to this country.

d) Government Sector

(a) Finance and Development

(i) Personnel

The new rules governing the conditions of service of Public Officers in the Cayman Islands, known as General Orders, were approved by the Governor and went into effect on the first of June. They replaced the 1977 Personnel Regulations.

When Government accepted the 1984 Salaries Review, it also undertook the review the salaries and other conditions of service every four years, and a Salaries Commissioner, Mr. C. J. Hall, M.B.E., has been appointed to conduct the

review which will take effect on 1st January, 1988.

The Government is continuing its localization policy by sending serving officers on overseas courses. Presently, there are twenty-two officers on courses of various duration in the United Kingdom, United States and the region. In addition, there are school leavers on Government scholarships bonded to return to Government service in many departments.

During 1987 eleven university graduates joined the service as teachers, administrative officers, nurses, engineers and architects.

(ii) Statistics

I turn now to the Government Statistics Unit. Last year you may recall I lamented two facts: that our trade statistics were not up to date; and the absence of firmly based estimates of Cayman's gross domestic product. This year I can report progress in both of these difficult areas.

First, the recently published Overseas Trade Statistics revealed that total imports in 1986 were \$134 million, an increase of nine per cent on 1985. Although Governments rarely like to see a sharp increase in imports, it was nevertheless encouraging to note that growth was faster in "productive" imports - that is capital goods and inputs to the construction industry - than in imports of consumer and transport goods. The streamlined methods, which have been adopted, enable the Statistics Unit to process a year's Customs documents in about ten months. We are, therefore, steadily approaching the position of having timely trade statistics.

Government decided earlier this year that the Statistician should compile national accounts - the key statistic of which is gross domestic product - as soon as possible. They further authorised him to take a national income survey to provide the bulk of the outstanding data needed for the task. This survey is being conducted now on a sample basis, with a very short questionnaire to reduce the burden of form-filling on the business community. I believe that the assurances of confidentiality given with the earlier employment survey, together with the new measures now taken, are reassuring respondents to the survey that their data is safe with the Government Statistician.

The report on the employment survey, published midyear, provides a comprehensive array of statistics which should stand us in good stead for a number of years. Returning again to the subject of confidentiality, I expect that readers will have noted the care taken in presenting the statistics, so that contributions by individual firms, or in respect of individual employees were not disclosed.

Another new venture was the publication, early in the year, of detailed statistics on births, deaths, and marriages. That Old Faithful, the Annual Abstract of Statistics, appeared with its 1986 update of a range of statistics from agricultural production to air arrivals from New Zealand.

Although there was some quickening in price increases as measured by the consumer price index, the rate is still fairly moderate: in the twelve months to September the all-items index rose by 4.3 per cent. This is mainly caused by price increases of goods imported from the United States.

(iii) Computer Services

Applications implemented during the year included the payroll for salaried and hourly paid employees, Government accounts and local supplier payments, Immigration residents, Law Library, Tourism Survey and an Insured Assets Register.

By the end of 1987 vehicle licensing will have been implemented, with drivers and bicycle licences following shortly thereafter. A Personnel system will replace the word processing application which produces the Civil List, providing more flexibility, with reporting options to assist in managing the Civil Service, and to monitor calls made through four of the PRX telephone systems installed in Government offices. A system to manage the licensing of insurance firms will be installed on a microcomputer in the department. A similar approach will be taken with banks and trust company registration.

The conversion of applications from the PDP (the old computer) should be completed by the end of 1987. CPI, Consumer Price Index, and the Budget Estimates have already been moved to the VAXcluster. Companies Registry and Trade Statistics are being worked on presently. Feasibility studies for a standard Government-wide Billing and Arrears of Revenue system, Hospital Patients Index and Billing System, and Social Services Client Register have been completed.

A five year plan for computing services in Government was approved during the year, which provides the framework for the future use of Computers in Government, and the resources required to implement the plan. This plan has been incorporated into the Economic Development Plan and includes a proposal to construct an all weather new computer centre in 1988, to house Government's main computer facilities and staff. Some of the space in the Administration Building occupied by Computer Services will be vacated for the use of other departments, but the present computer room will remain environmentally intact so that Government has a backup site in case of emergency. This is essential when departments rely heavily on computer systems to serve the public.

Training continues to be high priority for Computer

Services. Over 400 Government employees have attended various courses given by Computer Services, in addition to over 300 officers trained on word processing alone. Two Caymanian officers on Education Council scholarships worked during their summer break. Unfortunately, this year no Caymanian graduates returned to the Civil Service in this area. Two Caymanians in the department were promoted to the senior posts of Database Administrator and Assistant Operations Manager, demonstrating Government's commitment to appoint Caymanians to management as their experience broadens.

(iv) Customs

The additional officers approved in the 1987 Budget made it possible to introduce a shift system at Owen Roberts Airport Terminal from 1st June, 1987. This confines overtime working to attendance required between 11:00 p.m. and 8:30 a.m. on weekdays and between 4:30 p.m. on Saturdays and 8:30 a.m. on Mondays. This will reduce Customs charges to airlines substantially, provided that airline schedules do not substantially increase arrivals outside the shift periods.

The Task Force, introduced in 1985 and expanded in 1987, has been a successful development. It is now primarily engaged in the investigation of fraudulent commercial practices, such as false invoicing by importers and suppliers leading to underpayments of duty. These investigations have resulted in heavy penalties being imposed upon offenders in recent months. Notable examples have been CI\$172,000 on one importer, CI\$20,000 on another, and over CI\$10,000 upon a third.

In order to ensure that responsibility for the declaration of imported goods is properly and clearly identified, the business community must accept their legal obligation to fully declare their goods on Customs Entries, including Tariff headings, and statistical codings. To do this properly may involve training seminars for importers and brokers, as well as for Customs staff. The provision of this information is not only a prerequisite for any computer-based Customs system and its later interface with a computerised public accounting system, but it is also necessary for the statistical analysis of imported goods - an essential commercial tool.

There is evidence that hard drugs are being landed on remote Cayman shores for collection by dealers for onward transmission to the United States, as well as for consumption here. To combat this criminal activity effectively, the Department needs to operate a marine patrol, and it has requested appropriate provision in the 1988 Budget.

The clearance of incoming passengers at airports, and particularly at Owen Roberts Airport, is under continual review. As well as the increased staff already recruited to reduce queuing, the possibility has been considered of introducing a "clearway" system whereby passengers choose to enter either a red channel when they have goods to declare or a green channel when they have no dutiable or prohibited items. Such a system puts the onus of declaration largely on the passenger, and it would undoubtedly speed up the processing of arriving passengers; it is however, open to abuse, and would have to be accompanied by more severe penalties against abuse.

The Government is very conscious of the need to follow a middle course, which provides adequate opportunity for selective and random baggage examinations on one hand, and to avoid passenger frustration on the other. It is particularly important that tourists, who account for at least two-thirds of passenger arrivals by air, should be made to feel welcome and not unnecessarily harassed. At the same time the increase in drug smuggling in recent years has made vigilance even more necessary, and it should be clear to all visitors that this is in their interests as well as that of the people of these Islands.

In view of this consideration no change in basic procedures for clearing passengers through Customs is contemplated at the present time. It is expected, however, that a continuing intensive training programme, including practical training in the United States under the auspices of the United States Customs, will help officers to perform their duties more effectively and efficiently. The first round of this practical training has recently been completed.

The Customs Section situated in Cayman Brac was reorganised earlier this year, and the staff now consists of one Deputy Collector, one Assistant Collector, three Senior Officers, and two Officers. Recommendations are presently being made to restore the control of this section more directly to the Collector of Customs in Grand Cayman, to ensure that uniform Customs policies and procedures are operated throughout the Islands.

(v) Ship Registration

Revenue from this source will be less this year, reflecting the reduction in the number of ships registered, and the stiff stand, which the United States Coast Guard has adopted against Cayman Islands registered vessels which do not comply with various International Conventions. It is fair to say that the Coast Guard has appreciated our attempts to improve the register by the introduction of legislation, namely the Merchant Shipping (Applicable Convention) Law which enables the United Kingdom Government to extend various International Conventions to the Cayman Islands. Two Marine Surveyors will be seconded from the United Kingdom Department of Transport, to form the core of a Marine Division to be established here in the Registrar of Companies Department.

The secondment of the United Kingdom Marine

Surveyors will enable us to more adequately regulate and to inspect the ships on our register, and to assist in bringing our Register to international standard.

(vi) Revenue and Expenditure

The 1987 Budget presented last November was \$74.1 million with a surplus of \$1.9 million brought forward and with an estimated revenue of \$65.1 million, loan receipts of another \$7.7 million, and recurrent, statutory and capital expenditure of \$74.1 million.

Increased economic activity was evident this year, so Government revenue continued to improve.

The revised financial position for 1987 indicates the following:

Surplus brought forward from 1st January, 1987 is \$1,250,604

Revenue:	
(a) Local	67,415,868
(b) Loans	13,090,942
Less Expenditure:	
(a) Recurrent	54,839,362
(b) Statutory	13,751,387
(c) Capital:	
(i) Local	5,360,674
(ii) Loans	7,855,942
Estimated Surplus at 31st December, 1987	4,950,049

(vii) Accumulated Revenue Balances (formerly called General Reserves)

The year 1986 ended with a surplus of \$3,250,604, of which, as I have already mentioned \$1,250,604 was utilized in this year's budget, with \$2 million being transferred to General Reserves (renamed Accumulated Revenue Balances) in January this year. Accumulated Revenue Balances stood at \$8,314,467, which includes \$3,273,810 in respect of the Tower Building Loan on the 1st January, 1987.

(viii) Public Debt

The servicing of the public debt and the self-financing loans of statutory authorities continue to represent a small percentage of ordinary revenue, that is 5.6 per cent. Financiers around the world are, I believe, very reassured and appreciative when the fiscal policy of a Government is administered in such a prudent manner.

The Public Debt at the end of 1986 stood at \$14.1 million, and at the end of 1987, it should stand at \$17.1 million. During the coming year 5.4 per cent of ordinary revenue will be utilized to service the Public Debt and self-financing loans to statutory authorities.

(b) Internal and External Affairs

(i) Broadcasting

The Department of Broadcasting continues to support its Recurrent Expenditures from Advertising Revenue, and over the past year has expanded its broadcasting schedule to include separate programming on FM during prime time hours, with FM service being recently extended to the Bruc. The Department operates with a staff of 17, 16 of whom are Caymanian. It offers 163 hours of varied programming per week to the Islands. Programming on AM and FM is scheduled to expand in the new year, with the emphasis on more local content.

(ii) Police

Development of the Force, as outlined in my previous budget addresses, continues with emphasis being laid on the training and career development of local officers. This will enable localization of posts as quickly as possible, whilst at the same time maintaining efficiency. A major step in this direction has been the recent localization of the Head of CID, a post filled by an expatriate for many years past, and plans have been made to localize certain other senior posts in 1988. Combined with this, professional standards continue to be raised by regular intensive in-Force training, and specialist training overseas for selected officers. The Force has also been strengthened in number to meet the growing demands on it by increased general crime and the continuing substantial increase in drug cases. This latter problem, which is

given the highest priority, has led to a strengthening of the Drugs Squad, and the Police Force continues to devote much time and effort in education and drugs awareness programmes. Although crime continues to rise, the continuing improvement in standards is reflected in the detection, or clear-up rate for crime, which now stands at an all time high of 74 per cent.

Active enforcement by the Traffic Department, particularly in areas of speeding and drunken driving, continue to contain the accident rate and to ensure safety for the general public on our roads.

If present police work trends continue, it may become necessary in 1988 to strengthen the Force still further in areas connected with drugs and commercial crime.

(iii) Government Information Services

Government Information Services continues in its role as the official channel of news about Government activities to the public, and during 1986 issued well over 500 news releases. These are now being produced by use of the Government computer, from a printer unit in the Government Information Services' offices. The staff of three also keep updated the range of fact booklets, which are used to respond to the increasing demand for information about various aspects of the Islands. The unit produces the Government's Annual Report and is increasingly used as the sales and distribution centre for Government publications, as well as official flags and plaques.

(iv) Prison

Current trends indicate that demands placed upon the service will continue to increase for the foreseeable future. All available resources have to be committed to meeting the immediate demands, rather than to the planning and implementation of strategies to address effectively issues related to rehabilitation of offenders. Substantial capital expenditure will be required over the next few years, if facilities and programmes are to be provided, which will enable the implementation of more modern correctional methods.

(c) Legal

Throughout 1987 the volume of criminal cases dealt with by the Department has been substantial, although definite progress has been made toward clearing the buildup in pending Grand Court trials. In order to achieve this, two divisions of the Grand Court have on occasion sat at the same time, which has imposed an additional strain upon the resources of the Legal Department.

At the same time the volume of advisory work carried out by the Department has continued to grow. This is largely unseen by the public, and often overlooked, but it forms a substantial part of the work of the Department, and is important to the proper functioning of Government. To facilitate this the Department now has one Crown Counsel experienced in civil matters who concentrates solely on this type of work.

There has also been a continuing programme of legislative drafting. In addition to various items of amending legislation, there have been a number of substantial new pieces of law making, including the Civil Aviation Authority Law, the Community College Law, the National Trust Law, and the Merchant Shipping Law. This last, in particular, was a substantial piece of legislation.

In order to cope with the volume of work, the Attorney General's chambers now consists of the Legal Draftsman, the Senior Crown Counsel and five Crown Counsel. Of the five Crown Counsel three are Caymanian, and one of those has just completed a legislative drafting course at the University of the West Indies.

The Law School made history in 1987 with the graduation of all five students in the final year. They represented the first intake of the school and were the first to graduate from it. Among them were two who achieved distinctions in the Liverpool University external degree which is taken at the same time as the Attorney at Law course. This was both a great personal achievement for them, and an indication of the quality of legal education being offered at the School. Another of the graduates was the Articled Clerk in the Attorney General's Chambers, who will now become a Junior Crown Counsel, although she will be posted to the Courts for a year before rejoining the Department.

The Law School now offers a course leading to a degree at Liverpool University, and although this is normally taken at the same time as the Cayman Attorney at Law course, it can be taken separately. It is hoped that this, together with the admission of students studying papers in law for the Institute of Bankers examination, will augment the intake of students for future years.

(d) Health, Education and Social Services

(i) Education

Nineteen eighty-seven marks one hundred years of publicly funded education in the Cayman Islands. As the Department of Education prepares

to celebrate its education centennial in a week of activity scheduled for early December, we can look back with satisfaction on a system which has grown from a budget of fifteen pounds sterling in 1887 to one for which a total of \$8,067,645 was voted for the year 1987.

This does not include a request for supplementary funds needed to establish the new GCSE examinations in the country's two high schools. The new examinations were the reason behind the establishment of eight new teaching posts, while the further development of the Community College accounted for three new posts bringing the Department's establishment to 294.

A major recruitment drive was undertaken in the United Kingdom for new teachers, and to replace teachers who were leaving the service. In late August forty new teachers arrived. Several senior Caymanian teachers returned from advanced training and of them two were promoted to be the Deputy Chief Education Officer and the Principal of the Lighthouse School. In Cayman Brac a senior Caymanian teacher was promoted as head of the primary schools, and another was put in charge of the Brac's special education services. Of the fifteen educational institutions under the control of the Department of Education, nine are headed by Caymanian staff.

Six newly qualified Caymanian teachers joined the Department during the course of the academic year. There are now 19 Caymanian teachers in training at universities abroad, out of a total of 50 scholarship students.

During the year the Department benefited from the advice of three consultancies: one advising on provision for handicapped adults; one advising high and middle school teachers on the new GCSE examinations; the third being a two year consultancy through CFTC to assist the development of the Community College.

The University of Miami degree programme entered its third and final year with 33 students scheduled to graduate in the spring.

Demand for additional places in school continued, and this pressure was particularly evident on the George Town Primary School. Land was identified for a new school for the district, and final drawings are anticipated during 1988. In the meantime two additional classrooms at the present site are due to be completed by Christmas.

(ii) Social Services

Some of the highlights of the year were the opening of the East End Sunrise Cottage for the elderly, establishment of therapeutic youth groups for boys and girls, and the creation of paraprofessional posts called Social Work Assistants. These posts provide young Caymanians with the opportunity to gain Social Work experience on the job, which will prepare them for professional careers later on.

Nineteen eighty-eight, it is anticipated, will witness the ground breaking for the much needed rehabilitation facility for juveniles, as well as the creation of much needed Caring Home positions and Social Work positions.

The rehabilitation facility will not only enhance existing services to juveniles; it will also ensure that children will no longer be sent to approved schools in Jamaica. It will cater to the needs of children who do not fit into the ambit of the Caring Homes or Foster Care Programme, but who need some residential and/or therapeutic programmes. Suitably trained personnel will be required, to carry out assessments of children's needs, and to design realistic treatment plans.

(iii) Health

A Programme designed to prevent the misuse of drugs and to improve rehabilitation services for drug misusers and their families is being spearheaded by this Department, with support from other arms of the Portfolio of Health, Education and Social Services. The main burden of these efforts falls on the Drug Counsellor, who took up office at the end of August. His immediate support will come from the Psychiatric Social Worker, and the Psychiatrist, the latter of whom is to take up office in January 1988. The Medical Officer of Health also gives support where hospitalization is considered a necessary component of the rehabilitation treatment.

Preventing the incidence of drug misuse has been the thrust of efforts made in public education.

Preliminary meetings have taken place at portfolio level to discuss the formation of a national council, which will coordinate the activities of all agencies, including voluntary ones, engaged in drug rehabilitation and prevention. It is hoped that this body will soon be in place.

A Public Education Programme on Aids has been extensive and well received. Since 1985 the Laboratory has done a screening test for any person referred through the physician.

The Environmental Health Programme came under new supervision with the appointment of a young Caymanian, with previous experience in the Department, who returned after four years at University in the United States. Emphasis has been placed upon the refuse collection programme, which is now a high-standard service with extensive coverage of Grand Cayman. Improved surveillance in Cayman Brac and Little Cayman is now a priority. An Environmental Health Survey is underway in order that appropriate programmes can be implemented before this year ends.

The George Town Hospital has undergone major, and publicly, welcomed changes, resulting in improved facilities for the Reception Counter,

Accounts Receivable Office, and Medical Records. New posts and new procedures have been introduced, contributing to an increase in collections of over \$232,000 more in the first seven months of 1987 compared with the same period in 1986.

The new facilities at the front of the hospital just completed will accommodate the new posts of Full time Drug Counsellor, Psychiatrist, and Psychiatric Social Worker.

As part of the extension, two new consultation rooms are provided for the Casualty Officers. There has been a 38 per cent increase in patients treated in the past three years. In an effort to improve medical services to the general public, the hours of the Pharmacy have been extended until 8:30 p.m. A new system of ordering has resulted in a marked reduction in stock wasted through outdated.

The official opening of the Neonatal Nursery provides the Government Pediatrician and Special Nursing Staff a fine facility to care for sick newborns locally, rather than having to send them for expensive overseas care.

A W.H.O. supported Practical Nurses Training Programme was reintroduced after a gap of several years. Four Caymanians graduated, providing the Hospital with valuable, young local staff, with the opportunity to attend more advanced nursing courses overseas. One student has already elected to take training overseas as a Registered Nurse.

A Nurses Aide Work Training Programme was provided for 15 students, preparing them for more formal nursing training.

The Hospital Security Unit has been increased, and its officers are now based in the vacated Pink Hibiscus Shop, allowing for regular surveillance of the Hospital entrance and parking lot.

Nineteen eighty-seven will be the first full year with a Genetic Counsellor, allowing the re-establishment of regular district clinics after a gap of several years. A Storage Disease Carrying Testing Programme has been started in association with an American lab research programme.

The Laboratory has expanded its programme to do thyroid tests and is preparing to do the addiction drug testing programme. It continues the Glycohaemoglobin test which was introduced this year, to evaluate diabetic patients more efficiently. Staff attended an Aids Seminar in Trinidad, and the International Medical Technologists Convention in Canada.

The Dental Health Service has been expanded to provide regular surveillance and treatment of school children by visits to each school by the Dental Team. The Mobile Dental Van provided by the Rotary Club has been an important impetus in this achievement.

The addition of the second dentist and two auxiliaries has also enabled a regular dental service to be provided at the district clinics, Faith Hospital, and Northward Prison.

Extensions and refurbishing have been completed to the Dental Laboratory and the storerooms at the Dental Clinic at the George Town Hospital. Construction of the new Dental Clinic at Cayman Brac will be completed this year.

Health care is expensive and costs are always escalating with new advances and new technology. The George Town Hospital is making a successful effort to keep its programmes in step with current improvements in Western medicine. The coming year, as the Hospital's accounting programmes become more effective, more revenue will be collected. A comprehensive population-wide Health Insurance Plan would be one way of reducing the burden on the public purse imposed by the present large annual subsidy.

(e) Development and Natural Resources

(i) Housing Development Corporation

The Housing Development Corporation continues to provide mortgage financing for low to middle income Caymanians.

As at 30th June, 1987, the loan portfolio was comprised of 24 loans amounting to CI\$853,135, as compared with CI\$636,274 for the same period in 1986. The total assets stood at CI\$1,249,003 as at the end of June 1987.

The Housing Development Corporation is presently seeking mortgage financing in order to make more funds available for lending. A target of an additional \$1.5 million is being aimed for as this would increase the portfolio to a level where the Corporation would be economically viable. The Housing Development Corporation has approached several local financial institutions to subscribe to the Corporation's five per cent Debenture Stock.

(ii) Water Authority

The George Town water supply project got underway in July 1987 following the signing of the civil engineering contract with a Colombian company, Petroservicios. The project area has been expanded to supply water to the major part of George Town, including Tropical Gardens, Crewe Road, Walkers Road and South Church Street. Earlier in the year a contract was awarded to a United Kingdom company, Propax Industrial Ltd., to supply all the plant and materials for the project. Central-Desal

Ltd., the subsidiary company of Caribbean Utilities, is well on the way to providing the desalination plant which will be producing the water from the generators' waste heat. The plant will be operational in January 1988, when it will provide water to the Water Authority's 1.2 million gallon reservoir. At that time a good part of the Water Authority's piped distribution will be complete, in addition to the facility which will distribute water to the trucking companies. Final completion is scheduled for June 1988. The cost of the project at \$4.2 million far exceeded the Water Authority and Caribbean Development Bank's estimates of \$2.0 million, and additional funding has been sought from Caribbean Development Bank. The public response to the system has been much greater than was anticipated.

The Water Authority wellfields at Lower Valley and East End have been in continual operation, and it is expected that this will continue so until the George Town facility is in a position to provide water to the truckers. The water at both these facilities remains in good condition and complies with World Health Organisation standards. In Cayman Brac three hand pumps have been installed on fresh water wells drilled during the 1986 Cayman Brac ground water investigation.

(iii) Lands and Survey

The increased volume of work in the Land Registry has continued throughout 1987 to the extent that the overall number of applications is forecast to be some 16 per cent up on the 1986 figure at a total of 6,600 applications.

Proposals for 1988 include the completion of the inputting of the basic Land Registry information onto the computer, in order to provide an alphabetical listing facility.

Approval has been given for the appointment of an additional professionally qualified valuer to assist in providing a wider range of estate management services for Government. An important task will be setting up a Lease Register and monitoring the registration of commercial leases.

The principal work of the Lands Valuation section will continue to be the assessment of stamp duty payable on transactions. For 1987 this is expected to total over C\$8 million, compared with C\$5.9 million in 1986. Work for other government departments include the presentation of claims for compensation before the Assessment Committee, as well as providing valuations for mortgage, sale, lease or purchase, and advice in all matters related to land administration and economy.

(iv) Agriculture

The Department responded to many requests from farmers and members of the public for assistance in alleviating crop-related problems, including field visits on most occasions. The service of diagnosis and treatment of pests and diseases in orchards, pastures, and ornamental gardens continued. Field staff of the Department carried out spraying programmes in many cases, while on other occasions, equipment was made available to farmers and others for use without charge.

Technological constraints on crop production were investigated. The Department procured samples of a large number of tropical crop cultivars not common in the Cayman Islands. Multiplication plots of sweet potato, cassava, sweet corn, peanuts, pineapple and papaya have thus been established. Expansion of the multiplication plots will follow as resources permit.

Demand has increased steadily for services, especially for livestock feed. During the first half of the year 356 tons of feed were imported compared with 504 tons for the entire year 1986, and 200 tons for 1985.

The Farmers' Market on Thomas Russell Way is nearing completion. The site for the abattoir has been moved from Lower Valley to an area about 120 feet east of the Market. This presents many advantages.

It is intended that both the Farmers Market and Abattoir will be operated by the Co-operative.

(v) Mosquito Research and Control Unit

An upsurge in mosquito number has occurred in 1987 following a year of exceptionally low numbers. The increase is due to favourable breeding conditions with rain and high tides coinciding, and rainfall at suitable intervals for the production of successive broods with escalating numbers.

The first broods to appear in June were suppressed by larviciding with BTI, but by July the flooding patterns had become widespread and complicated, and good larviciding conditions did not occur. The resulting mosquitoes have been treated with alternating sequences of Dibrom and Cypermethrin, as in previous years. By the end of August 144 air sprays and 15 larviciding operations had been carried out. Fogging vehicles had been deployed 216 times on Grand Cayman, and up to the end of July, 66 times on Cayman Brac and 148 times on Little Cayman.

Monitoring of mosquito densities during aerial spraying and the testing of larvae in the lab indicate that no resistance to these insecticides has developed. A new laboratory room was completed at Mosquito Research and Control Unit by Public Works Department, so that increased resistance testing, larviciding research, and other work can be carried out.

Very promising trials have been carried out with a new insecticide and a new larvicide, which has a residual activity of about a month. Both these compounds are exceptionally safe to use and environmentally acceptable.

Facilities at the Mosquito Research and Control Unit's hangar have been improved with the construction of a shelter for the second aircraft, air conditioned storage for larvicide, and a mechanical loader for pelletised larvicide formulations. It is hoped that an electronic navigation system will soon be obtained for one of the aircraft, to improve the accuracy of larviciding operations.

Physical control continues with the maintenance of the dyke and canal systems. The West Bay Peninsula has been completed, and work is in progress in the Barkers area. This will be followed by work at South Sound where a large increase in breeding of *Culex* mosquitoes has occurred in the last two years.

Two access roads have been made into the major breeding site behind Meagre Bay Pond, so this area can now be monitored and treated with larvicide, if it floods later this year. A programme of levelling in this central swamp is progressing well, and new water level gauges have been installed, so that more accurate details can be obtained of the flooding pattern and mosquito breeding capabilities of the area.

Port disinfection and surveillance of yellow fever/dengue mosquitoes continues; so far, none have been detected.

This year the Natural Resources Laboratory has investigated Grouper spawning off Little Cayman with the aim of assessing whether the grouper population is declining. Preparations have also been made for a general fish monitoring programme, and final work on a sponge survey was completed.

A major effort has been made with the Marine Parks mooring project, and so far 28 moorings have been installed off Grand Cayman, 27 off Cayman Brac and 28 off Little Cayman. Most of these are single point moorings, but a few triple point moorings to hold vessels up to 120 feet have been installed. The Natural Resources Lab is grateful for wholehearted cooperation and assistance from dive operators on all three Islands in carrying out this work.

(f) Tourism, Aviation and Trade

(i) Civil Aviation

The Civil Aviation Authority of the Cayman Islands Law became effective early in the year, and operations under the new system commenced on 1st June, 1987. The Authority is financially responsible for maintaining a balanced budget, and the board has full autonomy for all operations. Travel Tax derived from airline passenger departures is now reflected in the Authority's budget. Revenue collected to date is above budget, due primarily to the increase in tourist arrivals in 1987.

Except for the continuation of the Gerrard Smith Airport Terminal Building and the new Fire Station at Owen Roberts Airport, no further capital projects are envisaged during 1988. Other minor projects such as strip improvement, runway repairs, and general aviation aircraft increased parking are due to be completed by the end of 1987.

It is expected that with the current trend in tourist arrivals, the Authority will be able to meet its financial obligations without difficulty.

(ii) Fire Department

The expansion of the Fire Services Department is proceeding as outlined in the 1987 Budget Address. The West Bay fire station is nearing completion and will be in operation shortly. Fifteen additional staff members (all Caymanians) have been recruited and trained to fill the additional posts (which we approved in the 1987 budget) to man the new station on a 24 hour-a-day basis. A new fully equipped fire vehicle has been purchased for the new station and is presently in the Fire Department's Headquarters. A fire rescue vehicle, donated by Metropolitan Dade County of Miami, will also be placed in service at this station. We acknowledge this gift with special gratitude.

The new Cayman Brac Airport Fire Station will be built as part of the development taking place at Gerrard Smith International Airport and should be completed on schedule.

The George Town Water System will be fitted with fire hydrants providing a high degree of fire protection to the George Town area.

The purchase of a new Airport crash/fire vehicle for Owen Roberts International Airport is being negotiated, and it is hoped that this appliance will be in operation in early 1989.

Twelve members of staff attended overseas training courses in the United States of America, Canada and the United Kingdom. The courses covered a variety of specialized subjects such as Arson Investigation, Fire Fighting, Management, Mass Casualty Handling, etcetera. Government is very grateful to the United Nations Development Programme for having provided financial assistance for this training programme in 1987.

(iii) Trade and Labour

With the appointment of the Director of Trade and Labour on 1st June, 1987, the former Labour Office has been renamed the Trade and Labour Office. Preparations are being made for the implementation of new Labour Legislation. A programme is now in place to encourage all unemployed persons and to ensure that available positions are offered to them first.

Around 79 complaints and disputes to the end of August, 1987 were handled by the office and resolved informally. Three hundred and four unemployed persons were registered with the Office, all of whom have found employment. Forty-three school leavers registered and twenty-nine of them have been placed so far. It is expected that employment will be found for all of them.

The Trade and Labour Office is presently working with various Trade Associations to encourage training schemes for young Caymanians.

(g) Communications, Works and District Administration

(i) Postal Department

In 1988 a start should be made on the construction of a new General Post Office in George Town. The site for this building is the old Public Works compound behind the Public Library.

When completed the new facilities will accommodate the postal needs of these Islands for many years. An ample supply of post office boxes will be available for ready rental.

The present post office building will be used for other Government purposes.

(ii) District Administration

Cayman Brac and Little Cayman have shown encouraging signs of economic recovery with the level of unemployment being drastically reduced.

Private sector projects which have helped the economy significantly are the expansion of the Tigua Beach Hotel, and an underground cable laying project by Cable and Wireless Ltd.

Government capital projects for the year fell into three categories: roads, airport, and building development.

The following road projects for the year have been completed:

One mile of road in Little Cayman's James Scott Road, Cayman Brac and 1.35 miles of Cayman Brac's South Coast Road. Work on the Bluff road is continuing. The total capital road expenditure for 1987 will be some \$400,000.

Work is progressing well on the site for the new terminal at Gerrard Smith Airport, Cayman Brac. The access road to the site has been constructed, the preliminary work on the aircraft taxiways and parking apron is in progress, and the terminal site itself is ready for the start of construction of the terminal. The proposed date for this is December 1. Funding is provided by the European Development and Caribbean Development Bank.

The construction of a Dental and Public Health Clinic adjacent to the Faith Hospital is in progress. The total project is estimated to cost \$100,000, and when completed will provide adequate dental facilities, which have for some time been in need of improvement. Other building projects include the expansion and upgrading of the Cayman Brac Police Station and improvements in Government staff housing.

In January 1987 Cayman Airways inaugurated its Shorts SD 3-30 aircraft for the Sister Islands run. Its introduction increased the passenger-carrying capacity to Cayman Brac by almost one hundred per cent, but reduced the passenger-carrying load to and from Little Cayman to about half because of the limitations of the airport in Little Cayman. Improved airport facilities in Little Cayman will have to be seriously considered, if our national flag carrier is to continue to offer a safe, efficient service to that Island.

On June 19th this year Government carried out an interim census on Cayman Brac to determine accurately the Island's population. One thousand three hundred and twenty-five persons were found to be residing on the Island. The need for consideration to be given to improving the economy of the Sister Islands was confirmed.

On August 1st Government reduced the import duty on certain categories of building materials and basic household appliances to five per cent in the Sister Islands, for the following categories of people:

- a) Foreign retirees,
- b) Caymanians living abroad and returning to resettle, and
- c) Condominium developers

It is hoped that this incentive valid for two years will attract foreign investment into the Sister Islands. Recent indications suggest that

the Sister Islands' economy will continue to strengthen.

(iii) Public Works Department

The Public Works Department training programme continues to expand. At present our complement of officers training overseas includes three students in Architecture, one in Civil Engineering, two in Construction Engineering, and one in Civil Engineering Technology. One other has just completed a course in Air Conditioning Technology. This investment in training young Caymanians should show results by 1990.

Over the last year the majority of Public Works Department's building works have been carried out using private contractors who tender for work on a competitive basis.

Works completed to date this year include Savannah Primary School Multi-Purpose Hall at a final cost of \$153,700; the Mosquito Research and Control Unit's hangar at a final cost of \$33,000; and George Town Craft Market/Tourist Office/Public Toilets building at a final cost of \$135,000.

Works currently under construction include an extension to the Customs Security Warehouse with an estimated project cost of \$98,850, and at the Cayman Islands High School an extension to the Technical Block estimated at \$115,000 and a new Home Economics Block estimated at \$220,000. The new Farmers Market was completed in September at a cost of \$228,000.

At Northward Prison an extension to the Cell Block which accommodates beds was completed at a cost of \$75,000, and the construction of the new Special Block is underway with completion expected in March. Work on an extension to the Dining Room/Kitchen facility is due to start in September.

At Owen Roberts International Airport work continues on upgrading the shoulders to bring them in line with I.C.A.O. standards. Repairs to 200 feet at the east end runway scheduled to be carried out this year will cost an estimated \$150,000 and additional parking for light aircraft is also to be provided in 1987.

Tenders were received for the George Town Fire Station project in July 1987, and work commenced in September. This project is partially funded by the Caribbean Development Bank. The loan application was approved by the Bank's Board in October 1987. Retrospective funding has been approved to allow construction to start as scheduled.

Hardcourts are under construction at East End and Bodden Town Civic Centres, and four new netball courts are to be provided at the Sports Centre. North Side Primary School playing field is also to be upgraded.

Roads Section

General:

The road section this year has been engaged primarily on the maintenance of existing roads. In recent years the road inventory has increased and public expectation is higher, putting more pressure on the road crews to maintain the roads on the allocated budget of \$240,000.

Phased Construction:

Major work and surface dressing of the Breezy Castle Roads, Graveyard Road, East End and certain Windsor Park Subdivision roads were carried out at a cost of \$52,000.

Still to be completed in the 1987 fiscal year is \$229,000 of phased construction works throughout the districts.

New Construction:

New construction has been limited in 1987 to the removal of a number of black spots on George Town to Bodden Town road. Realignment and improvement of the road at Spotts and Lower Valley was completed in July at a cost of \$380,000.

Projects Planning/Development:

Project Planning and Development became a significant budget element with the commencement of the Master Ground Transportation Plan Study. C\$300,000 was allocated toward this project with a majority of the funding coming from a US\$300,000 loan from the Caribbean Development Bank. The Study is being conducted by Wilbur Smith Associates from Columbia, South Carolina, in association with two firms from Barbados: Robertson Ward and Associates, and David Lashley and Partners.

The major outcome of the study will be:

- a) A detailed programme of economically prioritized projects and a corresponding transport investment schedule for 1988-1992;
- b) Appropriate physical plans to allow timely land acquisitions necessary for these projects;
- c) A prospective programme of road transport projects for years 1993-1997 with corresponding approximate investment schedules and primary justifying factors (i.e. reasons for consideration);
- d) Recommendations for the improvement of the operation, planning, and management of road transport including specific

- recommendations to enable the annual updating of the five year investment programmes and
- a) Recommendations for the improvement of Government transport policies, especially policies for effective transport coordination.

The Study commenced on 8th June, 1987 and is on schedule. A draft final report will be submitted to Government by 7th December, 1987.

(iv) Port Authority

During the first seven months of 1987 the Port Authority in Grand Cayman continued to be profitable with recorded earnings of \$230,113, although this was reduced to \$111,796 due to the Cayman Brac operation which continues to operate at a loss.

Imports for Grand Cayman for the first eight months of 1987 were 17 per cent above the same period for 1986.

Imports to Cayman Brac to August 1987 were 28 per cent above the same period in 1986.

The two major projects undertaken by the Authority during 1987 have been completed. These were:

Repairs to Finger Pier at Grand Cayman	\$244,000
Purchase of Container Forklift Truck	\$275,782

The Authority arranged for loans totalling \$500,000 to finance these projects, but however was able to meet a portion of these expenses from its cash flow, and thus reduce the amount of the loans to \$200,000.

Equipment for the marking and lighting of all major channels for the Islands have been purchased and work will commence as soon as the barge being used locally is available.

Lack of container storage space continues to be a major concern for the Grand Cayman facility and during 1988 a feasibility study to increase the area will be undertaken.

3. THE YEAR 1988

Mr. President, the 1988 Budget has taken into account the uncertainty of the financial markets of the world, the increasing inflationary pressure, the substantial level of private sector construction, and other works that are scheduled.

It is in no one's interest for Government to undertake too many new capital projects, requiring more labour to be imported, and overheating the economy. The 1988 Budget is \$84.2 million, an increase of 15.3 per cent over the approved 1987 Budget.

The estimated ordinary revenue is \$71.0 million, an increase of nine per cent over the 1987 approved figure.

The estimated ordinary recurrent expenditure is \$62.4 million, an increase of nine per cent over the 1987 position.

Statutory expenditure is estimated at \$3.8 million.

Capital expenditure is estimated at \$16.0 million comprised of local financing of \$7.6 million, and loan funds \$8.4 million.

New services requested are \$2.0 million.

The programme of works cover all major services and development projects, primarily those that are ongoing and affords greater priority to others. It will include:

- a) Water and Sewerage Project
- b) Gerrard Smith Airport Terminal
- c) Fire Station at Owen Roberts Airport
- d) Community College First Phase
- e) An Abattoir
- f) A purpose built Computer Building
- g) Visitors Building and other extensions of the Prison facility
- h) A Juvenile Rehabilitation Centre

4. NEW REVENUES

The duty on beverages in Chapter IX of the Schedule of The Customs Law (Second Revision) is based on gallons whereas bottles are now measured in litres. Administrative problems occur in conversions, and it is timely to amend the Law to avoid them.

While doing this, the need was recognised for sample figures for importers and Customs to use. It is therefore proposed with immediate

effect that the duty be changed as follows:

9.01	Aerated waters, including flavoured aerated waters, nonalcoholic beers and wines	25 per cent
9.02	Ale, beer and other malt liquors, cider, perry, and wine coolers, not exceeding 7 per cent alcohol content	66 cents per litre
9.03	Spirits, unsweetened, containing less than 50 per cent by volume of alcohol	\$5.28 per litre
9.04	Spirits, unsweetened, containing 50 per cent or more by volume of alcohol	\$7.50 per litre
9.05	Spirits, sweetened and flavoured, including liqueurs	\$6.00 per litre
9.06	Table wines, red, white or rose	\$1.20 per litre
9.07	Dessert wines, including Port, Sherry, Vermouth, and other fortified or flavoured wines under 30 per cent	\$1.80 per litre
9.08	Sparkling wines: (a) Champagne (b) Other sparkling wines	\$2.50 per litre \$1.50 per litre
9.09	Purified, desalinated and natural waters, other than aerated waters	Free

These changes will raise approximately \$260,000 of additional revenue.

5. SALARY INCREASE

Included in the 1988 Budget is a token allocation for a salary increase of \$11 million, pending the report of the 1988 quadrennial salary review. It is important to keep Civil Service salaries at appropriate levels, in order to recognise it for the efficient services it provides to the residents of this country, tourists, and the international businessman.

6. CONCLUSION

Mr. President, a new era is upon us where heavy capital injections are necessary for water supply, sewerage systems, road construction, and airport development, to name but a few programmes.

It would be imprudent for this Government to make any further substantial borrowings, as servicing them would create a heavier burden on revenue. We therefore should take such care in examining all proposals which come before this Government. Greater emphasis must, I believe, be given to revenue earning projects, and proper project appraisals must be carried out. To this end it is my recommendation that we establish an Economic Section in the Portfolio for Finance and Development. Staffing could mainly be those officers who are at present engaged in some of this work, but one additional experienced professional will be required.

The fiscal policies of the Cayman Government are on the right course, and we must commit ourselves to retaining that position so easily lost, but will cause once lost so much sacrifices to regain, if ever.

Mr. President, I am convinced that the Cayman Islands are attractive, professionally competitive, and one of the most reputable offshore financial centres and desirable tourist destinations in the world.

There are great things in the years to come for our people, and we must dedicate ourselves to work hard for continuing prosperity, while concentrating on what is happening in the world around us.

Mr. President, I recommend the Appropriation Bill (1988) Law, 1987 proposing an estimated sum of CI\$80,322,214 to Recurrent, Capital, and New Services in 1988. Statutory provisions covering pensions and loan repayments amounting to CI\$3,843,593 does not form part of this sum. The estimated expenditure is, therefore, CI\$84,165,807.

Thank you, Mr. President.

MR. PRESIDENT:

The question is that a Bill entitled the Appropriation (1988) Bill, 1987 be given a second reading.

The motion is now technically open for debate, but I understand that discussions with the Members of the House confirm that most would wish to

follow the normal practice of deferring the debate on the Appropriation Bill and the Budget for a few days.

MOTION

HON. THOMAS C. JEFFERSON: Mr. President, I move that debate on the Budget Address be deferred until Wednesday 18th November, 1987.

MR. PRESIDENT: The Motion is that the debate on the Appropriation (1988) Bill, 1987 be deferred until 10:00 o'clock on Wednesday, 18th November. Does any Member wish to speak to that? If not I will put the question.

QUESTION PUT: AGREED. DEBATE ON THE BUDGET ADDRESS DEFERRED UNTIL WEDNESDAY, 18TH NOVEMBER, 1987.

MR. PRESIDENT: I have now been notified of a resolution under Standing Order 68A.

GOVERNMENT MOTION NO. 5/87
PROVISIONAL COLLECTION OF CUSTOMS DUTIES

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 68A, and perhaps I should read it for clarity, it says:

"65A. 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."

And Mr. President, the motion reads:

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 there be a variation of the rates of customs duty charged under the First Schedule of the Customs Law, Second Revision, by substituting the following for the contents of Chapter 9 of that Schedule:

9.01	Aerated waters including flavoured aerated waters, non-alcoholic beers and wines	25 per cent
9.02	Ale, beer and other malt liquors, cider, perry and wine coolers not exceeding 7 per cent alcohol content	66 cents per litre
9.03	Spirits, unsweetened, containing less than 50 per cent by volume of alcohol	\$5.28 per litre
9.04	Spirits, unsweetened, containing not less than 50 per cent by volume of alcohol	\$7.50 per litre
9.05	Spirits, sweetened and flavoured, including liqueurs	\$6.00 per litre
9.06	Table wines, red, white or rose	\$1.20 per litre
9.07	Dessert wines, including port sherry, vermouth and other fortified or flavoured wines under 30 per cent	\$1.80 per litre
9.08	Sparkling wines: Champagne	\$2.50 per litre
	Other sparkling wines	\$1.50 per litre
9.09	Purified, desalinated and natural waters other than aerated waters	Free.

AND it is 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, 1935.

Mr. President, just for information, Standing Orders state that the question on such a motion shall be put forthwith, so that when the Customs Bill comes, the debate can be on that, and not have two debates.

MR. PRESIDENT: Accordingly I put the question without debate on the motion.

QUESTION PUT: AYES AND NAYES

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

MR. PRESIDENT: A division, please, Clerk.

DIVISION
NO. 74/37

AYES: 12

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Drett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

NAYES: 2

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

ABSTENTIONS: 1

Mr. W. McKeeva Bush

AGREED BY MAJORITY: GOVERNMENT MOTION NO. 5/37 PASSED

MR. PRESIDENT: We have no other business on the Order Paper for today. May I ask the Honourable First Official Member to move the Adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, the business of this House having been completed, I move the adjournment of this Honourable House until 10:00 o'clock Monday 16th November, 1937.

QUESTION PUT: AGREED. AT 12.52 P.M. THE HOUSE DID ADJOURNE UNTIL 10:00 A.M., MONDAY THE 16TH DAY OF NOVEMBER, 1937.

YOUNG ISLANDS COUNCIL OF THE WEST COAST
OF THE TAIWAN ISLANDS
LEGISLATIVE ASSEMBLY

MONDAY, 27th NOVEMBER, 1987
GENERAL PAUSE

OFFERING NAMES

HIS EXCELLENCY THE GOVERNOR, MR ALAN J. COOTE, CML, DBE - PRESIDENT

CONSTITUENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

HON RICHARD W GROUND, QC SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION

HON J LAMBLI HURLBERT, JP THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

HON BERSON D BLAKE, DBE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

HON J SYMAN BODDEN, MBE MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

HON DAVE CHARLES I. KIRKCONNELL MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION (S.W. ONLY)

HON VASSEL E JOHNSON, CBE, JP MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W. MOKHEVA BUSH SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY

MRS PAPINE J. GREGG THIRD ELECTED MEMBER FOR THE LARGE ELECTORAL DISTRICT OF WEST BAY

MR LINDSEY A. PIERSON, JP SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN

MR JAMES M. BOBBSH FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

MR S. HALL BOLDEN SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

MR D. REDDIF PULPER EIGHTH MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH BAY

MR JOHN S. KELBAX ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST BAY

APPLICANTS

DAVE GARRY S. KIRKCONNELL SEVENTH ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF THE LEeward ISLANDS

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

HOUSE (UPPER) SESSION OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

MONDAY, 15TH NOVEMBER, 1987
(SECOND DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL, FINANCIAL SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

2. PRESENTATION OF PAPERS AND BRIEFS

LAXMAN AIRWAYS LIMITED'S ANNUAL REPORT AND FINANCIAL
STATEMENTS FOR THE YEAR ENDED 30TH JUNE, 1987

TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRAFFIC.

3. QUESTIONS TO THE HONOURABLE MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED
MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL
RESOURCES

NO. 77: WOULD THE HONOURABLE MEMBER SAY WHAT PLANS ARE THERE, IF ANY, TO ESTABLISH PROPER CATTLE FENS IN EAST END AND SAVANNAH ETCETERA?

NO. 78: WOULD THE HONOURABLE MEMBER GIVE THE COST OF PREPARING THE PLOT OF LAND AT SHILLY ROAD PRESENTLY USED TO DEMONSTRATE CROPS SUCH AS PEANUTS, CORN, SWEET POTATOES ETCETERA?

NO. 79: WOULD THE HONOURABLE MEMBER STATE GOVERNMENT'S POLICY WITH REGARD TO FARM ROADS IN THE EASTERN DISTRICT?

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

NO. 80: CAN THE HONOURABLE MEMBER GIVE A REPORT OF THE METHOD USED IN INVESTIGATING CASES 0140-0641/87 AND 0142-0643/87?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND
OFFICIAL MEMBER RESPONSIBLE FOR LOCAL ADMINISTRATION

NO. 81: CAN THE HONOURABLE MEMBER SAY, WHAT IS THE PRESENT EDUCATIONAL REQUIREMENTS FOR ENTRANTS TO THE CAYMAN ISLANDS LAW SCHOOL, WHETHER THERE ARE PLANS TO CHANGE THE ENTRANCE REQUIREMENTS, AND IF SO, WHAT ARE THE CONTEMPLATED CHANGES, AND THE REASON FOR SUCH CHANGES?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE
SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM

AVIATION AND TRADE

NO. 82: WOULD THE HONOURABLE MEMBER STATE:-

(a) WHAT ROUTE WAS THE SHORTS S-D 3-30 AIRCRAFT FLYING BECAUSE IT WAS PURCHASED BY CAYMAN AIRWAYS LTD.;

(b) DID IT CARRY CARGO, AND IF SO, WHAT CARGO; AND

(c) IF IT DID CARRY CARGO, DID CAYMAN AIRWAYS PAY FOR ANY CONVERSION OF THE AIRCRAFT?

NO. 83: WOULD THE MEMBER STATE HOW MANY FLIGHTS OF THE SHORTS S-D 3-30 AIRCRAFT TO CAYMAN AIRWAYS LTD. HAVE BEEN CANCELLED OR DELAYED DUE TO MAINTENANCE PROBLEMS SINCE ITS PURCHASE?

NO. 84: WOULD THE HONOURABLE MEMBER STATE WHAT ARE THE NATIONALITIES OF THE FLIGHT CREW OF THE SHORTS S-D 3-30 AIRCRAFT OF CAYMAN AIRWAYS LTD.?

3. GOVERNMENT BUSINESS

(i) BILLS:-

FIRST AND SECOND READINGS

- (1) THE COMPANIES (AMENDMENT) BILL, 1987
- (2) THE INSURANCE (AMENDMENT) BILL, 1987
- (3) THE FIREARMS (AMENDMENT) BILL, 1987
- (4) THE PENAL CODE (AMENDMENT) (NO. 2) BILL, 1987

(ii) NOTIONS:-

(1) GOVERNMENT MOTION NO. 3/87
CARIBBEAN DEVELOPMENT BANK

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER,
FINANCIAL SECRETARY.

(2) GOVERNMENT MOTION NO. 4/87
CARIBBEAN DEVELOPMENT BANK

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER,
FINANCIAL SECRETARY.

4. OTHER BUSINESS

PRIVATE MEMBER'S MOTIONS

(1) PRIVATE MEMBER'S MOTION NO. 12/87
TERRITORIAL WATERS' LIMIT

TO BE MOVED BY : SECOND ELECTED MEMBER FOR WEST BAY
TO BE SECONDED BY: SECOND ELECTED MEMBER FOR GEORGE TOWN

(2) PRIVATE MEMBER'S MOTION NO. 13/87
SAFETY AND STORAGE OF PETROLEUM PRODUCTS

TO BE MOVED BY : SECOND ELECTED MEMBER FOR WEST BAY
TO BE SECONDED BY: SECOND ELECTED MEMBER FOR GEORGE TOWN

5. ATTACHMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL
SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

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MONDAY

16TH NOVEMBER, 1987

10:04 A.M.

PRAYERS

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 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, who 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. Papers.

PRESENTATION OF PAPERS AND REPORTS

CAYMAN AIRWAYS LIMITED'S ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 30TH JUNE, 1987

HON. W. NORMAN BODDEN:

Mr. President, I beg to lay on the Table of this Honourable House the financial statements and annual report of Cayman Airways Limited for the financial year ended June 30th, 1987.

MR. PRESIDENT:

So ordered.

HON. W. NORMAN BODDEN:

Mr. President, the audited financial statements of Cayman Airways at June 30th, 1987 showed that the Company, with the financial assistance of Government, through the grant of an annual subsidy, was able to make an operating profit of US\$859,757. After accounting for financing costs of which the major item is lease charges for aircraft, there is a net loss for the year of \$835,826. This amount, when added to the accumulated deficit of \$18,772,121 from previous years, brings the total accumulated deficit of the Company to US\$19.6 million as at June 30th, 1987.

As was pointed out when I presented last year's accounts, Government's decision to convert, to share equity, the loan and other trade debts due and owing by Cayman Airways Limited to Government has substantially improved the airline's balance sheet, to the extent that the working capital deficiency at the end of this period now stands at US\$3.6 million.

In this past financial year, the Company experienced considerable increases in revenue earnings from passenger, cargo and charter operations. Of course there were corresponding increases in expenditure so that at the end of this accounting period, only a modest operating profit was realised. Nevertheless, at the same time, the Company has been able to keep all aircraft lease payments up to date, and service its current debt obligations on a timely basis, so that its credibility in the airline industry is recognised and respected as it continues to operate a safe, dependable on-time service to this country and its people.

Mr. President, it is no secret that the cost of providing a high quality service is mounting daily, but Cayman Airways is determined that its high standards are not in any way compromised. Of course, there can be little doubt that Eastern, especially in the first several months of its entry into the Cayman market earlier this year, has affected, to some extent, the Company's financial results. But I am

pleased to report that Cayman Airways Limited has managed to defend its market share very well. And as the market has started to show some growth, especially after the new hotels became fully operational in May this year, the airline is now beginning to reap some benefits from its new routes and is beginning to recover from the first effects of Eastern's competition.

When one considers the factors of increased competition from major United States' carriers, the cost of developing new routes and unforeseen engine overhauls, which cost \$250,000 in just one instance alone, this can still be considered an admirable performance. Needless to say, Mr. President, the fact that a small company like Cayman Airways Limited, with its very limited resources, is able to withstand competition from major United States' carriers such as Eastern and Northwest, with minimal damage, stands as a tribute to the dedication and hard work of the board of directors, the management and staff of the airline; and I would here like to publicly record my grateful thanks to them for their efforts.

As our airline strives to maintain its rightful role in the orderly development of Cayman's air services, it will take the continuation of Government's financial support as well as all of our combined efforts to help Cayman Airways to continue to survive and achieve its future goals - goals of an expanded route system that will strengthen the airline and make it a competitor to be reckoned with as it takes the name and flag of the Cayman Islands to new destinations, linking our country with new direct services that are bound to produce long term benefits for tourism and the travelling public.

Thank you, Mr. President.

MR. PRESIDENT:

Questions. The Elected Member for East End.

QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 77: Would the Honourable Member say what plans are there, if any, to establish proper cattle dips in East End and Savannah, etcetera?

ANSWER: The possibility of establishing a permanent cattle dip at East End has been investigated and it was determined that it would be extremely difficult and costly to do so because of the hard rock in the district. A portable dip was therefore obtained to be used until a more suitable site could be found for a permanent structure.

Funds for a dip in Savannah were requested in the 1988 Budget, but this has been struck out as part of the process to balance the budget.

I would just like to say, Mr. President, that I intend, in Finance Committee, to ask for the re-insertion of the amount of funds to provide the cattle dip in Savannah.

MR. PRESIDENT:

Supplementaries. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, the Honourable Member has mentioned the use of a portable cattle dip in East End. Can the Honourable Member say if this is being used by the farmers, or if the rumour, that I have heard, that they have been unable to use it is true?

HON. VASSEL G. JOHNSON:

Mr. President, I am not too sure whether the farmers were unable to use it or whether they just refused to use it. However, I can assure you, Sir, that the farmers in West Bay have requested that we transfer the dip there, because they would like to use it. They have provided a site for it, and are just awaiting Government to establish it for use in that district.

MR. JOHN B. McLEAN:

Mr. President, just to clear the air with the Honourable Member - and I will come to the supplementary - I would like to say that the people of East End are one of the most grateful people in these Islands, and if that could have been used, we would certainly have been happy to use it.

My supplementary is that since we are now talking about this structure, can the Honourable Member say what the cost was on this piece of equipment?

HON. VASSEL G. JOHNSON:

Mr. President, the cost was US\$18,000.

MR. JOHN B. McLEAN:

Could he further say, Mr. President, the anticipated cost to construct a dip?

HON. VASSEL G. JOHNSON:
East End is \$45,000.

Mr. President, the cost to construct the dip in

MR. JOHN B. McLEAN:
could say when this estimate was done?

Mr. President, I wonder if the Honourable Member

HON. VASSEL G. JOHNSON:
the Public Works Department.

Mr. President, the estimate was done last year by

MR. JOHN B. McLEAN:
he is speaking of?

Could he further say exactly what piece of property

HON. VASSEL G. JOHNSON:
walls.

It is the property near to the Water Authority's

MR. JOHN B. McLEAN:

Was an estimate taken into consideration on another piece of property further out, closer to where the present dip is situated?

HON. VASSEL G. JOHNSON:

No, Mr. President. I can say, Mr. President, from experience of the Agricultural Department, that we tried all around in East End to find a piece of property on which to build a dip, and the Agricultural Department discussed this with farmers for quite some time. Until now, nobody has really offered a site on which to build that dip.

MR. JOHN B. McLEAN:

Mr. President, what the Honourable Member has just said is not just right. What was discussed was a site - I will form this as a supplementary - what was discussed was a site for the present structure. Could the Honourable Member give this House an undertaking to have a second estimate done on a piece of property which is well known to his assistant?

HON. VASSEL G. JOHNSON:

I will, Mr. President, if that is so.

MR. PRESIDENT:

I think we have explored the dips pretty thoroughly now. The First Elected Member for Badden Town.

MR. JAMES M. BODDEN:

My supplementary is to ask the Honourable Fourth Official Member how many other areas in Badden Town were affected in order to balance the Budget?

MR. PRESIDENT:

Now I do think that goes somewhat outside the immediate question, with respect.

MR. JAMES M. BODDEN:

No, Sir, not if you take into consideration the answer.

MR. PRESIDENT:

I am sorry, we are dealing with dips in East End and Savannah, specifically.

Thank you.

MR. JAMES M. BODDEN:

Well, I stand subject to your ruling, Sir, but I cannot understand why a question is answered and then we cannot ask a supplementary based on that answer.

MR. PRESIDENT:

No, the supplementary referred specifically to the funds for a dip in Savannah. It did not go on to talk about other dips in other parts.

MR. JAMES M. BODDEN:

Mr. President ...

MR. PRESIDENT:

No, I am sorry, would you please accept my ruling. Thank you.

MR. JAMES M. BODDEN:

Again?

MR. PRESIDENT:

Well, thank you nevertheless. Let us go on to Question Number 78, the Elected Member for East End, please.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 78: Would the Honourable Member give the cost of preparing the plot of land at Smith Road presently used to demonstrate crops such as peanuts, corn, sweet potatoes, etcetera?

ANSWER: The Smith Road demonstration farm initially comprised an area of about two acres.

but was increased during the past administration to include the plot of land which the Member is now enquiring about.

In recent time, additional top soil was brought in to increase the depth of the soil at the experimental plot referred to in the question. This was obtained from the Farmers' Market site and the airport at no cost.

MR. PRESIDENT: There appear to be no supplementaries. In that case, question number 79, please.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 79: Would the Honourable Member state Government's policy with regard to farm roads in the eastern districts?

ANSWER: It is Government's policy to continue encouraging agriculture. Routes for farm roads in the eastern districts will have to be identified and recommended by the farmers and constructed when funds are allocated and approval given by the Legislative Assembly.

MR. JAMES M. BODDEN: I hope this question comes within the guidelines. Have any of the farm roads in the eastern districts been built since 1985?

HON. VASSEL G. JOHNSON: Mr. President, one is now being built on Little Bluff Road, as far as I know.

MR. JOHN B. McLEAN: Mr. President, a supplementary. Am I to understand the Honourable Member correctly that what he needs is some sort of a plan put forward by farmers?

HON. VASSEL G. JOHNSON: Yes, Mr. President, because agriculture is controlled by farmers on the Island, and there is no use in Government constructing a road to then invite farmers to go and cultivate.

MR. JOHN B. McLEAN: Mr. President, I did not mean it in that sense, I was just trying to get my facts correct, because I am certain the Honourable Member knows that I had circulated in 1984 a memorandum to Executive Council asking that the farm roads in my district be continued. Am I to understand the Honourable Member correctly, that I need something further?

HON. VASSEL G. JOHNSON: Mr. President, as far as I know there are farm roads in the eastern district. Big farms are now being conducted there, so I am not too sure what other farm roads are needed unless the farmers come forward and make their desire known.

MR. JOHN B. McLEAN: Mr. President, that is what I am trying to get clear. I am not speaking of the present farm roads, I am speaking of the continuation of farm roads in the eastern district.

MR. PRESIDENT: I think you have made your point clear. The Second Elected Member for West Bay, with impeccable timing, question number 80, please.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 80: Can the Honourable Member give a report of the method used in investigating cases 3640/3641/87 and 3642/3643/87?

ANSWER: On 4th May, 1987 at 3:00 a.m., three police officers acting upon information, entered premises at West Bay and found a substance subsequently analysed as ganja. Two men and a woman present at the premises were arrested and a full report of the circumstances was submitted to the Attorney General who advised prosecution. At their subsequent court appearance the cases against two were dismissed by the Magistrate. The third was acquitted on trial. The method used in investigating this case was the same as that used in any other case of this nature.

MR. W. McKEEVA BUSH: Just a question for clarification, Mr. President. The answer says that they entered premises at West Bay. Are you sure this is not South Sound?

HON. J. LEMUEL HURLSTON: Mr. President, my information is that the apartments entered are described as "Drifter Cove Apartments". Are they in South Sound, Mr. President?

MR. W. McKEEVA BUSH: I did not know he was asking you a question, Mr. President, I said ... that it was clarification.

MR. PRESIDENT: I think he was asking me the question, but have we clarified the point, was that satisfactory?

MR. W. McKEEVA BUSH: Not yet, Mr. President.

MR. PRESIDENT: More supplementaries.

MR. W. McKEEVA BUSH: Mr. President, can the Honourable Member say, arising out of this case, whether there were any urinalysis tests made?

HON. J. LEMUEL HURLSTON: Yes, Mr. President.

MR. W. McKEEVA BUSH: Can the Honourable Member say, Mr. President, how long that particular test took?

HON. J. LEMUEL HURLSTON: No, Sir, I do not have that information, Mr. President.

MR. W. McKEEVA BUSH: Mr. President, it would seem that that sort of information would be ready information since it was a normal case investigated as other cases. Can the Honourable Member then say how long it usually takes for these urinalysis tests to get done - simply put?

HON. J. LEMUEL HURLSTON: Mr. President, simply put, it depends on the volume of tests to be carried out at the overseas laboratory to which we send the samples.

MR. W. McKEEVA BUSH: Mr. President, can the Honourable Member give a time frame - is the normal time not three weeks, or longer?

HON. J. LEMUEL HURLSTON: I cannot express it any more simply, Sir, it depends on how many cases the laboratory has to analyse. The length of time could vary, could it not?

MR. PRESIDENT: If I may intervene, perhaps we could ask the Honourable Member to give a written reply if he can, if it is possible, with some survey of cases over a period of time, would that satisfy?

MR. W. McKEEVA BUSH: You are asking me if I am satisfied with that, Mr. President?

MR. PRESIDENT: Go ahead and ask for what you wish.

MR. W. McKEEVA BUSH: Mr. President, the tenor of things has been that they write what they want to write, I do not care what they want to do, I am going to still ask another supplementary.

Can the Honourable Member say whether this particular case took in the region of three to six days, the urinalysis tests?

HON. J. LEMUEL HURLSTON: I am sorry, Mr. President, I do not have that information.

MR. W. McKEEVA BUSH: For the sake of the record, Mr. President, yes, I would like an undertaking to get that information from the Honourable Member.

Mr. President, a supplementary. Can the Honourable Member say whether this particular case fell under the clause of possession, or presumption of possession?

HON. J. LEMUEL HURLSTON: According to my information, Mr. President, the charges were for possession and consumption.

MR. W. McKEEVA BUSH: Mr. President, can the Honourable Member then say why there has not been a conviction of any kind? Was substance not found ...

MR. PRESIDENT: I am sorry, could I have that first question again, I could not quite hear it.

MR. W. McKEEVA BUSH: Yes, Sir. Can the Honourable Member say why there was not any kind of conviction since substances were found in the apartments?

MR. PRESIDENT: I am sorry, that question is out of order, and you know that it is. You are questioning the decision of a Court of Law. So it is out of order.

MR. W. McKEEVA BUSH: Mr. President, I have further scope in other areas.

MR. PRESIDENT: I could not hear you, would you repeat that?

MR. W. McKEEVA BUSH: I have other scope, wider scope in other areas. Thank you, Sir.

MR. PRESIDENT: I do not fully understand, but we can discuss it at the interval.

Question number 81, please.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR LEGAL ADMINISTRATION

NO. 81: Can the Honourable Member say what are the present educational requirements for entrance to the Cayman Islands Law School, whether there are any plans to change the entrance requirements, and, if so, what are the contemplated changes and the reason for such changes?

ANSWER: The present entry requirements are contained in the Legal Practitioners (Students) Regulations 1980 - Second Schedule. There are plans to change these, although the changes largely relate to students between the ages of 18 and 21 years of age.

Mature students (i.e. those of 21 years and over on 1st May in the year of intended entry) will be able to enter the Law School on the existing basis - so preserving the original philosophy behind entry to the Law School. As a new alternative, mature students can take the University of Liverpool's mature students' entrance test. This comprises an overseas paper containing an essay and comprehension test, together with a further essay of which notice will be given to the title. The tests are set and marked by Liverpool University.

For students aged between 18 and 21 years, there will be a requirement for a minimum of five GCE passes, including English Language and Mathematics or a natural science, two subjects of which must be passed at Advanced Level.

The reason for the proposed changes is so that the Law School's entry requirements will be broadly the same as those required for students entering Liverpool University. In addition, it is an existing requirement that students must be at least 18 years of age to enter the Law School. Now that the High School offers GCE 'A' Level courses, the new requirements will be a greater incentive for students to stay on at school until they are 18 where they will be better prepared to cope academically with the amount and type of work involved at the Law School.

MR. G. HAIG BODDEN: Mr. President, may I ask if this new change is aimed at excluding certain local students?

HON. RICHARD W. GROUND: Mr. President, the change is not aimed at excluding anybody, it is certainly not aimed at excluding certain local students. What it is intended to do is to bring the Law School entry requirements in line with those for Liverpool University, because the degree which is now awarded by the Law School is an external Liverpool degree.

Mr. President, the fact that we now have the benefit of an external degree with objective examinations is, in my submission to this House, a good reason for ensuring that those students coming to the School are those who would have been able to have entered the university granting that degree. I might, however, reiterate part of my answer, and draw the Members' attention to the fact that for mature students, that is those over 21, the existing regulations will continue to apply, and also for those mature students they have another further way of getting in by taking this overseas test, a way which they would not have had until now. So that in fact it broadens the categories of mature students who can enter the Law School.

MR. JAMES M. BODDEN: Could it be that the reason for this change is because it is quite evident that the Law School is now a success, and that a lot of local students will be entering the legal profession?

HON. RICHARD W. GROUND: No, it could not.

MR. JAMES M. BODDEN: Could we be told whether the two students who graduated this year with honours, passed the 'A' level examinations?

HON. RICHARD W. GROUND: I do not have that information at the moment. I am

prepared to give it to the Member. My own off-the-cuff recollection is that they were mature students and so would have come in under the mature students' provisions which I have at such pains to referred to. But if the Member wishes me to, I can research that.

MR. JAMES M. BODDEN: Mr. President, I really do not know what is meant by "mature", because under our law a person at 18 is considered, I think, mature. So I do not know what the answer is for that one. However, I am dealing with the point that we had five students in the first entrance at the Law School. All five of those passed and are now in the legal profession. Two of those passed with great honours, and if we are going to change the existing rules of entrance, I do not believe that those two students had passed their 'A' level examinations

MR. PRESIDENT: I am waiting for your question, please.

MR. JAMES M. BODDEN: Yes, Sir. If this is done, we would be exempting those types of students. So I am requesting an answer as to why we would do it when we could be exempting students of such accomplishments as the two that I am referring to, and which the Honourable Member is aware of?

MR. PRESIDENT: You have two questions there, the first and the latter.

HON. RICHARD W. GROUND: Mr. President, I have some difficulty in extricating them. Let me point out to the Member that it is my understanding that 'A' levels have only recently been offered by the High School (I stand to be corrected by the Honourable Member on that) but the likelihood is that the two students to whom he is referring would not have had the ability to take 'A' levels at the Cayman Islands High School. That is the reason, and I cannot stress it enough, why the mature student exemption is continued.

The Member questioned the meaning of "mature student". Mature students will be defined (and I say will be, because we are proposing a change to the regulations) as I said in my answer, to those over 21 on the 1st of May in the year for which they apply for entry to the Law School. That means that all those candidates who did not have the opportunity of acquiring 'A' levels - because they were not offered at the school at that time, or indeed, mature candidates who, since leaving school have, as so many do, branched and blossomed out as late starters - will still be able to come to the Law School and have two ways of getting in. Again, I cannot stress too much that they can either get in if they are mature students on their academic qualifications, or by taking a new test which will, in part, test those skills which they have acquired in their career up to then.

So, Mr. President, I come back to the fact that these changes, as far as mature students are concerned, will broaden the ability to enter and, in respect of school leavers, will recognise the high standard of education that is now available at Cayman Islands High School.

I would like to just make one other observation, which is that at a Rotary meeting the other night, I had the privilege of meeting a small group of students, all Caymanians, from the Cayman Islands High School, who were doing the Law 'A' level. I think there were six - though it may have been eight, however, I would not like to be held to the number - all of whom were Caymanian students looking to study Law, and all of those doing 'A' levels; so that if they pass those 'A' levels, pass one other subject at Advanced Level, we can look to see them at the Law School in the near future.

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

MR. W. McKEEVA BUSH: Mr. President, I believe the Honourable Member said that 'A' Levels were only recently given at the High School. Am I right?

MR. PRESIDENT: I think he stood to be corrected.

HON. RICHARD W. GROUND: I do stand to be corrected. I cannot get exact information on that. I am told that it may have been pre-1980, certainly before my time here and before my own recollection.

MR. JAMES M. BODDEN: Mr. President, I guess I am still confused about maturity, however, if we have a student who passes five GCE 'O' Levels but, for example, does not possess a pass in mathematics or a natural science, would he be excluded from entering the School at age 18, when he comes out of the High School? Is that what the Honourable Member is saying - that that will be the new requirement, and that is what will happen?

HON. RICHARD W. GROUND: No, that is not what will happen. That is what the old requirement was, and it is an aspect of the old requirement which has been retained. I had not read the old requirements, Mr. President, because they were contained in a public document. I now ought to, to respond to that question.

The old requirements were that you could get into

the Law School if you had five approved subjects at 'D' Level with at least four above grade C; passes in four approved subjects at 'D' Level, at least three of which are at grade C or above and one Advanced Level; passes in three approved subjects at 'D' Level, at least two of which are at grade C and above and two others at Advanced Level. And then it goes on to provide that a pass at both Advanced and 'D' Level should be treated as only one pass at Advanced Level. And then the old regulations said: "No person shall qualify unless he has passed English, English Language or English Literature at Ordinary Level grade C or above, and one of the following subjects at Ordinary Level grade C or above: Mathematics, Economics, Geography or a Natural Science.". That has now survived and been carried through into the new proposals (and I stress they are still proposals, and open to input) as requiring a pass in Mathematics or a Natural Science. I might say for absolute clarity that that one requirement is not Liverpool's requirement, it was a preservation that the Legal Advisory Council, which consists of the Chief Justice, myself, and the President of the Law Society. It was a requirement that that Council advised should be preserved, to ensure that students going in to Law did have at least an elementary grounding either in Mathematics or in the Natural Sciences.

MR. JAMES M. BODDEN:

A further supplementary.

In other words what is being said is that if the student, in his immaturity, that is the ages 18 to 21, does not comply with the new standards that are being set, he can go away to work or idle around for three years from the age of 18 when he comes out of High School until he is 21, and then he can be considered for entry after he is 21, rather than continuing his education from the age of 18. Am I correct in assuming that is what the answer to this is?

HON. RICHARD W. GROUND:

Mr. President, somebody seeking to amend entry qualifications of this sort is placed in a dreadful dilemma. One cannot take away from people who have already left school their right to get in under the old qualifications. All one can do is make changes for the future, so that those coming up to take the examinations in their own future know what they have to pass and what they have to achieve. That means that we cannot in any way make the changes retrospective or retroactive.

One side effect of that is that by making this preservation for mature students under 21 does mean - as we are presently thinking of framing the requirements - that somebody could leave school at an earlier age having gotten their five 'D' Levels (in other words the existing minimum entry requirement), could go away and either work, acquire experience in life, or, as the Member put it, waste their time, come back and then apply to enter under the mature student provisions.

Mr. President, it is very difficult to see a way of guarding against the student who wastes his time while at the same time letting in the student who does valuable work and, as I said, who blossoms as a late starter in the community, and also not to take away any rights of entry that might be possessed by people who have already left school.

MR. JAMES M. BODDEN:

Mr. President, I was not talking about taking any rights that existed with the students who are there now, and I was not really referring to any wasting of time. However, what I am getting after is that suppose we had a student who is to graduate in June of this coming year, and that student was striving to pass enough subjects to enter the Law School in June the following year or whenever the examinations are held; and if that student passed and got five 'D' Levels, which would now entitle him to go on to the Law School, with this change, he would have to wait until he is 21 to be considered eligible with the same requirements. Now I think this is unfair and I would like the point clarified as to whether he would have to wait three years until he is considered mature. I do not know who is going to consider him mature, but this is a question I would like answered.

HON. RICHARD W. GROUND:

Mr. President, the intention is that for people who are now coming up to do their final examinations at the High School, the entry requirement should be three 'D' Levels and two 'A' Levels. It is a raising of the basic entry level for candidates for the Law School who are still at school. Whether students coming out of the High School in the future, after the changes were made, would be able to get in under the mature students provisions, or whether when these proposals are finally firmed up, those mature student provisions may not be available to such people, is still something which we will look at. No final decision has been made.

But in answer to the question whether it is unfair or not, my submission to the House is that it is not unfair because what is being sought to be done is to raise the basic level of entry for school leavers, recognising that the High School offers them the facilities to reach that raised basic level of entry. And it is also that candidates who are not academically good enough to go to the Law School should not be encouraged to go to the Law School by allowing too low an entry rate, and then encouraged to waste five years of their life struggling to get a qualification at the Law School which they might not, at the end, get.

It is again my submission to the House the duty of those who are charged with regulating the admission of students to educational establishments to make sure that they have the academic ability to get out of that establishment at the other end with a qualification. Because to do otherwise is, in the end, to betray those students.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

A supplementary, Mr. President.

Could the Honourable Member state whether any attempt is going to be made in these new regulations to encourage law firms to article people who are academically qualified to enter the Law School but who cannot enter because no law firm is willing to article them.

HON. RICHARD W. GROUND:

That issue is outside the scope of the present changes that are being considered. The issue is something which we are aware of and have under review, but out of fairness to the law firms, I must say that most of them have already taken up articulated clerks and that the law firms have put in a great deal of support both by taking articulated clerks and by providing material facilities. They have put in a great deal of support to the Law School.

MR. PRESIDENT:

The Third Elected for West Bay.

MRS. DAPHNE L. ORREIT:

Thank you.

Mr. President, I would like to ask the Honourable Member whether or not it is intended that these new regulations will come into effect in 1989. If I am correct in saying that, this provision then gives those students who have graduated in 1987 and who have been successful in passing the number of 'O' Levels required an opportunity to go on into Advanced Level subjects so as to enter the Law School. Am I correct in assuming this?

HON. RICHARD W. GROUND:

Mr. President, the proposal, and I stress it is still a proposal, as approved by the Legal Advisory Council was that to give students adequate notice of the changes, that if these changes were approved that they would not come into effect until 1st September, 1989, or that alternatively we should look at some form of transitional period. They will not therefore affect this year's graduating class from the High School. So somebody who qualifies this year under the old provisions would be able to enter the Law School.

MR. JAMES M. BODDEN:

Mr. President, I take great pride in the fact that the Law School was a Unity Team Government accomplishment, so I am not trying to lower the standards, but I am trying to protect what is there for the people of this country. So would the Honourable Member advise me whether I am right in my assumptions that at 18, a young man or a young woman coming out of the High School with five 'O' Level passes could be excluded from going on to the Law School, but that at the age of 21, when he is then considered to be mature, he could and be accepted with the same qualifications that he possessed when he was 18? Am I right, is that the answer to this question?

HON. RICHARD W. GROUND:

The Member is right that, when the proposals come into effect, if they do so, somebody leaving school at 18 without the minimum required by the new proposals (and that would include somebody with merely five 'O' Levels) would then be excluded from entry to the Law School. Whether they could subsequently qualify by waiting three years and becoming 21 and getting in under the mature student requirements is not something which has been fully thought through yet. If the Member tells me it is unfair, then we will give consideration to not allowing that. I am not quite clear what signal he is giving me, but all I can say is that these are proposals at this stage, and on points like that, representations at this stage still fall upon fertile ground. But as to whether the man or the boy at 18, the person, the girl at 18, with five 'O' Levels would be excluded after these came into effect, then, yes.

MR. PRESIDENT:

I think we should now go forward or you will not get in your own three questions.

MR. JAMES M. BODDEN:

Yes Sir, one more question which is very important.

MR. PRESIDENT:

One more.

MR. JAMES M. BODDEN:

Is there any input into these changes by the Elected Executive Council, or specifically by the Honourable First Elected Member to Executive Council, or are these changes going to be put into effect without any Elected input?

HON. RICHARD W. GROUND:

There is Elected input. As I explained, the changes were first approved by the Legal Advisory Council. They then went to Executive Council in principle, to see if in principle Executive Council liked or disliked them. They then have to go to Liverpool University to see whether they like or dislike them, and at the moment they are at Liverpool University. If they come back with their seal of approval, they then have to be embodied in regulations, and the regulations to amend the Legal Practitioners (Student Regulations) are made by the Governor in Council. So at that stage, Executive Council would have detailed input as to the final form of the regulations.

MR. PRESIDENT:

Really, you have taken, I think, a fair share on

these. The Elected Member for North Side has been trying to catch my eye for several minutes.

MR. D. EZZARD MILLER: Yes, Mr. President, in light of the answer given some time ago to my supplementary, can the Honourable Member state whether the Legal Council would then in turn recommend to the Education Council that these people who are academically qualified, but who cannot be articulated locally and join the Law School, be given scholarships to attend institutions overseas to which they may have acceptance, such as Oxford, or other universities in England?

MR. PRESIDENT: I think that goes well outside the original question, but perhaps a reply in writing could be provided and could go in the record of the House.

I am sorry, I will take one more supplementary from the Member who actually asked the question.

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Can the Honourable Member say whether the arrangements with Liverpool University began from the inception of the Law School, or was it a recent arrangement?

HON. RICHARD W. GROUND: The arrangement is a recent one. It dates back to the inception because the first Director of Legal Studies was on secondment from Liverpool University. On his return, after doing two years here as Director of Legal Studies, he actively pursued the question of obtaining for the Cayman Islands Law School the right for its students to sit the Liverpool External Degree. And that was finally achieved, I believe, two years ago, and this year's graduating class was the first to graduate under those provisions.

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

HON. THOMAS C. JEFFERSON: Mr. President, as we are shortly reaching 11:00 o'clock, I wonder if the Honourable House would wish the Standing Order 23(7) to be suspended in order to allow the other three questions to be taken this morning?

MR. PRESIDENT: The motion is that Standing Order 23(7) be suspended to enable questions Number B2 to B4 to be taken.

QUESTION PUT: AGREED. THAT STANDING ORDER 23(7) AND (8) BE SUSPENDED TO ENABLE QUESTIONS NOS. B2, B3 AND B4 TO BE TAKEN

MR. PRESIDENT: Question No. B2, the First Elected Member for Bodden Town.

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

NO. B2: Would the Honourable Member state:
(a) what route was the Shorts SD 3-30 aircraft flying before it was purchased by Cayman Airways Limited;
(b) did it carry cargo, and, if so, what cargo? and
(c) if it did carry cargo, did Cayman Airways Limited pay for any conversion of the aircraft?

ANSWER: (a) The aircraft was flown by Pennsylvania Airlines as part of its Allegheny commuter passenger services;
(b) The aircraft was not used for cargo services; and
(c) There were no conversion costs.

MR. JAMES M. BODDEN: So it is not true, then, that the aircraft was being flown to transport cattle before it was bought by Cayman Airways?

HON. W. NORMAN BODDEN: Mr. President, this is the first I am hearing that, so I guess based on my reply, that must be attributable to a rumour. I have not heard it before.

MR. PRESIDENT: Any other supplementaries?

MR. G. HAIG BODDEN: Mr. President, may I ask if this aircraft is capable of carrying cargo?

HON. W. NORMAN BODDEN: Mr. President, the aircraft has two reasonably sized baggage compartments, and based on the passenger load, cargo is sometimes accommodated on some of its flights.

MR. G. HAIG BODDEN: Can the Honourable Member say how large the cargo door is?

HON. W. NORMAN BODDEN: Mr. President, I do not have those measurements with me. I would just say it is a reasonably sized door that can accommodate not bulky cargo, but some cargo of average size.

MR. G. HAIG BODDEN: Is it true that the door is 2 x 2?

HON. W. NORMAN BODDEN: I do not believe that is correct, Mr. President.

MR. PRESIDENT: Perhaps you could supply the Honourable Member the details in writing to settle the question.

HON. W. NORMAN BODDEN: If he so wishes, Sir.

MR. JAMES M. BODDEN: What is the total weight allowable to be carried in the cargo space?

HON. W. NORMAN BODDEN: Mr. President, if I remember correctly, there is a limitation, I think, of 1,000 lbs maximum in one of the compartments, and probably about 1,200 lbs in the other. Within those amounts, anyhow.

MR. PRESIDENT: I think the question has been answered. The question was about what the aircraft did before it was purchased, whether it carried cargo. The answer has been given.

Next question please.

MR. JAMES M. BODDEN: I have a clarification on the question that has just been answered.

MR. PRESIDENT: You may.

MR. JAMES M. BODDEN: Is the Honourable Member telling the House that this plane carries, in one compartment, 1,000 lbs of luggage and in another compartment 1,200 lbs, being a total of 22,000. Is that the answer?

HON. W. NORMAN BODDEN: Mr. President, I am saying, as far as I can remember, one of the compartments has a maximum allowable weight of 1,000 lbs, and the other a maximum allowable weight of around 1,200 lbs. These amounts are approximate.

MR. PRESIDENT: Next question, please.

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

MR. B3: Would the Honourable Member state how many flights of the Shorts SD 3-30 aircraft to Cayman Airways Limited have been cancelled or delayed due to maintenance problems since its purchase?

ANSWER: Of approximately 2,600 flights made by the Shorts aircraft, 84 flights were cancelled and 35 delayed as a result of maintenance. This gives a reliability factor of 95 per cent.

MR. G. HAIG BODDEN: Can the Honourable Member say if the age of the aircraft was a factor in these delays?

HON. W. NORMAN BODDEN: Mr. President, I do not think age would have anything to do with it. It relates to maintenance problems, and maintenance problems can arise with aircraft that are just out of the factory. But in any case, the age of the aircraft, I believe, is about eight years old, and the delays were various maintenance items that came up from time to time.

MR. JAMES M. BODDEN: The flights that had to be cancelled - were they cancelled because the equipment needed for repairs were not available?

HON. W. NORMAN BODDEN: Mr. President, if the Member is referring to spares when he says equipment, I imagine in some instances, spares were not available on the Island and had to be flown in in order for the Company to effect repairs, yes.

MR. PRESIDENT: If there are no more supplementaries, perhaps we could have question number 84, please.

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

NO. 84: Would the Honourable Member state what are the nationalities of the flight crew of the Shorts SD 3-30 aircraft of Cayman Airways Limited?

ANSWER: There are two Caymanian flight crew flying the Shorts SD 3-30, in addition to two United States' citizens and two Venezuelans.

MR. JAMES M. BODDEN: Is there any attempt being made to train further Caymanian flight crew?

HON. W. NORMAN BODDEN: Yes, Mr. President, my understanding from the management of the Company is that Caymanians are being trained. For example they have a programme where, in some instances, co-pilots or flight engineers off the 727 are also being used as co-pilots on the Shorts. And as Caymanians become available and are sufficiently qualified and experienced to meet the Company's standards, then they will be promoted to their proper positions.

MR. JAMES M. BODDEN: We have had the Shorts aircraft for quite some time. During that time have we really attempted to train Caymanian personnel, because they should have been trained by this time had we made a serious attempt.

HON. W. NORMAN BODDEN: Mr. President, I would say that a serious attempt has been made by the Company. I think the Shorts started operation in January of this year. At the time we had six crew members from Venezuela in order to get the operation underway. We undertook, at that time, as with similar parliamentary questions that have been asked in this House, to have them replaced as soon as Caymanians became available. That is an on-going programme and I feel that some progress has been made.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President can the Honourable Member state whether any of these posts will be advertised in the paper so that Caymanians who are not yet part of the Company, or who may be living abroad and are qualified, can have an opportunity to apply?

HON. W. NORMAN BODDEN: Mr. President, the posts can and will be advertised because Cayman Airways will certainly employ Caymanians, whether they live here or live abroad, who may be qualified. So I will ensure that these posts are advertised locally.

MR. PRESIDENT: If there are no further supplementaries, I think we might take our customary break. Proceedings are suspended for fifteen minutes.

AT 11:10 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:35 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Item 3 of today's Order Paper. Bills. First Reading.

GOVERNMENT BUSINESS
BILLS

THE COMPANIES (AMENDMENT) BILL, 1987
FIRST READING

CLERK: THE COMPANIES (AMENDMENT) BILL, 1987

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend the Companies Law is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE COMPANIES (AMENDMENT) BILL, 1987

MR. PRESIDENT: The Honourable First Official Member.

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.

This Bill, Mr. President, seeks to make a number of amendments to the Companies Law. As a preliminary, since its enactment, the Companies Law has served the country well in bringing in offshore business. In the interim period, a lot of competing jurisdictions have sprung up, and it is necessary to meet this growing competition and to keep abreast of the sophistication in the class of business coming to these Islands, as well as to bring it in line with other modern company and corporate jurisdictions.

To this extent, Professor Morse, a leading authority in company law and a member of the Law Commission in respect of the recent companies legislation in the United Kingdom was consulted. His findings, together with the input of the local financial centre (the committee was established shortly after a few budget addresses were given, I think in 1985) and that of the committee has been sought and the salient points recommended by them are sought to be incorporated in these amendments without unduly affecting those provisions which have been tried and tested over the years.

The scheme adopted has been to rationalise the provisions which deal with all companies in the general body of the Law, and particular aspects. For example, the exempt companies to be specifically dealt with, rather than at present, where one section lists inapplicability of certain requirements relating to such companies.

Clause 2 seeks to consolidate the requirements of the Memorandum of Association of companies limited by shares, (section 7 of the law), and by guarantee (section 8 of the law) and unlimited companies together (section 6). It also extends the objects clause to give powers and objects of natural persons to a company, unless specifically chosen to be restricted.

Opportunity is also taken to extend the contents of the Memorandum and to review the requirements to alter such Memorandum with minimum requirements (section 9). Consequential changes extend the period of delivery of such changes of the location of the registered office to the Registrar (section 10) and also makes the Memorandum and Articles of Association consistent with each other (section 11).

Clause 3 seeks to amend section 13. This is consequential on the amendment sought to be made to section 34 by clause 7.

By clause 4, section 20 is sought to be amended so as to remove a conflict with the provisions of section 42(1).

Clause 5 substantially incorporates section 25, except that the last sentence of subsection (3) is made clearer. Section 26 has been clarified, and a new Certificate of Incorporation will clarify any ambiguity which the present form indicates. Under subsection (2) of this section, the requirements of corporate benefits are specifically excluded, and thereby make it more consistent with legislation in various other jurisdictions, and also consistent with the powers of a natural person. Similarly section 27 eliminates the artificial distinction of powers and duties under the ultra vires doctrine as it relates to third parties. This clarifies too the capacity of a company to perform acts.

Clause 6 seeks to amend by inserting four new subsections to section 32. These subsections have been amended by reference to Professor Morse's report, and are intended to provide further business to the Cayman Islands from other jurisdictions by providing merger relief provisions similar to those found in the present United Kingdom legislation. It also removes an anomalous treatment of profits arising on takeovers and acquisitions of companies.

By clause 7, it is sought to re-enact a new section 34 which is more in line with the companies' legislation in other offshore jurisdictions and which follows the recent changes in the United Kingdom's companies legislation. It allows the more ready redemption of the company's own shares and will also permit the company to purchase its own shares, a feature which is greatly in demand by the offshore market.

Clause 8 seeks to consolidate, update and rationalise sections 37, 38 and 39. Section 37 is substantially the same as it presently exists, but however makes a specific provision in relation to bearer shares of an exempted company. It does not, however, breach any of the confidential provisions presently existing in the Law. Similarly, section 38 is substantially the same, while section 39 distinguishes the position in relation to exempt companies. This again is consistent with the general scheme of the present amendments. The proposed amendments do not detract from the present position in relation to disclosure.

Clause 9 seeks to re-enact section 41 by correcting an anomaly whereby an exempted company is at present not required to maintain a register. However, this again does not detract from the present position of non-disclosure of such registers to third parties and members. It does, however, raise the fees required in relation to other companies for copies of such registers.

Clause 10 seeks to extend the time within which the particulars are to be delivered to the registrars, from 15 days to 30 days. In all respects, it is otherwise the same as the present section.

Clause 11 seeks to repeal and re-enact section 55 and being consistent with the present scheme, highlights the provision that such general meetings do not change the position in respect of exempted companies.

By clause 12 it is sought again to consolidate,

update and rationalise Part VI of the Law which deals with exempted companies, but does not itself make any changes at this stage. Such changes which are made are those consistent with the present amendments made.

And Mr. President, the Companies Law is a very technical document. The recommendations which are being put forward by the committee appointed by Executive Council almost two years ago - that committee is comprised of private sector practitioners, of lawyers, of trust managers, of accountants and people who, on a daily basis, deal with the Companies Law. And I recommend these amendments to Honourable Members.

MR. PRESIDENT:

The question is that a Bill entitled a Law to amend the Companies Law be given its Second Reading.

The motion is open for debate.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

My contribution to the Bill will be very short. I could not help but notice, in reviewing the draft Bill on the White Paper and subsequently the Green Paper that it seemed to be the most complicated Bill I have yet seen brought to this House. So complicated, Sir, that in my opinion, much of the amendment or amendments could have been left out, because most of it was re-enacted. In other words, it repeated the same provisions already made in the principal Law.

Mr. President, going down this Bill, the most important areas, or the most fundamental changes I have seen made to the Law is contained in clause 7 of the Bill. This, Mr. President, deals with the re-enactment of section 34 of the principal Law, and it deals with the redemption and purchase of shares. It introduces a new provision by substantially re-enacting most of the principal Law, as I have said, but of importance is that in addition to the redemption of shares as contained in the principal Law, companies may now also purchase their own shares. Of course, Mr. President, there are conditions attached to this, and I would suggest for those people who may be directly or indirectly involved in the administration of the Companies Law, that they read the provisions very carefully indeed.

The second area of interest has to do with the amendment to section 41, clause 9 of the Bill, which substantially re-enacts that particular section of the principal Law. And it has to do with the inspection of registers. In this section, Mr. President, the major change is that exempt companies will now be subject to inspection.

Before this amendment, Mr. President, exempt companies were not subject to inspection, and it will bring about a major change in this respect. Of course, Mr. President, the mover of this Bill has given us the assurance that these changes brought about by clause 9 will not affect the present provisions of non-disclosure to third parties.

Mr. President, I feel all in all that this Bill is very good, even though many of the areas of changes are cosmetic changes, but nonetheless very necessary to the upgrading of our legislation.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to reply?

Does any other Member wish to speak? Would the

HON. THOMAS C. JEFFERSON:

Yes, Mr. President, and I will be brief.

Basically to thank the Member who did speak, and make his contribution to the debate, and also to the others who acknowledge their approval of the amendments by their silence.

Thank you.

MR. PRESIDENT:

I shall now put the question.

QUESTION PUT: AGREED. THE COMPANIES (AMENDMENT) BILL, 1987 GIVEN A SECOND READING

THE INSURANCE (AMENDMENT) BILL, 1987
FIRST READING

CLERK: THE INSURANCE (AMENDMENT) BILL, 1987

MR. PRESIDENT:

A Bill entitled 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, 1987

MR. PRESIDENT:

The Honourable First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, I move the Second Reading of a Bill

entitled a Bill for a Law to amend the Insurance Law, 1979.

This Bill, not unlike the Bill spoken about a few minutes ago, has been discussed for the last eighteen months with the Cayman underwriters, management insurance arm of the insurance industry, that arm dealing with mainly the offshore business. And many of these amendments are a result of input taken from them and aspects which this Government also thought should be put forward in order to improve the present Insurance Law.

In the Insurance Law, Mr. President, there is a definition of "underwriting manager". That definition is being replaced by "insurance manager" which will now mean, subject to acceptance by this Honourable House:

"insurance manager" means a company operating in or from within the Islands, which provides insurance expertise to or for insurers and which has in its bona fide employment a person who -

- (i) is qualified by examination as a fellow or associate of the Chartered Insurance Institute of London, or who is a member of either the Society of Chartered Property and Casualty Underwriters or the American Society of Chartered Life Underwriters both of the United States of America; and who is either a current member of good standing of the applicable professional body or of some other professional insurance association recognized by the Governor for the purpose of this Law";

and as a result of that change, Mr. President, there are many sections of the present Insurance Law which have to be amended.

Clause 3 seeks to make four amendments to section 3, two of which extend the scope of the offences created by that section so as to cover insurance business transacted outside the Islands by a company registered within the Islands.

In clause 4, it is sought to add a "principal representative (insurance)" to the categories of persons requiring a licence under the Law, and also to make it a condition of every insurer's licence that the insurer's minimum net worth be maintained. This amendment, Mr. President, is really to tighten up the Law and to require all offices or persons who deal with insurance to have a proper licence under the Law, which will give the Superintendent of Insurance the necessary power to supervise them.

Clause 5 seeks to increase the powers of the Superintendent of Insurance in relation to the affairs or business of any person carrying on, or who has at any time carried on, insurance business.

Clause 6 seeks to make amendments to section 6, consequential on the change of name from "underwriting manager" to insurance manager, as I mentioned initially.

In clause 7 it is sought to change the type of securities to be maintained by an insurer and required to be approved by the Superintendent of Insurance, and to make provision for the Superintendent to exempt certain insurers from the provisions of section 7(3). And Mr. President, section 7(3) reads:

"Every licenced insurer, other than an approved external insurer, shall prepare annual accounts in accordance with generally accepted accounting principles, audited by an independent auditor."

Clause 7 also seeks to amend section 7(6) in two places to make it mandatory for a Class B licensee to appoint an insurance manager. Again, a little tightening up.

Clause 9 seeks to amend section 8 in five places, four of which deal with the newly-created office of "principal representative (insurance)" referred to earlier, and one requiring 60 days notice to be given to the Superintendent of Insurance of the proposed termination of a management agreement.

Clause 9 seeks to make three amendments to section 10, again dealing with the change to "insurance manager" from "underwriting manager".

By clause 10, provision is sought to be made by a proposed new section 12A for assets of a suspended licensee to be preserved by an order of the Grand Court. And, Mr. President, for the benefit of the listening public, 12A reads:

"Preservation of assets etc. 12A.(1) In any case where the Governor has suspended a licence under subsection (1) of section 12, the Superintendent may apply ex parte to the Grand Court for an order that the assets, books or papers of the licensee be preserved, not moved or otherwise disposed of and the Grand Court may, if it is satisfied that such assets, books or papers are liable to be moved, destroyed or otherwise disposed of make an order that they shall be preserved and not be moved or otherwise disposed of until a further order of that Court."

Mr. President, under section 12 of the Law, "Powers of the Governor in case of suspected insolvency etcetera of licensees", this is a further tightening up, not only to give the Governor in Council the power to suspend the licence, but also to ensure, by the presence of the Superintendent while attending the Grand Court and putting forward his case, that the Grand Court can make an order that the books and the assets and papers of the licensee be preserved so that once the insurance company is suspended, we have the necessary tools to ensure that the winding up, if that is what happens, is done in a professional manner for the protection of the parties concerned.

Clause 11 of the amending Bill seeks to make an amendment to the Schedule of the Law consequent on the renaming of the office of "underwriting manager" as "insurance manager" and also seeks to fix the annual licence fee of a "principal representative (insurance)".

Mr. President, we mentioned on a number of occasions when speaking publicly the need for this Government to maintain modern commercial legislation, such as the Insurance Law, and these amendments are put forward for that purpose as well as to give us additional power to deal with occasions when they are needed. It is no good suspending a licence if we allow all the books and papers to disappear from the Cayman Islands, or to be destroyed. We would be at a loss having suspended it to do anything about it.

I recommend the Bill to Honourable Members.

MR. PRESIDENT:

The question is that a Bill entitled 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, my comments will be few, and mostly favourable. However, I feel it would be a grave mistake to exclude term life insurance lasting for a period of five years or less from the business of long term insurance business. The reason for this, Sir, is that most term life policies carry within them a provision whereby the term life policy can be converted to any form of permanent insurance which could last for the remainder of the life insured's life. The reason why it would be dangerous to exclude this is because in the Law, the business of long term insurance carries with it certain safeguards that would not be available if this business were put into the other type of insurance.

There is another reason, and that is that generally all of the term life business is for large sums of money. Many of the term life policies are for sums of money in excess of \$1 million, and very few for less than \$100,000. In fact, many companies today do not write any term life insurance for an amount less than \$50,000. So we are dealing here with a type of insurance that could be long, and the type of insurance that could be of great quantities.

I agree with the amendment to exclude the credit life insurance and will support that, because credit life insurance deals mostly with small amounts of insurance over a short period. Credit life is used mostly to cover consumer loans made by banks when they make small loans for the purchase of motor cars, refrigerators, or other consumer goods. So credit life could be excluded from the business of long term insurance, but we would weaken the law if we sought to take out term life insurance even if it is for periods of five years or less.

I spoke to the Honourable Member about this and I believe he will probably be putting forward an amendment to this section despite the advice he may receive from his technical advisers. Because I believe there must be some specific reason why they would seek to lessen the rigidity of the Law in this area.

I agree with his amendment in section 7 that the insurance companies should maintain short term securities or other realisable investments proved by the Superintendent in sufficient funds to match the current liabilities of the company. I know this is done by most of the international companies, for example the major life insurance companies do keep their assets here. Unfortunately the Island itself does not provide many suitable vehicles for the investment of insurance funds, but nevertheless most of the companies keep large sums of money which are put on term deposits with the banks, and are used daily by the banks for consumer loans and the investment is liquid and could be made available if the company had to pay a large claim. But nevertheless I think it is necessary to have it in the Law.

I agree with the amendment in clause 10, so that the Grand Court can make an order to preserve the assets, books or papers of an insurance company if there is any doubt that these may be destroyed or disposed of if there is a problem with the company.

So, Mr. President, I have general support for the Bill.

MR. PRESIDENT:

It seems that no other Member wishes to speak. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I would be brief. Just to state my support for the Bill, in particular clause 11(b). I believe that, if Hansard were searched, you would find this is something I have advocated since I have been in this House and even before.

I would further state, Mr. President, that I believe the Law needs to go further to extend somehow to those companies doing business in these Islands, but not registered. I believe you would be surprised to find the amount of business transacted here in this country by those companies. For example, you would find some of the large buildings in this country insured outside by virtue of the fact of their involvement, somehow, with large companies not registered here. Those companies, Mr. President, do not pay any kind of fee, they do not hire any staff, so they are not contributing to this colony. I feel that those companies should, as other companies registered here, be made to pay. I feel that the absence of some kind of controlling clause for those companies is an anomaly and unfair to the companies in this country.

MR. PRESIDENT:

Would the mover wish to reply?

HON. THOMAS C. JEFFERSON:

Thank you, Mr. President.

The Second Elected Member for Bodden Town did mention that he spoke to me in respect of the amendment which will affect term life. I did agree that I would examine the point and subject to that examination I may seek Government approval to put forward an amendment to the Bill. But I wish to state clearly that I undertook to examine the point.

I thank Honourable Members for their support of the Bill.

MR. PRESIDENT:

I shall put the question.

QUESTION PUT: AGREED. THE INSURANCE (AMENDMENT) BILL, 1987 GIVEN A SECOND READING

THE FIREARMS (AMENDMENT) BILL, 1987
FIRST READING

CLERK: THE FIREARMS (AMENDMENT) BILL, 1987

MR. PRESIDENT:

A Bill entitled a Law to amend the Firearms Law (Revised) is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE FIREARMS (AMENDMENT) BILL, 1987

MR. PRESIDENT:

The Honourable Third Elected Member of Executive Council.

HON. J. LEMUEL HURLSTON:

Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Firearms Law (Revised).

The Memorandum of Objects and Reasons reads:

"This Bill seeks to insert into the Firearms Law (Revised) a definition of "imitation firearm", which expression is used, but not defined, in that Law."

The Bill, Mr. President, seeks to insert in section 2(1) of the principal Law a proposed amendment covering the words "imitation firearm". At the moment it is an offence under the Law for anyone to have in their possession a firearm or an imitation firearm with intent to commit an indictable offence. Such an offence, upon conviction, renders a person liable to imprisonment for a term not exceeding ten years.

My understanding, Sir, is that one of the difficulties experienced by the courts is in obtaining a clear enough definition of the legislative intent behind the insertion of the words "imitation firearm". Presumably this has come about as a result of the variety and ingenuity of persons who manufacture such products as imitation firearms.

This Bill, Sir, proposes to make it abundantly clear, as far as one can, what might have been in the minds of the legislators when using the word "imitation firearm". This particular form of words is a combination of the definition used in the United Kingdom, along with the definition used in at least one other independent Commonwealth nation.

It has been said, and publicly reported, that this amending Bill is suspect, and that it is possible that this is just the first of a series of steps intended by the Government aimed at ultimately completely banning the importation and use of toy guns, or imitation firearms. Let the record reflect, Mr. President, that I know of no such intention, nor do I know of any reason why such an intention should even be suspected.

The reporting that I referred to is an article that appeared in the local media last Friday, 13th November, and it is an article which quotes a number of the members of the judiciary and one local businessman, all of whom were indirectly or directly involved in recent matters brought before the courts dealing with

the subject of imitation firearms. I do not wish to comment to any length on that article, Sir, because I believe that to do so would give it credibility that it does not deserve.

The intention is nothing beyond the stated objects and reasons, and simply put, this little Bill can be referred to as a tidying up Bill, a cleaning up Bill, one that will make the carrying out of the judicial function a little more clearly understood, and I accordingly, Mr. President, anticipate the support of Honourable Members for its passage.

MR. PRESIDENT: The question is that a Bill entitled a Law to amend the Firearms Law (Revised) be given a Second Reading.

The motion is open for debate.

As no Member appears to wish to speak, the motion is that a Bill entitled a Law to amend the Firearms Law (Revised) be given a Second Reading.

QUESTION PUT: AGREED. THE FIREARMS (AMENDMENT) BILL, 1987 GIVEN A SECOND READING

THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987
FIRST READING

CLERK: THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987

MR. PRESIDENT: A Bill entitled a Law to amend the Penal Code is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE PENAL CODE (AMENDMENT) NO.2) BILL, 1987

MR. PRESIDENT: The Honourable Second Official Member of Executive Council.

HON. RICHARD W. GROUND: Mr. President, this short Bill, to amend the Penal Code arises out of Private Member's Motion No.15/87 which was passed at the last meeting of the Legislative Assembly. Honourable Members will perhaps recall that that Private Member's Motion calls for the raising of the age of consent for girls from 14 to 16 years.

Mr. President, the Bill as it now stands does three separate and distinct things aimed towards effecting that Motion, and perhaps I might just take Members of the House very briefly through it.

First of all it makes an amendment to section 120 of the Penal Code, raising the age in that section from twelve to sixteen. Now section 120 of the Penal Code is the section governing indecent assault on females. Section 120(1) says:

"Whoever unlawfully and indecently assaults any woman or girl is guilty of an offence and is liable to imprisonment for a term not exceeding seven years."

And then section 120(2) says:

"It shall be no defence to a charge for an indecent assault on a girl under the age of twelve years to prove that she consented to the act of indecency."

It is now proposed to raise the age of 12 years to 16. That will bring that provision in line with the United Kingdom provisions, the Sexual Offences Act, 1956 section 14(2), and that section is largely in similar terms to our own subsection.

Mr. President, when replying to the Private Member's Motion at the last meeting, I had indicated to Members that the way to give effect to the motion was by amending section 122 of the Penal Code, and I will come to that section in a moment. But I had not at that time adverted to this amendment to section 120. However, when I went away and studied the point, it did seem that this raising of age from 12 to 16 in this subsection fell within the motion proposed, and also within the arguments advanced for that motion. And so, Mr. President, I have included it in this Bill.

Now the second amendment effected by the Bill is to section 122, which is the section I mentioned during the debate at the last meeting, and the section I mentioned a moment ago. The amendment there is to substitute age 16 for the age 14 in the second and last lines of subsection (3). Now section 122 is concerned with unlawful carnal knowledge of girls, and section 122(3) presently reads:

"Whoever unlawfully and carnally knows any girl under the age of fourteen years is guilty of an offence and liable to imprisonment for a term not exceeding seven years."

The effect of this amendment is to raise 14 years in that provision to 16. And this, Mr. President, brings that again in line with the law as it stands in the United Kingdom and in many of the states of the United States of America, though I say many because it is a matter for state law and it varies from state to state.

The final amendment is really a minor clarification. It proposes to add a new subsection (4) to section 122, which simply reads:

"It shall be no defence to a charge under this section to prove that the girl consented to the act of unlawful and carnal knowledge."

That is in fact declaratory of the common law, but makes it, in my submission to the House, quite plain that what we are dealing with here is the age of consent for girls, and it means that somebody who breaches the Law by having intercourse with a girl under the specified age, cannot as a defence claim that the girl consented. As I say, this makes no change in the Law, it is the position under the common law, but we did, in some cases brought in the Grand Court, encounter arguments to the contrary. They were overruled by the Court, but while we were amending the Law, it seemed wise to take that opportunity to avoid any argument for the future.

Mr. President, with those words, I would commend this Bill to the House.

MR. PRESIDENT:

The question is that a Bill entitled a Law to amend the Penal Code be given a Second Reading.

The motion is open for debate.

Does any Member wish to speak? In that case, the motion is that a Bill entitled a Law to amend the Penal Code be given a Second Reading.

QUESTION PUT: AGREED.

THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987 GIVEN A SECOND READING

MR. PRESIDENT:

We now move to the second part of Government business for the day. Motions - Government Motion No.6/87.

MOTIONS

GOVERNMENT MOTION NO.6/87 CARIBBEAN DEVELOPMENT BANK

MR. PRESIDENT:

The Honourable First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to move Government Motion No.6/87 entitled the Caribbean Development Bank, and I read:

WHEREAS Caribbean Development Bank has agreed to loan the Cayman Islands Government the sum of \$1 million to cover additional funding for George Town public water system, with repayments over 20 years;

AND WHEREAS the loan will be utilised to upgrade and provide urgent and necessary infrastructure to deal with the needs of the general public;

AND WHEREAS if any loan is negotiated under the provisions of section 6(1) of the Loans (Caribbean Development Bank) Law, 1977, that Law states that if the sum being sought exceeds \$250,000 Cayman, the consent of the Legislative Assembly is required;

BE IT RESOLVED that the loan from Caribbean Development Bank amounting to not more than US\$1 million be authorised by this Honourable House."

Mr. President, while giving the Budget Address, it was mentioned that the estimate of the George Town Public Water Supply system was only half of what the contract was awarded for, the project having gone to public tender and therefore we had to find some additional money to fund the project.

The estimation of the project was done not only by the Water Authority, but also by Caribbean Development Bank. Need I repeat again that the sum of the contract award was almost double the estimated price? Therefore, we needed to find some additional funds and I suppose Caribbean Development Bank, who have been very good to us, but finding that their estimate was exceeded as well, has agreed to lend us another US\$1 million.

Mr. President, we had on one or two occasions to visit Caribbean Development Bank (when I say we, I mean myself and the Financial Secretary, Mr. President) to look at some of the cost that this Government was asked to bear in the form of loans to this Government. Previously the loan was divided into hard interest rates and soft interest rates. We do not really argue about the hard rates, Mr. President, or we do not argue as much as we do in relation to the soft rate, because we believe that projects such as this affect people of modest means, but also help to alleviate health problems that the Bank should be a little more generous in relation to interest rates.

On this occasion, it is an extension of the previous loan, or in addition to the loan given earlier. Therefore we had to take it at the hard rate, 8.75 per cent, and a front-end fee of \$10,000. It is reasonable, Mr. President, when you think of the term of the loan, 20 years is a long time. The Water Authority should be able to make its mark and repay all of its loans and meet operating costs long before 20 years arrives. There is a moratorium period, which coincides with the previous loan to this Government by CDB for this project, and it is a way of assisting the Water Authority to get over the initial heavy capital injection in the form of laying the pipes and what have you, and to get up on its feet and be able to meet repayments before they are required to repay the principal sum.

I recommend this loan for Honourable Members' support.

MR. PRESIDENT:

If no other Member wishes to speak, I shall put the question - I beg your pardon, I turned away, the First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, in speaking on this motion, I would like to make a point clear. I believe this water project is needed and that it is very beneficial for the growth of the country, however, I cannot accept that we should agree to the large increase that is being shown to us today.

It is my humble opinion that the Members of this House should have been cognizant of what was involved with the agreement between the Cayman Islands Government and Caribbean Utilities. I speak subject to correction, but I do not believe that the Members on this side of the House are fully aware of the implications of whatever agreement Government did enter into.

We do not know whether, in the end, it will be profitable, whether it will carry itself, or whether we will be called on from time to time to find additional money for the project. I think the general public and myself are somewhat concerned about this contract being awarded to a Colombian company without any explanation being given as to why this was so.

The previous administration of this country saw fit several years ago to suspend even the importation of cement from Colombia, yet all of a sudden we find that our Government has changed its policy and that we have entered into agreement which the Members on this side of the House know nothing about - that is with regard to the contract with the Colombian company. With respect to what has been done in this country in the past, it is somewhat alien to have a company from Colombia doing the work on a Government project.

I must ask at this time whether it was the cheapest contract that we could get? I must also ask how many other companies that usually bid on Government projects bid on this one, and whether any of those companies that bid would have been considered local companies? If so, I would submit that even if the Colombian bid was the lowest bid, it should not have been accepted, for many, many reasons. Due consideration should have been given to a company that was operational here, because the money, or if there was any profit on this deal, would have stayed here.

I would also like to ask whether any restrictions have been imposed on the Colombian company with regard to this contract - whether there are suitable retentions of payments to them, or whether they will be allowed to draw down the full amount called for in the contract when we find that a year later the pipes have broken, or that something was laid wrong, thus resulting another major expenditure on our hands and to find that they have left our territory and jurisdiction, and that there would be no way that we could get anything back in return. I think these are good economic questions, and I feel that, in my duty to the country, I should pose them; and that I should expect some answers.

I would also like to ask whether Government has seen fit to impose any restrictions with regard to immigration procedures on the people whom we have brought from Colombia; whether they will be able to remain here after the project is completed, or whether they will have to leave.

I must state, Mr. President, that as I have read this budget and seen the borrowings that are going on and which have been going on for three years, I see that once again we have a project that was estimated at \$2 million, and which has now been increased to \$4.2 million. It proves one more time that someone is not doing the necessary work to figure out the contracts that we enter into. If we are going to have 100 per cent escalation in the cost in a one year period or less, then somebody must have really had blinds on when they were figuring the amount of money for this project. I cannot see why, if any diligence had been taken in this project, we should have this great escalation.

Therefore, Mr. President, I feel that the Legislature and people of this country should be told what went wrong. There should be

answers to the questions I have posed, and not the usual junk of, "Well, an uneducated country boy from Bodden Town so we do not need to answer it." These are questions that I feel are very important for the well being of this country, and I would like suitable answers somewhere along the line to the questions I have posed.

Therefore at this point, Mr. President, although I feel the water system is very much needed I cannot vote money in the blind, particularly on a large increase like this; and until I have some answers to the questions I have posed, I will therefore stand in opposition although it may be fruitless.

Thank you.

MR. PRESIDENT:

I think that would be a convenient moment to take our lunch adjournment. Proceedings are adjourned until 2:15 p.m.

AT 12:48 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:16 P.M.

MR. PRESIDENT:

Proceedings are resumed. Government Motion No.6/87. Does any other Member wish to speak? The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, to be consistent in my watch-dogging of the Water Authority, I too have to ask a number of questions about this additional \$1 million dollars of funding, which we are told is almost half as much as the original cost.

I would like to know, Sir, what this additional funding is going to be used for? Is it an extension in service area by the Water Company, or is it simply additional cost of laying pipes, erecting reservoirs, etcetera, etcetera, and the same serviced area? Mr. President, if we almost double the financing, certainly we are going to almost double the repayment schedule.

I have always questioned whether the proposed price for the sale of water was reasonable to in fact repay the investment to allow an amortization of equipment for replacement, etcetera, when necessary, and to allow for future expansion into other areas. Will this additional funding provide additional revenue if it is an expanded services area, to help meet the cost of the additional funding? If this \$1 million in extra financing is for enlargement of the service area, which should enlarge the revenue of the company, I would be inclined to support it. If, however, it is simply an additional cost on to what was estimated for the proposed service area in the first instance, Mr. President, I could not in fairness support the additional funding without the assurance that it is going to produce additional revenue. Because, as I said earlier, I have my doubts as to whether the proposed selling price for the water was realistic in the first instance.

With those few words, Sir, if I can get an answer in the affirmative that, yes, it is going to produce a larger service area and that it is going to produce enough revenue to service the loan, I can support it Sir. If not, I have to oppose it.

Thank you, Sir.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. MCLEAN:

Mr. President, I would begin by saying that I fully support and agree with the idea of an adequate supply of good water for the Islands, especially in the areas which cater more heavily to tourists.

It seems to me that each Member who have spoken thus far has the same concern with regard to the vast amount for contractual costs that we are faced with. I am wondering we would not save time and money if we adjourned for say fifteen or twenty minutes so that the Honourable First Official Member could perhaps explain fully to us exactly what is taking place. I find myself in the position that I cannot vote for the motion as I would wish. I believe that if this was done, we could get together for about fifteen minutes, and it would put a lot of matters to rest.

MR. PRESIDENT:

I would like a few moments to consider that, if you would not mind. We do have the other possibility that in the reply to the debate, the Honourable Member could, or has the opportunity, to reply to all the questions.

MR. JOHN B. MCLEAN:

I agree with that, Mr. President, but it would save a lot of time. I am sure other Members feel the way I do and perhaps we may not have even spoken on the motion if we knew exactly what we were voting for.

MR. PRESIDENT:

I might make one other point that a good deal has been said. That is on the record and has been heard on the radio. Therefore, at some point it will need to be replied to publicly and on the record in the same way. These are all points for consideration before we decide what to do.

MR. G. HAIG BODDEN:

I was going to say that a great deal more needs to be said, and I would hope that we will finish the debate - and after that maybe the

Honourable Member could brief us, if he so wishes, in the chamber. I am certainly not supporting it, but I would like to speak.

MR. PRESIDENT: Well this is very much a matter in the hands of the House. It will require a motion, I think, to suspend Standing Orders and have an adjournment. Perhaps we can do it on an adjournment alone. If somebody wishes to move an adjournment for, say, fifteen minutes, I will certainly hear the voices.

It seems that the majority are of a mind to suspend proceedings for fifteen minutes. Some are in dissent, but a majority appear to be. As always, I take the will of the House.

We will suspend for fifteen minutes.

MR. G. HAIG BODDEN: Yes, Mr. President, but I would like to be able to speak when we return.

MR. PRESIDENT: Oh, please, let there be no misunderstanding, we are suspending proceedings in the middle of the debate on this motion for fifteen minutes, no more, no less.

AT 2:22 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:43 P.M.

MR. PRESIDENT: What we now see from the paper we have just had put before us is actually Government Motion No.6/87 - Caribbean Development Bank. Would the Elected Member for East End care to continue?

MR. JOHN B. McLEAN: Mr. President, I would just like to say that I believe if we have ever spent a very good fifteen minutes together, it was the last fifteen in which we discussed this very important matter. It leaves me, beyond a shadow of doubt, in a position where I can support what is before the House. I would, however, just urge that, perhaps in future, instead of interrupting a sitting of the House on important matters such as this, that we meet as legislators to discuss the matter, so that when we return to our constituencies and are questioned on the issue we will not be in an embarrassing position, but we will be able to answer, as we can now, that we know the facts and figures.

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

MR. G. HAIG BODDEN: Mr. President, the need for a pure water supply cannot be denied. In fact, this need was recognised by the Government many years ago. I believe the first water study completed in Cayman was more than twenty years ago, and at that time recommendations were made for Government to establish a water system. The Government back in those days, twenty or twenty-five years ago, really did not have the resources to put in a public system. However, as the Islands developed in the early 1980s, Government came to the conclusion that this matter should not be delayed and we embarked upon not only a water system but a sewerage system for these Islands.

However, while I believe the system is needed, I cannot agree with the methods used by the present Government in handling the motion which is before us, or in handling this project, which is the subject of this motion. We have been presented with a motion today which seeks to borrow US\$1 million to cover the water system. We have been told that this additional money is necessary because there was a disparity in the original estimates and the actual costs and also that the money is necessary because a new area is to be added to that covered by the system.

This raises many questions. One would ask that if the Government found itself in such a dilemma, why did it not do several things which may have helped? First of all, I believe there should have been a proper consultation with all members of the Finance Committee before the actual signing of the contract with the company which is now doing the work. In fact, the disparity in the cost is so great that it may even have been prudent for the Government to investigate alternate means of financing, since we were bound by Caribbean Development Bank to use one of their contractors from the member countries, and since the price asked of this captive client of the Bank is an exorbitant price.

We think the Government should have found out, or at least made an attempt to find another means of financing, where we would not be bound as a captive to accept the bids of a contractor. I cannot swallow easily that this Government made a mistake in its estimates, and even if I were to accept such a story, I cannot swallow the fact that Caribbean Development Bank came up with the same estimate, almost the same estimate, and they too made a mistake, having had wide experience throughout the Caribbean in assessing the cost of these projects.

I recall that on a project which the Government undertook some years ago, of very similar cost (that is the port in Cayman Brac) Government was able to get the work done by a contractor who charged \$1 million less than one of the

most favoured contractors that had bid on the project. So we do get these disparities in the figures, and I feel Government was totally wrong in going ahead and signing the contract with Petroservicios knowing full well that the contract which they were signing would be for figures that were totally out of line with the initial proposal presented to the Legislative Assembly earlier this year, totally out of proportion to the estimates made by Government's technical advisers and totally out of proportion to the estimates of the funding agent.

There is another reason why I cannot agree to this loan today, and that is I am greatly alarmed at the debts which this present administration has created. Three years ago when they took over, Government's long term debt stood at about half of its present figure of \$14 million. And if we go ahead with what is proposed in the estimates which are currently before the House, the Government will seek to borrow \$8 million over the next twelve months - so that in three years our public long term debt will have increased 300 per cent. This could never be acceptable to the country.

Government's long term debt is growing at a phenomenal rate, and every effort needs to be made to contain that debt. Although there is a ready and willing lender in Caribbean Development Bank, Government must ensure that its projects are kept at as low a cost as possible.

There is a further reason for not supporting this motion, and that is because the motion which is before the House today should have come to the House three years ago when we did the estimates for 1985. But for three years the public has been deceived into believing that the Government was very prudent and was not spending any money. The fact is they have been pennywise and pound foolish, because had they spent this money three years ago on this project, which was then needed, the cost would not have escalated to this degree. So what we are doing now is paying the price for having said, "For three years we have balanced your budget and we have managed your money well." But the truth is the Government over the last three years has not provided the infrastructure which the country needed, and that is why today we are faced with this motion.

The need for the water cannot be denied, but one could go on to ask why it has been delayed. We know the Water Authority went off to a brisk start and up to 1984 had established the reservoir in Lower Valley and the reservoir in East End which was completed in May of 1985, they had put in the law, and they had completed studies and so on. But what has been done in the three years as far as the water is concerned, with the exception of talking about a water and a desalination plant and of doing estimates? Why have we not been spending the cash? And so the three year delay has in itself escalated the cost, and we are paying the price for having a Government that over the first three years of its administration did not embark on a capital project of any size except the few little payments that were required.

So I cannot support this motion, and I trust that there will be others who will feel likewise.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I have to support, in all good conscience, this motion. It is most unfortunate that such an error as has been pointed out has been made in calculating the cost of this project by Caribbean Development Bank and the Government. Errors are easily made, and only become a mistake when they are not corrected. This item is not corrected to our benefit, in terms of which we have to pay more. However, we need the water system, that is very evident, and so we, as sensible men, cannot argue constructively against this sort of borrowing. We might not like the error and I in particular do not like the way this knowledge has come about, or the knowledge of such an error has come about. But what are we to do? The project is in full scale operation. I cannot go to my constituents and say ladies and gentlemen, this borrowing is unnecessary.

Mr. President, for many years, and for large amounts of expenditure in this country, no projects of this nature have been started. In the election of 1980 I stood on the public platform and told the people that it was time that we had a proper sewerage and water system for the country. I was rejected at the polls, but the fact glared us more and more in the face each day. Again, in 1984 it was a theme which was put forward, and I have to say, well, the people accepted us, therefore they must have accepted that these sort of plans and projects were needed.

Mr. President, today Cayman is having it good, and yet we are in a position where we could lose everything. Tourism, and I hope I am not digressing too much, but to show the need for this sort of project, the day that an outbreak of any sort of disease happens we could lose everything. That is the bottom line.

MR. PRESIDENT:

I do not think you are digressing, so long as you stick to the health aspects of water and sewerage.

MR. W. McKEEVA BUSH:

More than tourism, Mr. President, our people have demanded it. The only thing that I am sorry about is that I do not see any scheduled arrangement for the West Bay area. I hear no pronouncements or statements saying when it is scheduled for West Bay. And, you can believe that we are in serious need of some sort of water system.

Mr. President, ever since I have been in this House, and before, I have stood for and have asked and implored Government for more

frequent consultation between the executive arm of Government and those of us on this side of the House whom they call backbenchers. Time has long passed when any parliament in this country is going to be a rubber stamp. I expect to know every detail outside of your portfolio, or those matters which the Governor of this country is responsible for, and even to that I should know something of what is going on. How can we govern intelligently or represent our people properly if we are not informed about what is taking place in the country? No one man has the prerogative on brains, and what makes good government is when Members who are elected by the people are involved, especially those who want to make a contribution.

Every day it is becoming more apparent that the executive arm of Government is carrying too much of a full load. One Member alone is responsible for health, education, social services, and all the rest that goes with it. It is time that we be men enough to tell the people of this country that we have to do something about the system. We would not be destroying anything.

Again I implore Government for as far as this Member is concerned much more support would be given if I were told the truth were told, if I were involved and know what is going on, instead of hearing Government business spoken in a bar room somewhere - and as Members of Parliament sitting there, being asked of what is going on. How can one answer intelligently? We cannot operate in the 1959's any longer, Mr. President, and I implore upon you, in your capacity as Governor, to sit these people down to take cognizance of what is going on around them.

I will support the motion because it is the most sensible thing to do at this stage, not that I like the way it has come about.

MR. PRESIDENT:
Would any Member care to speak?

We have a few minutes before our afternoon break.

MR. LINFORD A. PIERSON:
take a little more than a few minutes.

I would like to speak, Sir, but I think I would

MR. PRESIDENT:
can go to, say, half past three if you wish.

Thank you, right. If you would like to start, we

MR. LINFORD A. PIERSON:

I should be finished by then Sir.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

I too would like to make my brief contribution to Government Motion No. 6/87 which seeks to receive the support of this Honourable House for a loan to the Cayman Islands Government in the sum of \$1 million to cover additional funding for George Town public water system, with repayments over 20 years.

Mr. President, when I first received this paper in red ink I wrote on it that we need an account of how money has been spent to date. It is strange, Sir, that this is the same sentiment expressed by Members here. With the exception of a minority so far, I do not think that any of the Members would reject this motion. We see this as being necessary, however, we need to be brought more in line with respect to what is happening at a governmental level. If this was done, Mr. President, we could avoid a lot of debate and speculation in this Honourable House.

Mr. President, I fully support the idea of a proper water system, and it is only proper that this should be started or initiated in George Town, the capital. I am sure that very soon, to ease the mind of the Second Member for West Bay, we will be going into West Bay, but the priority should be given to the capital.

The need for a water system is recognised and should not be denied the people of the Cayman Islands. I believe that there is no Member here today who would not agree with this, but the debate could perhaps have taken a different trend if it had not been for the wisdom of the Member for East End. I want to commend him, Mr. President, for his foresight and also for his wisdom in requesting an adjournment so that the necessary information could be gathered on this very important motion.

Mr. President, I feel that it is only fair to the listening public that they be given all the facts, and not left with the wrong impression in this matter. I have heard previous speakers allude to the problems that could arise from our association with Colombia. We are well aware of some of the problems in that country, but it would be wrong for the public to get the impression that this Government or any Member of this Honourable House would in any way be connected with that country other than on a contractual level as we are at present.

It is my understanding that, in addition to certain member countries of the Commonwealth, the bids for the water project were extended to other member countries of the Caribbean Development Bank, including Mexico, Venezuela and Colombia. Of these countries, the lowest bid came from Petroservicios of Colombia, a member of the Caribbean Development Bank. I would repeat that no member of the listening public should be left with the impression that Government acted in a manner detrimental to this country by granting the contract to the Colombian company.

When we look at the quality of work being carried out by this company we can see that they are very professional indeed. The work is of the

highest standard, and so far, I have no information that they have acted in any manner that would undermine the stability of this country. However, Mr. President, we should not be complacent and I would ask that Government always be on the alert and keep a very, very watchful eye, because we are aware of the many problems which this country is experiencing.

To further clear the air and to get as much information as possible on this matter, it is my further understanding that of the eight contractors that were pre-selected for this project, three withdrew their bids and the bids from the five other countries ranged from \$2.6 million, the lowest bid which we accepted, to \$4.6 million the highest bid.

These bids were submitted by very professional people - engineers and people well versed in this type of work. If their estimates and bids could have ranged by \$2 million, I do not think that we should be overly concerned that ours was out by \$600,000 or approximately 33 per cent.

It is further significant to note that the Caribbean Development Bank's estimate was very near to the estimate prepared by the Water Authority here in the Cayman Islands. I think that this speaks very highly for that Department, and they too should be commended. Government's estimate was some \$1.9 million. The lowest bid was \$2.6, approximately \$690,000 (difference). I repeat that because it is important that we should get the facts right in this matter.

I do not think that much needs to be said about the necessity for this system. The only query of significance that I heard raised was the large increase now required. But by this it should be understood that the additional funds did not come about as a major error after we had received the bids, or as a major error by the company doing the contract. It was the difference between the initial estimates prepared by us which was necessary, and the lowest bid which was a difference of about \$700,000. It is not a situation where the contractor is now coming back to us and saying that they made a mistake in their bid. I want to make that point very, very clear.

Accordingly, Mr. President, I cannot see any Member of this House who really and truly has the interests of this country at heart rejecting this motion, because to reject it would be to say to our people that we are denying them a facility which they truly need - especially when we are allowed fifteen minutes to meet and have all the facts of this matter cleared up.

Mr. President, I want to touch again on the question of information and communication. I would have, as I have done in this House before, asked Executive Council to try and involve Members of the back bench in more of what is happening in Government. Much of the debate and speculation could be avoided if only we were properly informed of what is going on. Many times, Mr. President, I am embarrassed when individuals at a cocktail party or elsewhere tell me of important measures being taken by Government before I, as a Member of this Legislative Assembly, know about it. That, Mr. President, is very embarrassing.

As I said, I feel that this motion is a very good one and I give it my full support. Thank you, Sir.

MR. PRESIDENT:

suspended for fifteen minutes.

Perhaps we should take our break. Proceedings are

AT 3:24 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:46 P.M.

MR. PRESIDENT:
Elected Member.

Government Motion No.6/87. The Honourable Fourth

HON. VASSEL G. JOHNSON:

Mr. President, I rise to support Government Motion No.6/87 seeking approval for a loan of US\$1 million from Caribbean Development Bank to assist in the financing of the George Town water project.

In the early stages of its present administration, we found in the George Town constituency an awful water situation. We found that the wells in George Town had been contaminated, and we are talking about faeces contamination at that. It has been caused by heavy extraction of water from the lands for commercial use, and still I was informed by the Health Services Department that this situation had lingered on for a number of years unattended, and that it is a miracle that an epidemic has not broken out in George Town.

At the sound of this, Mr. President, we moved quickly, first to control the extraction - that heavy extraction of water from George Town - and secondly we moved on to study the possibility of introducing a piped water system for George Town. The problem was clearly seen by everyone, and it is no wonder that all the Members who rose to speak on this subject today supported the water system for George Town because they knew what the problems were and that something had to be done. All of them congregate in George Town, this is where we come, this is the capital of the Cayman Islands, and it is not because we are representing the capital we speak like this. We are dealing with a particular situation, and the George Town situation was next to the Seven Mile Beach situation which we remedied some years ago when Cayman Water Company was established there. Now we are doing the sewerage system which is also badly needed in that

area.

So Mr. President, we started in 1985 to study the possibility of introducing water and not just to produce water for George Town. We knew that there were people at various levels of society and financial means living in George Town and that it was a responsibility of this Government to find fairly cheap water; so we embarked on a proposition with Caribbean Utilities to use the waste steam from their generators to produce water by a system that could produce the cheapest water available.

Now, Mr. President, in 1985, between the Water Authority and Caribbean Development Bank, we provided a rough estimate by which to work, because there must be a plan, a programme or a guideline on which to work - and so the figure of CI\$1,980,00 was what we agreed on, and the Bank agreed that what we were looking for at that time would cost around that. An estimate is just an estimate, and by the time we concluded our negotiation with Caribbean Utilities and put the project to tender a year and more had passed - this was in early 1987, and so we had that lapse of time between the original estimate and the actual tender for the project. We did not wish to change the figures at that stage because we simply did not want the contractors to have an idea of what figures we were toying with, and so as is a principle adopted in all contractual bids, the project went out to tender requesting the contractors to name their price. When a bid came in higher than what was originally estimated, we knew that that was not a surprise.

Out of five contractors who tendered for that project, there was a variation between the lowest and the highest of over \$2 million. We are talking about a small project, and for that variation to have occurred was beyond us. The lowest bid was tendered by the Colombian company that we have heard so much about. Well, I think the Honourable First Official Member has told Members here that Colombia is a member of Caribbean Development Bank and as such they are authorised to bid on any contract in which Caribbean Development Bank will participate in financing - so the Colombian company tendered. Luckily they did, Mr. President, otherwise this project would have cost us a lot of money.

Not even that, we have heard questions asked why the Colombians were admitted here. Well for one thing, you know, I travel every day and two, three or four times a day and I pass the workers by where they are working and, Mr. President, it will do anybody's heart good to stand and watch those men work. They work from sunrise to sunset. They work during holidays and they are still going. They have a programme to maintain, and that programme is not going to fall behind, not from lack of their ability to perform. I wish and hope that all other Government contracts are like that one.

Mr. President, the additional \$1 million that is being asked for in this motion is a sum of money which Caribbean Development Bank has agreed to allocate to the project, simply because of the escalated cost in the original contract and secondly because of the extension of the piped areas, which Caribbean Development Bank agree with.

Now, during the course of requesting residents to submit application for connection to the water system, the residents of Crewe Road, Smith road, the airport industrial area, Tropical Gardens, Walkers Road, South Church Street, and those persons living behind Walkers Road, Websterville and George Town Court, all came down for water; and that is all in the George Town area. We made an assessment of what revenue the Authority would collect from the additional water to be provided in these areas, and when we found that it was economically feasible, because that additional connection would produce about 30 to 40 per cent more water, we asked the contractors to make a separate bid for that additional area, which they did. These things were passed through the board of the Water Authority and examined, and through Government and examined, and the bids were put before the public tenders committee. It was there, Mr. President, that the decision was made that on the basis of the economics in having this additional area piped, the cost now, which was very much reduced by the contractors, would be to the advantage of this Government and to all concerned. So it was agreed to go ahead and award the contract for the original project plus the extended areas.

Mr. President, these contracts are approved and awarded within a short space of time. I am sure that the Honourable First Official Member is very well aware of the fact that the Legislative Assembly must give its ultimate approval, but we could not sign two contracts with the contractors. Thus the contract which included the extended area was signed and the work went into effect.

Mr. President, I do not think that it is unreasonable to have this additional work done. I would like to say here that Government is only asked to give the guarantee for this loan. All the monies that are used by the Water Authority coming from the general revenue of this country will be paid back to Government. The Water Authority is operating as a commercial venture. It is not there as a puppet of Government, looking for handouts and maintenance. And so all the Water Authority is asking is for Government to put this guarantee up for this loan.

Another thing I would like to say, Mr. President, is that if Caribbean Development Bank were not sure that the project was economically feasible, and if they were not sure that the Water Authority had the ability to repay that loan, they would not have agreed to it. These are things that the Water Authority, this Government and Caribbean Development Bank have examined and the Bank is satisfied - satisfied in the same way as when they financed the port project in Grand Cayman which is paying for itself, and other things too such as the Cayman Islands Corporation projects. We are not asking the Government to take money out of public revenue and dash in to the

Port Authority. I knew, Mr. President, that this motion would have brought a lot of debate. I knew it. I hope that the people of George Town will be listening to the proceedings today.

Mr. President, we already had fifteen minutes in the committee room discussing this, but Members thought that we should come back here so that the public can hear the rest of the debate, and I am grateful for that.

Mr. President, I have nothing more to say, Sir, other than to say that I support the project and that I hope in the not too distant future we will be inviting Members to turn on the tap and let the water run in the capital.

Thank you, Sir.

MR. PRESIDENT:

Would the mover wish to reply to the debate?

HON. THOMAS C. JEFFERSON:

Yes, Mr. President, and as a great deal of elucidation has been brought to bear on this particular motion, I do not really expect to be that long.

We know, Mr. President, that the contract which was awarded was roughly \$600,000 more than the estimate. The contract being awarded for approximately CI\$2.6 million. In the analysis of the cost, that resulted from the higher than anticipated unit construction price. We brag about the construction industry and how well it is getting on and when they are very busy we have to pay the extra price for it. But if we go back to the tendering exercise, there were a total of eleven contractors who responded to the invitation to pre-qualify themselves to bid on this contract. Eight were pre-qualified. Three withdrew. So we were left with five of the original eleven that applied.

We had a range of bids from those five earlier quoted by the Member across the floor, ranging from the lowest bid which is this CI\$2.6 million to approximately \$4.6 million. These are the people who were going to carry out the work, and if they bid wrongly, they either had to take the loss or pocket the surplus, whichever way it turns out.

It would seem to me that if the people who were carrying out the work and putting themselves in a position to make either a substantial loss or profit, whichever, if the range between the \$2.6 million and \$4.6 million is there, I do not think we need to spend too much time worrying about the little difference between the original estimate. We know, Mr. President, that when projects of this type are estimated, if they have never been done so before and there is no historical accounting data or statistics on which to base the estimate, one can easily be wrong. But as has been said, it is only an estimate. An estimate is a guide. And that is the guide that Government agreed to accept and put the bid out to tender. The result of the tendering was that of those who wished to be selected to carry out the project, the highest bid being \$4.7 million and the lowest \$2.6 million, Government accepted the lower bid.

Now someone said that we have been balancing our budget for three years now and it is about time we put forward this particular project and tell the people exactly what we are doing. But even with this motion, and the taking on of the project, the 1988 Budget is still balanced. It is almost as if saying, Mr. President, and I have great respect for the Member across the floor, but it is almost like saying the road programme was a result of the master ground transportation plan. It is going to cost us \$50 million, so let us get on with it because if we wait three years it is going to cost \$75 million or \$100 million to this Government. I think we take it in just the same way as we did with the water supply - we do what we can afford and do not move beyond that, because I think that the day we ever do, we will cause the people of this country to pay quite a price.

However, Mr. President, taking all the points that were made, it is quite easy for me to accept the suspension to go into the committee room and explain what I do know about the project, which appears to have eased some of the concern on the other side. I now thank them for their support.

MR. PRESIDENT:

I shall put the question.

QUESTION PUT: AYES AND NOES

MR. D. EZZARD MILLER:

Can I have a division, please?

MR. PRESIDENT:

A division please, Clerk.

DIVISION
NO. 75/B7

AYES: 10

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Vassel G. Johnson
Mr. W. McKeava Bush
Mrs. Daphne L. Orrett

NOES: 3

Mr. James M. Bodden
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell

AGREED BY MAJORITY: GOVERNMENT MOTION NO. 6/87 PASSED

MR. PRESIDENT: Government business continued. Government Motion No. 7/87. The Honourable First Official Member.

GOVERNMENT MOTION NO. 7/87
CARIBBEAN DEVELOPMENT BANK

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move Government Motion No. 7/87 entitled Caribbean Development Bank:

"WHEREAS Caribbean Development Bank has agreed to lend the Cayman Islands Government the sum of US\$3,646,000 to cover:

- | | |
|---|-------------|
| (a) airport development in Cayman Brac | \$1,756,000 |
| (b) airport fire station building in Grand Cayman | \$1,889,000 |

with repayment over eighteen years;

AND WHEREAS the loan 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(1) of the Loans (Caribbean Development Bank) Law, 1977, that Law states that if the sum being sought exceed \$250,000 the consent of the Legislative Assembly is required;

BE IT RESOLVED that the loan from Caribbean Development Bank, amounting to not more than US\$3,646,000 be authorised by this Honourable House."

Mr. President, the project for the airport development has been with us for some time, in particular the Gerrard Smith Airport terminal building, and the funds being requested in this motion for airport development on Cayman Brac is for that purpose. We have seen in recent times an increase in the traffic to the Brac and we have been talking about building a terminal building there for some years. I am happy to be able to move the motion in that good cause.

Secondly, Mr. President, the fire station building at Owen Roberts Airport is not a beautiful sight to see for both the people and the officers who have been working in that environment, and it is certainly not something I would wish them to continue to do. I believe they deserve more. The motion before us is seeking to put that right, and I recommend it to Members.

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

MR. JAMES M. BODDEN: Mr. President, I am a bit alarmed about the continuing large borrowing of the Government. If we look at the present state of the country today with regards to the borrowings which have taken place in the last three years, we will find that at the present time, with the budget for this year being about \$70 million, we will be paying out I believe 5.6 per cent to service the national debt. That means that for this coming year we will be paying out nearly \$4 million to service the national debt.

In 1984 this country had reserves approximating \$11 million, and it took only 2.5 per cent of revenue, of approximately \$60 million, to service the long term debt commitments - with the long term debt commitments being somewhere in the neighbourhood of \$10 million. This is alarming for such increase in such a short time, and with very little to show for it. No great capital schemes have been presented to this House. We have had a lot of consultants and experts. We have had a lot of promises, but no real, firm capital projects being dealt with.

I agree that the development of the airport in Cayman Brac is very necessary and should have been done probably some years back. Unfortunately it has not been done and we should be doing it. But the point I am trying to get across is that we should be trying to do some of this out of the general revenue of the country rather than spending the general revenue to enlarge the civil service as we have done, and bringing in experts and consultants. That is money that leaves the country and we get no benefit for it other than the volume of papers telling us what we should do and

what we should not do.

Mr. President, the fire service building at Owen Roberts Airport. Again I am proud to know that we will be doing something about that by building a new building. In the 1976 to 1984 regime of the Unity Team, it was very necessary to do something with the fire station at the airport, and we did our very best with the resources that were available. I speak subject to correction at this point, because it is difficult to remember everything that has taken place. But whatever was spent at that time, I feel certain that it was spent out of general revenue, and not by borrowing.

If we take into consideration that, at that time the national budget probably did not exceed \$20 million, to spend that much money was a big percentage of the overall national budget as this figure is today of the present budget. But acting prudently and wisely this was done, I think, completely out of general revenue funds, and we did not borrow any money to fund that. It might not be the most practical building on the Island. It might not be the most beautiful and as dedicated a staff as we have there, however, as much as I respect them, it may be necessary to look prudently at this. If we cannot afford to build it now we should wait for another two years.

I do not believe that this administration should at this point rush pell-mell into spending more and more money when it is having to borrow every penny of it. It is alarming to the Legislative Assembly Members and alarming to the public. The money will have to be paid back, and it will have to be additional taxes. We are lucky this year that the new taxes that are being imposed are only of a limited amount. The only reason for that is that politically it would not be expedient, in a coming election year, to put on the taxes that they know they are going to have to put on. So they have dealt with something that they think is going to appeal to all the church goers in the Island, and that is why they put a token tax on a few different types of liquors.

As I deal with this Budget in the days to come I will reveal from that Budget what I have revealed here in the past three years - that figures are presented in this House to match the Budget with the figures that are available to them. And the figures are not realistic. Every year items of magnitude have been brought back to the Finance Committee asking for additional votes. And we stood on the floor of the House at the beginning of the year and pointed out this is an unrealistic figure, and that the work cannot be done for this amount of money. And we have the same thing going on again for 1988.

These two projects, I will reiterate, Mr. President, are needed, but I was of the opinion that the reason it had taken this Government so long to move on the Cayman Brac terminal building was because it was being financed by the European Development Fund. I know this because it was partly put in place before the election time in 1984. What has happened to that loan? Has that been used up? Has that money been partly used up on consultants and experts to tell us whether the rock in Cayman Brac can stand a one storey building? What have we used it for?

These are questions, Mr. President, which the people of this country need answers to. They need to know why this present elected Government has not been able to put any money in reserves other than the taken \$2 million they borrowed over \$8 million and are going to take \$2 million of the borrowed money to put in there. I say, Mr. President, the country cannot afford this type of Government any longer. We cannot afford to increase our national debt to the tune of \$7 million or \$8 million a year. We must find some innovative schemes to provide the money that this country needs. The infrastructure is needed and I agree with it, but we cannot continue to support a Government that rushes headlong into signing contracts for which there is no money available to pay for. If we get into contracts without retentions, we have to pick it up if something happens, or contracts that are open ended and subject to any type of addition. This is not what a responsible government does.

I stand against this loan, although I would very much like to vote for it, because I know, in the end, it is needed. But I cannot sacrifice my principles in supporting a government which can find no other way to do a capital project than to borrow the money for it. Check the records of this country from 1976 to 1984 and you will find that approximately \$50 million of general revenue funds were used in capital expenditures, and we have something to show for it. This administration will go down in the history of this country as the only administration to have only one little building to show for its credit of four years, and that is the little farmers' market up towards Smith Road. I believe they have made some renovations to a couple of toilets out by the waterfront. That is more or less the sum total. We have spent money after money after money bringing in every consultant team and every expert. At least one thing that they must have is a mountain of paper in the administration building that they can leave to their memory.

Thank you.

MR. PRESIDENT:

We are close to normal adjournment. I would be quite happy if the House wishes to continue this debate. What would you prefer to do?

MR. G. HAIG BODDEN:

Well, I want to speak, Mr. President, but I shall be quite lengthy.

MR. PRESIDENT:

Thank you for the warning!

MR. G. HAIG BODDEN:
morning.

I would like the House to adjourn until tomorrow

ADJOURNMENT.

HON. THOMAS C. JEFFERSON:

Mr. President, I move the adjournment of this
Honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT:

The question is that this House do stand adjourned
until 10:00 o'clock tomorrow morning, Tuesday the 17th of November.

QUESTION PUT: AGREED.

AT 4:29 P.M. THE HOUSE STANDS ADJOURNED UNTIL 10:00
A.M., TUESDAY, 17TH NOVEMBER, 1987

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

TUESDAY, 17TH NOVEMBER, 1987
(THIRD DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 17TH NOVEMBER, 1987
(THIRD DAY)

1. PRAYERS

TO BE READ BY THE THIRD ELECTED MEMBER FOR WEST BAY.

2. PRESENTATION OF PAPERS AND REPORTS

CAYMAN TURTLE FARM (1983) LIMITED'S FINANCIAL
STATEMENTS FOR THE YEAR ENDED 31ST MARCH, 1987
AND ANNUAL REPORT FOR THE FISCAL YEAR 1ST APRIL,
1986 TO 31ST MARCH, 1987 FROM THE CHAIRMAN OF THE BOARD

TO BE LAID ON THE TABLE BY THE HONOURABLE FOURTH
ELECTED MEMBER OF EXECUTIVE COUNCIL.

3. QUESTIONS TO HONOURABLE 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. 85: WOULD THE HONOURABLE MEMBER STATE WHETHER CAYMAN AIRWAYS
LIMITED'S FLIGHT CREW OR MAINTENANCE STAFF EXAMINED THE
SHORTS SD 3-30 AIRCRAFT RECENTLY ACQUIRED BY CAYMAN
AIRWAYS LIMITED, BEFORE ITS PURCHASE?

NO. 86: WOULD THE HONOURABLE MEMBER STATE WHAT LOAD RESTRICTION ON
PASSENGERS HAS BEEN IMPOSED ON THE SHORTS SD 3-30 AIRCRAFT
OF CAYMAN AIRWAYS LIMITED ON GRAND CAYMAN - CAYMAN BRAC -
LITTLE CAYMAN FLIGHTS?

NO. 87: WOULD THE HONOURABLE MEMBER STATE HOW MANY PASSENGERS THE
SHORTS SD 3-30 AIRCRAFT OF CAYMAN AIRWAYS LIMITED CARRIES
TO AND FROM GRAND CAYMAN TO CAYMAN BRAC AND TO AND FROM
GRAND CAYMAN TO LITTLE CAYMAN ON EACH FLIGHT?

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

NO. 88: WILL THE HONOURABLE MEMBER MAKE A STATEMENT REGARDING THE
RECENT CHANGE IN THE PRACTICE IN RELATION TO THE
DEFINITION OF THE SEAWARD BOUNDARY OF PARCELS OF LAND?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST ELECTED
MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND
SOCIAL SERVICES

NO. 89: WILL THE HONOURABLE MEMBER SAY WHETHER OR NOT IT IS CORRECT
THAT IN THE LIBRARY OF THE MIDDLE SCHOOL THERE ARE CERTAIN
BOOKS WHICH ARE IN CONTRAVENTION OF THE PENAL CODE?

4. GOVERNMENT BUSINESS

(i) BILLS:-

COMMITTEE ON BILLS

- (1) THE COMPANIES (AMENDMENT) BILL, 1987
- (2) THE INSURANCE (AMENDMENT) BILL, 1987
- (3) THE FIREARMS (AMENDMENT) BILL, 1987
- (4) THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987

REPORTS THEREON

- (5) THE COMPANIES (AMENDMENT) BILL, 1987
- (6) THE INSURANCE (AMENDMENT) BILL, 1987
- (7) THE FIREARMS (AMENDMENT) BILL, 1987
- (8) THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987

THIRD READINGS

- (9) THE COMPANIES (AMENDMENT) BILL, 1987
- (10) THE INSURANCE (AMENDMENT) BILL, 1987
- (11) THE FIREARMS (AMENDMENT) BILL, 1987
- (12) THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987

(ii) MOTIONS:-

GOVERNMENT MOTION NO.7/87
CARIBBEAN DEVELOPMENT BANK

CONTINUATION OF DEBATE THEREON.

5. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

(1) PRIVATE MEMBER'S MOTION NO.17/87
TERRITORIAL WATERS' LIMIT

TO BE MOVED BY : SECOND ELECTED MEMBER FOR WEST BAY
TO BE SECONDED BY: SECOND ELECTED MEMBER FOR GEORGE TOWN

(2) PRIVATE MEMBER'S MOTION NO.18/87
SWAMP AND CLIFF LANDS - LITTLE CAYMAN

TO BE MOVED BY : FIRST ELECTED MEMBER FOR THE LESSER
ISLANDS
TO BE SECONDED BY: ELECTED MEMBER FOR NORTH SIDE

(3) PRIVATE MEMBER'S MOTION NO.19/87
SAFETY AND STORAGE OF PETROLEUM PRODUCTS

TO BE MOVED BY : SECOND ELECTED MEMBER FOR WEST BAY
TO BE SECONDED BY: SECOND ELECTED MEMBER FOR GEORGE TOWN

6. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF
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TUESDAY

17TH NOVEMBER, 1987

10:05 A.M.

PRAYERS

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 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, who 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.

Papers. The Honourable Fourth Elected Member of Executive Council.

PRESENTATION OF PAPERS AND REPORTS

CAYMAN TURTLE FARM (1983) LIMITED'S FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST MARCH, 1987, AND ANNUAL REPORT FOR THE FISCAL YEAR 1ST APRIL, 1986 TO 31ST MARCH, 1987 FROM THE CHAIRMAN OF THE BOARD

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members, I beg to lay on the Table of this Honourable House the accounts of the Cayman Turtle Farm (1983) Limited for the year ended 31st March, 1987, which accounts have been audited.

MR. PRESIDENT:

So ordered.

HON. VASSEL G. JOHNSON:

Mr. President, in addition to the audited accounts which I have just laid on the Table of this Honourable House, I would like to make a few remarks on the operation of the Cayman Turtle Farm for the past fiscal year 1986/1987.

This past year saw financial improvement at the Farm - improvement over previous years. In this last financial year, we realised a net income of \$31,010. The Government subsidy of \$95,000 required was substantially less than the \$225,000 necessary the previous year, and the \$317,000 the year before that.

Tourism remained the mainstay of the Farm, with 63.2 per cent of all income being derived from either admission fees or sale of goods in the gift shop. The number of tourists visiting the Farm increased from 65,553 in 1985/1986 to 75,653 during this past fiscal year, or a 15.4 per cent increase. Gross income per visitor including admission and shop purchases rose from \$6.95 to \$7.10.

Wholesale of meat also increased during the past year, due mainly to increased production. The price of stew meat was raised from \$3.00 to \$3.50 per pound in November of 1986. During the year, 2,918 turtles were processed, having a total live weight of 171,874 lbs. From these animals, 62,712 lbs of stew, 15,763 pounds of steak and 3,797 lbs of fins were produced. The demand for edible products continues to exceed production, and all such products are consumed locally. The loss of the American market continues to make it impossible to sell the shell products and consequently a net loss is incurred for each pound of turtle raised. Herd weight excluding breeder stock increased marginally from 342,423 lbs to 353,682 lbs, with the number of turtles decreasing from 16,659 to 15,490. The number of hatchlings produced was 8,469.

During November of 1986, 1,906 yearling turtles

were tagged and released into local waters, bringing to 14,503 the total number of turtles released since 1980.

Five Kemps Ridley nested in 1986 and a number of hatchlings were produced. It had been intended that the majority of these hatchlings would be returned to the United States. However, due to concerns of the possibility of contamination of the United States' Ridley stock, the required United States' C.I.T.E.S. import was so restrictive that the Galveston Laboratory felt they were unable to comply with the terms of the permit. The hatchlings continue to be maintained at the Farm with 36 ten month old animals remaining at the end of the year.

A pilot pig rearing project was introduced in August 1986, raising 14 hogs in one 50 foot diameter turtle tank. Growth rates were excellent, using commercial feeds, but the size of the hog produced was too large for the local market. This project was abandoned in March 1987.

Also in March this year, the Farm closed out its shrimp rearing operation. While it had been shown that shrimp could be raised in the unused turtle tanks, it would have been necessary to increase the scale of operations and invest in additional research and development for the project to be economically viable. A major factor in the decision to terminate the shrimp project was the interest of an Irish Norwegian company beginning a large scale shrimp farm on the Farm's unused property. An agreement was eventually signed earlier this year with the Caribbean Sea Farms to lease 7.7 acres of the Farm's property for establishing such a shrimp farm.

In December 1986 construction started on a flora and fauna exhibit and snack bar, funded by a \$100,000 loan from the Cayman Islands Government. These facilities, when completed (and they will be completed by the end of this month and the facility opened) will provide visitors with the opportunity to view larger types of local fauna including the crocodile, iguana, agouti, higuatee and the Cayman parrot, as well as a number of local plants. Visitors will also have the opportunity to purchase snack type foods including turtle burgers, hamburgers, hot dogs, french fries, ice cream and drinks. It is anticipated that this facility will significantly enhance the attractiveness of the Farm to visitors. Space within the snack bar will be made available for the gallery display, allowing for expansion of the gift shop.

Mr. President, the Farm in recent time has made steady progress in its financial operation, and should, in the new year, reach a break even position without the need for further Government subsidy.

Thank you, Sir.

MR. W. McKEEVA BUSH:

Mr. President, I wonder if you would permit a question.

MR. PRESIDENT:

I am sorry, it is not permitted, it is not for discussion. Would you put your question in writing, please.

MR. W. McKEEVA BUSH:

Under what Standing Order is that, Mr. President.

MR. PRESIDENT:

Unless there is a motion for discussion, unless a motion is made, it cannot be discussed. Please put your question in writing. We now move to Questions.

QUESTIONS TO HONOURABLE 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. 85: Would the Honourable Member state whether Cayman Airways Limited's flight crew or maintenance staff examined the Shorts SD 3-30 aircraft recently acquired by Cayman Airways Limited, before its purchase?

ANSWER: Yes, the aircraft was checked by Cayman Airways Limited's maintenance staff.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN:

Did any of the flight crew check the aircraft before it was purchased?

HON. W. NORMAN BODDEN:

No, Mr. President, none of the flight crew checked the aircraft before its purchase. I understand from the company that arrangements had been made for one of the senior pilots to accompany the director of maintenance for the inspection, but for one reason or another the senior captain who was appointed to do so was not able to make that trip. So it was only checked by the maintenance staff.

MR. JAMES M. BODDEN:

Were the flight crew brought into the decision making, and did they have any input in the purchase of the aircraft?

HON. W. NORMAN BODDEN:

Mr. President, I am not aware whether the flight crew was brought into the decision making process for deciding to acquire that type of aircraft. That information I do not have, because this deals with inspection of the aircraft before its purchase.

MR. JAMES M. BODDEN:

Is it not unusual to purchase an aircraft and not have the flight crew have some input?

HON. W. NORMAN BODDEN:

Mr. President, the decision of a company to purchase any particular type of aircraft is usually conducted by all sectors of a company - maintenance, management, possibly flight crew, yes, and feasibility studies are developed by specialists and professionals in that area. I would not say that, in purchasing this particular type and size of aircraft, providing that management were satisfied and that the reports from the maintenance directors were favourable and all other things being equal, it was very unusual for the crew not to have some input there.

MR. PRESIDENT:

If there are no further supplementaries, Question 86, please.

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

NO. 86: Would the Honourable Member state what load restriction on passengers has been imposed on the Shorts SD 3-30 aircraft of Cayman Airways Limited on Grand Cayman - Cayman Brac - Little Cayman flights.

ANSWER: Due to fuel not being available in the Sister Islands, the Shorts SD 3-30 aircraft has a weight restriction by having to take on sufficient fuel in Grand Cayman for the entire operation. In terms of actual passengers, this naturally depends upon their weight and amount of baggage. However, a minimum of eight passengers can be carried to and from Little Cayman, a minimum of 22 passengers from Grand Cayman to Cayman Brac and a minimum of 25 passengers from Cayman Brac to Grand Cayman.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN:

A supplementary. I am sure whether it is a typographical error, but the word "minium" must have been "maximum". Could I have that clarified?

HON. W. NORMAN BODDEN:

Mr. President, the maximum that the aircraft could carry would be the 30 seats that are available. The numbers that I have given are the totals and they are guaranteed passage under the circumstances I just outlined. Whether we say minimum or maximum, the number of passengers who can be accommodated under these circumstances are set at the numbers I have given, eight to Little Cayman, 22 to Cayman Brac, and 25 from Cayman Brac.

MR. JAMES M. BODDEN:

I still say that "minimum" must be used incorrectly here. It is misleading me, and I imagine that it is misleading the rest of the Members of the House. I do not think it is intentional in any respect, but you could not use minimum there because you do not know how many people you are going to have on each flight. You could have one, you could have six, you could have fifty. What I am trying to find out is what is the allowable load out of Little Cayman. I am sure the Honourable Member will agree with me that it is eight.

HON. W. NORMAN BODDEN:

Yes, Mr. President, that is what I am saying. The allowable load out of Little Cayman is eight. However, I should point out that if there are above eight passengers with their baggage - in other words if there are 12 passengers, none of whom have baggage, 12 could be accommodated.

MR. JAMES M. BODDEN:

Mr. President, I am aware of that, but it is quite unusual to have eight or 12 passengers without any baggage. So what I am really trying to get at is what was the limitation that was imposed on the Trilander with regard to operating from or to Little Cayman airport? Could she take the 16 which she could hold, or was she restricted to eight also?

HON. W. NORMAN BODDEN:

Mr. President, the Trilander could take 12 out of Little Cayman. Although it had 16 seats, they could not all be used because of weight limitations, so the Trilander could take 12 passengers out of Little Cayman.

MR. JAMES M. BODDEN:

So we are fifty per cent worse off having the Shorts on the Little Cayman run than we were with the Trilander?

MR. PRESIDENT:

That is a statement - if you could put it as a question and get the Honourable Member to reply, that will be all right.

MR. JAMES M. BODDEN:

Yes, Sir, I am going to put it as a question now. Would the Honourable Member agree with the House that the only thing that may have been improved on the Little Cayman operation on the Shorts over the Trilander is the use of the lavatory facilities.

HON. W. NORMAN BODDEN:

No, Mr. President, I could not agree with that, Sir. I think if you compare those two aircraft from a passenger comfort point of view, no comparison can be made. The Shorts 3-30 offers every convenience and comfort to the travelling public, including toilets.

MR. JAMES M. BODDEN:

That may be true, Mr. President, but the economics are that we have expended approximately 700 per cent more money to have those facilities, without giving us the load factor.

My next question is that on the load factor from Grand Cayman to Cayman Brac there is a restriction according to the answer of 22 passengers. The Trilander could normally take 16. In view of the added money that we have spent to acquire the Shorts, which is about 700 per cent more than the Trilanders were sold for, is this not a large amount of money to expend for so little a return?

HON. W. NORMAN BODDEN:

Mr. President, the Trilander also had restrictions out of Grand Cayman to Cayman Brac and Cayman Brac to Grand Cayman. There were 16 seats on board the aircraft, but very, very seldom could it accommodate 16 passengers. Sometimes it was 10, 12 or 14, depending on the volume of baggage. I do not feel that you can isolate one sector of a route, of a very short route like that and make a comparison as to the cost that was spent, because the benefits on the other sectors far outweigh the penalties on the short sector between Little Cayman and Cayman Brac. I think the travelling public of these Islands are pleased with the type of aircraft that is being provided. It is a substantial improvement, and it was well worth the money.

MR. JAMES M. BODDEN:

Mr. President, I am quite aware of the things the Honourable Member has said. The Trilander did on many, many occasions take 16 back and forth. I know the load factors. All I am trying to do is to establish a basis for the arguments that I will be putting up on Cayman Airways later on. So my next question is, how have we benefited with regard to cargo capacity of the Shorts versus the Trilander?

MR. PRESIDENT:

I do think we are going outside the question, which was in relation to passengers.

HON. W. NORMAN BODDEN:

I can answer that, Mr. President.

MR. PRESIDENT:

No, I would rather - we have got quite a number of questions in front of us.

The First Elected Member for the Sister Islands?

CAPT. MARRY S. KIRKCONNELL:

Mr. President, I wonder if the Honourable Member could state, if and when fuel is available in Cayman Brac, what quantity will improve out of Little Cayman?

HON. W. NORMAN BODDEN:

To answer that question, Mr. President, I think it will touch on the reply to the next question that is coming up, as these two questions on the Order Paper today were almost identical. But to reply to that supplementary, if you have allowed it, whenever fuel is available in Cayman Brac this would increase the number of passengers that can be taken out of Little Cayman from eight to approximately 16.

MR. PRESIDENT:

Should we go forward to the next question which is number 87 please?

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

NO. 87: Would the Honourable Member state how many passengers the Shorts 3-30 aircraft of Cayman Airways Limited carries to and from Grand Cayman to Cayman Brac and to and from Grand Cayman to Little Cayman on each flight?

MR. JAMES M. BODDEN:

Mr. President, I always like to save the time of the House if I can, and with respect to question number 87 I accept that the answer has been given in number 86, and answered to my satisfaction. All I am trying to establish is that we are only 700 per cent worse off with the Shorts.

Thank you, Sir.

MR. PRESIDENT:

If the Honourable Member cares to reply, I think probably he has got a right to say something, but I am not encouraging you.

HON. W. NORMAN BODDEN:

Just that I do not agree with his percentages, Sir.

but we will come to that later, I am sure.

MR. PRESIDENT:
question 87?

Thank you. Are there any supplementaries on

Member for West Bay, please.

In that case, question 88, the Second Elected

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

NO. 88: Will the Honourable Member make a statement regarding the recent change in the practice in relation to the definition of the seaward boundary of parcels of land?

ANSWER: Early after land registration began in these Islands in the mid-1970's, the question of seaward boundary arose. According to customs here in the Cayman Islands, the division between Crown foreshore and private ownership was taken at high water mark which, by definition, is the line of the median high tide between the ordinary spring and neap tides, or a mid-way line between low and high tide. Lands and Survey on the other hand relied on a system known as "edge of vegetation" which in early times might have been accepted, but after development along the seashore started that line began moving further and further away from the sea and in some cases reached near the back door of hotels and condominiums. It was therefore not practical to continue relying on edge of vegetation to determine seaward boundary.

The matter was referred to London and the recommendation was that the Cayman Islands adopt the English system which is the high water mark, exactly what was used here until land registration came into effect. As a result of this advice, Government, in order to resolve the matter, established a committee which included the Honourable Attorney General, the Registrar of Lands and Chief Surveyor, together with lawyers and surveyors from the private sector. At the time I also discussed the matter with Members of this Honourable House meeting here in special committee to consider the Development Plan Review and other subjects.

The recommendation of the committee was that Government accept London's advice and adopt high water mark as the seaward boundary between private and Crown property. As a result, the Land Survey Regulations were amended on 5th May, 1987 to adopt the recommendation - this was reported in the press shortly afterwards.

The settlement of this issue does not affect in any way the public's right to the beach which is protected under the Prescription Law (Cap. 131), section 4. Neither does the Prescription Law convey any right on private landowners to secure their boundaries by fencing any areas of the seashore as this would impede public access.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH:

Mr. President, the term "edge of vegetation" and the use of beach is sacrosanct in this country. Can the Honourable Member explain to me how it would be possible for a citizen of this country to get to the Government House beach if the owners of Sandals prohibited him from using the beach and the owners on the other side of Government House refused him entry. How would he get to the beach?

MR. PRESIDENT:

Although detailed, I think that is acceptable as it illustrates the general question. If you are able to answer it, would you please do so.

HON. VASSEL G. JOHNSON:

Mr. President, I mentioned in the last paragraph that the public's right to beach and foreshore was protected under the Prescription Law. The Prescription Law at section 4 reads as follows:

"4(1) When any beach has been used by the public or any class of the public for fishing, or for purposes incident to fishing, or for bathing or recreation, and any road, track or pathway passing over any land adjoining or adjacent to such beach has been used by the public or any class of the public as a means of access to such beach, without interruption for the full period of twenty years, the public shall, subject to the provisos hereinafter contained, have the absolute and indefeasible right to use such beach, land, road, track or pathway as aforesaid, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing."

(2) No act or other matter, whether submitted to or acquiesced in or not, shall be deemed to be an interruption within the

meaning of subsection (1) if the same took place between the 6th day of February, 1954 and the 30th day of December, 1955."

MR. W. MCKEEVA BUSH: Mr. President, will the Honourable Member give an undertaking to this House that he, by whatever means, will let land owners in this country know of this provision? There is already evidence that there are some jacks in this country, and as I have said before the use of beaches has been sacrosanct in this country, and people hold it dearly. In order not to have any uprising on this matter, I think the public should clearly be made to understand the position.

MR. PRESIDENT: I think you have said enough now. The question is, will the Honourable Member make a statement accordingly?

HON. VASSEL G. JOHNSON: Mr. President, I will endeavour to have a press release issued on this particular matter.

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

MR. LINFORD A. PIERSON: Mr. President, would the Honourable Member state how the department intends to determine the high water mark on an area bordered by ironshore?

HON. VASSEL G. JOHNSON: Mr. President, if at high tide the water does not come over the ironshore, then the boundary goes to the end of the ironshore.

MR. PRESIDENT: The First Elected Member for Rodden Town.

MR. JAMES M. RODDEN: Would the Honourable Member advise the House in what year was the cadastral system was completed on the Seven Mile Beach?

HON. VASSEL G. JOHNSON: I am told, Mr. President, that it was in 1976.

MR. PRESIDENT: The Third Elected Member for West Bay caught my eye.

MRS. DAPHNE L. ORRETT: Mr. President, could the Honourable Member state whether or not it is incumbent upon all developers of properties along, say, Seven Mile Beach or any other beach area, to reserve access for members of the public along the edge of property to get to and from the beach?

HON. VASSEL G. JOHNSON: Mr. President, that is a requirement for all new development along places like Seven Mile Beach. They must provide public access to the beach.

MR. JAMES M. RODDEN: You have stated that the Cadastral was completed 11 years ago on most of these beach areas. Was not all the foreshore surveyed at that time and plotted in the registry index maps?

HON. VASSEL G. JOHNSON: Mr. President, the Cadastral Survey made certain marks along the foreshore, but the actual survey was done afterward by Lands and Survey, and those are the surveys that were recorded.

MR. JAMES M. RODDEN: Is the Honourable Member telling this House that if a piece of land on Seven Mile Beach was bought after 1976 when the cadastral system was completed, that survey was not accurate?

HON. VASSEL G. JOHNSON: That is correct, Mr. President.

MR. JAMES M. RODDEN: Well, if it was not accurate, why has it been allowed to continue with Government being given absolute title to those lands for eleven years?

MR. PRESIDENT: I take that one as the last question, we really are straying a long way from the original question, but please take this one.

HON. VASSEL G. JOHNSON: Mr. President, I do not think that I can term it not to be accurate, it is a matter that the cadastral survey markers were there for a particular purpose, to distinguish the boundary between one property and another. Where the actual foreshore boundary reached was a completely different matter. The Cadastral Survey had no prerogative over that. That was a matter for Lands and Survey, when the survey began. If someone wanted to register his property, then a survey would have to be made and the Lands and Survey would have to approve or disapprove of the foreshore boundary as stated in that survey. This is where the problem arose, and it was a problem for many, many years, 10 to 15 years. This is the reason why it was necessary, at this particular time, to have the whole thing settled once and for all.

NOTICE OF MOTION

MR. JAMES M. BODDEN: Mr. President, I would request of you as President of this House to agree that we move a motion asking for additional time, because this is a matter of great importance to the people of this country, and we should not curtail this in any respect.

MR. PRESIDENT: I understand that. If you will yield to me for a moment?

MR. JAMES M. BODDEN: Yes, Sir.

MR. PRESIDENT: I think that perhaps the subject is widening into something which could more properly be a debate rather than taken at Question Time. I would therefore be entirely ready to accept a motion put and to waive the requirement for five days' notice or whatever so that it may be taken during this meeting - I think that would be the way to cover it.

MR. JAMES M. BODDEN: I really appreciate that move on your part, Sir, and I would like to move a motion at this point that notice be waived - I do not remember exactly what Standing Order it applies to - and that we be allowed to bring a motion to the floor of the House to debate the change in the high water mark which has been brought about. I would appreciate that very much.

MR. PRESIDENT: I think the way we do it is if the motion can be formulated in writing, and we will take it as soon as it is ready. We will put it into the order paper and I will accept that notice be waived.

MR. JAMES M. BODDEN: I thank you very much for that, Sir.

MR. PRESIDENT: If there are no other supplementaries on that question - the Second Elected Member for Bodden Town?

MR. G. HAIG BODDEN: I would like to ask the Honourable Member if all the maps, relating to the boundaries of lands which are adjacent to the water, have been changed to reflect the difference between the system under which they were adjudicated (that is, edge of vegetation) to the new change which has been made.

MR. PRESIDENT: I am sorry, I could not actually follow that as a question. Perhaps you could reformulate it for me?

MR. G. HAIG BODDEN: Yes, Mr. President.
Perhaps if I make a statement.

MR. PRESIDENT: No, I would rather you did not make a statement. I would rather you reformulated the question.

MR. G. HAIG BODDEN: I will ask the question again. Have all the maps, relating to lands on the waterfront, been changed so as to reflect the difference between the edge of vegetation system which is now used to determine the seaward boundary and the old system, or the system which has been introduced, of the high water mark?

HON. VASSEL G. JOHNSON: No, Sir, that has not been done yet. That is a responsibility now of Lands and Survey. As each property comes up for boundary demarcation this exercise is done if the seaward boundary is anything other than at high water mark.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member say if it is the intention to change the boundaries on these plots which have already been adjudicated?

HON. VASSEL G. JOHNSON: Mr. President, the custom in the Cayman Islands has always been to demarcate seaward boundary by high water mark. All the surveyors of years gone by have used that as the demarcation line. It was only since the beginning of land registration in these Islands, in the 1970's, that the question arose - that rather than using high water mark the measurement should be by the edge of vegetation. Because of this, that demarcation line began to move away from the sea and up, landwards, so that the original high water mark which was perhaps used by the Cadastral Survey when they were defining boundaries, were no longer applicable as far as Lands and Survey were concerned. They were using edge of vegetation and so there was a big variation between what was originally the seaward boundary and what Lands and Survey were saying now was the seaward boundary. This caused a bit of concern by landowners, and this is the reason why the matter had to be settled. Thus we returned to the original line of measurement which is the high water mark. We are not changing anything that was not custom in the Cayman Islands in days gone by. The edge of vegetation was not customary, the highwater mark was customary.

MR. JAMES M. BODDEN:
Honourable Member.

A supplementary following out of the answer by the

The Honourable Member said that in some cases the high water mark reached near the back door of hotels and condominiums. Under the Planning Law, these buildings have to have a set back of, usually, more than 100 feet from what was known as high water mark. Could he advise this House which hotels and condominiums are so affected? This would have to be on Seven Mile Beach, so would he advise this House which condominiums and hotels have the water line up to the back doors?

HON. VASSEL G. JOHNSON:

I am sorry, Mr. President, what I said was that the edge of vegetation had moved away from the edge of the sea and in some cases reached the back doors of hotels and condominiums. Not the high water mark, the edge of vegetation. And you know, cleaning the beach year after year you go further up towards the road, and before you know it the edge of vegetation goes right up against the hotel's back door and so on. That is what I meant, Mr. President, not the high water mark.

MR. PRESIDENT:
Member for George Town.

It is a dramatic description! The Second Elected

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

I am glad you recognised me, because it seems as if certain Members of this House completely monopolise Question Time.

MR. PRESIDENT:

No, please, you must leave that to the possibility I did not fail to recognise you, please.

MR. LINFORD A. PIERSON:

There are twelve of us here, Sir.

MR. PRESIDENT:

Let us not get into contention on this. That remark was not necessary. I would ask you please to proceed with your supplementary.

MR. LINFORD A. PIERSON:

Mr. President, a sensible supplementary.

Following on from my previous supplementary, on the ironshore, normally throughout the year the high water mark is the same as the low water mark. My question again is would the private ownership of property on the ironshore extend to the edge of the water, in a case like that?

HON. VASSEL G. JOHNSON:

Mr. President, if I, in my layman's way, can explain it. You have low ironshore where the water washes over at high tide, while the same principle would apply to that as does on the sandy beach. But there are some ironshores that are high above the water. If at high tide the sea does not come up sufficiently to wash over the ironshore, then the seaward boundary of that private property goes right to the edge of the ironshore where it falls into the sea.

MR. LINFORD A. PIERSON:

So, Mr. President, the point I was trying to get clarified was whether in a case like that the public would have any access at all along that ironshore, since technically the property would be private right to the edge of the high water mark.

HON. VASSEL G. JOHNSON:

Mr. President, the Prescription Law would apply to ironshore as it does to sand beach, provided the public had enjoyed that sea coast, or sea shore over a number of years, in other words if it had been a public thoroughway then it would continue to be so. But I do not think we would expect that in private property that this would apply.

MR. McKEEVA BUSH:

Mr. President, a supplementary.

What good use would a right of way be if you wanted to sit on the beach?

MR. PRESIDENT:

I think that is a hypothetical question. Perhaps we might go to the last question just before our normal 11:00 o'clock closing time. Question Number 89, please, from the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 89: Will the Honourable Member say whether or not it is correct that in the library of the Middle School there are certain books that are in contravention of the Penal Code?

ANSWER: To the best of my knowledge there are no books in the Middle School Library that are in contravention of the Penal Code. However, if the Member has knowledge of any such books, it would be appreciated if he could provide such information to the Portfolio to enable us to have the matter investigated.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN:

Mr. President, just to say that I will be happy to do that.

MR. PRESIDENT:

There appear to be no further supplementaries. In that case the House will now go into Committee to study a Bill entitled the Companies (Amendment) Bill, 1987 and certain other Bills in item 4 of the Order Paper.

GOVERNMENT BUSINESS
BILLS

HOUSE IN COMMITTEE

MR. CHAIRMAN:

The House is now in Committee.
Would the Clerk state each Bill in order and read its clauses.

THE COMPANIES (AMENDMENT) BILL, 1987

CLERK: THE COMPANIES (AMENDMENT) BILL, 1987

- CLAUSE 1. SHORT TITLE
- CLAUSE 2. SUBSTITUTION OF SUBSECTION 6 TO 11.
- CLAUSE 3. AMENDMENT OF SECTION 13.
- CLAUSE 4. AMENDMENT OF SECTION 20.
- CLAUSE 5. SUBSTITUTION OF SUBSECTION 25 TO 27.

MR. CHAIRMAN:

The question is that clauses 1 through 5 stand part of the Bill?

MR. JAMES M. BODDEN:

Mr. Chairman, I, for one, would like some input from the Honourable Second Official Member with regard to us asking some questions as we go along.

HON. RICHARD W. GROUND:

Mr. Chairman, I have no problem with attempting to answer questions. I would make it plain that this was, as the Honourable First Official Member said, drafted by, or on the advice of, a committee from the private sector, and it may be that I cannot answer all the reasons behind an amendment, but I will certainly do my best if Members want to ask questions.

MR. JAMES M. BODDEN:

Mr. Chairman, I accept that reply very generously, but this is a technical law, and I would crave time of the House to enable us to fully understand it before we vote. I have not had time to consult a lawyer on this. There are certain things that I do not fully understand, and that is why I am seeking leave of the House to get information on as we go along.

HON. THOMAS C. JEFFERSON:

I think, Mr. Chairman a point to remember here is that the committee was established by Executive Council some two years ago as a result of a request by Government to Professor Morse who is a well known company lawyer on the practical side as well as the academic side. We put together a team of private sector practitioners comprised of lawyers, trust managers and people in the accounting field. The committee has gone through many sections of the Companies Law. They did put forward to us about nine months or maybe a year ago some other quick amendments which were basically to make the Companies Law more attractive quickly. This is the second batch of amendments which are being put to us.

MR. JAMES M. BODDEN:

Mr. Chairman, I fully accept that, because the Companies Law is a law that is very beneficial to the country, and I am quite aware that it needs a lot of amendments. But to tell us that, because Professor so-and-so or a committee of so-and-so has done this or that, we should not question points as we go along. That would be ridiculous. There would be no reason in our being here if all we had to do was just rubber stamp everything put before us without question. I am sorry that I may be unable to get the replies to my questions that I wanted to get.

MR. CHAIRMAN:

No, I do not think there is any intention not to reply to your questions, or to ask you not to ask them. I think the best thing is that you should put them as we go along. If they are highly technical questions and require reference outside, we shall simply adjourn on this particular Bill in Committee until the information can be got. All right?

MR. JAMES M. BODDEN:

I appreciate that, but here is my copy of the Bill. Now maybe I am either a complete idiot or a fool, but there are a lot of changes. I have taken time with the old Law to compare it word for word with the new Law. There are so many changes in this that it is difficult for me as a layman to fully understand it in the

few days I have had this in my possession.

MR. CHAIRMAN: I think there are a number of us who share this problem. It is a highly technical Bill, as you say, but I think nevertheless that as we go through and take clause by clause, you should put your questions, and, as I say, they will be taken. If they involve technical replies which need outside help, that can be brought in and we will defer as necessary. So I think perhaps then we will go back and we will take it the Clerk has called clause 1.

MR. JAMES M. BODDEN: Well, under section 20, subsection 3 has been deleted in its entirety. Now could the House be informed as to why this was done? What do we gain by deleting this section?

HON. RICHARD W. GROUND: If that is a question directed to me, it is not one that I can answer because it reflects a policy decision that lay behind the committee. I can explicate or attempt to explicate sections. I cannot explain the policy behind them. If I could just give an example of the sort of question that I can field - the Second Elected Member for George Town raised an issue in his second reading speech the other day. When we come to that, having looked at it, I am prepared to answer the issue and I hope reassure him on that. That was a legal point of whether the law still does what it was supposed to or what it was wanted to do. But as to why this was done, that really falls outside my remit.

MR. LINFORD A. PIERSON: Mr. Chairman, in having a look at this Bill, I too recognise that it is a very technical, but I had sufficient time to seek some legal advice on it, which I did. Even with the legal advice I still found it fairly difficult to comprehend. It is a very technical piece of legislation, and, as laymen, if we were given another week to read this through I am not sure that we would be any wiser or more informed. However, whatever the House decides on this I am prepared to go along, but I would rather go along with your suggestion, Mr. Chairman, that we take it clause by clause and raise whatever points we may have on each clause.

MR. CHAIRMAN: I think it may take some time to do it this way because I think the Honourable First Official Member will be cross-checking backward and forward on the reports and so on. But clearly if we take time, well, so be it.
On this first question, which related to the deletion of section 20(3), perhaps while the Honourable First Official Member is looking up that - the Third Elected Member for West Bay.

MRS. DAPHNE L. DRRETT: What I was thinking of is whether or not we could continue as we did when we met last, that is as we go along the Clerk brings to our attention the clauses and whatever question we may have on a clause at that time we could take those clauses one at a time. As the several clauses are called there may be questions on some of those ... we could probably follow that particular procedure.

MR. CHAIRMAN: I am sure we would all like to do this as expeditiously as we sensibly can.

MR. JAMES M. BODDEN: If we can leave the question that I had and maybe come back to it later on. I am prepared to proceed then clause by clause. On clause 25 I have some questions.

MR. CHAIRMAN: That is also in clause 1 of the amending Bill, is it not?

HON. RICHARD W. GROUND: Mr. Chairman, just before we go on to that, having now had a moment to look at the papers and think about the Member's question, as I understand it the proposal to amend section 20 was to remove a perceived conflict with the provisions of section 42(1) of the Companies Law. Section 20(3), which is to be deleted says that:

"Where an unlimited company or a company limited by guarantee has increased the number of its members beyond the registered number, it shall, within fifteen days after the increase was resolved on or took place, give to the Registrar notice of the increase, and the Registrar shall record the increase."

If one goes to section 42(1) of the principal law, one there sees:

"Where a company has a capital divided into shares ... notice of any increase in such capital beyond the registered capital, and where a company had not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital within thirty days ... and in the case of an

increase of members, within thirty days ..." ...

(not fifteen as in the other

section)

... "... from the time at which such increase of members has been resolved on or has taken place; and the Registrar shall forthwith record the amount of such increase of capital or members."

So there seemed to be some conflict between the time periods specified in those sections, so my understanding is that section 20(3) is to be deleted to remove that conflict.

MR. CHAIRMAN: We are still on clause 1.

MR. JAMES M. BODDEN: Yes, Sir. Section 25(3), we have a duplication there in the new version.

HON. THOMAS C. JEFFERSON: Sorry, what was that again?

MR. JAMES M. BODDEN: Section 25(3).

"A register of companies shall be kept in which shall be entered the following particulars which shall be annexed to the memorandum of association and articles of association and articles of association ...".

So we have a duplication of "and articles of association".

HON. RICHARD W. GROUND: That is one that I cannot do off the top of my head. I may be able to do it in five minutes like the last one.

MR. JAMES M. BODDEN: No, no, I am not asking a question, I am just pointing out we have a duplication.

MR. CHAIRMAN: It appears to have a duplication. The words "articles of association" appear to be one time too many, but there may be a reason for it.

HON. RICHARD W. GROUND: I see.

MR. CHAIRMAN: The point having been brought, shall we leave it to the Attorney General as being a textual amendment.

MR. JAMES M. BODDEN: Yes, Sir, but I think it is quite evident it is a duplication, and if we are going to vote on this ...

MR. CHAIRMAN: I am all for saving words, I entirely agree.

HON. RICHARD W. GROUND: Could you just count me to the lines where you say the duplication is?

MR. CHAIRMAN: I think the Member intends 35(3), lines 4 and 5.

HON. RICHARD W. GROUND: I am grateful to the Member for that. I was in fact working off the white copy of the Bill which does not have the duplication. In the green copy there is a typographical error, the printer has duplicated it. So thank you, and we can delete that.

MR. CHAIRMAN: I happen to be working from the green copy too, but the white copy does supercede. So we have covered that point, thank you very much.

MR. JAMES M. BODDEN: Under 25(3)(c) the words have changed quite a bit from what they were in the principal Law. The new section here it says:

"... the amount of capital of the company and in the case of a company having its share capital divided into shares of a nominal or par value ...".

Now that has a very different meaning than what is in section (c) in the principal Law, where it says:

"... the amount of capital of the company and the number of shares into which it is divided and the fixed amounts thereof?";

So in this case we have added "and in the case of a

company having its share capital divided into shares of a nominal or par value ...". So we are now establishing this in the new section. It was not there before.

HON. RICHARD W. GROUND: As I understand it, it says the same thing but expands it and makes it quite clear, and draws the distinction between companies whose capital is not divided by shares and those which are. It then goes on to specify the sorts of shares into which the capital might be divided.

MR. JAMES M. BODDEN: It may not have that much significance, but there is a marked difference in the way the new version compares to the old version. I do not think we are going to accomplish anything much in this exercise, Mr. Chairman. I do not have the answers. I am sure that no Member of this House has the answers for this Bill other than possibly the Attorney General.

MR. CHAIRMAN: No, I think he has given you an answer, that it says the same thing but in more precise language. I mean, I read them both and that struck me.

HON. THOMAS C. JEFFERSON: As I understand it, all it does is really clarify that particular section 25(3)(c) in a better light.

MR. JAMES M. BODDEN: Well I think it probably does, but I am only pointing out that there is a marked difference between the meaning that exists now in the principal Law, and the meaning that we are ascribing to it in the Bill. And really I think the best thing we can do is either put this into a committee ...

MR. CHAIRMAN: But we are in committee.

MR. JAMES M. BODDEN: No, into a committee in there, Sir. Take it out of this committee, if we can do that. If we are to proceed, I will keep my mouth silent because I have spent a lot of time studying this, and really, I do not think I can intelligently deal with it today.

MR. CHAIRMAN: With respect, I am managing to follow it, and I have studied it much less than you have. But I think in this case ...

MR. JAMES M. BODDEN: Well, then you are a much more intelligent man maybe.

MR. CHAIRMAN: No, you are very kind, but do not let us get into mutual flattery.

I think the Attorney General has said that in this case it is a more clear definition. Would he wish to confirm that there is no change of intended meaning?

HON. RICHARD W. GROUND: I can certainly say now that on the face of the document there appears to be no significant change in the meaning. If the Member would like me to go back and ask whether the committee intended a change or that it be looked at further, I would be very happy to do so, but at the moment it seems to me to expand and clarify a subsection that was unduly condensed in the original.

HON. THOMAS C. JEFFERSON: The committee's view as I understand it is really to try to rationalise and to take section 27 and put it in a more meaningful and modern way of expressing, in this particular case, the share capital. That is what we are talking about.

MR. CHAIRMAN: If I may interject, I do not wish to play too much part in these proceedings, but this is very much lawyer's law, and that is our problem: is it not?

MR. JAMES M. BODDEN: Quite right, and I agree with that. We are elected here to legislate the laws, but we are not lawyers. Therefore, we should be able to get counsel when we have a question on law.

MR. CHAIRMAN: I agree with that, and I think that is why we have the Attorney General here. I think we should try to proceed, and if we find it too difficult then we will try and decide what we do otherwise.

MR. JAMES M. BODDEN: Very well, Sir. I will ask the next question, then.

Section 25(d), I notice this has happened many times in this new version. In the principal Companies Law, it stated the names, address and occupations of all subscribers, and I have noticed that in many cases in the new version, it has left out "and occupations". Is there a particular reason for that, or why are we doing it?

HON. RICHARD W. GROUND:

I am told that when the committee considered this it wished it to be left out because they could see no reason for it.

MR. JAMES M. BODDEN:

Well, I cannot understand the answers I am getting. The committee said ... the committee were not Members of this House.

MR. CHAIRMAN:

That is a perfectly fair point to make, if your point is that occupations ought to be in, if you think so, then move an amendment and we will debate it.

MR. JAMES M. BODDEN:

No, Sir, I am not trying to confuse the Law, because I do not have that much of a technical input. I am only hoping there is someone here who could give me the technical input. I am raising the point that it has worked in the principal Law for however many years we have had it on the books, so why are we changing these. There must be some good reason for the committee's suggestion. There must be some reason to make these changes. Can someone not give it to me in laymen's or legal terms.

HON. THOMAS C. JEFFERSON:

Mr. Chairman, we are talking about what the register of the company should have on it. In this particular case, the principal Law talks about the names and addresses and occupation and subscribers of the memorandum of association and the number of shares taken by each subscriber. In the new amending version we are (that is the committee - and I agree with them) saying the names and addresses of the subscribers in the memorandum of association and the number of shares taken by each subscriber. I think that is the important factor, not the occupation of the individual. It is who subscribed and how much they subscribed to in the memorandum, and the number of shares taken by each subscriber. Not his occupation. His occupation was not deemed to be necessary.

MR. JAMES M. BODDEN:

Well, maybe I can accept that, but there must be a reason for it. If it was used for identification purposes (and it has worked for, say, forty years in the principal Law) is there any real good reason to take it out. If you are saying that for brevity's sake it is being taken out, fine.

HON. THOMAS C. JEFFERSON:

I think the view is that it is not necessary, so why have it. Why should we have every register with the occupation of the individual? If Tom Jefferson is the subscriber to a memorandum and he has fifty shares, why do you need to know that Tom Jefferson is X,Y,Z of West Bay? What is important is that on the register of the company Tom Jefferson has subscribed to fifty shares. His occupation is meaningless.

MR. JAMES M. BODDEN:

Well, maybe you have a point, maybe you are right. Maybe we should also take it out of the Election Law where the occupations are listed.

HON. THOMAS C. JEFFERSON:

But we are talking about the Companies Law ...

MR. CHAIRMAN:

I think you seem to have accepted that one.

MR. JAMES M. BODDEN:

Section 25(4)(i). That is an entirely new section, although it does embody some of what was in the original subsection (4). The principal Law did not have the (i), (ii) and (iii).

HON. RICHARD W. GROUND:

Perhaps I might just stop the Member there. The principal Law was amended in 1977, which introduced section 25(4)(i) and (ii) to make the fee charging system more elaborate. So this is not such a radical departure. The Member could look at my copy of the amending Law if it would help him.

MR. CHAIRMAN:

Perhaps ... may I add a question to it? Does this subsection with (i), (ii) and (iii) introduce any new form of fee, or were they existing fees written in different language?

HON. RICHARD W. GROUND:

What this does is split up exempted companies in (ii) from any other company. The old provision just had (ii) which said in the case of any other company a fee of such and such plus a further fee of such and such. This now splits up into (ii) the exempted company fee structure, and in (iii) any other company, the fee structure.

MR. JAMES M. BODDEN:

I think I can understand what they have done here. They have broken it down into three different areas, whereas before they covered everything under one area and naturally the fees are being increased because we have to balance this budget.

I do not want a Member to think that, as the Second Elected Member for George Town thought a while ago that I was monopolising Question Time, I am monopolising Committee time, but I have these questions, so ...

MR. CHAIRMAN:

No, you must put the questions and please do not do otherwise. But I think I understand it now, actually, too, this question of splitting the

fees. Is it all right now with you?

MR. JAMES M. BODDEN:

Yes, Sir.

MR. CHAIRMAN:

Clause 5, carrying on.

MR. JAMES M. BODDEN:

My next question is on section 26.

Clause 5, how far have we gone with that, because

MR. CHAIRMAN:

Please go ahead with that.

Which is also part of the amending clause 5.

MR. JAMES M. BODDEN:

some words:

We have added on the fifth line of section 26(1)

"... with effect from the date of the registration of the memorandum of association ..."

(which were not in the principal Law),

"... and the Registrar shall issue a certificate under his hand and seal of office that the company is incorporated ...".

That is where it stopped in the principal Law.

MR. CHAIRMAN:

This is clause 5 referring to old ... well it creates a new section 26(1) in the fifth line the Member is saying that some additional clause has been added.

I think the words:

HON. RICHARD W. GROUND:

"... with effect from the date of the registration of the memorandum of association ..."

just make it absolutely plain of the time from which the company is incorporated and the time from which the registrar is bound to certify that it has been incorporated. So it will slightly change the wording of the certificate.

MR. JAMES M. BODDEN:

Right, but it has a different meaning, more or less here, does it not, because it is deemed that if you have a company and it is incorporated, that ... I mean that is the date the company went into effect.

HON. RICHARD W. GROUND:

Well it was not plain under the principal Law. If you look at the existing section 26(1) it says:

"Upon the filing of a memorandum of association a company shall be deemed to be registered, and the Registrar shall issue a certificate under his hand and seal of office that the company is incorporated ...".

Now we have:

"Upon the filing of the memorandum of association a company shall be deemed to be registered, and the Registrar shall issue a certificate under his hand and seal of office that the company is incorporated with effect from the date of the registration of the memorandum of association ...".

So it does not seem to operate a change, but it does make it plain that the certificate states the date of the registration of the memorandum of incorporation.

MR. JAMES M. BODDEN:

But that was in the principal law anyhow.

HON. RICHARD W. GROUND:

Well that Law, if you read it, was ambiguous and did not require the date to go into the certificate. The Registrar has to issue a certificate that the company is incorporated, but under the existing law he does not have to say with effect from when.

MR. JAMES M. BODDEN:

date was in it, so I mean ...

But the company could not be registered unless the

HON. RICHARD W. GROUND:

This is simply a clarification on the certificate.

MR. JAMES M. BODDEN:

Very well, I will take your point.

MR. CHAIRMAN:

It seems to me to be a sensible thing, I mean I would not personally like to sign a document without dating it in some way, and we surely would not want the Registrar of Companies to not date, he must be required to.

MR. JAMES M. BODDEN:

You see, the reason I am bringing that up is that if you follow that down to 26(2) there seems to be some ambiguity of what is trying to be established and what the Honourable Member just said. Because in subsection (2) "From the date of incorporation ..." we have left out in the new version "... mentioned in the certificate of incorporation ..." which was in the principal Law. So really what we are doing is tightening up one clause and loosening another, the one that follows. The two sections have to run more or less together.

HON. RICHARD W. GROUND:

You do not need those second words now in subsection (2) because subsection (1) makes it plain when the date of incorporation is and the fact that it is going to go into the certificate of incorporation. You do not need the words "... mentioned in the certificate of incorporation ..." in subsection (2) now because subsection (1) makes it plain that the date of incorporation is from the filing of the memorandum of association.

MR. JAMES M. BODDEN:

Well, in section 26(2) we have added on the seventh line:

"... of a natural person of full capacity irrespective of any question of corporate benefit ..."

but we have left out from the principal Law:

"... an incorporated company, and having perpetual succession and a common seal with power to hold lands ...".

So these words have been completely left out of this new proposed section 26(2).

HON. RICHARD W. GROUND:

What has been left out in the new section 26(2) are the words: "... all the functions of an incorporated company ...". In the principal Law it says that once you are incorporated the company becomes "... capable forthwith of exercising all the functions of an incorporated company ...".

Under the new Law, it says it becomes "... capable forthwith of exercising all the functions of a natural person of full capacity irrespective of any question of corporate benefit ...". And I would imagine that that change was made because the expression "all the functions of an incorporated company" begs the question of what those functions are. Because here you have a law which purports to be the Companies Law, and I do not think anywhere else it tells you what all the functions of an incorporated company are. Now it tells you that a company, once incorporated, can do everything that a grown up person can do. And it has not left out the words "and having perpetual succession". They were both in the principal Law, and you will see they are in the ... at least they are in the white copy of the new Law, and indeed they are in the green as well.

The perpetual succession is obviously an important point, because the thing that a company does is that it can do everything that an individual person can do save that unlike an individual it does not die, it has perpetual succession.

MR. CHAIRMAN:

You are leaning back, do I take it you are either satisfied or not pursuing it?

We will suspend proceedings for fifteen minutes.

AT 11:35 A.M. COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 12:01 P.M.

MR. CHAIRMAN:

I do apologise for the long delay, which was due to trying to get future order papers in order - not an easy task.

When we suspended we were looking at clause 5 of the Bill, and we had gotten as far as new proposed section 26(2). So are there any points on the remainder of clause 5 of the amending Bill?

In that case I will put the question on clauses 1 to 5 that they do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 1 THROUGH 5 PASSED.

CLERK: CLAUSE 6. SUBSTITUTION OF SECTION 32.

MR. CHAIRMAN: I shall ask the Clerk to read the clauses slowly. Would any Member please catch my eye if you wish to put questions.

CLERK: CLAUSE 7. SUBSTITUTION OF SECTION 34.
CLAUSE 8. SUBSTITUTION OF SECTION 37 TO 39.
CLAUSE 9. SUBSTITUTION OF SECTION 41.

MR. CHAIRMAN: I will put the question on clauses 6 through 9. The question is that clauses 6 to 9 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 6 THROUGH 9 PASSED

CLERK: CLAUSE 10. SUBSTITUTION OF SECTION 52.
CLAUSE 11. SUBSTITUTION OF SECTION 55.
CLAUSE 12. SUBSTITUTION OF PART VII.

MR. CHAIRMAN: The question is that clauses 10 to 12 inclusive do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 10 THROUGH 12 PASSED

CLERK: A BILL FOR A LAW TO AMEND THE COMPANIES LAW.

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

QUESTION PUT: AGREED. TITLE PASSED

THE INSURANCE (AMENDMENT) BILL, 1987

CLERK: A BILL FOR A LAW TO AMEND THE INSURANCE LAW, 1979

CLAUSE 1. SHORT TITLE AND DATE OF COMMENCEMENT.
CLAUSE 2. AMENDMENT OF SECTION 2.
CLAUSE 3. AMENDMENT OF SECTION 3.

MR. CHAIRMAN: I think clause 2 ... the Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Thank you, Mr. Chairman. It was the Second Elected Member for Bodden Town who made a point yesterday in his contribution to the debate where he spoke about term life and that he is not sure that he could support the amendment put forward in this way.

I undertook at that time to examine the point and with permission I would be inclined to move an amendment to the present amending Bill, that clause 2(d) read:

"but excluding contracts for credit life insurance and term life insurance for a period of five years or less"

instead of:

"convertible and renewable term life contracts".

If the Member is happy with that I am prepared to move it.

MR. G. HAIG BODDEN: Yes, Mr. Chairman, that is fine. Of course I think it would be good if you could put a limit to the amount of the term insurance that would be excluded, because you do have some very large policies that I think should be governed by whatever is in the law to govern the long term business. I think the reason for having the two types of insurance, long term and short term, is that in the long term one, the danger comes, you know when it has been on the books such a long time, but the same thing happens when you move from a small risk to a big risk; the exposure is not over time but over quantity. But I would not like him to go back to his technical advisers at this stage, so I will support the amendment he has put forward.

MR. CHAIRMAN: Could I ask you just to read that again so that the Clerk and I may write it down. It sounds to be the insertion of some words after "five years or less".

HON. THOMAS C. JEFFERSON:
now read:

That is correct, Mr. Chairman, clause 2(d) should

"adding "; but excluding contracts for credit life insurance and term life insurance for a period of five years or less other than convertible and renewable term life contracts...".

HON. RICHARD W. GROUND:

There is going to be a comma in there, Mr. Chairman, at the beginning of the addition, after "less" - that is a tiny point, a comma after less, so that the addition is preceded by a comma.

MR. CHAIRMAN:

I shall read that again and hope I get it right for the sake of clarity, because commas are obviously important in this class of business! It is proposed that clause 2(d) be amended to read:

"adding "; but excluding contracts for credit life insurance and term life insurance for a period of five years or less, other than convertible and renewable term life contracts" at the end of paragraph (a) of the definition of 'long term business';"

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 2 PASSED.

MR. CHAIRMAN:

I think we should now take clause 1 and then clause 2 separately in order to take the amendment in.
The question is that clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

MR. CHAIRMAN:

The question is that clause 2 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED

MR. CHAIRMAN:

We now go forward with clause 3.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 3.
CLAUSE 4. AMENDMENT OF SECTION 4.
CLAUSE 5. AMENDMENT OF SECTION 5.
CLAUSE 6. AMENDMENT OF SECTION 6.
CLAUSE 7. AMENDMENT OF SECTION 7.
CLAUSE 8. AMENDMENT OF SECTION 8.
CLAUSE 9. AMENDMENT OF SECTION 10.
CLAUSE 10. INSERTION OF NEW SECTION 12A.
CLAUSE 11. AMENDMENT OF SCHEDULE.

MR. CHAIRMAN:

The question is that clauses 3 through 11 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 3 THROUGH 11 PASSED

CLERK: A BILL FOR A LAW TO AMEND THE INSURANCE LAW, 1979.

MR. CHAIRMAN:

The question is that the title do stand part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED

THE FIREARMS (AMENDMENT) BILL, 1987

CLERK: THE FIREARMS (AMENDMENT) BILL, 1987

CLAUSE 1. SHORT TITLE.
CLAUSE 2. AMENDMENT OF SECTION 2.

MR. CHAIRMAN:

The question is that clauses 1 and 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 1 AND 2 PASSED

CLERK: A BILL FOR A LAW TO AMEND THE FIREARMS LAW (REVISED).

MR. CHAIRMAN:

The question is that the title do stand part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED

THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987

CLERK: THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987.

- CLAUSE 1. SHORT TITLE.
- CLAUSE 2. AMENDMENT OF SECTION 120.
- CLAUSE 3. AMENDMENT OF SECTION 122.

MR. CHAIRMAN:

The question is that clauses 1 through 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 1 THROUGH 3 PASSED

CLERK: A BILL FOR A LAW TO AMEND TO THE PENAL CODE.

MR. CHAIRMAN:

The question is that the title stand part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED

MR. CHAIRMAN:

That concludes proceedings in Committee on a Bill entitled a Law to amend the Companies Law and other Bills. The House will accordingly resume.

HOUSE RESUMED

MR. PRESIDENT:

Proceedings in the House are resumed. Reports on Bills.

REPORTS ON BILLS

THE COMPANIES (AMENDMENT) BILL, 1987

HON. THOMAS C. JEFFERSON:

Mr. President, I have to report that a Bill shortly entitled the Companies (Amendment) Law, 1987 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, 1987

HON. THOMAS C. JEFFERSON:

Mr. President, I have to report that a Bill shortly entitled the Insurance (Amendment) Law, 1987 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 FIREARMS (AMENDMENT) BILL, 1987

HON. J. LEMUEL HURLSTON:

Mr. President, I have to report that a Bill shortly entitled the Firearms (Amendment) Law, 1987 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 PENAL CODE (AMENDMENT) (NO.2) BILL, 1987

HON. RICHARD W. GROUND:

Mr. President, I have to report that a Bill shortly entitled the Penal Code (Amendment) (No.2) Law, 1987 was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT:

The Bill is accordingly set down for Third Reading.

THIRD READINGS

THE COMPANIES (AMENDMENT) BILL, 1987

CLERK: THE COMPANIES (AMENDMENT) BILL, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled the Companies (Amendment) Law, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Companies (Amendment) Law, 1987 be given a Third Reading and do pass.

QUESTION PUT: AGREED. THE COMPANIES (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE INSURANCE (AMENDMENT) BILL, 1987

CLERK: THE INSURANCE (AMENDMENT) BILL, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled the Insurance (Amendment) Law, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Insurance (Amendment) Law, 1987 be given a Third Reading and do pass.

QUESTION PUT: AGREED. THE INSURANCE (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE FIREARMS (AMENDMENT) BILL, 1987

CLERK: THE FIREARMS (AMENDMENT) BILL, 1987

HON. J. LEMUEL HURLSTON: Mr. President, I move that a Bill entitled the Firearms (Amendment) Law, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Firearms (Amendment) Law, 1987 be given a Third Reading and do pass.

QUESTION PUT: AGREED. THE FIREARMS (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED

THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987

CLERK: THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987.

HON. RICHARD W. GROUND: Mr. President, I move that a Bill shortly entitled the Penal Code (Amendment) (No.2) Law, 1987 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Penal Code (Amendment) (No.2) Law, 1987 be given a Third Reading and do pass.

QUESTION PUT: AGREED. THE PENAL CODE (AMENDMENT) (NO.2) BILL, 1987 GIVEN A THIRD READING AND PASSED

MOTIONS

GOVERNMENT MOTION NO. 7/87
CARIBBEAN DEVELOPMENT BANK

(Continuation of Debate)

MR. PRESIDENT: I think the Second Elected Member for Budden Town.

MR. G. HAIG BODDEN: Mr. President, I cannot support the motion which is before the House. The motion seeks Government's approval for a loan of US\$3,646,000. The projects to be funded by this loan are worthy projects, but I have grave concern about how the public debt has been increased over the last three years.

From the time we had representative Government in 1832, it took 140 years for our public debt to go over the \$1 million mark. In 1972 the public debt was something over \$1 million dollars, but in 1972 we had a new Constitution and we saw the public debt rise. In four years the public debt had gone from just over \$1 million dollars to a figure something around \$7 million. In the next eight years from 1976 to 1984 we saw a small decrease in the public debt, and incidentally this was the only period in our history when public debt declined, with the exception of 1934 or 1935.

According to the estimates, which are before the House, on the 31st of December 1986 the public debt had risen from its 1984 figure of under \$7 million to \$14,041,153.47. In other words in that two year period the debt had doubled. On 31st December 1987 it is expected that our public debt will again have risen to \$17.1 million. We are fortunate that the increase was not greater because estimates for loans in 1987 were nearly \$8 million, but this is offset by repayments during that period. It is anticipated that in the budget for 1988 we will borrow a total new sum of \$8,363,902.

If we approve the measures before the House at this meeting - that is the motion which was passed yesterday to borrow US\$1 million and the motion before the House today to borrow US\$3,646,000, together with the other anticipated borrowings or estimated borrowings in the 1988 budget - we will find our public debt in 1988 at a sum of \$30,260,997, less, of course, any repayments during that year.

I may correct that, it will be more in the vicinity of \$25 million. I had not deducted the repayments for 1987.

This is a sad state of affairs, in that the Government for 150 years had contained its long term debt to manageable proportions. At the end of 1984 it was a little less than \$7 million, and today, three years later, instead of \$7 million we are faced with an already existing amount of \$17 million plus the \$8 million to be borrowed during the coming fiscal year. So it will have gone from \$7 million to over \$25 million in a matter of three short years. This has come about not because the Government has done or has carried out that many major projects during the three year period, but simply because most of the capital spending has been borrowed money. I know some of the capital expenditure has been from local funds, but the proportion of borrowed funds to local revenue for capital expenditure is sadly out of line. This has come about because the Government over the three years has done all in its power to wreck the local economy, imposed high taxes which have dwarfed the economic growth which, had it not been dwarfed, would have given the stimulation to the economy that would have produced surplus revenue which could have been used for some of the capital projects.

By this I am talking about the experience from the past, how some capital projects such as the construction of the Middle School at a cost of over \$2 million could be funded from revenue, without any borrowed funds, but this does not happen, or is not happening today. Because of my great alarm for the borrowing spree upon which this Government has embarked, I cannot find it justifiable to support this motion.

The two projects to be funded are airport development in Cayman Brac and a fire service building in Grand Cayman. If one examines this year's budget it can be seen that in the capital expenditure the new airport building at Cayman Brac is to be funded not only by the \$1,757,000 to be borrowed here from Caribbean Development Bank, but is to be funded also by another loan from a different source. So there are two borrowings for airport development in Cayman Brac.

The other loan for the airport service is just as astonishing because the new airport terminal in Grand Cayman was completed in 1984 at a cost of something in the vicinity of \$10 million to \$12 million, with more than 50 per cent of that money coming from local revenue, and the fire service building, which is the subject of this motion, was only a small part of the entire airport development programme. And one wonders how the Government can have the guts to come here, three years later, seeking a loan for the airport fire service building when this should have been completed. This small project should have been completed in 1985 from local revenue, if the Government had been smart enough to collect that revenue.

But this only bears out the argument which I started yesterday and which I will continue tomorrow in my debate on the budget, that for the three years since 1984 the Government has not embarked on any major project except the ones that were already started, and so the public have the misconception that for three years this Government was managing the country's money well. The fact was they were not providing the infrastructure which begged to be provided over that period. This is why they come at the end of their existence, because this is the final budget before the next election, with all of these projects that should have been completed long ago, and ask us to increase the public debt.

We have been told about the great burden which now exists in servicing this debt. It is taking something like, if I remember rightly, 5.6 per cent of our recurrent revenue this year to service the debt. I may add that the servicing of the debt has arisen in proportion to the borrowings, because in 1984 it was taking something like 2.4 per cent to service the debt.

Now the Financial Secretary had to warn the Government of the heavy burden which is placed upon his shoulders to service the debt which has been amassed in recent years. I think his warning is timely, because he would not like to get himself in the position as the Island was in in 1976 when it was taking nearly 11 per cent of the recurrent revenue to service the debt.

So it is my suggestion that the Government go back to the drawing board and find out how they can finance these projects or find out whether

it is absolutely necessary to go ahead, having wasted three years when these projects should have been completed. In 1984 they inherited the airport development project and in fact at that time negotiations had already taken place on the loan for the terminal building in Cayman Brac. And after three years it is still not a reality. They inherited the new airport building and all they could do was put a new plaque on it and give it a second baptism after it had been opened. But the fire service building, which was an integral part of that airport development project, has been left unbuilt. It has been left just where it was three years ago.

This motion is an indictment against the bad management of the present Government, and I cannot support it.

MR. PRESIDENT:

proceedings until 2:15 p.m.

I think that the timing is impeccable. We suspend

AT 12:43 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:18 P.M.

MR. PRESIDENT:

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

MR. LINFORD A. PIERSON:

Thank you, Mr. President.
Government Motion No. 7/87 dealing with the loan in the total amount of US\$3,646,000 is intended to cover the airport development in Cayman Brac at a cost of US\$1,757,000, and the airport fire service building in Grand Cayman at a cost of US\$1,889,00.

Mr. President, the preamble to this motion adequately states the need for this loan.:

"The loan 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."

It goes on to say:

"AND WHEREAS if any loan is negotiated under the provisions of Section 6(1) of the Loans (Caribbean Development Bank) Law, 1977, that Law states that if sums being sought exceed CI\$250,000 the consent of the Legislative Assembly is required."

In my short contribution to this motion, I will endeavour to point out the financial wisdom of Government obtaining a loan for these projects as opposed to depending on the vagaries of possible revenue collections in a world of uncertain economic conditions as we have today.

You will note that from this fourth session, perhaps right up to the next budget meeting, there will be a lot of political rhetoric spewed forth in this House, and I am sure that the listening public will be well aware of what is going on. I would not want in any way for these democratic rights of Members to be denied, but I feel that it is only fair to the listening public that they be given the true facts in matters discussed in this House and, in my short contribution, I will attempt to show both sides of the coin.

Mr. President, I have heard previous speakers object to the idea of Government obtaining loans for these projects, and at the same time, congratulate Government for commencing with the projects. This, to me, is a contradiction in terms. The answer proposed by certain previous speakers is that Government should have financed these projects from local revenue. I wonder if these speakers are indeed advocating deficit budgeting, or spending, or, indeed, expecting Government to raise taxes on the people of this country.

I ran as an independent Member of this Government, and it is not my intention to take sides with either side of this House that call themselves one team or the other. That is not my intention because I feel that the Members involved will look after themselves. I have found a number of weaknesses in the past Government's administration as I have in this one, but, Mr. President, maybe it is my intention to correct these in one way or the other at a later date.

From my knowledge of government and public financing, it would seem to me prudent for Government to finance these capital projects from loan funds at this time. There are a number of advantages which support my position in this respect, least of which is not the fact that on the basis of a gearing ratio our Government has one of the lowest debt gearing ratios of any country in the world.

One may ask the question, what is an acceptable public debt gearing ratio? My answer in turn would be to ask the question to how long is a piece of string? There is no answer to that, but the important guiding criteria in considering a government's public debt gearing or spending is the cost of servicing the

debt. The Cayman Islands has a very low public debt servicing percentage of approximately between four and five per cent. We are looking at, this year, about \$2.8 million to service a revenue position of \$71 million recurrent revenue. Mr. President, in any terms, that is not a bad situation to be in.

I will not always stand in the House and speak favourably, because as you will note in my debate on the budget, I may find certain areas that I will not be as complimentary about.

A significant portion of Government's public debt is already self financing, and anybody going through the budget will see that about \$3 million of debt is already self financing. And, Mr. President, I need not dilate on the wisdom of the building of the airport fire service building because I believe that all of us accept that this is a worthy and most needed project. Needless to say, the development of the airport in Cayman Brac is equally as important, if not more so. May I further reiterate that in the long term it is more wise to finance more of Government's capital programmes through loan capital than to attempt to do this through recurrent revenue.

However, there are also disadvantages. One of the disadvantages of pegging capital projects to annual recurrent revenues is the danger of an important project being abandoned during a slow year when revenue may fall and cannot meet the full capital costs of the projects. On the other hand, the cost of financing the servicing cost of interest and capital repayment of a loan could form a small part of recurrent revenue as we have seen here.

I am attempting to show that the most important area to be looked at, at this point, is the cost of servicing our capital programmes - to service our capital loans. This is what is important at this point. What we should have heard from previous speakers is the proportion in which our revenue has grown to the proportion of our public debt over the years. We cannot compare apples with oranges; this is not right and it gives the wrong impression.

Mr. President, in my inaugural address in this House in 1984 I said that I will always support matters coming to this House which I consider to be in the best interest of the people of the Cayman Islands and likewise will also strongly oppose any issues which I consider to be detrimental to this country.

As I said I realise that we are nearing the 1988 elections, but I feel that we should nonetheless bring to bear the necessary level headedness to debates in this House, and refrain from political rhetoric. We can leave that to our political platform, and believe you me, Mr. President, I can see this heating up from now.

I believe that this is a very good Motion, and I would be remiss in my duties to my country today if I did not support it. I give this motion my full support.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, as in the previous Government Motion No.6/87, I rise to support the Government in this borrowing. I am not an accountant, not even a good mathematician, but I can add two and two, and know that it is four.

Mr. President, I was elected with (as one would say) this administration, and in the interim period I have had much cause to vent my anger at their actions on the floor of this House. However, I like to believe that I am a realistic and practical person and I believe in what the Government is attempting to do.

I have criticised the Government in not doing things fast enough. I have criticised it for, as it seemed to me, lack of priority, and I know that I was justified. What, then, if the Government is attempting to get on with the things that I have asked for?

Mr. President, if we look at the capital projects for 1988 we will see that it will include money for water and sewerage projects. I had my say on that yesterday afternoon, so there is no need for me to go into that now.

The Gerrard Smith airport terminal is something that is needed. A motion was tabled some months ago to get things started in Cayman Brac. I supported that motion, although it was rejected by Government. Well, here Government is putting in the necessary infrastructure.

The fire station at Owen Roberts airport is needed; the first phase of the Community College should have been done before, but let us thank God it is being started; an abattoir; a purpose built computer building; extensions to the prison; and, last but not least, Mr. President, (and again something that I feel should have been moved a long time ago) a juvenile rehabilitation centre. Mr. President, a man in his right mind who has complained that he does not get bread and then finally gets it, but does not accept it should starve to death.

A total figure of \$25 million was mentioned as being our loans. I would not like it to be misconstrued, having supported the budgets in the past, how this figure of \$25 million come about since November 1984. This is a compilation of loans over the years, if I am understand correctly. No political propaganda in the world can change that fact. Figures do not lie, it is people who attempt to twist them round. Therefore, I will support the moves the Government is making at this point.

As was said, what are we going to do? Raise taxes? Mr. President, the question arises, how much farther can this country go with additional taxation? The country has come close to the point where we cannot add on anything else.

We cannot complain that the economy is not booming. No man in his right mind could do that. So the overall policy is good, practical and realistic. I cannot go to my constituents and say that I have asked for these things, but that the Government did not give them to me; but now they are giving them to me I do not want them. I think I would be rejected, Sir.

I therefore support Government Motion No.7/87.

MR. PRESIDENT:
Council.

The Honourable Second Elected Member of Executive

HON. W. NORMAN BODDEN:

Mr. President, I rise to support Government Motion No.7/87, which seeks approval of this House to borrow from Caribbean Development Bank the amounts of \$1,757,000 to assist with airport development in Cayman Brac, consisting of an airport terminal building, a control tower and fire station; and the amount of \$1,889,000 for an airport fire station building at Owen Roberts Airport in Grand Cayman.

In reviewing the business to be dealt with at this meeting, I felt surely that this motion would easily be passed, and so I was somewhat surprised at the opposition which has been put forward.

Now I am aware that most speakers opposing the motion have said that they support the two projects and that they see them as necessities, but they object to the borrowing of the funds. Well, this position is contradictory and confusing because very clearly at this time we cannot have one without the other, and if we really want these projects then a portion of the funds must be borrowed to see them completed.

I would point out, Mr. President, that these two projects were approved in last year's estimates, but had to be brought forward because Government's application for the loan funds was not approved in time. It should also be noted that the loan funds from Caribbean Development Bank is only a portion of the total cost of these two projects. The balance of funds needed are being provided from local sources, from ordinary revenue earnings and a small loan from EDF of \$550,000.

The Second Elected Member for Bodden Town, in his contribution this morning, spoke about the fire station at Owen Roberts Airport being a part of the airport development plan and that it should have been completed long ago. Mr. President, it is true that the fire station at Owen Roberts Airport was originally included in the airport development plan, but it was taken out by their Government in 1983, for reasons best known to themselves. The fact that these projects will not be completed before 1988 is not due to any neglect on this Government's part. In fact, as I said earlier, an attempt was made to start the projects in 1986 for completion this year, but the loans did not come through.

To be frank, it matters not to me that the projects will be completed in an election year, and neither do I care if they have ten official openings or baptisms, it is neither here nor there to me. What I do know, Mr. President, is that we just cannot afford to ignore the pressing needs of these very important projects any longer.

In the case of the fire station at Owen Roberts, the need is reaching a critical point. And, let me say here, only a well disciplined, dedicated department of Government, such as I find the fire service, could continue to provide a vital service to this country in such makeshift accommodations as they presently have. They are dedicated civil servants, Sir, you can believe that.

In the case of the terminal building, the control tower and the fire station in Cayman Brac, the growth in passenger traffic and the large number of international jet flights as well as increases in local services, demand that something be done. This project is necessary for the safety, comfort and convenience of the traveling public.

All governments, Sir, past and present, have borrowed in order to provide funding for most major projects, and if all the country's needs had to wait until local funds from ordinary revenue earnings could be provided, then I am afraid that the delay would be unbearably long, and completion of any worthwhile projects few and far between.

One does not have to be an expert to know that good financing is a valuable means of getting what is needed, both in Government as well as in the private sector. In my view, placing our priorities in order, I must say that these two projects must be placed high on our list. There can be no doubt that the country's economic growth is such that it can support the loan for a need that is fully justified. Furthermore, Mr. President, I do not believe that the Honourable Financial Secretary, the mover of this motion, who is a qualified economist himself, would encourage nor support any Government to go beyond the reasonable bounds of borrowing. I understand from the experts that five per cent is well within the limits of sound business practices. I do not believe that this loan will be placing any burden on the country's ability to service its debts. And so, Mr. President, for these very important reasons, I support the motion.

MR. PRESIDENT:
Council.

The Honourable First Elected Member of Executive

HON. BENSON O. FRANKS:

Mr. President, I support the motion before the House, and in doing so I would hope to deal more with the criticism, going all the way back

from 1972 to 1976, that has been levelled at Government.

To get up the present, Mr. President, I intend to start just there. I am not sure, I cannot confirm, nor take issue with exactly what percentage of revenue was required to service the public debt in 1976; suffice it only to say that whatever that debt represented, whatever that debt was, it represented assets provided for the country such as this building we are now in, the Law Courts across the way, the Government Administration Building, the Police Headquarters, and tarmac roads throughout the Island such as we have.

Now, to come up to 1984, we have been told that at the end of December, or at the end of 1984, Government had \$11 million in reserves. That is not what my figures tell me when I check the estimates of revenue and expenditure as recorded for that year. The surplus, or reserve, at that time was \$7.7 million.

We were told also that the public debt stood at around \$7 million. Mr. President, the figure at the end of 1984 was \$11.687 million. Now what did exist - and this makes for nice listening if you do not know what the true figures really reveal, that is what they had said made nice listening - is that the percentage of revenue required to service the public debt at the end of 1984 was two per cent.

Again, Mr. President, I have not been able to check that, but what I have been able to check is this: that of the \$11.687 million - which they had borrowed, or which was outstanding as a public debt at the time - \$9.223 million did not require any repayment till 1985. That was when the first payment was required on \$9.223 million of the \$11.687 million. So in other words they were repaying on only \$2 something million. This is why the repayment amount has suddenly mushroomed. The amount required to service that \$9.223 million since 1985 and those that have come on stream up to now, is \$840,646 per annum, or 1.57 per cent of the 1984 recurrent revenue. So if you add that to their two point something you end up with about four per cent. And, Mr. President, it might be reasonable to quote also that the percentage of recurrent revenue required to service the national debt in 1986 was 4.33 per cent.

It will also be noted that we only borrowed \$165,000 in 1985, so that that is the only burden which could have possibly been added to the repayment schedule in 1986, but as it was that is not due for repayment until next year sometime. So the 4.33 per cent which was required in 1986 could rightly be said to have been the efforts of the previous Government.

In 1987 the percentage of recurrent revenue required to service the national debt was only 2.82 per cent, and in 1988 will be 3.94 per cent. And, I should hasten to add here that I am dealing with the amount of money required to be paid by Government, not by the self liquidating statutory bodies of Government. It has been stated by the Financial Secretary quite correctly that the total that will be required at the end of 1987 will be 5.4 per cent. I wanted to put those few points clearly, Mr. President.

There is nothing to be ashamed of in the record of borrowings of this administration. All going well, if the 1988 budget is on target and all of the borrowings come in and the projects are completed we will have spent some \$10 million of borrowed funds on the sewerage and water schemes; roughly \$3 million on airport development in Cayman Brac; another million plus on fire services for the airports; \$2 million towards the construction of the new post office; and \$2 million in roads. So, Mr. President, it will be easy to see where this money went.

One Member seemed to have some problem, I think it was the First Elected Member for Bodden Town. He indicated that he would have some problem in seeing where the money had been spent by this Government. I think the only thing he saw was the Farmers' Market. I named where the money went, but I will just point out that in addition to this, we have been able to fix the road in his constituency and have been able to build multi-purpose halls at the two schools in his constituency. It was not done in the past eight years. And there are many other projects around that we have been able to do.

The one thing I want to emphasize, Mr. President, are the true figures with regard to the loans outstanding in 1984, that was \$11.687 million, not \$7 million as they have said. The surplus or reserves were \$7.783 million, not \$11 million as has been said; and that of the \$11.687 million borrowed, the repayment on the \$9.223 had not started when they left office at the end of 1984.

I want to re-emphasize that the country is in a healthy position, having only to pay 2.82 per cent of recurrent revenue this year to service debts, and at the end of 1988 we will still only be paying 3.94 per cent of recurrent revenue to service the debt.

So, Mr. President, I have no hesitation in supporting these revenue measures sought by this motion. I support the borrowing of the money, and it is good business sense to get on with the construction of needed facilities, even if the money has to be borrowed when the repayments can be met comfortably from income.

Thank you, Mr. President.

MR. PRESIDENT:

If no other Member wishes to speak, the mover may wish to exercise his right of reply.

HON. THOMAS C. JEFFERSON:

Mr. President, so much has been said about the borrowings and public debt that I believe if I did not have access to figures I might be as

confused as the general public are today. I think we need to get back to square one, Mr. President.

Let us talk about the project as we know it to be. It is called an airport improvement project, and the total sum for that project is approximately US\$6.7 million. The details of the project begin with the acquisition of land, which has already taken place, of \$107,000; the passenger terminal building and the fire station at Cayman Brac, total sum \$1,764,000; and the civil works (that is the taxiway and parking apron, access road and car park, safety strip and shoulders and fencing and lighting) \$1,480,000. Part of the project management cost for the Gerrard Smith Airport is \$140,000. The engineering services, \$125,000. The base cost of the project is US\$3,616,000. We add to that, Mr. President, physical contingency of \$525,000, and price contingency of \$99,000. Total estimated cost of the Gerrard Smith Airport - part of this entire project - is US\$4,240,000.

Now for the second part, Mr. President. The Owen Roberts International portion: the fire station building, \$1,300,000; the civil works (the runway, shoulders, light aircraft parking apron) \$315,000; the project management cost for the Owen Roberts part of the project, \$40,000; the engineering services, \$100,000. The base cost of the Owen Roberts, part of the project, specifically the fire station and its ancillary work, \$1,755,000. And we add to it physical contingencies, \$298,000 and price contingency of \$52,000. Total overall cost of the second part of this project is \$2,105,000.

The financing charge, the front end fee of \$24,000, the interest during the construction period and a commitment fee of \$385,000, making a total overall cost of the project of US\$6,754,000. This project, Mr. President, the portion that is being funded by Caribbean Development Bank, is set out in the motion. The US\$3,646,000 is broken down into two parts: part of it is what we call hard funds, \$2,926,000, with an interest rate of 8.75 per cent, and a commission rate of 1 per cent, and a commitment charge of 1 per cent. The other portion is \$720,000 of soft funds at 4 per cent. The two together give us our total of \$3,646,000.

A Member made the point as to what became of the EDF funding and whether that already been used too? The answer, Mr. President, is that the funding by European Development Bank for this project is being used for the taxiway, the access road, the car park and the parking apron. So it all forms part of this overall project and Public Works will be carrying out that work.

Now public debt, Mr. President. Much has been said about it. Sometimes we can all use percentages while the public get lost in the interim in not knowing what these percentages really relate to. But let me take a few minutes, Mr. President, and just talk in dollars and cents what it is we mean.

Referring Members to page 98 of the estimates which displays the breakdown of the public debt in relation to loans, you will find that \$2,797,066 is the total sum to be dispersed by this Government in respect of loans which form the public debt, and also the self financing loans. If we look at page 98 carefully we will find that \$804,000 of the roughly \$2.8 million is to be refunded to this Government by the Civil Aviation Authority as the loan relates to that particular Authority's responsibility - that is loans in respect of airport development including the fire station. And we look a bit further and find that \$423,000 relates to the Port Authority borrowing. So of the \$2.8 million, \$1.2 of it relates to the Civil Aviation Authority and the Port Authority. The numbers are at the bottom of page 98.

Now, Mr. President, we quoted a figure in the budget address for statutory expenditure of \$3.8 million. What we find on page 98, together with the sum on page 49 of \$1,046,527, gives us the total figure of approximately \$3.8 million, and which, if we want to use a percentage, is 5.4 per cent of the ordinary revenue. But just to be clear, the \$1 million mentioned last (\$1,046,527,) is not in relation to loans at all. It is broken down in this way: \$750,000 for public officers' pensions and gratuities; \$16,527 for widows' and orphans' pensions; and \$280,000 for the pensions of the Members of the Legislative Assembly - the total that represents the percentage of 5.4 per cent for the coming year. And, Mr. President, any country in the world that can say only 5.4 per cent of their revenue is being utilised to service public debt, bless them, because they are in a very healthy position.

I do not want to get drawn in to a political battle, Mr. President, I think I will stop there.

MR. PRESIDENT:

The question will now be put on Government Motion No. 7/87.

QUESTION PUT: AGREED BY MAJORITY. GOVERNMENT MOTION NO. 7/87 PASSED

MR. PRESIDENT:

I think that would be a convenient moment to suspend proceedings for fifteen minutes.

AT 3:10 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:26 P.M.

MR. PRESIDENT:

Proceedings are resumed. We now move to Other Business, Item 5, Private Members' Motions.

Private Member's Motion No.17/87. The Second Elected Member for West Bay.

Elected Member for West Bay.

OTHER BUSINESS
PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO.17/87
TERRITORIAL WATERS' LIMIT

MR. W. McKEEVA BUSH:

Mr. President I beg to move Private Member's Motion No.17/87 standing in my name, which reads as follows:

"WHEREAS Great Britain has extended its territorial waters to 12 nautical miles from three nautical miles, bringing it in line with most maritime nations;

AND WHEREAS the territorial waters of the Cayman Islands are now limited to three nautical miles;

BE IT THEREFORE RESOLVED THAT the Government of these Islands take the appropriate and necessary steps through the Foreign and Commonwealth Office to consider whether the territorial waters of the Cayman Islands should be extended to twelve nautical miles."

MR. LINFORD A. PIERSON:

Mr. President, I beg to second the Motion.

MR. PRESIDENT:

Private Member's Motion No.17/87 has been duly moved and seconded. Does the mover wish to speak to it?

MR. W. McKEEVA BUSH:

Thank you, Mr. President.

Mr. President, Sir, the complete passage of this motion, meaning also the necessary consent of the Foreign and Commonwealth Office, will I believe bring about the protection that is needed with regard to our Islands insofar as in part it will render the law enforcement arm of Government a wider jurisdiction of our territorial waters.

Mr. President, I only too well understand that the requested extension of our territorial waters will automatically bring added responsibility for this country. For instance, if something happened today outside our three mile limit we could hardly be held, and might not be expected, to respond. However, if our request is granted and something happens, say, ten miles away, even though it might be out of sight of land, it would still be within our territorial waters, and, for instance, if someone needed our help, and the vessel did not come in to our shores, it would still be our responsibility to go and offer our help because they would be within our jurisdiction.

On the other side of the coin, too often we hear of small boats of 14 feet and 16 feet easily going out just outside the three mile limit to make their connections, knowing all too well that they are outside our jurisdiction; thus and one more aspect of the drug trade is therefore being enhanced.

Hopefully, Sir, in widening our jurisdiction it will have some discouraging effect to this sort of operation, because of the 12 mile limit. Certainly we would need proper policing and probably a strengthening of our coastal patrol machinery, and hopefully we would get the kind of patrol boat that is so much needed for this type of operation; the type of boat that I have always envisioned and of which I know if we went about it the proper way we can get. When it comes to the scourge of drugs, I would hope that it could be useful to have more control in our waters, so the extension would be of benefit to us in that area alone.

When it comes to other areas, such as fishing, Sir, if the motion is carried to its full intent, then we would have some control over the 12 mile bank, which is a popular fishing ground and which is often used by outside fishing vessels. Some time ago, Mr. President, what is know as long liners were active in our waters, and also in and around the 12 mile bank. Most countries are against this type of destructive fishing method, in that all kinds of fish are hooked and caught, and because there may be miles of line oftentimes fish are destroyed. We cannot afford this type of activity in our limited fishing grounds around this country. So there must be wider jurisdiction and control.

Mr. President, the United Kingdom's three mile limit was established a long time ago, dating back to the rule of Oliver Cromwell. However, it was only earlier this year that the House of Commons approved the change to twelve nautical miles, which took effect on 1st October, 1987. It brought the United Kingdom in line with other maritime laws and conventions adhered to by most maritime nations.

International sea law codified by the 1982 United Nations Law of the Sea Treaty gives nations control over twelve nautical miles off their

coasts. We know, too, that there is all sorts of pollution; dumping at sea which can contaminate our healthy environment, whether it be just rubbish, pumping bilges and cleaning oil tanks. I believe that with extending our territorial waters we will increase the Cayman Islands' ability to better curb pollution in our coastal waters.

Therefore, Mr. President, this motion is only asking that the appropriate steps be taken through the Foreign and Commonwealth Office to have our territorial waters extended to 12 nautical miles, and accordingly, I ask the House to give its consent.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

Somehow I feel almost obliged to speak on this motion as the seconder, because a seconder has as much interest in the motion as the proposer. Under our Constitution, without a seconder, a motion would not be possible.

Mr. President, I support Private Member's Motion No.17/87 which seeks to extend our territorial waters from three to 12 nautical miles. It is my understanding, Sir, that the Foreign and Commonwealth Office will have to give their consent to this, but this is not a strange procedure as most of our laws and other major legislation have to go that route. This is not a problem to me as the mother country, the United Kingdom, has already set a sterling example by extending its territorial limit from three to 12 miles. There are many, many advantages, Mr. President, in supporting this Motion, and I would trust that the Members of this Honourable House will see these advantages and will give this Motion their full support.

One such advantage is the greater scope that will be offered to our police and enforcement officers who have to deal with the scourge of drugs in this country. There is no use in Members of this House rising to their feet and giving lip service if we are not prepared to do something tangible to deal with this major problem.

When the Second Elected Member for West Bay spoke to me about seconding this motion, I was happy to do so, because I saw many, many advantages in having our territorial waters extended. We have stood here in this House, and have criticised the system for allowing the circulation of drugs in this country, for not being able to cope with this problem more effectively, and today we have one avenue where we can try and cope much more effectively with this problem.

We are known as perhaps the best seamen in the world. Caymanians are known as the best seamen in the world. As a matter of fact our maritime heritage dates way back to early times. It is also appropriate that we should consider the facilities that this motion, if passed, will provide to our fishermen and our seamen. It will indeed protect many of the better fishing grounds around the Cayman Islands, and will make them more available to the seamen and to the fishermen in the Cayman Islands.

My contribution on this motion will be very short, as I see very few areas in which Members would not agree with a motion such as this. Perhaps, though, Mr. President, I should have waited out to see what Members' reactions would have been. However, our whole economy was built from the contribution made by the seamen of the Cayman Islands, regardless of what you may be told or what may be written in our books. The foundation for our economy was based on our maritime heritage.

Mr. President, with those few words, it gives me pleasure to support this motion.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I do not wish to be accused of wasting the time of this House, therefore I support this motion. I hope that does not come as a surprise.

This motion, in my opinion, is needed. It probably should have been done a long time ago, but I am glad to see that we are dealing with it today.

The Member who just spoke said that it would go a long way in protecting some of the traditional fishing grounds. There are a few spots around the Islands fished for many a year that would fall into this range, and I too would hope that we will be protecting those grounds for our local fishermen. However, let us be frank, before we can protect those fishing grounds, we have to have equipment that can adequately deal with the protection of those areas.

I think it is common knowledge that over the years a lot of fishing vessels from foreign countries would be fishing within the 12 mile range of these Islands, particularly Japanese fishing vessels and also from some of the neighbouring countries; so we must not delude ourselves, or lull ourselves to sleep believing that once we extend the territorial waters to 12 miles that we would automatically create a wall to protect us inside those twelve miles. We will need to have adequate vessels that can patrol and keep those waters clear of poaching vessels from abroad. At the present time we do not have this, or if in fact we do they are not used effectively. The police have a boat that could deal in these waters, but I think I have only seen that police boat once at sea in the last three years, other than it being moored at the dock with perhaps two feet of moss on its bottom in Governors Sound. So it is not

really going to help us if we do not have the means of enforcing these limits.

The other vessel which the police force has is a yacht which this country recently purchased to the tune of about a quarter of a million dollars. This boat will not stand up in heavy weather 10 or 12 miles offshore. It could not stand up against the fishing vessels, and God forbid should we have to fire a cannon from that craft, because the blast alone would probably vibrate and shake it to pieces. That boat was designed for pleasure use.

If we are going to bring these issues out, and they should be brought out, Mr. President, then we must think about getting the equipment with which to enforce the 12 mile limit if we put it into effect. We cannot do it at the present time. Our people from time immemorial have been merchant seamen, and they have been the best in the world. Therefore, we should give consideration to recruiting an adequate marine arm that could deal with this and other things that are happening.

It is true that if we extend the territorial limit to 12 miles we would have better enforcement with regard to the drug trade. But again I ask how are we going to enforce against the drug trade if the one boat that we have, which could be used in heavy seas, is gathering moss 99 per cent of the time at the dock? And the other one is being used as a luxury vessel, probably to take high placed police personnel on fishing trips. I do not know what it will really be used for, I can only imagine. I have seen the other one used on one occasion in the last three years. I think this participated in the pirates landing about two years ago.

So the point I am trying to make is that we must not delude ourselves into believing that once we extend the territorial waters to 12 miles that it will be an end to drug traffic, or that it will be an end to all our problems with foreign fishing vessels, and everything else. If we extend the limit, it will only be the beginning. I support the measure, but I would wish these things to be noted.

The drug traffic is, I would say, is probably rampant within the 12 mile zone around this country, and, in my opinion, is even within our very close coastal waters. But, again, usually we do not hear of any cases of arrest for smuggling inside the three mile zone, so it will be much worse when we get the 12 mile zone.

While on this subject, Mr. President, I would even like to see this motion broadened to include the 200 mile economic zone which a lot of countries in the Caribbean and other parts of the world have adopted. It is true that if we were to adopt the 200 mile economic zone, there would probably only be one direction of the compass in which we could go. But at least we would go the midway point between some of the countries in this area and we would gain a lot of economic benefit for the future. It has been dealt with before, it was something that was the basis of a lot of discussion in the 1980-84 Government. Unfortunately it was not done at that time, therefore I would be very glad to see the present administration build, once again, on what was started by the Unity Team Government, and to try to bring the economic zone into being.

To my knowledge, the Foreign and Commonwealth Office has not really placed any restrictions on us in this respect, and would, in my opinion, be helpful in getting this established. Therefore, Mr. President, I do support this motion, but I wish to voice the words of caution, as I have, in saying that once it is done we must not think that we have solved all problems. Further, I would like to see this extended to cover the 200 mile economic zone.

Thank you.

MR. PRESIDENT:

The Honourable Third Official Member of Executive Council.

HON. J. LEMUEL HURLISTON:

Mr. President, I rise on behalf of Government to indicate how pleased we are to find ourselves in the position of being able to support Private Member's Motion No. 17/87 entitled Territorial Waters' Limit.

As we have heard the motion seeks for Government to consider whether the territorial waters of these Islands should be extended from their present three nautical miles to a new limit of 12 nautical miles in keeping with the recently expanded territory approved in the United Kingdom.

Immediately upon learning of the United Kingdom's decision to extend its own territorial waters from three to 12 miles, the topic was raised in Executive Council, and the Government established a working party with representatives from the relevant portfolios and chaired by myself to look into all the possible implications if the Cayman Islands were to indicate its interest to the United Kingdom Government in having this extension become applicable to this country. We immediately requested all relevant information from London, and this information is still being awaited. We have had preliminary discussions internally, and these discussions are continuing. I will not attempt to analyse any views that have been expressed so far either in Government or elsewhere on the matter, because at this stage the discussions are only preliminary. Suffice it to say that once the decision is taken, we should be conscious of all of the possible implications so that we are prepared to meet them. We have heard Members, who have spoken, say what in their opinion are some of the possible implications, and there are perhaps others. I would just like to make two points, Mr. President.

Firstly there is a sort of misconceived perception that it is a police responsibility with regard to enforcement in our territorial waters at the moment in relation to combating the importation of illicit drugs. And I would like it

to be clearly understood that the enforcement of the illegal importation of any matter whatsoever into the country is a customs responsibility, and not primarily a police one.

We all know that the police have an unsatisfactory marine section and that it is attempting to undertake a variety of enforcement responsibilities, not just combating drugs. But the primary responsibility to guard against the illegal importation of any illicit product is a customs responsibility.

Reference was made to the replacement of the police vessel Lima II that was lost earlier this year in bad weather. That vessel is due to arrive shortly and will be put into service. It was chosen as a result of proper professional consultation and unlike the opinion expressed, it is really not a pleasure yacht designed to take anyone fishing, but it is regarded as a suitable and appropriate working vessel to be used for police purposes.

It is true, Sir, that Lima III which is the largest of the fleet is considered somewhat too large and cumbersome for the type of police work that is generally required of a vessel, and it is possible that that particular vessel may be put to some more appropriate use in the future.

Having made those two points, Sir, as I said, I am pleased that Government finds itself able to accept this motion because Government has already taken some steps to initiate the necessary enquiries to determine whether or not such a move is in fact in the best interest of the Cayman Islands.

Thank you, Sir.

MR. PRESIDENT:
the mover to reply, if he wishes?

Does any other Member wish to speak before I invite

The mover, if you wish to reply?

MR. W. McKEEVA BUSH:

Mr. President, I am pleased that Government has seen fit to accept the motion, and I thank those members who spoke in support. I also thank, especially, the seconder of this motion, the Second Elected Member for George Town.

Mr. President, the point was raised with regard to the equipment necessary to patrol our territorial waters. I doubt that the Member was speaking to me, but there is no delusion on my part. I full well understand the need for proper patrol vessels. I have seen such vessels the size of approximately the Aggressor I or II. Ever since I have been in this House I have asked for that size vessel. Never mind the expense, Mr. President, I believe we could get one like that more cheaply than the one we bought (that glorified fishing vessel) for the police the other day.

Not only have I asked the Government here, but I full well remember my visit to London last year in September when I had an audience with Baroness Young, the Under Secretary of State for the Foreign Office. I requested some sort of coastal patrol vessel, whether it be a helicopter or a sea going vessel. So my interest has been widely known. I should hasten to say that I got nowhere with the request.

Mr. President, while I am happy that Government has seen fit to accept this motion, I really do not appreciate Government putting credit in one of my pockets and taking it out the other. I believe the Honourable Member responsible who spoke on behalf of the Government bench, spoke about Government learning about the United Kingdom's extension. I believe if the truth were told, it was only after I raised the matter, because I knew that after my motion was tabled with the Clerk. I sought the help of the legal department and the Attorney General set about the task of gaining information. And he was given a copy of what I have been given. That is the truth, Mr. President, we all know it. But I am not mad with them, or angry at them. I can accept how they go about these matters. The important thing is that they accepted the motion.

Mr. President, the matter was also raised concerning the 200 mile limit for fishing and other purposes. I believe that on reading certain documents some time ago, and from information that I have received from London on my own, that this was extended to the Cayman Islands by proclamation. But in cases where countries such as Honduras and Cuba, for instance, are less than 200 miles from us, certain treaties are necessary to define a median line and apparently the United Kingdom has been asked to negotiate on the Cayman Islands' behalf for this. Maybe somebody in the near future could bring the House up to date on this matter.

I have no more to say except that I am happy that the motion got full support, and I thank the House.

MR. PRESIDENT:

I shall now put the question accordingly.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:

Can I have a division, Mr. President.

MR. PRESIDENT:

I am not sure that you need a division if all have said aye, but you may have one by all means.

DIVISION
NO. 76/87

AYES: 14
Hon. Thomas C. Jefferson
Hon. Richard W. Ground

NOES: 1
Mr. D. Ezzard Miller

Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Dodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel C. Johnson
Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. James M. Dodden
Mr. G. Haig Dodden
Mr. John B. McLean

PRIVATE MEMBER'S MOTION NO. 17/87 PASSED BY MAJORITY

MR. W. MCKEEVER BUSH: You saw the purpose for the division, Mr. President.

MR. PRESIDENT: Well, actually I see from Standing Order 43(2) that you are challenging the opinion of the Chair by claiming a division. I realise in fact you were not, you wanted a record.

We now proceed with Private Member's Motion No.18/87. The First Elected Member for the Sister Islands.

PRIVATE MEMBER'S MOTION NO. 18/87
SWAMP AND CLIFF LANDS - LITTLE CAYMAN

CAPT. MABRY S. KIRKCONNELL: Thank you, Mr. President.
Mr. President, I beg to move Private Member's Motion No.18/87 entitled Swamp and Cliff Lands - Little Cayman, which reads:

WHEREAS under section 20 of the Land Adjudication Law, 1971 (Law 20 of 1971) the tribunal awarded certain areas of swamp, low and cliff land of Little Cayman to the Crown;

AND WHEREAS these areas were registered in the name of the Crown;

AND WHEREAS due to this action taken many property owners are now without legal access to parcels of land remaining in their names after the Crown was awarded title to certain areas;

AND WHEREAS there are claimants, for the said parcels, who have come forward and made representation and others who have not yet come forward who may have just claims;

AND WHEREAS subject to the exercise of His Excellency the Governor on the advice of the Executive Council of the powers conferred upon him by section 9 of the Governor (Vesting of Lands) Law (Revised), and subject to the said claimants giving waivers and indemnities satisfactory to the Government;

BE IT THEREFORE RESOLVED THAT grants be made of the swamp lands and interior cliff lands that were adjudicated in favour of the Crown and the Little Cayman adjudication areas in favour of the claimants in such manner and to such extent as Executive Council shall consider fair and reasonable, having regard to the circumstances of each case and for the principles followed in making adjudications in the Islands of Grand Cayman and Cayman Brac."

MR. D. EZZARD MILLER: Mr. President, I beg to second the motion.

MR. PRESIDENT: Private Member's Motion No.18/87 has been duly moved and seconded. Does the mover wish to speak to it?

CAPT. MABRY S. KIRKCONNELL: Thank you, Mr. President.
Private Member's Motion No.18/87 in my opinion is an important motion. It seeks to correct something that has been outstanding for almost 12 years. It is common knowledge that the adjudication of lands in Grand Cayman started at the western end of this Island in West Bay and all swamp lands were adjudicated in favour of the landowners until it reached the eastern end where directives were issued and other arrangements were made.

The Hansard of this Honourable House record that similar motions, both Private Member and Government Motions, have been debated which sought to correct this situation that existed in the Island of Grand Cayman. These motions date back to 1975 and 1980, and I have copies of Hansard here with me.

Mr. President, at this time, I would like to make it crystal clear to all Honourable Members of this House and the people listening on the radio, that I, in moving this motion, represent all people who have land ownership in Little Cayman. I would also like to make it abundantly clear that I do myself have land in Little Cayman which has been adjudicated to the Crown, some of which I inherited from my mother's father, my grandfather, and my father. I want to make it clear that I am not here seeking for myself, but rather for the people who have owned land. I have letters here in my possession from numerous people who state that lands have been in their families for over 100 years. They have been deprived of the use of this land and because of the adjudications that have been made they are unable to get to the interior lands because the Crown owns the low lying land which separates it. Some of the claimants have also said to me that some of the adjudications were made on aerial photographs which, in their opinion, were not correct, but nevertheless the adjudications were made and the land is registered in the Crown. They say it is not swamp land, it is dry land, but it appeared so in the aerial photographs.

Mr. President, if we correct this injustice, as I would call it, we will provide additional revenue for Government, for it will enable the landowners to develop this land, it can be subdivided and sold or used for construction of homes where import duty on building materials would be made available. And, Mr. President, I would go further - it is my belief that the land title requirements of land should be equal for all the Islands, and with your permission I would like to read from the Land Adjudication Law, 1971, (Law 20 of 1971), section 16(1), which states:

"PART IV - PRINCIPLES OF ADJUDICATION AND PREPARATION
OF THE ADJUDICATION RECORD

- Principles of adjudication. 16.(1) In preparing the adjudication record:
- (a) if the Records Officer is satisfied that a person -
 - (i) is in open and peaceful possession of a parcel and has been in such possession by himself or by his predecessors in title for an uninterrupted period of twelve years or more; or
 - (ii) has a good documentary title to the land and that no other person has acquired a title thereto under any law relating to prescription or limitation, and that he would succeed in maintaining or defending such possession or title against any other person claiming the land or any part thereof.

the Records Officer shall record that person as the owner of the parcel and declare his title to be absolute."

I would also like to refer to section 16(2) in which the proviso states:

PROVIDED that where it is established (whether by local custom or otherwise) that any parcel of land includes an area of swamp or cliff land, occupation or use of the other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also;

- (b) "good documentary title" means a title evidenced by documents which establish that a person is entitled to land in fee simple ..."

Having read this, Mr. President, it is my interpretation that these people, whom I represent, are entitled to it and I ask all Members that we forget politics and all else, let us realise that we are all Caymanians, that we all want what is ours, and that we give unto Caesar what is Caesars. I ask all Members to support me and support this motion.

Thank you, Mr. President.

MR. PRESIDENT:

The Honourable Fourth Elected Member of Executive

Council.

HON. VASSEL G. JOHNSON:

Mr. President, I rise to support Private Member's Motion No.18/B7 dealing with swamp and cliff lands in Little Cayman.

Mr. President, I have learned over the long number of years that I have lived here that land is a very sensitive subject in the Cayman Islands, and so one must be very cautious in dealing with it, especially when Government is involved. Anyone who lived here in the early 1970's when Government put forward a package of land legislation, cadastral survey and registration laws, will understand what I mean.

Land claimed by an individual is not a difficult thing to sort. The individual can either go to the Lands and Survey Department and have his title investigated, or he can take it to a court of law to have the validity of title tested there. But, Mr. President, when the issue is wider than that, when it encompasses many land owners versus Government, then the process must be dealt with very cautiously.

In mid-1986, Government received a number of applications from Little Cayman land owners requesting release by Government of certain swamp and cliff lands in that small Island. These were sent on to the Land Registry, because naturally it involved an exercise to identify the parcels and to determine exactly their whereabouts, their boundaries and whatnot. We were quite aware that in the adjudication of Little Cayman there were something like 41 Crown cases. Six of those were either purchased or property claimed hitherto by the Crown, but 35 of those were awarded by the adjudicators to the Crown by default. That means, Mr. President, that while the adjudication was on in Little Cayman, although notices were sent out, posted, and the people were advised of the process of adjudication and their right to apply and make their claims, none of these did. And so at the end of the process the adjudicators had no alternative than to award these parcels to the Crown by default.

Mention has been made that the Little Cayman situation is exactly as the situation in Grand Cayman, but I would beg to differ somewhat from that. In Grand Cayman most of the swamp was claimed by private landowners. Not all, but most of them. In one area of Grand Cayman especially, and I am speaking about the Newlands area, the Crown laid a claim to swamp lands from the edge of the sea, midway into the swamp areas. The adjudicators awarded the Crown with those claims. Later on, by a motion presented in this Legislative Assembly, Government was requested to review their position and to release all the swamp lands to private owners. That eventually came to pass. In the Little Cayman situation there was no swamp land running to the sea. All the swamp and cliffs are mid-land, and so the situation there is a little different from what was obtained here in Grand Cayman.

Mr. President, we are quite aware of the fact that Government did not buy these lands, they were awarded to Government by default, and therefore in the same way that Government made concessions in Grand Cayman to return swamp lands to private owners, claimants, I think Government will sympathetically look at the situation in Little Cayman. I cannot commit Government at this stage to say what will happen, but I am grateful to the mover for the words used in the resolve section of the motion which makes it easier for Government to go forward and look at the claims from Little Cayman, and deal with them in a very amicable manner.

I should say that we had a recent case where landowners in Little Cayman claimed a fairly large portion of lands there. This was examined very carefully by Lands and Survey, and what was discovered was that a portion of that property was identified by the adjoining landowners as belonging to the claimant in this case. But there was a portion of that land which said that the property of the claimant was bounded by swamp and also the other private landowners, adjoining, said that their property adjoined the other by swamp, which was this other portion that we thought should not be included in the parcel which was claimed, or which was deemed to be the property of the claimant. And so Government made the decision to award only a portion of that property, and I think that the claimants were very happy with it - at least they got perhaps about two thirds of the area, the other third still remained with Government.

What I am saying is that all the other property in Little Cayman will be examined in like manner, and it may happen that all that is being claimed may not revert to the claimants, and a portion of them could remain with the Crown. We are quite certain that there are two bird sanctuaries in Little Cayman that will remain Crown, because I do not think any individual landowners there could lay claim to those two sanctuaries.

Mr. President, as I said, I support this Motion. The request in it seems to be quite reasonable, and what will eventually come of it remains to be seen after Lands and Survey have examined all the claims and have made a recommendation to Executive Council.

Thank you, Sir.

MR. PRESIDENT:

The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, I rise to support Private Member's Motion No.18/B7, Swamp and Cliff Lands - Little Cayman.

When the cadastral survey was carried out on Little Cayman, most of the landowners were absent and did not understand the importance of this survey, nor did they realise the consequences. I understand that the few landowners who

were present when the survey was carried out told the survey team then that no landowner claimed swamp or cliff land on Little Cayman. Perhaps, Mr. President, the word "claim" was the wrong word to use, and the team should have been told that the land was considered of little or no value.

Certainly no one at that time realised that, if Government claimed the swamp and cliff land, their land would be divided and access to the cultivatable and valuable land would be cut off. We now have a twofold problem. The landowners of Little Cayman find their land divided, and legal access cut off, and Government finds that it owns land or swamp, and it is also legally cut off from access to the public road. So both of them, Sir, are handicapped. If the landowner's land is divided and legal access cut off, and then Government claims a piece of swamp in the centre of it, they have access neither one way nor the other. So it serves no purpose for Government to claim the swamp in the centre of a parcel of land. Even though the swamp and cliff land is considered worthless, owners of the adjacent land have used it for access for over 100 years.

To take away the swamp and cliff land from the landowners of Little Cayman in most instances would adversely affect them and would in fact deny them access to and from their dry land to the public road and also prevent them from developing their land. Perhaps the adjudicators should have examined the matter more closely, along with section 16(2)(a) of the Land Adjudication Law of 1971 (Law 20 of 1971) and the proviso which makes it clear who lawfully owns this land. With your permission, Mr. President, I would like to read section 16(2)(a) and the proviso of that Law.

"16(2) For the purpose of this section:

- (a) a person is deemed to be in possession of land if he does not acknowledge the title of any other person to that land and by himself, his agent, tenant or servant, actually uses or has used the land to the exclusion of the public;

PROVIDED that where it is established (whether by local custom or otherwise that any parcel of land includes an area of swamp or cliff land, occupation or use of the other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also:".

MR. PRESIDENT: If I may interrupt the Honourable Member for a moment there, we are close to 4:30 p.m. Do other Members wish to speak on the motion? Should we attempt to finish this motion today by an extension of time?

MR. G. HAIG BODDEN: No, Sir, this is a very important motion ...

MR. PRESIDENT: I understand that.

MR. G. HAIG BODDEN: ... I would like to take some time on it.

MR. PRESIDENT: The Honourable First Official Member.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until 10:00 o'clock, Wednesday 18th November, 1987.

MR. PRESIDENT: The question is that this House do now adjourn until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED.

AT 4:32 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
WEDNESDAY, 18TH NOVEMBER, 1987

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER OF BUSINESS

REPORTS OF SELECT COMMITTEES OF THE 1986 SESSION
ON GOVERNMENT BUSINESS

WEDNESDAY, 11th SEPTEMBER, 1987
10:00 AM

1. BUSINESS

TO BE MADE BY THE HONOURABLE DEPUTY SPEAKER MEMBER OF EXECUTIVE COUNCIL, ATTORNEY GENERAL.

2. MESSAGE BY THE HONOURABLE DEPUTY SPEAKER

3. QUESTIONS TO THE HONOURABLE MEMBER

THE HONOURABLE MEMBER HAS BEEN ASKED TO ADVISE HONOURABLE MEMBERS OF THE HONOURABLE MEMBER'S DEPARTMENT OF RESPONSIBILITY CONCERNING THE FOLLOWING MATTERS:

NO. 901: WOULD THE MEMBER STATE THE TOTAL AMOUNT REALISED BY CAYMAN AIRWAYS LIMITED FROM THE SALE OF THE TRILANER AND ITS SPARE PARTS IN THE 1986-1987 FINANCIAL YEAR?

NO. 902: WOULD THE HONOURABLE MEMBER STATE THE BALANCE OF THE HONOURABLE MEMBER'S DEPARTMENT'S SPARE PARTS WAS DEPLETED IN THE 1986-1987 FINANCIAL YEAR BY CAYMAN AIRWAYS LIMITED, AND, IF THE ANSWER IS IN THE AFFIRMATIVE, WERE ALL THE COMPANY PROFITS FOR THE

NO. 903: WOULD THE HONOURABLE MEMBER STATE--

(a) THE YEAR OF MANUFACTURE OF THE FORTY SI 7-80 AIRCRAFT SPECIFICALLY ACQUIRED BY CAYMAN AIRWAYS LTD. AND ITS COST;

(b) WHETHER THE AIRCRAFT WAS PURCHASED OR OBTAINED BY MEMBERS OF A COMPANY OTHER THAN CAYMAN AIRWAYS LTD. PURCHASING TO DISBURSE, AND, IF SO, PROVIDED DETAILS OF SUCH PERSONS OR COMPANY AND ITS SHAREHOLDERS; AND

(c) THE DETAILS OF THE FINANCING OF THE AIRCRAFT AND ANY OTHER FINANCIAL INSTITUTIONS AND INDIVIDUALS

4. GOVERNMENT BUSINESS

AGENDA

THE AIRCRAFT BILL, 1987

COMMENCEMENT OF SECOND READING DEBATE

(THE APPRECIATION WILL BE MADE REFERRED TO FINANCIAL COMMITTEE UPON SECOND READING)

5. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, GOVERNMENT BUSINESS AND LEADER OF GOVERNMENT BUSINESS.

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WEDNESDAY

18TH NOVEMBER 1987

10:07 A.M.

PRAYERS

HON. RICHARD W. GROUND:

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 Name's sake. Amen.

Our Father, who 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.

MESSAGE BY THE PRESIDING OFFICER

MR. PRESIDENT:

The first item, if I may take Members' time for a moment, is that we have received a reply from the Speaker of the House of Representatives of the United States following the message which this House sent to him in regard to the 200th anniversary of the Constitution of the United States. And the reply from the speaker of the House was as follows:

"To the President and Members of the Legislative Assembly of the Cayman Islands.

Thank you for taking the time to pass on your best wishes in recognition of the 200th anniversary of the Constitution. It was a pleasure hearing from you and, if you have the opportunity, please express my appreciation and good wishes to the Government and people of the Cayman Islands."

I think it would be appropriate, if Members have the opportunity, to pass the text along to their constituents. Thank you.

Questions. Number 90, the First Elected Member for Badden Town.

QUESTIONS TO HONOURABLE 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. 90: Would the Honourable Member state the total amount realised by Cayman Airways Limited from the sale of the Trilander and its spare parts in the 1986-87 financial year?

ANSWER: The Trilander aircraft and its spare parts were sold for a price of US\$175,000.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member tell us how this figure compares with the original purchase price of the aircraft?

HON. W. NORMAN BODDEN: Mr. President, the figure compares very favourably. The aircraft was purchased by Cayman Airways in 1979 for an original purchase price of US\$396,272. The depreciation on the aircraft itself was US\$283,045. The book value of the aircraft was US\$113,227, and the spares package had a book value of US\$59,545, which gives a total book value for aircraft and spares of US\$172,772.

MR. G. HAIG BODDEN: Mr. President, just for clarification, I wonder if the Honourable Member would give me, although he may have done in the reply, the total purchase price of the existing spares that were sold.

HON. W. NORMAN BODDEN: Mr. President, I only have from the company the value of the spares package as shown on their books, and this amount was shown, according to them, at US\$59,545.

MR. JAMES M. BODDEN: Was there any commission payable from the US\$175,000?

HON. W. NORMAN BODDEN: Not to my knowledge, Mr. President.

MR. PRESIDENT: There appear to be no further supplementaries. Shall we move to the next question, number 91, please?

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

NO. 91: Would the Honourable Member state if the balance of the 748 Hawker-Siddley's spare parts was disposed of in the 1986-87 financial year of Cayman Airways Limited and, if the answer is in the affirmative, what did the Company receive for it?

ANSWER: The Hawker-Siddley 748's spares were disposed of during the 1986-87 financial year at a price of 35,000 pounds sterling.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Cayman Airway's books are kept, I believe, in U.S. dollars. We all knew that the pound is not what it used to be. Could the Honourable Member give me the equivalent of this 35,000 pounds sterling in either U.S. or Cayman dollars?

HON. W. NORMAN BODDEN: Mr. President, I asked the management of Cayman Airways almost the same question. As far as I could gather from them, because of the fluctuation in the conversion rate at the time, the 35,000 pounds sterling would convert to US\$56,000.

MR. JAMES M. BODDEN: Was this the book value which has been written down by depreciation, or how was this value arrived at?

HON. W. NORMAN BODDEN: The book value of the 748 spares was US\$60,000.

MR. JAMES M. BODDEN: And evidently this money for the disposal of the Hawker-Siddley spare parts and the Trilandier was used up in the 1986-87 accounts of Cayman Airways. Is that correct?

HON. W. NORMAN BODDEN: Mr. President, when the Member says "used up" I am not sure what he means. In the accounts it was shown as revenue derived from the sale of equipment and spares.

MR. JAMES M. BODDEN: It was used up, then, and accounted for in the balance sheet to arrive at the net negative position of Cayman Airways for 1986-87. Is that correct?

HON. W. NORMAN BODDEN: Mr. President, it is shown and identified very clearly in the accounts which were tabled a few days ago. I do not have the accounts at hand but it was shown, I believe, as income derived from the sale of spares and equipment.

MR. G. HAIG BODDEN: Is the Honourable Member saying, Mr. President, that the proceeds from these assets are shown as operating profits? Is this how they arrived at the operating profit?

MR. PRESIDENT: I do not think he is saying - you will have to rephrase that question - he has not said that at all.

MR. E. HAIG BODDEN: I am asking, Sir, if that is what he meant.

MR. PRESIDENT: You are asking for confirmation.

HON. W. NORMAN BODDEN: Mr. President, in the accounts for the financial year ended 10th June 1987, the operating revenue of the Company is shown at \$32,905,081. The operating expenses are shown at \$32,045,324, which leaves an operating profit of \$859,757. Under the heading of "non-operating income and expenses" is shown the profit on sale of assets.

MR. JAMES M. BODDEN: These questions are only being asked to show the true financial position of Cayman Airways, so could the Honourable Member confirm whether this money has been set aside and being held in a suspense account, or whether it has been utilised in the overall position of Cayman Airways which was presented to the House.

HON. W. NORMAN BODDEN: No, Mr. President, those funds would not be treated in isolation and put in any suspense account, but the accurate financial position of Cayman Airways is very clearly demonstrated in these audited accounts.

MR. JAMES M. BODDEN: I submit to the House that that is not a true picture.

MR. PRESIDENT: I am sorry, you are making a statement and you are going forward into a motion which you presented to me yesterday.
Next question, please.

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

NO. 92: Would the Honourable Member state:

- (a) the year of manufacture of the Shorts SD 3-30 aircraft recently acquired by Cayman Airways Limited, and its cost;
- (b) whether the aircraft was purchased or optioned by persons or a company other than Cayman Airways Limited purchasing it direct and, if so, provide details of such persons or company and its shareholders; and
- (c) give details of the financing of the aircraft and which financial institutions are involved?

ANSWER:

- (a) The Shorts SD 3-30 acquired by Cayman Airways Limited was manufactured on 26th October, 1978, and it cost the airline US\$1,125,000;
- (b) The aircraft was purchased directly from Pennsylvania Airlines by Cayman Airways Limited; and
- (c) Cayman Airways Limited raised a US\$1,300,000 loan to facilitate the purchase of the Shorts SD 3-30 and related spare parts. The loan is from Morgan Grenfell (Cayman) Limited and is secured by the aircraft and spare parts. It is repayable in equal monthly installments over five years from January 1987. It is repayable in equal monthly installments over five years from January 1987. The loan bears interest at the London Interbank offered rate plus one per cent.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: To substantiate the year of manufacture and how many hours it had been used, could the Honourable Member state how many hours was on the aircraft when it was purchased by Cayman Airways?

HON. W. NORMAN BODDEN: Now Mr. President, I do not have that information available on the number of aircraft hours at the time of purchase, but if the Member is interested, I can supply that information to him in writing.

MR. JAMES M. BODDEN: Well, evidently it has flown 22,012 flights since Cayman Airways acquired it, and not 26,000 as we were told yesterday. Is that correct?

MR. PRESIDENT: That does appear to be going outside the question. Could you give the reference, if you would, to the first statement you were referring to.

I did not quite follow it myself.

MR. JAMES M. BODDEN: Well, an aeroplane registers the number of hours it has flown and usually one can relate the number of hours flown to the date of manufacture. The two work sort of together to help substantiate that and that is what I am getting after. I think it has flown 968.45 hours since Cayman Airways acquired it. It has made 22,012 flights instead of the 26,000, and so I was trying to relate the year that it was manufactured, to see how many hours are on the aircraft.

HON. W. NORMAN BODDEN: Mr. President, the reply that I gave to a question posed by the Member a few days ago related to 2,600 flights which the aircraft had operated from January to October this year. This information was given to me by the management of Cayman Airways and, if it is incorrect, I certainly will investigate it. The Member is quite correct inasmuch as he is working from the total airframe hours of the aircraft at the time of purchase. He knows what the total flight time is now, and that can be deducted to establish the hours on the aircraft when it was purchased. I do not have that information. I can give him that, but as to the accuracy of the number of flights operated from January to October, that was given to me as 2,600.

MR. JAMES M. BODDEN: Mr. President, I am only trying to get accurate information, and I do understand that the logbook shows 2,212 flights.

MR. PRESIDENT: A supplementary?

MR. JAMES M. BODDEN: Yes, Sir.
Did the figure of US\$1,125,000 include the spare parts package, or was the spare parts package in addition to that?

HON. W. NORMAN BODDEN: Mr. President, that figure did not include the spares. The spares package for that aircraft was US\$345,000.

MR. JAMES M. BODDEN: These figures, then, are the accurate ones we have at the time of purchase. That is that about \$170,000 was paid by Cayman Airways towards the purchase price. Is that correct?

HON. W. NORMAN BODDEN: Yes, Mr. President, that is correct. The Company supplied additional funds of US\$170,000.

MR. JAMES M. BODDEN: Do we have all the spare parts that we purchased on hand, or are we awaiting the arrival of them?

HON. W. NORMAN BODDEN: All the spares that were purchased for the \$345,000 are on hand at the present time.

MR. JAMES M. BODDEN: If we have all of the spares on hand, why is it that we are having so many maintenance problems and that she is having to wait on parts and so forth. Is it that we did not buy the spare parts package that we should have bought, if not, what is it?

HON. W. NORMAN BODDEN: Mr. President, the Member, I am sure, knows the answer to that very well. With any type of aircraft you purchase a spares package from a recommended list of the manufacturers. In the case of the Trilander, the 748, the 727, the Shorts or any other type of aircraft operating in this territory, there are occasions when spares are needed which are not on hand and they have to be bought in in order to effect repairs.

MR. JAMES M. BODDEN: Would the Honourable Member not agree that it is impossible to operate an English aircraft without having these unknown breakdowns?

MR. PRESIDENT: I really think that is going a bit beyond the question!

MR. JAMES M. BODDEN: I do not agree, of course.

MR. PRESIDENT: We seem to have exhausted the possibilities of that question, I think.

There is, I think, a proposal for some alteration to the business paper, which the Honourable first Official Member - it is going to be moved by the Second Elected Member for West Bay.

Thank you.

MOTION
(STANDING ORDER 14(2))

MR. W. McKEEVA BUSH: Mr. President, under Standing Order 83 I seek suspension of Standing Order 14(2) in order to complete the debate on Private Member's Motion No. 18/87 and also to permit debate on Private Member's Motion No. 19/87 which is to be moved.

MR. PRESIDENT: The Motion is that Standing Orders be suspended to enable us to continue debate on Private Member's Motion No. 18/87, which we adjourned yesterday. Does any Member wish to speak? I think it needs a seconder, strictly speaking.

HON. THOMAS C. JEFFERSON: Mr. President, I second the Motion put by the Second Elected Member for West Bay, because he spoke to me about it, and it seems to me that for the benefit of the audience, it would be better for us to finish the Private Member's Motion than to begin to debate the Budget Address which may last five, seven or even 10 days. To continue debate seven or 10 days later on the Private Member's Motion which commenced yesterday, the audience be at a loss to follow it.

MR. PRESIDENT: It appears that no other Member wishes to speak. It has been moved and seconded, I shall put the question that Standing Orders be suspended to enable the House to continue the debate on Private Member's Motion No. 18/87.

QUESTION PUT: AGREED. STANDING ORDER 14(2) SUSPENDED TO ENABLE PRIVATE MEMBERS' MOTIONS NOS. 18/87 AND 19/87 TO BE TAKEN FORTHWITH

MR. PRESIDENT: In that case we resume debate on Private Member's Motion No. 18/87.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 18/87
SWAMP AND CLIFF LANDS - LITTLE CAYMAN

(Continuation of debate)

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, when the House adjourned yesterday afternoon I had just read section 16(2)(a) of the Land Adjudication Law, 1971 together with the proviso and it makes it quite clear:

"16(2)(a) a person is deemed to be in possession of land if he does not acknowledge the title of any other person to that land and by himself, his agent, tenant or servant, actually used the land to the exclusion of the public:

PROVIDED that where it is established (whether by local custom or otherwise) that any parcel of land includes an area of swamp or cliff land, occupation or use of the other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also".

Mr. President, I have seen several claims, and some of them certainly appear to qualify under this section. Land owners of Little Cayman whose parcels includes areas of swamp or cliff should be allowed to claim it if they can establish possessory entitlement to it.

I would like to point out that much of the land claimed as swamp land by the Crown is not really swamp land at all, as it is only under water during the rainy season. However, there are swamp lands which we call ponds that no one has ever used for access to their property, and these ponds are unquestionably Crown lands.

In 1980 Government realised that the adjudicators used a double standard when dealing with the swamp lands in the various districts of Grand Cayman. A motion was brought to this Honourable House to adjust the inconsistency, and it was unanimously agreed to return the swamp lands claimed by the Crown to the rightful owners. I am now requesting the Members of this Honourable House to extend the same consideration to the landowners of Little Cayman as was done for the owners of swamp land in Grand Cayman in 1980. I ask that all Members of this Honourable House give this Motion their support.

Thank you..

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I have to support the motion before the House. The motion seeks to change the title of land which had been given to the Crown during the adjudication process. As the Honourable Member who just spoke said, a double standard had been used throughout the adjudication process.

The first part of the Island to be registered under this Law was that of the West Bay peninsula. In most cases the adjudicator gave the swamp lands to the people who owned the adjoining dry land. When they came to South Sound, the same process was continued. However, when they reached Bodden Town, especially in the Duck Pond area, the system which had been used was apparently changed and up until this day nobody has been able to find out who changed it. The adjudicator put forward the theory that the Government, as owner of the foreshore in the North Sound area, had a right to half of the swamp. And so the people who had claimed that swamp land lost it to the Crown.

In 1975 a Member of the Legislative Assembly, Miss Annie Huldah Bodden, brought a motion which at the time had been seconded by me to try to give back these lands to the people who had claimed them originally. The motion failed. However, after the change of Government in 1976, I, as Member responsible for lands at that time, put forward a Government Motion which resulted in the return of certain lands in the Duck Pond and North Side areas to the original owners.

Also, at that time some of the claimants who had lost their lands took the matter to the Grand Court. The judge of the Grand Court in one case ruled that the adjudicator had erred. What the adjudicator had done was that he had taken a document, which at the time was sixty years old, and said the document was ambiguous and kept the land for Government. However, the Court reversed this, and the judgement which was handed down in the Grand Court had this to say:

"No custom can cut down that legal estate to the whole of the land claimed, and the title accorded to the Crown to half of the swamp land in this claim must therefore be cancelled, and the register altered accordingly."

And he went on to say that the deed mentioned was not ambiguous simply because it did not recite the extent or areas and the Court found that the document was a good route of title. The judge also said that Government would have had a better claim had it tried to claim the entire swamp land, rather than a portion of it.

At that time, there seemed to have been no serious representation to Government to correct similar anomalies which had crept into the adjudication of lands in Little Cayman, and the matter there was not dealt with. Now that the Member has brought it to the House, I think it is only fair that the Legislative Assembly should do whatever is necessary to see that the people in that area receive the same treatment which the adjudicator handed out initially, and the system which the court used because in dealing with that one appeal the Court indicated in the judgement that the other pending appeals should more or less receive the same treatment. So I fully support this motion, and I would congratulate the two Members who brought it to the House. I am in full support of it.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN W. McLEAM:

Mr. President, Private Member's Motion No. 18/87 is a very good one. I take this opportunity to commend the First Elected Member for the Lesser Islands for his efforts in trying to rectify a matter for his people.

This is not the first time such a matter has taken place. As has been stated by previous speakers, it had to be done here in Grand Cayman. In these Islands, Sir, land is considered by many as a special thing. If landowners in Little Cayman have adequate proof that they own certain parcels of land, I feel it is only right that we as legislators do whatever possible to return it to them.

I am certain that in many cases it may be the only parcel of land owned by the individual. If we should not return it, we could be taking away a right which might have been passed down from generations to him.

I support this motion, and I hope and trust that each and every Member will see fit to do so.

I know of an instance where somebody in Grand Cayman spent much time and lots of money in the law courts trying to get title to what was rightfully theirs. In the end they did receive the title, but what I am stressing is the strain, the extra expense, that was placed upon that poor individual and I would not like to see happen to the people of Little Cayman.

Again, I support the motion, and I ask for each Member's support. Again I commend the First Elected Member for the Lesser Islands.

MR. PRESIDENT:

The Second Elected Member for West Bay.

Does any other Member wish to speak? The Second

MR. W. McNEEVA RUSH:

Briefly, Mr. President.

I rise to support the motion. Over the last few years I have heard much about claims of property. It would seem that, in certain areas of

this country at the time of the survey, individuals for one reason or the other failed to make claims. There are owners in my constituency who are still affected and I have been working to get the matter rectified.

PROPOSED AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 18/87

Mr. President, I think that the motion is a good one, however, I would hope that I could get an amendment to the motion. That amendment would read, in the third line of the resolve section, after the words "adjudication areas":

"... and any other area of the Cayman Islands that is so affected."

MR. PRESIDENT:

I think if you would permit me, I will repeat that so Members have a chance to take it down. This is an amendment being proposed by the Second Elected Member for West Bay under Standing Order 25(4), and the amendment proposed is as follows: that, in the third line of the resolution of the motion under debate, after the word "areas" be added the words:

"... and any other area of the Cayman Islands that are so affected."

The question you were asking me, whether due notice has been given - I am being asked, and I think this will next follow as a resolution. A motion will have to be put asking that notice be waived. I think that perhaps the Member might continue his speech and then we will take a short suspension because I think the Government will need time to consider whether they will wish to agree to waiving Standing Orders to permit the amendment to be taken.

MR. W. McKEEVA BUSH:

Well, Mr. President, I believe that under Standing Order 25(2) you have the sole discretion of so allowing an amendment which has not been tabled within the two days' notice.

MR. PRESIDENT:

That is quite correct, but I think the Chair would normally take the will of the House on it, and particularly consult the Government. So would you like to go forward, and I think when you come to the end of your speech we will take a short interruption.

MR. W. McKEEVA BUSH:

In that case I will cut my debate short, Mr. President, to say that yes, I fully agree that with regard to properties which people can prove, to some extent, were theirs before this cadastral survey took place, must be given back. As I said, I have had representations made to me and I would crave the indulgence of the House to agree to this amendment that they, too, and any other person in Grand Cayman, may be able to get compensation.

I support the motion, Sir.

MR. PRESIDENT:

What the House would normally do, I think, is hear other Members who wish to speak, and the amendment, if it is so authorised, will be put at the end of the debate. We are rather early for our normal morning break, so I suggest that if any other Member wishes to speak ... the First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I rise in support of this motion. I wish to congratulate the First Elected Member for the Lesser Islands for his foresight in bringing this motion to the House on behalf of his people.

Land in the Cayman Islands is looked upon by landowners as being, I would say, sacrosanct. Take anything else away from them, even their good name, but do not take their land. We go back in history a long way, and that point can be verified. It is unfortunate that in the last decade or so there has been so much turmoil brought about because of the actions of a previous Government in dealing with these issues.

As my colleague from Bodden Town pointed out, on the western area of Grand Cayman there was no problem with the swamp and cliff lands, and so forth, in the adjudication process that took place many years ago, but unfortunately when they started to go towards the east end of the Island, the policy was quickly changed and everything that had been done in the western area was changed 180 degrees. It was decided that the land owners would not get their rights, and would not be able to own the land which they, for years, had thought was theirs.

This policy was brought about by two Members who are now serving in the present Government. They were the architects, along with another who is no longer in the House, of the move to take away the inherent right of the property owners at the eastern end of the Island, the area that fronted the North Sound. So naturally that was also the policy that was used in the Lesser Islands.

My colleague from Bodden Town brought a motion to the House after a case had been fought in the Grand Court, and it had been decided that the property owner was the correct owner of the properties. My colleague brought a motion to restore the rights of the property owners who had been adversely affected. Unfortunately

he did not include the Lesser Islands at that point. I wish that we had dealt with it at that time, however, maybe there were good reasons at the time, which I do not recall, why we did not.

Albeit the motion is before the House and I support it in its entirety. I would like to see the property owners of the Lesser Islands have the same benefits that we in Grand Cayman have. I am very pleased to see that a Member of Executive Council has seen fit to support this. I do not know whether that represents a complete Government commitment to support, or whether it is a vote or a speech of conscience. But whichever way it is, I am very pleased to know that maybe the attitude of the Honourable First Elected Member of Executive Council and his colleague the Honourable Fourth Elected Member of Executive Council have changed their attitude with regard to this matter, and will give the people what is due them. I thank you.

MR. PRESIDENT:

The Honourable First Elected Member of Executive Council.

HON. BENSON O. FRANKS:

Yes, Mr. President. I had no intention of speaking on this straight forward motion, but I think that I should set the record straight since the water has been rather muddied in some instances. And, for the records, let it be known that in the West Bay area the Crown was recorded as the owner of some 78 acres of swamp adjoining the North Sound on the Barkers peninsula. That award, to the best of my knowledge, still stands, and undoubtedly it is probably one of the areas that the Second Elected Member for West Bay refers to. I know that attempts have been made to establish claim to that, and it is my belief that if proper claim can be established to the land, Government will deed the land to those persons who are considered the owners, just as it has in any other case. However, I am mentioning the fact that Crown was granted land in the West Bay peninsula only to show the inaccuracy of the statements that have been made.

What happened in the West Bay peninsula is that many people in the country were ignorant of the terrain in that area, and apparently still are. The fact is that along the north shore in the West Bay area, the sea shore of the North Sound, there is probably some of the highest sea shore in Cayman - it is standing cliff or ironshore. The only area in the West Bay peninsula that is affected by swamp is that area north, or just on the south side of the Barkers peninsula. The rest of it is what is known as "the rocks".

But, Mr. President, if there has been different criteria applied in different areas of the Island, it is not surprising, because section 4 of the Land Adjudication Law provides that Government (that is the Administrator, in those days) would appoint a land adjudication tribunal for each area of adjudication as it was set out; and the tribunal would consist of an adjudicator and two assessors having local knowledge of the adjudication area. And that, Mr. President, was in order to give effect to local custom in the area being adjudicated.

So if those assessors advised that it was not the custom in any particular area for persons to claim the swamp, probably that is what happened. I know it is a certainty that, in the case of the Duck Pond area, records of the old Assembly of Justices and Vestrymen will establish that one of the very persons whose estate claimed swamp land, that that person himself, in a debate in that Assembly, is on record as saying that Government owned the swamp land. That is a fact, and if anyone wants to check it, it can be checked in the debate held in the Legislature when Government was debating the lease of swamp land in the Duck Pond area to one Meisner Marine Engineers. And one of the Members of the Assembly on that occasion warned the Members of the danger of selling Government swamp land; and it was his estate that claimed some of that swamp land.

So, Mr. President, I am not surprised that the adjudicators did not adjudicate that particular land in that particular area. I do not think that anything that was done in the adjudication process was done with any ulterior motive or as a deliberate effort to deprive anyone of land. It was done in accordance with the process and to the best of the knowledge of those persons responsible for the process.

It is a well known fact, Mr. President, that whenever claims can be established that are in opposition to what the adjudication process did, Government has returned the lands to the claimants. So what is suggested here, as I see it, is a normal on-going thing and it will, hopefully, be continued.

Mr. President, I have received a note which indicates that having mentioned the reference made by the Second Member for West Bay that it might be understood that I was referring to inaccuracies made in his statement. No, that was not at all my intention, if that impression can be gained. I was referring to other statements made subsequent to his speech.

I am well aware of the claims that exist. We have not discussed it, but I believe that is what he is speaking about, because that is the one area of swamp in West Bay that I know of that was awarded the Crown. I would hope that the matter can be aired thoroughly, and if there is in fact a claim to this land, that it will go to the persons claiming it.

But I thought, Mr. President, as being one of the Members of this Government who happen to have been in a previous Government (that is the Government when this Law in fact came about) that I should clear the air about different processes of adjudication, because I can see where that could have arisen, inasmuch as there were different assessors for different areas. After all, much of the adjudication process was based on local custom in respect of the swamp and cliff lands. So I want to

make clear is that I have never advocated, suggested or done anything which would have deprived owners of their rightful ownership to land.

I believe, nevertheless, that in the adjudication process many people got title to their lands which they would otherwise not have received, and all in all, the adjudication process has served to be a good one. There are a few instances where people have been deprived of land which they might have thought was theirs, but I believe that by and large the majority of the people in the country are happy with the results of the adjudication process and that in fact it was instituted. I know that it has certainly lent to the ease and certainty of dealing with land in Cayman. Prior to that, Mr. President, it was a very confused and complicated process and certainly the land sales that are taking place today could never have happened without the adjudication process having taken place.

Thank you. I support the motion, Mr. President.

MR. PRESIDENT:

I think we could conveniently take our morning break. Proceedings are suspended for fifteen minutes.

AT 11:10 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:37 A.M.

MR. PRESIDENT:

Before we continue, may I just deal with the request from the Second Elected Member for West Bay to amend the motion in the way which he read out during his speech.

I have considered this amendment carefully. I appreciate the Member's concern in bringing it forward, but having looked at the original motion, which is very specific to Little Cayman, I regret that the proposed amendment is too wide to be taken in without substantially altering the intention of the original motion; so I shall not therefore be accepting it. But, as I said, in appreciating the Member's concern, I thought it appropriate to ask the Executive Council Member responsible for the subject to say a few words in explanation. The Honourable Fourth Elected Member of Executive Council.

HON. VASSIL G. JOHNSON:

Mr. President, when the Government decided to support Private Member's Motion No. 18/87 proposed by the First Elected Member for Little Cayman, we did so on the grounds specifically of the resolve section of the motion, which states:

"BE IT THEREFORE RESOLVED that grants be made of the swamp land and interior cliff land that were adjudicated in favour of the Crown in the Little Cayman adjudication areas in favour of the claimants, in such manner and to such extent as Executive Council shall consider fair and reasonable, having regard to the circumstances of each case and for the principles followed in making adjudication in the Islands of Grand Cayman and Cayman Brac."

Now, Mr. President, this was also in conjunction, that is to say our support of this motion, with the applications that we received from land owners in Little Cayman asking for Government's consideration of the return of swamp and cliff lands in that Island to land owners, or to people who had made claims on those lands.

What has happened in Little Cayman can happen in Grand Cayman or in any of the three Cayman Islands. If there is a claim in any of the Islands, the claim can be submitted to Government. There is a procedure in Government for dealing with these claims. It goes to the Lands and Survey Department for the necessary information which would allow Government to consider the matter, and then there is the recommendation from the Lands Department regarding the particular plots.

I gave an example of what happened in a recent case, where application was made to Government for a plot of land in Little Cayman leading from the same circumstances as others that are now being examined by Government. Executive Council has dealt with matters of this nature from time to time, and I would like to give the Second Elected Member for West Bay the assurance that on submission of any claim in his area, or claim submitted by anyone else, that Executive Council will give it the usual due consideration taking all the factors into consideration.

I am sure, Mr. President, that without having to amend this motion, other claims can similarly be made to Government. The Little Cayman situation is somewhat unique in itself, and although time has lapsed to the extent that Government has had title absolute to all these properties, it is nevertheless willing to sit down and look at these claims and make the necessary adjustments and amendments from time to time.

Thank you, Sir.

MR. PRESIDENT:

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

MR. LINDFORD A. PIERSON:

Thank you, Mr. President.

I rise in support of Private Member's Motion No.18/87 which seeks to rectify an anomaly which exists in Little Cayman, and at this point I wish to congratulate the First Elected Member for the Lesser Islands for bringing this motion to the House.

I am however, surprised that this matter was not attended to long ago, since the cadastral survey took place in 1976, or thereabouts, that is some eleven years ago. I must ask the question, why did not previous Governments look into this matter long before?

Mr. President, my position regarding the interests of the people of the sister Islands is quite well known and documented in this House. It is fully known not only by the Members of this Honourable House, but indeed by the people of the Cayman Islands. So I do not see it as a necessity for me to stand in this House today to capitalise on this very straightforward motion.

None of our people in the Cayman Islands, and no individual living in these Islands, should be deprived of their rights, including their legal access to parcels of land which they own. As I have said before in this House, the people of Little Cayman should be treated no differently from the people of Grand Cayman and Cayman Brac, and this would certainly apply to the question of the ownership of land. Most of the interior cliff lands in Little Cayman were adjudicated in favour of the Crown. I must again ask the question, why was this anomaly not rectified long before?

Mr. President, I do not find it difficult to support this motion, and neither do I find it difficult to support the stand taken by the mover of the motion when he said in the preamble that justice and fairness demand that Little Cayman should be given equal treatment. I am also supportive of the move alluded to by the Second Member for West Bay, but as was said, this matter can be dealt with in a different manner.

Perhaps in view of the possible pending claims in Grand Cayman and Cayman Brac, in addition to the problem in Little Cayman, perhaps a tribunal should be set up for the specific purpose of attempting to rectify the whole situation in the Cayman Islands.

As previously said, this is indeed a straightforward motion that should receive the full support of this Honourable House, and accordingly, Sir, I give it my full support.

Thank you, Sir.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Mr. President, I rise in support of Private Member's Motion No.18/87 regarding swamp and cliff lands in Little Cayman.

I, too, would like to commend the First Elected Member for the Lesser Islands for bringing this motion forward, and I have decided to speak simply for two reasons: to voice my support of the motion, and to say that while there may be some cases which fall into the category outlined in this motion, I would like to state here and now that, whilst there may be a few who felt they were not treated fairly, the adjudication of properties in Cayman was one of the finest things that was done as far as lands in this country are concerned. There were many people who I do not think would otherwise have been able to claim anything at all. I believe that the adjudicators acted in what they considered fair and reasonable terms to all concerned, and in spite of the fact that there might be the few who feel that they did not get a fair share, or what was rightfully theirs, I can assure you that even in the district of West Bay there were certain individuals (bearing in mind what the price of land has suddenly escalated to within a few years) who would probably have been deprived of a lot more.

Mr. President, I support this motion. I think that Government is doing the right thing in supporting it, and although I have noted carefully that the Fifth whereas says:

"... subject to said claimants giving waivers and indemnities satisfactory to the Government";

and as was pointed out by the Honourable Fourth Elected Member of Council that these areas will be awarded to claimants:

"... in such manner and to such extent as Executive Council shall consider fair and reasonable, having regard to the circumstances of each case, and for the principles followed in making adjudications in the Islands of Grand Cayman and Cayman Brac."

I am sure, Sir, that members of the public shall be made fully aware of the stipulations attached and the conditions attached to this motion, and having said that, I give the motion my full support.

Thank you.

MR. PRESIDENT:
reply?

Would the mover wish to exercise his right of

CAPT. MABRY S. KIRKCONNELL:

Thank you, Mr. President.

Mr. President, I shall be brief. I would like to take this opportunity to thank all Members who voiced their support to the motion, a motion which I feel very timely and very necessary. I hope that I can take it for granted that silence gives consent of the other Members who have not spoken, so I thank them also for their support.

Mr. President, the Honourable Fourth Elected Member of Executive Council, I think, has outlined the procedure that will be taken. He also made reference to the 41 cases that were adjudicated in Little Cayman during the time that the cadastral survey was taking place, of which 35 awards went by default. I would like to say, as did my colleague from Cayman Brac, the Honourable Third Elected Member of Executive Council, that there are a lot of absentee owners of property in Little Cayman, and also to say that many that went by default came about because Cadastral, when registering a claim, refused to take claims after the directive that cliff and swamp land would be given to the Crown had been established. So naturally, if no claims were filed by the individual owners, it had to go by default. So that was the reason for the high number of default cases.

I would like to ask the Honourable Member responsible for Development and Natural Resources, the Fourth Elected Member of Executive Council, if he would attempt to handle these claims as expeditiously as possible. They have, as the Second Elected Member for George Town said, gone on for a long, long time, and I wonder if it would be possible for a press release to be issued outlining the procedure that should be followed and that absentee owners be made aware of the procedure so that we can get this matter behind us, rather than having the matter coming up many years from now when it may be too late for owners to get any recompense. If it could be handled in this manner, I would undertake, at least, to get the release to all those persons who have contacted me asking for my assistance by bringing this Motion.

So with these words, Mr. President, again I would like to thank all Members for their support, for I do feel that we have made a step in the right direction in bringing equality to all the Islands.

Thank you, Mr. President

MR. PRESIDENT:
Motion No. 18/87.

I shall now put the question on Private Member's

QUESTION PUT: AYES

CAPT. MABRY S. KIRKCONNELL:

Could I have a division, please?

MR. PRESIDENT:

Clerk?

DIVISION
NO. 27/87

AYES: 15

NOES: 0

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson O. Ebanks
- Hon. Norman W. 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. James M. Hodden
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

PRIVATE MEMBER'S MOTION NO. 18/87 PASSED UNANIMOUSLY.

MR. PRESIDENT:
Second Elected Member for West Bay.

Private Member's Motions, continued. No. 19/87, the

PRIVATE MEMBER'S MOTION NO. 19/87
SAFETY AND STORAGE OF PETROLEUM PRODUCTS

MR. W. McKEEVER BUSH:
Motion No. 19/87 standing in my name:

Mr. President, I beg to move Private Member's

WHEREAS the importers, storers and distributors of liquified petroleum gas (propane) and other petroleum products are situated

in highly residential areas which include the Cayman Islands Comprehensive School, the Cayman Islands Middle School, the Cayman Islands Preparatory School and the Catholic School;

AND WHEREAS the plants and their operations pose a potential threat to the surrounding neighbourhoods including the 4,000 school children who are the future of these islands;

BE IT THEREFORE RESOLVED THAT:

- (i) Government, together with these companies, take immediate steps to have the plants protected as far as practicable;
- (ii) Government institute local regulations governing the storage, transportation and distribution of all fuels and hazardous materials; and
- (iii) Government should examine whether suitable alternative isolated locations can be identified which would minimise the threat to life should an incident occur;

AND BE IT FURTHER RESOLVED THAT Government inform this Honourable House at each subsequent Meeting of the steps taken and the development thereon.

MR. LINFORD A. PIERSON:

Mr. President, I beg to second the Motion.

MR. PRESIDENT:

Private Member's Motion No.19/87 has been duly moved and seconded. Does the mover wish to speak to it?

MR. W. McKEEVA BUSH:

Mr. President, I guess that this motion will be controversial. Neither is there any doubt in my mind that what we are seeking to do needs to be done.

Mr. President, it is said that per capita our consumption of petroleum is higher than the United Kingdom or Saudi Arabia. It is said that our consumption and the dependency on imports is among the highest in the world. All over the world authorities have been concerned and have had to fight disasters in whole neighbourhoods caused by storers and distributors of petroleum products. I well remember an incident in Mexico and I guess I should rephrase my words, not to say "incident" but to say "disaster" where lives were lost and the authorities there had to rethink their position and change their attitude on the way things were done in connection with liquified products.

Several years ago, I believe, a report was done for Government on these Islands by a group from the United Nations. This study on the oil companies was, however, not published, but the report expressed anxiety about the impact of the oil installations in Grand Cayman.

Mr. President, that report considered that both the Esso and Texaco terminals were overcrowded at that time. The tanks were too close together and it was likely that if any one of the tanks caught fire, there would be a chain reaction and all tanks would go up in flames. A serious fire hazard. It considered that in the case of a major accident, large volumes of oil would spill out into the sea, causing serious damage to a large part of the west coast of this Island. Among other things, it recommended, and I quote:

"... to increase significantly the storage capacity on the Islands. It is not recommended to expand the current facilities."

It put forward the idea that, and I continue to quote:

"A new tank farm in excess of 100,000 barrels could be constructed inland from the current terminals and south west of the airport, connected by a pipeline to the current marine off-loading facilities, and small three inch lines to the tank farms of Esso, Texaco and Home Supplies and even Caribbean Utilities. The terminal, including all associated facilities, could probably be constructed for about £2.5 million. Additional costs to consumers would be two to three cents per gallon. It is felt that this is a very small insurance premium to pay in comparison with the significant damage that an interruption in supplies could cause to the economy of the Island."

It went on to say, Mr. President:

"From an environmental point of view the tank farm would be considerably safer than an expansion of current Esso and Texaco facilities."

Mr. President, it strongly recommended that any expansion of current Esso and Texaco facilities should be discouraged in view of the fire hazards.

As well thinking and responsible legislators we must take cognizance now of the situation of the storers and distributors of petroleum products in this country, and the potential danger to thousands of lives which has glared us every day in the face. Each one of the companies, that is Esso, Texaco and Home Gas Ltd., are but a stone's throw from the schools mentioned in the motion. What a catastrophe, Mr. President, if we experience an incident from either of the companies which resulted in fires. As the United Nations report stated, we would get a chain reaction of explosions which would destroy the whole neighbourhood.

Now, Mr. President, we, in this House, can hold arguments as to the pros and cons of moving either of the two companies, and I full well realise that such a venture would cost millions of dollars. But this money would be peanuts in comparison to even one life. I do not even want to try to imagine what could happen, the havoc that could be wrought upon an unsuspecting neighbourhood at midnight or at 2:00 a.m. when the detection might not be as quick as at other times. I shudder at the thought.

I had one call which said that the homes had no business being where they are today, and I am not going to get into the pros and cons of that either. However, my observation is that, when these companies were in their infancy on this Island, probably no one could foresee the tremendous amount of development in this country, and the resulting necessary expansion of the two companies. We could probably say that the best of development policies were not set by Government. There should not have been residential development in an industrial neighbourhood, or there should not have been industrial development in a highly residential area.

As far back (and I was given some history on this) as the days when this country was annexed to Jamaica, representations were made to the then Governor, Sir Hugh Foot, asking that no licence be permitted to one of those two companies (I believe it would have been Texaco which was then coming in to the country). However, separate and apart from that, there is still development going on in that neighbourhood. Just a few months ago a tourist resort was completely remodelled with a restaurant within a few feet of one of the companies. Surely that is not the best of development policies.

But all of this is now hindsight. We, in this House, have a duty and a responsibility to the greatest of magnitude to all factions involved, but most important is our responsibility to humans and not to buildings.

It is my understanding that the two companies, Esso and Texaco have taken very modern precautionary measures and these measures are of a very high standard. That is good, and I am happy to know that these two companies, because of their worldwide experience, are aware of what could happen in South Church Street and even the danger to our school children on Walkers Road. However, many times, human indiscretion cannot be safeguarded, at least I believe it is a most difficult thing to try to do. And so we, as Legislators responsible to the people of this country, cannot be lulled into complacency by figures and costs thrown in our face. At some point, relocation will be most necessary.

Now, Mr. President, I turn to Home Gas Ltd., the other company involved. This is the company which is the most serious threat to our school children. Over the years, Sir, there have been at least several studies and recommendations to modernise the plants and their operations. It is also been recommended not to increase expansion. However, sad to say this has not been carried through to its full intent in respect of that company.

Recently, Sir, an ugly incident was experienced involving Home Gas Ltd. One of the lines had a leak, and two ladies who were walking with a group of women heard and smelt the gas escaping. They called a Compass reporter, Miss Carol Winker, who was a part of the group and she went over and took picture. Someone also called Home Gas, and Miss Winker called the Fire Department which came out in force. It was the officer in charge who made the decision to evacuate.

Mr. President, it was revealed from the findings that the lines used for pumping gas to the plant was something left to be desired and something which could not be ignored by the relevant authorities in this country. These pictures, which I would like to pass around for the enlightenment of the House, show that the lines are outmoded and it is a cheap and dangerous way to operate such a company, especially in this highly residential area in its present location.

MR. PRESIDENT:

Would you please table the photographs and Members can then study them at the next interval, because if you do not have copies for everybody, you cannot actually send them round. Thank you.

MR. W. McKEEVA BUSH:

I table the pictures, Mr. President.

One would have thought, with all the technology available today which could assist in the modernisation of the operation of that plant, that proper ways and means could be found and employed.

Mr. President, again, when the schools were built the plant was already in operation, but I believe that recommendations were made also not to put the plant where it is now located. Nevertheless, it is no excuse to allow large scale development and expansion of the plant without taking into due consideration its surroundings and the possible growth of the schools which has inevitably come about.

As far back as 1932 there were objections about the expansion of the operations. These objections were put to the Planning Board, but I do not believe that they received, at that point, the due consideration which they should have. There are all sorts of things to take into consideration, and this House has one fact to face, one main fact, and that is that the safety measures of that particular plant are not in keeping with modern standards. And I maintain that the threat to 4,000 of our children is indeed enough for all concerned to move expeditiously. I am sure that all of us in this House, as parents and grandparents of children who attend any one of those schools, would want to know that this threat did not exist.

Mr. President, the resolve section is asking Government to do certain things, that:

"(i) Government, together with these companies take immediate steps to have the plants protected as far as practicable;

(ii) Government institute local regulations governing the storage, transportation and distribution of all fuels and hazardous materials;".

Mr. President, when it comes to the transportation of petroleum products and other hazardous material, we should realise that our roads with respect to traffic are not what they used to be. Years ago one of these trucks could travel from George Town to West Bay and maybe meet two cars on the road. Not so today, Mr. President. There are traffic jams and you can believe that some of the drivers are not so courteous. But can any one of us in this House imagine what would happen if one of those trucks blew whilst being caught in one of the rush hour traffic jams? I shudder to think of the calamity.

Just this morning, while travelling on South Church Street, one of the tanks driving to the station (I believe it was empty - at which time they say they are most dangerous) nearly caught a passerby and two other cars. Luckily the drivers were attentive. I was right alongside the truck and you can believe I said a few prayers.

Mr. President, I am not saying that there is an easy solution to this request. I am not saying that we can make quick decisions on this particular matter, but we have made studies, people are concerned and we have experienced incidents. We must now act, and every possible avenue must be explored. There is no time for studies now. If a study is needed, Mr. President, I suggest they get the two studies that were done and act upon the recommendations. To sit back and worry about cost alone is playing with lives.

Mr. President, I have tabled many motions in this House, and you might hear, "Why is this one coming at this time?". Well, they come after much consideration on issues. I decided to table this motion, and also after much prodding by various individuals and bodies throughout this Island, I ask this House, Sir, to consider what I have put forward and accept this motion for the safety and peace of mind of our children and the surrounding neighbourhood.

Thank you, Sir.

MR. PRESIDENT:

I wonder whether Members might think that we should take the lunch suspension at this point. It is a very significant matter being debated and I have the feeling that contributions will not be short, so we will suspend until 2:15 p.m.

AT 12:25 P.M., THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT:

Does any other Member wish to speak?

We were debating Private Member's Motion No.19/87.

Council.

The Honourable Third Elected Member of Executive

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, since no one else is ready, Sir, I guess I had better state Government's position.

The motion before the House deals with a problem that has been with us for many years. The recent propane gas line leak has brought it once again to the forefront. It is causing much concern to the residents living in the area and to the schools which are in this vicinity.

Before we condemn the propane gas company we must examine the events leading up to the present problem. Firstly, the propane installation was established 27 years ago. At that time there were no schools and very few residents in the area, and it was considered far from populated areas of George Town. Secondly, the first school to be opened followed about six years after the propane installation was established. Thirdly, the church and Government did not recognise the potential threat of having schools built so near to this propane installation. Perhaps if they had done so they would have found an alternate site for the schools.

The Government has received letters from the Board of Governors of the Cayman Preparatory School expressing their concern, and asking Government to make arrangements for adequate safety measures to be implemented as soon as possible. This letter was really written on behalf of all the schools situated there. We are sympathetic towards their concern and we have been looking into the problems posed by the three installations, namely Texaco terminal, Esso terminal and the propane installation.

Part i of the motion says:

"(i) Government, together with these companies, take immediate steps to have the plants protected as far as practicable."

Mr. President, discussions have already taken place between Government and the three companies with a view to improving all possible safety measures as soon as possible. We have received a report from the Chief Fire Officer which states that Esso's terminal at Jackson Point is safe and well protected. It has an inbuilt fire protection system which is of the same high standard required by the United States' Government for similar installations in the U.S.A. The Fire Chief has told us that they have cooperated with his department and have done everything requested in a very professional manner.

The Texaco terminal at Jackson Point is not of the same high standard, but they are taking steps to bring them up to those safety measures and to the satisfaction of the Fire Department. The Fire Chief also said that the propane installation does not yet have adequate safety equipment, and the pipeline from the foreshore to the plant should be better protected. That is, he recommends that the pipeline remain above ground (it is safer than underground) and fenced on either side. He has made these and other recommendations to Home Gas Ltd., and we are confident that they will co-operate fully with the recommended safety measures and that they will be implemented as soon as possible.

Part (ii) of the resolve section reads:

"(ii) Government institute local regulations governing the storage, transportation and distribution of all fuels and hazardous materials."

The Government agrees to institute local regulations governing the storage, transportation and distribution of all fuels and hazardous materials as soon as possible.

Part (iii) of the resolve reads:

"(iii) Government should examine whether suitable alternative isolated locations can be identified which would minimise the threat to life should an incident occur."

Mr. President, Government also agrees with part (iii) of the resolution and we are recommending that a committee be formed to look into all aspects of this problem and to deal with it in a professional manner. I will probably have to name a committee and perhaps during this meeting I will get together with the mover of the motion and other Government Members to decide upon the appointment of persons. This would, however, certainly include the Fire Chief and his department. This particular problem cuts across two portfolios, namely the portfolio for Tourism, Aviation and Trade and Communications, Works and District Administration, so we will have to decide just who to put on this committee, plus Members of the House.

Government agrees with the resolution and it will inform this Honourable House at each subsequent meeting of the steps taken and any progress made in the safety and storage of petroleum products.

I support the motion.

MR. PRESIDENT:

Elected Member for Bodden Town.

If no other Member wishes to speak ... the Second

MR. G. HAIG BODDEN:

Mr. President, I do not support the motion. The Motion seeks in part (iii) of the resolve section that Government should examine whether suitable alternative isolated locations can be identified. It seems to me that this part of the motion, if adopted, would require the removal of the three oil installations from their present sites. This exercise would be too costly to even think about it.

As the Honourable Member who just spoke said, the propane installation was put into operation some twenty or so years ago, and the Esso

plant, I believe, was put in much earlier, or a few years earlier. In fact I think it went into operation in 1964, or early 1965.

It appears to me that the recent oil or propane leak has really spurred the action which we see today, and I am wondering if sufficient investigation has been made to find out whether that incident really warrants the relocation of the plant. I asked a few questions about this and I was told by the owner of the plant that the leak was caused by physical damage to the piping, either a motor vehicle or some other type of vehicle appears to have struck the valves or the unions or some part of the pipe system and this caused the leak.

The Member introducing the motion felt that the pipes were perhaps below the standard required, and this was one of the things that I examined at the time. I found out from information given to me by Captain Theo himself that the pipe which he is using is what is called "80 Schedule" and is a 2,200 pound test seamless pipe.

In consulting this document which was published by the National Fire Protection Association (the bible for the handling of liquified petroleum gases in the United States), I found that, for LP gases which would include propane, the type of pipe which should be used if the "gas vapour is in excess of 125 psig shall be Schedule 80 or heavier". So the pipes used in the propane installation are identical with the requirements of the National Fire Protection Association, which is the only standard, or is perhaps the recognised standard for the operation of these installations.

My further enquiries revealed that, despite what we have heard in the House, the propane plant does comply with the most modern systems known in operations of this kind. This is not to say that you will not find something wrong if an inspector goes there. It is probable that he will find something wrong, as he would find at any other plant which he inspected. But there is no guess work at the plant. The propane cylinders are not filled by guesswork. The weight is set, the cylinders are filled, the shut-off automatic when the required weight has been reached; the valves, which are very important, are removed regularly on a five year basis; and the personnel are trained in the operation. We only have to use our common sense to know the operation is sound.

This plant, as we heard from the Honourable Member, has been in operation for more than twenty years, and there have been no major catastrophes. There have not even been any small incidents which would cause alarm, with the possible exception of the recent gas leak that could have been dangerous.

I am not trying to minimise the risk which exists, because I am one of the few Members of the Assembly who spent five years at sea, mostly on a tanker, and I might say, on a tanker which suffered a major fire. So I know the risks involved in the handling of petroleum products.

We have, many times, throughout the world seen people who go and build as close to the airport as they can and then afterwards complain about the noise of the jets. At the time of the first oil bulk storage plant, there was some objection from certain Members of the Legislative Assembly to the siting of the Esso plant. Nevertheless, the plant was put in, and after a short time, Texaco followed in the same area. A few years later the propane plant was put in, in a much more isolated area.

The major developments, churches, schools, apartments and private dwelling homes were put in after these plants were installed 25 years ago. The Governments, over the years, have been guilty of allowing development in these areas. The people who have gone there to live have also been guilty, but what we have to remember is that similar installations are found throughout the world in populated cities, in as near proximity to developed areas as the ones in George Town. I believe that Government must do all in its power to see to the safe handling of bulk petroleum products. The machinery already exists.

We have on our books the Petroleum Storage and Handling Law, and I believe that regulations can be made under that Law to cover all the safety requirements that are needed. If the Law which is now on the books is inadequate in any area, or that it does not apply to the present installations, I should think that the Attorney General's chambers would look at a proper amendment to the Law by which we can make the necessary regulations to cover whatever problems exist.

I remember an incident which happened in the 1960's when I was a Customs Officer. I went to dip the tanks at the Texaco station after a tanker had unloaded a supply of gasoline. Mr. Tom Hurlstone, who was the manager of Texaco, and I climbed to the top of the tank and as we pulled the bung out of the tank, getting ready to insert the dipstick, somebody climbed up the steps, took out a cigarette and was ready to strike a match. We call have all been blown to hell that day, but fortunately we saw the action of the person and were able to persuade him that it was not the time to get his smoke.

I am relating this because no matter what facilities or which regulations exist, no matter how much one may conform to the safety codes, one careless act can destroy all the best plans made by man.

I believe that the oil companies - Texaco, Esso and Borden Holdings - will endeavour to co-operate with the Government and the Fire Department in order to guarantee the safety of their operations, because those who have the most to lose by any accident would be the owners of the properties. The first people to be blown to pieces would be those who work at the plant. Whatever monetary loss there is, the one to pay the cost would be the companies themselves. So they have a stake in this business.

to maintain a safe and adequate plant which is operated by standards set by the manufacturers and those who are in the petroleum industry.

I have heard calls for the pipes to be underground. This has to be nonsense, because everyone knows that as dangerous as the pipes are above ground, they are much better than if they are out of sight, because if you have a pipe leaking above ground it is much easier to not only detect the leak, but to actually identify the trouble spot.

Trinidad Leaseholds has actually 28 miles of pipeline above the ground, and I have heard of no major incidents where the pipeline above the ground has really caused any trouble. On the other hand, there was an item in the news about three years ago (it was on television) where 13 people died in California as a result of an accident caused by an underground pipeline.

I do not see the need for setting up a committee. We are now suffering (and I do not want to anticipate the law) but we are suffering from the work of a committee which met 37 times to frame a law over the last three years. I believe there is no need for the committee. We have the law, Government has the technical people, we have the Honourable Member in charge, and, if necessary, we can bring in an expert - we have brought them in to count wild parrots and to catch stray dogs; so this administration knows where to find experts, and they can find an expert if they need one.

However, I must congratulate the Member on bringing the motion because he has highlighted a problem of which there is no evidence at all that the Government knew existed. He has highlighted a problem and I know the Government, being afraid of any criticism, will endeavour to do what they can about it.

The Member introducing the motion mentioned that an expert had been brought in some years ago, an expert who had made some recommendations - and this is true. Some of the recommendations which he made at the time were carried out by the oil companies. I believe amongst those recommendations was one to relocate the plants and to put them in a more isolated place. Perhaps this would be the ideal thing. However, in our situation, I do not think it is practical at all. It would be much easier to evacuate the area and relocate all the other businesses and buildings, because the bulk storage plants need to be (not necessarily need to be) but it is convenient if they are close to the ships which bring the cargo that goes into the tanks.

We know that, unless the plans materialise for the dredging of the North Sound, there is really no other place where the ships could come in and pump the cargo into the tanks. Then there is also the cost of relocation. I have heard one estimate given at something over \$2 million, but I believe that estimate is a little on the low side. If those three plants were to be relocated, I believe the cost for the new land, and for the obstruction of services and the new plants, would probably run in the vicinity of \$15 million rather than \$7.5 million for the three. So it appears to me that whether we like it or not, George Towners are now paying for a philosophy, by which they have lived, that everything must be in George Town.

For example, and to illustrate the point (I do not want to stray) the airport was put in George Town simply because the George Town Members dominated the Legislative Assembly at that time, and wanted it so. Years later, one of those Members came to me with a petition to move the airport and put it where it should have been, in the first place, behind Boddan Town in that level land there. And I had to tell him at the time that I would not sign the petition and would fight him because it was asked for and one be careful when asking for something because one may really get it.

The problem we have today is a problem that will not go away easily. It is a problem that I think we are going to have to live with, but it is also a problem where caution can be exercised, where safety can be exercised, and I believe that a child is much safer in the school up there by the storage tank than he is driving home in his mother's car from school. We have had many accidents where school children have been injured, and no one to my knowledge has been injured because of an accident as a result of the handling - no one in Cayman - of liquefied petroleum gases.

I cannot support the motion because supporting it, to me, would entail endorsing number (iii) of the resolve section. I cannot support it because it would also endorse the acceptance of number (ii) which is already covered - that is the storage, transportation and distribution of all fuels. It may be so that the existing regulations are inadequate, but if they are, I feel that the Portfolio responsible can sit down and churn out new regulations or amended regulations which are necessary.

I cannot support the motion because supporting it would endorse, or would entail the acceptance of number (i) which is that Government take immediate steps to have the plants protected. I believe this has already been done from the inception of the plants. It is my understanding that, when each of these three plants were built, they were inspected by people who knew, even before a single drop of propane or gasoline was put in the tanks. But standards and technology change, and what may have been the accepted norm in 1967 may no longer be adequate today. And in fact we find that the technology of one decade is obsolete in the next.

I am alarmed by the serious consequences that would result if these three plants were to be shut down until they could be relocated to any new area where there would be not one person who would not suffer from the toxicity of leaks or be endangered by the hazards of explosions. I do not believe these sites are too frequent in Grand Cayman, and are certainly not found in George Town.

Nevertheless, because the motion has at least made the Government debate it, we know that they are now aware of the problem, and we trust that

they will deal with it diligently as we know they can if they want to. I will certainly be consistent as I am and vote against the motion, but I trust that its presence before this House will result in some action.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LIMEFORD A. PIERSON:

Thank you, Mr. President.

In listening to the debates on this motion and, in particular, to the presentation made by the last speaker, I wonder, Sir, if he took time to fully read the details of the motion. It appears to me that his only concern was with section (iii) of the resolve section, and I shall deal with that as I attempt to make my contribution to what I regard as a very worthy motion indeed; and I believe that I will demonstrate that I have shown perhaps more concern than most in that I took time out to visit the installations and to satisfy myself of some of the problems.

I have no doubt that this motion was indeed prompted by the recent fire which occurred near to the propane plant on Walkers Road; and I do not think there is any doubt in the minds of any Member of this Honourable House, or indeed in the minds of members of the public, that something should be done at this stage. That is why I feel that this motion attempts to make a reasonable effort to address this problem. It is not at all unreasonable, and I feel, Sir, that the Honourable Third Elected Member of Council did a very good job in his support of this Motion. He has pointed out exactly the necessity to set up a committee to examine alternative measures to cope with this problem.

Mr. President, the previous speaker said that he is alarmed at the consequences should three plants shut down until a new location could be found. I, too, would be alarmed, but this is not what we are talking about in this motion. It is not the intention to shut down any of the plants on South Church Street, and I would like to make that abundantly clear. This gives the public the wrong impression, Sir. Neither the Government, the seconder of the Motion nor myself have any intention of shutting down the plant because we are well aware of the chaos that would result.

In the contribution by the previous speaker, he indicated that a committee of this House would not prove worthwhile, but that it would be futile. Because of the interest of the safety of the people of this country, and in particular those who border the area where these tanks are located, I feel that it is incumbent on the Members of this House to set up a committee and be a part of that committee to examine the potential dangers of those areas. I, too, know that there are safety measures and safety standards in place, and I will touch on these as I go along.

I am happy, however, that the previous speaker did in fact mention that the propane tank was built some twenty-odd years ago. If my dates are correct, I believe that the propane tank installation was in 1962 and the others sometime in the 1960's. This is the reason, Mr. President, why we should perhaps be looking very closely at the safety aspects of these operations.

Once upon a time the Public Works Department was located behind the Public Library because that was sufficient at the time. Once upon a time the old post office housed about three or four Government departments. Once upon a time, the Governor, or the Administrator at the time, and his staff, were housed in a little wooden building. Times have changed, and this is why the Government must move with the changing times.

The same Member spoke of his experience at sea as a seaman and his encounter with petroleum and petroleum products. Even though I know that he spent more time at sea than I did (I was only at sea for one year), I believe that my year of experience with petroleum products perhaps exceeds that of any Member of this House. In in my tenth month at sea I was a seaman on the Sinclair Patroller which hit a war mine and exploded. Two of the chaps on that ship, including a Caymanian, died. So I know the dangers of petroleum and petroleum products. I saw the oil burn on the water that day as if a cane field had been burning. We were helpless. We were in lifeboats and could not go near the ship to try and help the two people who were trapped.

So, Mr. President, let nobody fool you, we are talking about a very, very serious matter one that should not be clouded by any political leanings or otherwise. Because of human weaknesses anything is possible.

The same speaker alluded to the dangers, the potential dangers, if somebody struck a match or something around one of those tanks. No matter how well regulated a system is, we cannot overcome certain personal and human weaknesses. So we should do all in our power to ensure that we put in place as many safety standards as possible.

In this respect, I am not suggesting at all that the present owners of those installations should have the financial responsibility of having to move those tanks. What this motion calls for, that is in part (iii) of the resolve section, is that Government should examine whether suitable alternative isolated locations can be identified which would minimise the threat to life should an accident occur. It says that Government should examine the feasibility and the viability of this. And, hopefully, all Members of this House would be a part of that committee.

But if I may, I would wish to touch on all three areas of the resolve section. The preamble says:

"AND WHEREAS the plants and their operations pose a potential

danger or threat to the surrounding neighbourhoods, including the 4,000 school children who are the future of these Islands;

BE IT THEREFORE RESOLVED THAT:

- (i) Government, together with these companies, take immediate steps to have the plants protected as far as practicable?."

Mr. President, I do not believe that anybody in their right mind can accuse the previous speaker of the sin of commission. But it is not what is said, it is what fails to be said. I do not recall the Member reading that last section of the first section of the resolve. He stopped at "take immediate steps to have the plants protected ...". It went on to say "... as far as practicable". The sin of omission is sometimes worse than the sin of commission.

Part (ii) of the resolve section reads:

- "(ii) Government institute local regulations governing the storage, transportation and distribution of all fuels and hazardous materials?."

Perhaps the committee will come up with recommendations for the appointment of a Government inspector, perhaps within the Fire Department or some other appropriate department of Government.

Part (iii) states:

- "(iii) Government should examine ..."

... that is, Government should look into the viability and feasibility of the whole matter.

There are, however, two sides to this matter, and I wish to also point out the areas that I have checked into which would suggest to me that certain international standards are now in place. I would also point out that, in 1963, when the propane plant was built on Walkers Road, this was pretty much in an isolated area. There were no other buildings around at that time. It is my understanding that Government forced a certain family in George Town that owned the land where the Government schools are now located to sell that property to Government after they had knowledge that the propane plant had been located in that area. That was 24 years ago. So, Government is also to be blamed for building the schools around this propane plant after it had been built there. If we decided on section (iii) of this resolve, then I feel that Government would have to shoulder a major portion of any expenses to relocate those plants.

In my attempt to get as many facts as possible on this matter, I visited Captain Theo and his son Ablee at their office and attempted to glean as much information as I could. I am very happy to report that a lot of basic international standards are now in place, but it would appear as though certain areas could be upgraded. I also drove with Captain Theo to the area where the leak occurred, and it would seem that some vehicle or person had knocked the pipes off its racks causing the leak.

We are talking about cause and effect, and the effect, Mr. President, is what is of most concern to us. We sympathise with what may have occurred, or what may have caused the pipe to start leaking. But what we are more concerned with here is the effect, the damage and the devastation that could occur with a major eruption of those lines on the plant.

I was told, and I believe that the propane plant off Walkers Road is one of the most modern facilities in the Caribbean. I believe this. I was also told that unlike some of the plants you will find in Jamaica and other Caribbean Islands, the plant off Walkers Road is spray filled, which keeps the pressure down.

For example, in Jamaica, installations are liquid filled, and in order to keep the pressure down it is necessary to have a vapour return line to reduce it. The local installation does not need this type of return line because of the spray filled system that they have. This is a very modern feature, Mr. President. So, as I said, I will indeed point out the areas where standards are very high. However, later on, I will touch on some of the weaknesses.

MR. PRESIDENT:

Would it be convenient now to take a break?

MR. LIMEFORD A. PIERSON:

Thank you, Mr. President.

MR. PRESIDENT:

We will suspend proceedings for fifteen minutes.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:30 P.M.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINCOLN A. PIERSON:

Thank you, Mr. President.

When I commenced my contribution on this motion, instead of saying there was a potential fire from a leak, I in fact said a fire. I wish to correct that. There was a leak which had the potential of causing a fire.

On that particular night, my understanding is that there was a lot of rain, therefore this was the reason why the area was not patrolled as had been the custom. It appears as though something like a tractor hit the line, which is propped up on some cement blocks, and because of this, it got a crack in one of the joints. Upon my examination of this particular area I would have to agree that, if this had not been tampered with or hit by some object, it should not have caused that particular leak.

I was also told by Captain Theo and Atlee that the pipe is a Schedule 80 pipe, which means it is a seamless pipe which stands up to about 2,200 lbs per square inch of pressure, and that this is controlled by safety valves. But they usually pump at about 200 lbs of pressure per square inch. The safety valve is set to relieve pressure at 250 lbs. So they have a lot of built-in devices for protection. I was also told that the likelihood of a major explosion or fire at the installation is remote and extremely small, but he agreed, in fact, at that meeting that he would put barricade the area.

We also discussed the pros and cons of putting the pipeline underground, and I have to agree with him that one of the dangers of putting the pipeline underground is that if there was in fact a leak, it would be much more difficult to locate and that a more serious accident could occur as a result of leaving the leak for too long.

Mr. President, on the question of relocation, it was felt that it would be very difficult. Both Captain Theo and his son mentioned this, and if it was something that needed to be done, they expressed the hope that this would be done within the long range plan of Government; and that within the next five or ten years that they would not be asked to move again. I said that this is not the immediate intention of Government nor of this motion, as it calls for a committee to examine the viability and feasibility of the matter.

I was also told that Tropic Gas provides manuals for the guidance of the management of the propane plant and that all their lines are grounded in case of lightning. I was further assured that the annual inspection by the police and fire department are carried out, and that they recently installed a system to keep the tanks wet in case of fire, costing some \$18,000.

So, Mr. President, this motion was not brought here without seeking to obtain as much information as possible on the operation of these installations. Much thought and effort went into the preparation of this motion. I also contacted the manager of the Texaco installation, Mr. James Tibbitts, and I subsequently visited the Esso installation and discussed the matter with Mr. Gary McCaugart and his colleague. While at the Esso installation, I was taken on a tour of the grounds and was shown the various safety devices that are installed at the Esso tanks in case of a fire or in case of a major oil leak. I was also told that Esso and Texaco are now considering installing underground pipes for the purpose of transporting oil, that is diesel oil to Caribbean Utilities and the airport. This alone will reduce the dangers of accidents occurring with these big tank lorries that now have to transport oil to these various areas. I was told by Mr. Tibbitts that Texaco is quite aware of the importance of safety in the environment, and that they are doing all in their power to cope with this.

I also received from Esso a copy of what they call their Plant and Terminal Inspection Report. This outlines the various checks that are made not only by the international inspectors who come in on a quarterly basis, but also the monthly checks that are carried out by the managers of the Esso installation. I have no doubt that similar checks are done by Texaco. These checks are carried out on the safety conditions of the tanks, the pumps' manifolds and piping, the loading racks and barrel filling facilities, the buildings and other structures and equipment, and they are very, very careful with the question of smoking. They also examine the docks and piers and other miscellaneous checks that are done.

So, Mr. President, I have gone to this extent to point out that a lot of safety checks are now in place. But we also have the other side of the coin, and that is potential dangers. No matter how good a system, it can fail.

Back on the 10th of September 1982 (and at this point I wish to point out that I am not concerned about whose administration this fell under) the Caymanian Compass carried a headline "Oil operations unsafe". This was written by a gentleman for whom I have a lot of respect, Mr. Kent Eldemire, a conservationist. Sometimes in Cayman that seems to be a bad word, but I have a lot of respect for conservationists. In this article, Mr. Eldemire said:

"With the company handling volatile, hazardous and explosive material, the location of this compound in the middle of one of Cayman's best residential areas must certainly be considered a grave mistake in the first place, and to now grant further expansion only compounds an already untenable situation."

Mr. President, in the preamble to this, the Compass stated that Mr. Eldemire had disclosed to them that a year ago, that is in 1981, he wrote the Central Planning Authority to register his objections at plans submitted by Texaco

seeking permission to erect storage on South Church Street. He copied the letters to the then Governor, Mr. Thomas Russell; the Member for Agriculture and Land, Mr. John McLean; the Member for Tourism, Mr. Jim Rodden; the Member for Health and Education, Mr. Truman Rodden; and the Member for Communications, Mr. Haig Rodden; and Mr. Dennis Foster, according to the Compass report in September 1982. I can recall, as far as my memory goes, because I believe that at that time I was the chairman of the Central Planning Authority. I can recall that Mr. Eldemire did in fact address this problem. He went on to say:

"I am amazed that Texaco, with their touted concern of the environment and own company safety considerations, appear to have a most unsafe terminal."

It is my understanding, Mr. President, that since 1982 Texaco has taken some strong measures in improving the safety standards on South Church Street.

Mr. President, I am reading from this because I feel that this in fact gives a very good account of the possibilities and the potential dangers of those tanks being situated and located on South Church Street. He continued:

"It is time to consider the obvious alternative of providing an area suitably located outside residential suburbs to establish a tank for all companies handling this type of commodity."

Mr. Eldemire's remarks were foreshadowed by a United Nations' report done on the oil companies here for the Cayman Islands Government. This report was not made public, but a source who had access to the report said that anxiety over the impact of oil installations in Grand Cayman had been expressed in the report which was submitted four years ago, that is four years before 1982.

The report allegedly said that the walls at Esso and the dykes at Texaco were too low and insufficient to hold the stored volume of the tanks as is required by generally accepted standards. Another point that the report is said to have made was that the tanks were too congested in the small area, and that in view of this, any expansion of the current facilities should be discouraged due to the high risk of the fire hazard.

Mr. President, even though this article which I am reading dates back to 1982, the concern is as real today as it was then. This is why the motion calls for these companies to do everything in their power and to take immediate steps to have the plants protected.

South Church Street, Walkers Road area and South Sound are perhaps one of the more choice residential areas in this country. Some of the most expensive homes and some of the most densely populated areas are around these particular installations. This is why we cannot do too much to ensure that proper safety standards are in place. This is why, when I was asked by the Second Elected Member for West Bay to second this motion (I think he will recall) in its initial drafted form I told him that I was not able to second it unless it had been amended, which he subsequently did. At that time I found it possible to support this, because even though the leak occurred at the propane plant, I did not feel it was fair to single out just that particular plant, when in fact the Esso and Texaco installations pose as much of a potential threat to the safety of the surrounding area as the propane plant does.

I fully support this motion Mr. President, and I would ask that this Honourable House agree, with your permission, to appoint a committee to examine the viability and feasibility of this whole matter before us today, of the safety and storage of petroleum products in the Cayman Islands.

I thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

Mr. President, rising to speak on Private Member's Motion No. 19/87 regarding the safety and storage of petroleum products, I wish to say that I share the concerns of the Members bringing the motion to this House. They have expressed these very serious concerns and a number of questions arise when considering this motion.

Of primary importance, of course, the safety of life and limb must be in the forefront of our minds at all times. However, there are a number of questions which have come to mind in thinking of this. It is a very difficult motion to deal with because on the one hand we want to do everything possible to ensure that not only the residents who live day and night near these petroleum storage facilities, but the school children and others who are in that area for several hours a day.

I have been around long enough to know that when those facilities were first placed there, there was certainly nowhere near the amount of persons living in the area, nor school facilities either, for that matter. But the situation exists and it is one which we have to deal with. However, even if it were possible, as the third resolve section says, that Government should examine whether suitable alternative isolated locations can be identified, which would minimise the threat to life should an incident occur. Putting aside the millions of dollars which it might cost for relocation of such facilities, I have wondered, Sir, where exactly would we place such a facility, if indeed a location were found. The storage terminals would of necessity

have to be placed near the ocean. Where is there property on this Island where such a facility could be found? If that is not the case, any isolated area where such terminals might be placed away from a residential or school area, one would still have to use pipes from the ocean to wherever these storage facilities are located. Are we going to find any area on this small Island where these pipes could be located where one would not find a residential area or some other area which would be exposed to the dangers such as took place some months back?

Mr. President, the situation, as I see it, is one of taking every precautionary measure to ensure that everything which is done, everything which can be done and all precautionary measures which are taken by such institutions worldwide, are done here. I have no doubt in my mind that the companies involved, Texaco, Esso and Home Gas are all reputable firms. Texaco and Esso are known worldwide, and I doubt very much that they would have less interest in securing the facilities here than they would in any other densely populated area in any part of the world. As far as Home Gas is concerned, they are primarily located right here in the Cayman Islands. I do not think they have any interests elsewhere. However, I can assure you that the family involved in that particular operation is cautious and careful, and at all times bears in mind the very important part which they play in protecting the lives of those people who live in that area.

Mr. President, I have worked for that company, I happen to know Captain Theo Bodden and his family, and I have no votes to gain from anybody in this district. All I have to say is that I can assure you that they will do everything possible to ensure that these facilities are maintained at the highest standard possible to ensure the safety of the people who live in the surrounding area. (INAUDIBLE)

Mr. President, if the Member sitting next to me might try not to interrupt, I was saying that I felt that the companies concerned would do everything possible to ensure that the highest of safety standards were in effect for these petroleum storage facilities, and especially with the incident which took place some time ago, I feel that even now they are looking into every possible area of ensuring that such an incident does not occur again. I have nothing at all in me - I wish that it were possible to somehow solve this problem otherwise, but it would seem to me that Government's strict regulations and the safety standards of the companies concerned, plus an on-going effort to update the regulations and to put in place even stricter standards of safety, would be what we are looking at as a possible solution to the problems which we face.

Mr. President, it is not possible for me to support this motion. As I mentioned, I share the concern of the Members moving the motion, but I do believe that the companies involved will do everything possible to ensure that the highest standards are set and that we as a Government will look into seeing that the strictest regulations possible are not only in place, but are observed by the companies concerned.

With those few remarks, I find it not possible to support the motion at this time.

MR. PRESIDENT:

Does any other Member wish to speak? Would the mover wish to exercise his right of reply?

MR. W. McKEEVA BUSH:

Mr. President, I am indeed satisfied that Government has seen fit to support this motion and I am grateful for the time that the seconder of this motion took to investigate the situation. I am grateful for his continued support in the matter.

The Member speaking on Government's behalf has indicated the need for a committee and I am glad that that is also being done. I would hope that the Fire Department would be involved because the Chief Fire Officer would know best this type of situation.

However, the Member speaking on Government's behalf said that, in dealing with the propane gas plant, it had been installed some 27 years ago, and it seemed that all the other Members picked up on this time frame. However, I believe he did go on to say there were no schools and hardly any residents; or he may have said that there were no residents. That is not entirely correct. There were homes in that area. In fact there was a home, directly across from the plant, even at that time; and at that time, from the inception of that plant, there was opposition to the plant going there. The property the plant is located on, as I understand it, was subdivided, to an extent, for residential purposes, and I believe that there was some quarrel about it being turned into an industrial property.

One thing I had failed to point out in moving the motion was that, as I understand it, this company is still not using any moorings, or that the moorings used by Esso and Texaco are causing continuous damage to the marine environment in that area.

The Second Elected Member for Bodden Town who spoke on the motion said that he could not support it because of section (iii) of the resolve which would make the exercise too costly to even think about. What, Mr. President, would the Member do? Would he consider moving the schools and the millions of dollars worth of property in that area? Let me make it abundantly clear that section (iii) of the resolve part of this motion does not ask Government to purchase land for relocation. The motion is worded as asking Government to identify isolated locations which would be available for such type of installations. And any Member in this House who says that we do not have

those locations, do not want those locations. This is why the country has fallen back in certain areas, because there is too much patting on the back and friendship. I hold no brief with any one of them. I see a situation that needs to be rectified, and regardless if it was my mother, I would still hold my position. The necessary thing to do in the final analysis is to relocate.

The Member went on to say that the most modern methods are used in the operation of this kind. If what I see here is modern, then I have to wonder what would be considered outdated. They spoke about 27 years and no catastrophe - it is a wonder, and God has smiled on us. But when you look at this type of operation, you have to wonder - a pipeline with this sort of liquid, sitting on an eight inch blocks with a pieces of two by fours. Come, come, Mr. President, do these people think that everybody is fooled?

The Second Elected Member for Bodden Town went on to say that there are similar plants in cities throughout the world with similar operations. I challenge him on that. It could only be in some backward country where one would find this operation: in a country where the authorities had no feeling or responsibility to their people, and who maybe held large shares in the operation for them to allow it to operate.

In dealing with section (ii) of the resolve part of the motion, the Member said that we already have the solution in the Petroleum Law and the regulations. I agree. Regulations can be made, and that is exactly what this section is asking. He only looked at the last section and based his opposition on that. If you look at the Petroleum Law and its regulations, the regulations are ten times larger than the Law. These regulations only deal with the exploration and other aspects of the possibility of finding oil, and what would happen in the event of the discovery of oil. The Law and its regulations have nothing to do with the importing, storing and distribution of any petroleum products. So there is need, much need, for that part of the motion. I cannot find anything in these regulations to regularise the type of situation that we are facing. They are talking a bunch of rubbish, and they know it.

Mr. President, his story on the man and the cigarette is a good one. That is what I spoke about in my opening remarks. I do not know who it was who would have gone to Hell, but somebody might have gone. Human indiscretion cannot be safeguarded; it is a most difficult thing to do. And I would continue to say that we cannot be lulled into complacency because of friendship, or because someone was employed by them, or because someone attends church with them, or because they are my political team. Our children's lives are at stake, and that is the bottom line. If they do not have children in those schools, they certainly have grandchildren.

The Member opposed any committee that might be formed to look into these situations. They brought in a study. The studies that were done were done under their Government -- experts. This study was done eight years ago, and it recommended no expansion. It recommended a relocation. The costs would have been much less. However, friendship and political support were ruled in and common sense ruled out.

To remind the two Members opposing the motion, I will read again the United Nation's recommendations:

"It is strongly recommended to increase significantly the storage capacity on the Cayman Islands. It is not recommended to expand the current facilities. From an environmental point of view a tank farm would be considerably safer than an expansion of current Esso and Texaco facilities, and any expansion of current Esso and Texaco facilities should be discouraged in view of the fire hazards..".

That was their report, Mr. President, something that was never made available to the public. What are they talking about? Just a few days ago we stood in this House and said that we need to know what is going on and that we should get together. A Member of Government said he would form the committee. I will be there, if I am asked to serve. This is what I want.

Mr. President, he further muddled the whole issue by trying to impute that we would shut down the plants until we found a place to relocate. The motion does not say any such thing. If these operations were to be relocated, it would be in the future, and probably in the distant future. I do not see it happening right away, Mr. President. Any management team would not simply knock down the plants, close everything down and then go off somewhere else and build one. Backward government, Mr. President, to sit back and worry about cost alone could have a disastrous effect on the future of this country.

The last points to deal with are the points, if you can call them that, made by the lady Member. I am not surprised, Mr. President, not surprised at all. That Member supported a previous motion by me to look into the raised fees of propane gas. The effect of that motion eventually caused the cost to go down \$5.00. She came crying on my shoulder that she should not have done it. Somebody must have tapped on her back. That is no lie, that is the truth.

The only sensible point she made was that were no schools were near the plants when they went up. That is the truth. Let me tell her that this is no excuse to have large scale development and expansion without taking into consideration its surroundings and the possible growth of the schools which has eventually come about. She said she has every confidence that the strictest safety standards are

employed. She does not know who she is dealing with. She does not know what she is dealing with, but she is playing with our children's future, and maybe hers too.

Mr. President, I think the motion is well placed. It is needed. Any Member who votes no, is not a responsible Legislator. I maintain that the safety measures of the propane plant, and maybe a few measures of the other two companies, are not in keeping with modern standards; and I maintain that this threat to that area and to those schools is enough for all of us in this House to want to do something, regardless of friendship and regardless of the support from any one of the companies. As far as I am concerned I will always be a good representative because when I see a problem, regardless of who is involved, I try to solve it, and that is exactly what I am doing here this afternoon with the support of the Second Elected Member for George Town. We have done our work, now let us all do our work as responsible Legislators. Support the motion.

MR. PRESIDENT:

I shall now put the question on Private Member's Motion 19/87.

QUESTION PUT: AYES AND NOES

MR. W. MCKEEVA BUSH:

May I have a division, Mr. President.

MR. PRESIDENT:

A division please, Clerk.

DIVISION
NO. 78/87

AYES: 12

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Henson D. Ebanks
Hon. W. Norman Dodden
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
Mr. John B. McLean

NOES: 3

Mrs. Daphne L. Orrett
Mr. James M. Hodden
Mr. G. Haig Dodden

PRIVATE MEMBER'S MOTION NO. 19/87 PASSED BY MAJORITY.

MR. PRESIDENT:

We have now completed the business left over from yesterday, which will bring us back to Item 4 on today's Order Paper; the Second Reading debate on the Appropriation Bill. It does seem to me that with six or seven minutes to go, it is hardly worth commencing that debate.

The Honourable First Official Member.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

I would agree with that statement by you, Mr. President, so if it is your wish I will move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED.

AT 4:21 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
THURSDAY, 19TH NOVEMBER, 1987.

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

THURSDAY, 19TH NOVEMBER, 1987
(FIFTH DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 RUSH	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 FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 19TH NOVEMBER, 1987
(FIFTH DAY)

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

2. QUESTIONS TO HONOURABLE 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. 93: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE TOTAL
CHARTER REVENUE OF CAYMAN AIRWAYS LIMITED IN THE FINANCIAL
YEAR 1986-1987.

NO. 94: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE TOTAL
PASSENGER REVENUE OF CAYMAN AIRWAYS LIMITED IN THE
FINANCIAL YEAR 1986-1987?

NO. 95: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE TOTAL CARGO
REVENUE OF CAYMAN AIRWAYS LIMITED IN THE FINANCIAL YEAR
1986 - 1987?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST
OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND
DEVELOPMENT

NO. 96: CAN THE HONOURABLE MEMBER SAY HOW MANY CAYMANIAN TEACHERS
RESIGNED FROM THE CIVIL SERVICE IN THE YEARS 1980 TO 1987?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED
MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL
RESOURCES

NO. 97: WILL THE HONOURABLE MEMBER SAY WHAT STEPS, IF ANY, HAVE
BEEN TAKEN TO REMOVE THE BARRICADES WHICH WERE ERECTED
AROUND LIGHT POLES ON THE SPOTTS - BODDEN TOWN ROAD BY
CARIBBEAN UTILITIES CO LTD?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED
MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND
DISTRICT ADMINISTRATION

NO. 98: WILL THE HONOURABLE MEMBER SAY WHY SUCH A LARGE PORTION OF
THE MUCH NEEDED PARKING SPACE IN GEORGE TOWN BY THE OLD
MARKET HAS BEEN TAKEN FOR A FLOWER BED?

3. GOVERNMENT BUSINESS

BILLS:

THE APPROPRIATION (1988) BILL, 1987

COMMENCEMENT OF DEBATE.

(ON BEING READ A SECOND TIME, THE BILL SHALL STAND REFERRED TO FINANCE COMMITTEE - STANDING ORDER 63(3))

4. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

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THURSDAY

19TH NOVEMBER, 1987

10:10 A.M.

PRAYERS

MR. LINEFORD 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 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, who 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:

Our proceedings are resumed. Questions. No. 93, the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE 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. 93: Would the Honourable Member state what was the total charter revenue of Cayman Airways Limited in the financial year 1986-1987?

ANSWER: The total charter revenue of Cayman Airways Limited during the financial year 1986-1987 was US\$6,578,407.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN:

Mr. President, can the Honourable Member say how the revenue compared with the cost of operating the charters?

HON. W. NORMAN BODDEN:

Mr. President, the charters operated by Cayman Airways were conducted with the use of the 727 aircraft as well as a 737 aircraft which was leased. If you isolate the charter operation of the 737, compared with the cost and the income, that operation produced a profit.

MR. JAMES M. BODDEN:

Could The Honourable Member advise how many hours were flown in order to derive this gross revenue?

HON. W. NORMAN BODDEN:

No, Mr. President, I do not have the total number of charter hours because, as I said, on both aircraft (the 727 and the 737) I do not have the hours.

MR. JAMES M. BODDEN:

Could I have a commitment, Mr. President, that that would be circulated in letter-form to the Members of the House?

HON. W. NORMAN BODDEN:

Yes, Sir, no problem with that.

MR. JAMES M. BODDEN:

A further supplementary, Mr. President.

Could the Honourable Member advise the House of the charter hour rate used in this figure?

MR. PRESIDENT: I think that is a rather detailed question, going somewhat beyond. Would you care to reply to that in writing?

HON. W. NORMAN BODDEN: Yes, Sir. There would be two different charter hour rates, I imagine. Could I ask the Member if he is referring to the charter rate which the company charges the customer?

All right, there are probably eight or nine different charter destinations involved, and I can supply that in writing.

(INAUDIBLE)

MR. PRESIDENT: Sorry, would you please address the House, so we can all hear.

MR. JAMES M. BODDEN: Well there is not much use if my question is being ruled out of order.

MR. PRESIDENT: No, no, I asked for a reply in writing, because it was very detailed following out of the original question.

MR. JAMES M. BODDEN: No, it was a very simple question, Sir. What I was saying was that regardless of the route flown, whether it is from here to New York or a charter from here to Miami, it would normally be figured at the same flight hour rate.

HON. W. NORMAN BODDEN: It depends on the destination, Mr. President, because the cost of operating into some airports is higher than others, and I think there would be a difference in the rate to the customer even though the different types of aircraft are used, or when the same aircraft is used, in fact. I understand that that is also a question which has been put down by the Member, so I would give that information whenever that question comes up.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member say offhand if the charter revenue was more than, or less than, the expenses of the charters?

HON. W. NORMAN BODDEN: Mr. President, I dealt with that when I answered a supplementary question a while ago by the Second Elected Member for Bodden Town. The charter revenue that I have quoted is a combination of charter revenue derived from operation of the 727 and the 737 on charter business. If we take the revenue derived from the 737 in isolation and deduct the expenses for that particular operation, a profit is shown.

MR. G. HAIG BODDEN: Mr. President, what I want the Honourable Member to say is no or yes. Did he make a profit on the operation of the charters?

MR. PRESIDENT: On the total operation, is that what your question is?

HON. W. NORMAN BODDEN: I would say the answer to that would be yes.

MR. PRESIDENT: There appear to be no further supplementaries. Next question, please.

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

NO. 94: Would the Honourable Member state what was the total passenger revenue of Cayman Airways Limited in the financial year 1986-1987?

ANSWER: The total passenger revenue of Cayman Airways Limited during the financial year 1986-1987 was US\$22,872,096.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Could the Honourable Member tell the House whether the per hour rate on the passenger revenue exceeded the per hour rate earned on the charter market?

HON. W. NORMAN BODDEN: I am sorry, Mr. President, but I am not able to answer that question. I do not understand a per hour rate on passenger revenue as compared to a per hour rate on charter. Maybe if he can explain further I might be able to give him

an answer.

MR. JAMES M. BODDEN: Well, I thought it was a simple question. If an income of \$22 million was earned on the scheduled route for say 8,000 flying hours, and if \$6 million was earned by flying 2,000 hours; if you compare one against the other you would know which was the most profitable. I mean for a man with the experience as the Honourable Member should have had in this industry, I thought it was a simple question.

HON. W. NORMAN BODDEN: I can stand on my experience, Sir.
If the Member had phrased the question, 'What was the average per hour cost, comparing passenger revenue and charter revenue', then I would know how to calculate that, because I am not a dummy. I do not have that information with me, but if the Member wants it I can give it to him in writing. However that is a calculation that the management of the company would have to do.

MR. JAMES M. BODDEN: Mr. President, I apologise. I was not in any way making reference to the Honourable Member as being a dummy. I know much better than that. I am sorry he took it that way.

MR. PRESIDENT: I am sure your apology is accepted in the spirit in which it is offered, and the spirit the House will note.
If there are no more supplementaries, shall we go to the next question?

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

MR. 95: Would the Honourable Member state what was the total cargo revenue of Cayman Airways Limited in the financial year 1986-1987?

ANSWER: The total cargo revenue of Cayman Airways Limited during the financial year 1986-1987 was US\$1,688,136.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Is there any particular reason why the cargo revenue of Cayman Airways has declined so much?

HON. W. NORMAN BODDEN: Declined so much in comparison with what period?

MR. JAMES M. BODDEN: Well, we could take most any period, but for reference sake, I will take 1984.

HON. W. NORMAN BODDEN: The decline in cargo, comparing 1984 with 1987, I think is due to various reasons. Taking one year in isolation as this, you can have a situation where importers have decided to bring more of their cargo on ships rather than aircraft. You have to take into consideration the cargo rate that was in effect at that particular time, Sir.

MR. JAMES M. BODDEN: The cargo rate is, I think, higher now than it was, taking the isolated year of 1984. The economy of the Island has grown probably 20 per cent in the last three years. So would it not be expected that the cargo revenue of Cayman Airways should have increased to stay in line with the supposed upturn in the economy?

HON. W. NORMAN BODDEN: Mr. President, if there are better facilities and rates offered to the public by shipping, then that source and means of transportation can take business from air cargo, and I think that is a consideration that has to be made. I think there has been a lot more shipping activity as well, and a lot of the cargo is being brought in by ship rather than being flown in by aircraft.

MR. JAMES M. BODDEN: Is it not true that this appreciable decline could be traced back to the actions of Government, I think in 1985, when the customs duty was re-evaluated with regard to freight cargo coming in by air?

HON. W. NORMAN BODDEN: Mr. President, I believe that probably for the first six months that did affect the importation of cargo by air. After that many customers, who had transferred to shipping, went back to bringing in perishable foodstuffs by air again. So it did have an effect for a short period of time. However, there was also a cargo operation with a DC-6 aircraft which was discontinued because that was found to be uneconomical in view of the one way traffic, the one way cargo that we have, with everything being flown in and nothing going out. So that also had an effect on the overall total revenue for cargo.

MR. PRESIDENT: Shall we move to Question 96? The Second Elected

Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 96: Can the Honourable Member say how many Caymanian teachers resigned from the civil service in the years 1980 to 1987?

ANSWER: During the period 1980 to 1987, 23 Caymanian teachers resigned from the civil service. Of these officers, 14 are Caymanian by birth and nine acquired Caymanian status.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Can the Honourable Member say, out of the number of Caymanians, how many had entered the service within the last three years?

HON. THOMAS C. JEFFERSON: Mr. President, I am not quite sure of what the Member is asking. Could he clarify it for me?

MR. W. McKEEVA BUSH: Well, Mr. President, if you have 14 born Caymanians, what I am asking is how many out of that 14 joined the service in, say, 1984-1987?

HON. THOMAS C. JEFFERSON: The question, Mr. President, is difficult to answer because the period of the answer covers seven years. Although I have the names of the teachers, it is difficult for me to recall when particular teachers entered the service. Some, I can see, entered prior to 1983, but I am unable to give the detailed answer. If the Member wishes to have it, I can undertake to provide it in writing. It has to be researched.

MR. W. McKEEVA BUSH: Could the Honourable Member give their period of total service? Is that possible?

MR. PRESIDENT: Is this the whole category referred to, or only those in your supplementary?

MR. W. McKEEVA BUSH: Well, I would like to know about them all, but particularly the Caymanian teachers.

HON. THOMAS C. JEFFERSON: The files of the 14 teachers, Mr. President, would have to be researched. I do not have that information before me.

MR. W. McKEEVA BUSH: I am wondering whether I could have the answer in writing to the last two supplementary questions?

HON. THOMAS C. JEFFERSON: I think in the first case I offered, and in the second case, I am happy to do it.

MR. G. HAIG BODDEN: Mr. President, may the Honourable Member invite the Honourable Member for Education to answer this because he probably has the information.

MR. PRESIDENT: No, I am sorry, this is a matter for the First Official Member as head of the civil service, and it is actually in a public document.

MR. G. HAIG BODDEN: Mr. President, I do not want to argue with you, but I think under Standing Orders, a Member can get the help of another Member when he does not have the information and it overlaps, as it certainly does in this case.

MR. PRESIDENT: That, I think, is up the First Official Member. He has undertaken to reply in writing, I do think we should leave it there. It is his business.

Next question, number 97 please, the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 97: Will the Honourable Member say what steps, if any, have been taken to remove the barricades which were erected around light poles on the Spotts - Bodden Town Road by Caribbean Utilities Co. Ltd.?

ANSWER: Caribbean Utilities Co. Ltd. was advised by the Central Planning Authority to

submit proposals for alternative barricades to be erected. These plans were submitted in October of 1987 and will be considered by the Central Planning Authority at its next meeting on 15th November, 1987.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, I wonder if the Honourable Member could give this Honourable House an undertaking to monitor what takes place on this very important matter.

HON. VASSEL G. JOHNSON: Mr. President, I certainly will.

MR. JOHN B. McLEAN: Mr. President, can the Honourable Member say why it has taken so long to get action? This matter was first brought to the House, I think, over a year ago.

HON. VASSEL G. JOHNSON: Mr. President, I think the matter was passed to Legal, and then it went back to Planning before Caribbean Utilities could be advised of what was required by the Central Planning Authority. These things do take time.

MR. PRESIDENT: Perhaps we should pass to the next question, number 98.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 98: Will the Honourable Member say why such a large portion of the much needed parking space in George Town by the old market has been taken for a flower bed?

ANSWER: Planning Control stipulated that the land area adjacent to the old market be heavily landscaped rather than total carparks.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Does the Honourable Member agree that this could have been done by using less of an area?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, originally the Planning Officer, in 1983 when the Member was in charge of the portfolio for Planning, recommended that the entire area be landscaped, and it was only when it came back and discussion took place between the architect and Planning that it was decided to only use a portion of the parking lot. So they landscaped a portion and they have seven parking spaces available.

MR. JOHN B. McLEAN: Mr. President, I am aware of the recommendation which the Honourable Member is speaking of. I am certain he is also aware of the heavy problem we are faced with regarding parking. My supplementary is, are we going to defeat the purpose of a transportation exercise which is now in progress to go along with such a recommendation from the Planning Department?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think the Member is referring to the recommendation that the ... (PAUSE)... Mr. President, I think I am going to have to give a written reply to that question, Sir. I do not have it here and I cannot get the information.

MR. JOHN B. McLEAN: That is all right, Mr. President. Acceptable.

MR. PRESIDENT: Supplementaries?

MRS. DAPHNE L. ORRETT: Mr. President, I wonder if the Honourable Member responsible could advise whether or not, in addition to the flower bed which has been placed near the new craft market, it is Government's intention to landscape other areas in town similar to this?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am not aware of any other areas, Sir.

MR. PRESIDENT: I think that concludes Questions, so we move to Item 3 on the Order Paper, Government Business. The resumption of the debate on the Appropriation (1988) Bill, 1987.

GOVERNMENT BUSINESS
BILLS

THE APPROPRIATION (1988) BILL, 1987

SECOND READING DEBATE

MR. PRESIDENT:

The question is that a Bill entitled the Appropriation (1988) Bill, 1987 be given a Second Reading. The Motion is accordingly open for debate.

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I would like to congratulate the Honourable First Official Member on yet another well constructed and ably delivered Budget Address.

With sincere pleasantries having been exchanged, Mr. President, I have to crave your indulgence as this is your first Budget Address as President of this Assembly (and it might well be my last as I have to face the ultimate test of the electorate who I am privileged to represent before the next Budget Address) to differ with what I have done in the past in delivering long and detailed Budget Addresses and make this one as short and as sweet as possible.

Government has once again proposed a balanced Budget with a cautious approach as dictated by the present world economic situation. I suppose they should be complimented for resisting the temptation of producing an electioneering budget which would have allowed much pork barrelling and which probably would have taken us into deficit financing. However, I think they have done the right thing and have tabled a realistic Budget taking into consideration, on a priority basis, the needs of the country.

The financial sector is still growing, despite the doom and darkness predicted by some people and the walkout on the Mutual Legal Assistance Treaty. Even in the face of growing world economic problems, the assets which grew by 15.5 per cent in 1986 to US\$202 billion have to be a positive sign to all - even to the most ardent detractors of Government and its economic policies, and they must now concede that those economic policies are sound ones. Further, the importance of this sector is clearly defined by the fact that 10 per cent of the working population is employed in the banking and trust industry.

The tourism sector of the economy is still growing. Ten per cent a year is a fair growth. However, Mr. President, I must be consistent and tell you and the Honourable Member responsible that I will not be supporting the \$1.2 million subsidy to Cayman Airways for reasons which I have expressed in great detail in previous Budget debates.

Mr. President, information is always a growing important and key element in making decisions on any sound, scientific basis. Although in making these decisions one could always desire more information before formulating a policy, they have to be taken at times with the only available information. It is therefore very important that the private sector provide Government with the statistics they need to formulate proper, suitable and effective programmes for this country. The Chamber of Commerce advocating otherwise is not, in my opinion, conducive nor does it serve the purposes of good government.

Nearly all land sales' records have been broken in one form or another during the last year. However, I am not absolutely sure that Government is getting all that it deserves from the 7.5 per cent land transfer tax, and I am of the opinion, Sir, that this needs to be tightened in order to ensure that Government gets the total amount due on the 7.5 per cent transfer tax.

Mr. President, it is indeed good music to my ears to hear that Government is giving consideration to some form of health insurance plan which can properly fund the cost of health care in this country. The Health Department desperately needs to be established as a publicly owned corporation and run by a board of trustees with adequate and proper health care policies if this insurance plan is to be effective. There is much that needs to be done to improve quantity, quality, availability and accessibility of health care to the people of this country.

Education has come a long way in this country, and is in good shape. But, somehow, somewhere, we need to reintroduce into the system a work ethic. The value of a job well done has to be taught to the school children.

Social Services, on the other hand, has some improving to do, as some of the provisions of this Budget allows. I am disappointed that the Bill for the social security scheme is not before this meeting of the House. This is probably because of the unwarranted opposition from certain minority sectors of the community. However, it is interesting to note from a recent letter sent out by the Management Council of the Civil Service Association, that it advocated that as independent minded Caymanians they can provide for themselves and do not therefore need a pension plan. That, if taken literally, could alleviate a great concern of mine and others in this Honourable House as to the source of the funding for the Government Pension Scheme if, in fact, the Management Council is advocating that we do not need to provide one, and they can

save for their later years in life. However, Mr. President, I still hope to see the Social Security Bill in the first meeting of the 1988 session.

Mr. President, the Farmers' Market was built at a cost of \$228,000; a high cost for such a small building - approximately \$130 dollars per square foot. However, the hard, cool facts, Mr. President, are that nothing is going to happen to improve the quantity or the quality of agriculture in this country until Government decides to tariff, in some way, those products which can be adequately produced by the local market.

The administration of labour in the Cayman Islands, I believe, will be greatly enhanced by the Labour Bill which is being presented at this meeting.

Revenue for 1988 is projected to be \$71 million, or a nine per cent growth. That might seem to some people to be modest, but the greater percentage of countries in the world today are in fact recording negative growth annually. So we can feel somewhat satisfied in a nine per cent growth.

Recurrent expenditure, \$62.4 million. Statutory: \$9.8 million. Capital: a modest \$16 million. The major capital projects being a community college, a purpose built computer building, needed extensions to the prison and juvenile rehabilitation centre are all worthy and necessary projects which I can justifiably support.

Of course, I support the changes in the Customs Law to allow easier administration and the small increase in revenue.

Mr. President, the public debt does not alarm me as it does some fellow Members, because in my opinion the vital statistic is not the total debt as a percentage of the annual recurrent revenue, but the cost to service that debt annually as a percentage of the corresponding revenue for that year. But, Sir, I do accept the Honourable First Official Member's caution and recommendation and agree wholeheartedly with him that to proceed with self liquidating loans is most prudent.

Mr. President, I support the \$1.1 million salary increase to the Civil Service, but sincerely hope that the present review, although entitled "Salary Review", will encompass efficiency, effectiveness, organisation and management, and resource utilisation as well as the dollar and cents section of the salary. And I intend to move a motion in Finance Committee to move the salary of parliamentarians from the lower echelons of the budget to top management level.

Mr. President, it is said he who has the wheel determines the direction. He who now holds the wheel has set a good course in the 1988 budget. Let us, as stewards of Government, not fiddle with the weather reports to cause confusion over the direction.

I support the Appropriation (1988) Bill, 1987.

MR. PRESIDENT:

I notice from Hansard of last year's debate on the Budget that there was a certain reluctance to speak, and I think that my predecessor mentioned fifteen seconds once or twice as being a decent interval. I propose to allow a great deal of flexibility, but I do think we must be reasonable about this. How about half a minute?

I imagine the Honourable First Official Member is not hoping to be saved by the bell. I do not want to conduct an auction, but I shall shortly have to invite the mover if he wishes to exercise his right to reply.

Well, as always, the Chair is in the hands of the House. I invite the mover if he wishes to exercise his right of reply. Saved by the bell. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I guarantee that you will not have a single pause awaiting speakers when I have finished. They will be scrambling and tearing down the microphones to reply because they have a lot to answer for. That answer, I imagine, will come tomorrow when I have exhausted my four hours, and if my request for an extension is denied by the House.

The past three years, which resulted in the Budget before the House, have been years of disaster as far as these Islands are concerned. The Member who spoke from North Side applauded the economic policies of the present administration, but what were they?

There was a policy of heavy tax increases in every of the three years completed. It continued into this year to a lesser degree when only a quarter of a million dollars of new taxes will be put in. We have seen tax increases that have produced roughly \$8 million of new revenue. These tax increases all have been on local items and this has had a disastrous effect on the economy of these Islands, particularly in small businesses and the little man on the street.

We heard this morning, admitted by the Government itself, that they imposed a tax on air freight brought into this country which hurt not only Cayman Airways (the Honourable Member admitted it hurt Cayman Airways), but I maintain it also hurt businesses, particularly those in Cayman Brac. So can a policy like that, even if it is termed the economic policy of the Government, be any good?

We see from the estimates before us and from the estimates of the previous years, what this Government's economic policy is. I am saying this because the first two or three pages of the Budget Address seem to justify the pattern of this Government's economic policy, or at any rate, seemed to lay the blame for what has

happened here on the world economy.

We have in this year's Budget, as we have had in the other three budgets, too much capital spending using borrowed funds. I will admit that this year the Budget does provide an amount of \$8 million to come from loans. We have seen another dangerous economic action of the Government in order to produce what they call a balanced Budget in this year, and in the past years, and that was to delay vital capital works.

We see in the Budget this year provision for major capital works that should have been started in January of 1985, and not in 1988, because the policy of the Government has been, over the three years, not to spend money on capital works. This is a mistake. You do not pass the gas station without putting in the oil the car needs, because that action would be more costly in the long run.

The capital works programme which we are hearing about now with regard to the installation of the desalination plant - why was it not done in 1985, or 1986? The sewerage scheme - why did Hadsphallic not start in 1985 or 1986? The post office which is to be started in 1988 - why was it not started in 1985? These have simply been delayed so that those unaware of the true facts would not realise that the Government's action of not tackling these major vital projects which the country needed would result in the presentation of what appeared to be a balanced Budget in each year. I say this, Sir, because a good foundation had been laid for those three major projects. They should have been given priority when the Budget was presented to us immediately after the November 1984 election.

Government failed this country by giving a three year delay, which we heard during this session already, about the escalating cost. And when I say that the foundation had been laid for these three major projects, which are now the subject of this Budget, I would like to explain that, with regard to the water project, the previous administration had passed the necessary legislation and had established in Government a new department, or a new arm and entity called the Water Authority.

This Authority had done a lot of preliminary work. The reservoir had been put in in Lower Valley. The reservoir had been established in East End - the work was completed in May of 1985, which here again showed the reluctance of the Government to complete a project, because that project had been scheduled for completion in December of 1984. Other preliminary investigations had been done, but no concrete work was started for three years until the Government finally decided to hand out a contract for a desalination plant in George Town.

The second major project was the sewerage, and here again the foundation had been laid, the legislation was in place and the Water Authority charged with the responsibility. The land, which was a big item of the cost, had been purchased for cash at a reasonable price from George Seymour. Of course, the opponents of the Government made such political hay of that very responsible purchase that they were ashamed to start the sewerage works on it immediately. They had to wait for that to die down, so that was one of the causes for the delay in the sewerage system. Nevertheless, the foundation was laid, certain technical aspects of the scheme had been gone into, surveys had been done, preliminary sketches had been drawn and the Island expected that at least construction for the hotels on the West Bay beach would have started in 1985. But no, the Government had to delay it, and I think the actual laying of the pipes started sometime about a year ago.

MR. PRESIDENT:

Would that be a convenient moment to pause?

MR. G. HAIG BODDEN:

Certainly, Sir. Of course I have not finished with the sewerage scheme, but it is convenient for me to stop.

MR. PRESIDENT:

In that case we suspend proceedings for fifteen minutes.

AT 11:13 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:34 A.M.

MR. PRESIDENT:

Proceedings are resumed. The Appropriation (1988) Bill. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I want to make one final point on the sewerage scheme. Caribbean Development Bank had, prior to 1984, in November indicated that it would provide a certain amount of financing, albeit formal talks had not been completed and the details of the loan had not been worked out. So the Government knew that it would be able to get the financing it needed once it presented the necessary feasibility study and all the other financing documents.

The third major project which should have had priority in 1985 was a new post office. Here again, some ground work had been done. A study had been completed by the Universal Postal Union, or some United Kingdom organisation and they had identified the postal needs over the next twenty years, and presented Government with a very detailed report. The Public Works Department made a very

preliminary sketch of a building, more or less to identify the location and the cost and so on. It would have been a small step for Government, if this had been treated as a priority, to work out the details of the costs and seek to have the construction started - if not in 1985 or 1986, then certainly in 1987. But here again a project like this would have meant vast capital spending.

So for three years we saw no capital spending, with the exception of the little things such as roads which had been promised during the campaign. Expensive roads were built that were not necessary, and even if they were necessary they should not have had the priority over certain major roads.

The Budget Address in essence tries to present a cautious approach to financing. It, however, fails miserably because the same Budget actually raises our long term debt to the highest levels in our 155 years of representative government. What is even worse in the Budget, as well as the others in the past, is the rate at which this debt has escalated.

Without wishing to open up this subject, one Member a few days ago tried to downplay the amount of the debt, but the estimate which is before us shows that on the 31st of December 1986 the public debt stood at \$14,041,153.47. Everyone knew where it was in 1984, because both political parties made sure of this. In fact I think the Financial Secretary himself even published a Government statement at one time that set out the position of Government.

So although there had been a phenomenal increase in the public debt from November 1984 to December 1986, we see that it is still rising, and in fact the Budget Address tells us that by the end of 1987 the public debt will stand at \$17.1 million. Further to this, in addition to the \$17.1 million which the Financial Secretary has indicated will be on the books, we are presented here with an estimate of loans during 1988. Those loans will be in excess of \$8 million. So if one adds the \$17.1 million to the amount we will borrow in 1988, one will easily see that by November 1988 the public debt will be over \$25 million; less of course any money that is repaid during 1988, and less, of course, any money which we may not draw down from the expected loans.

With the many big capital projects on hand this year it is my expectation that we may have supplementary requests during 1988 for loans, in addition to the \$8 million in the Estimates (before the House today) which we have been warned about. So there is a strong possibility that the public debt will actually be \$25 million by the end of 1988. Even if we use the figure which the Honourable First Elected Member of Council worked out for us, that is having had a public debt three years ago of some \$9 to \$11 million (and I do not know where he got those figures), we would see that the debt has more than doubled. In my own figures, by the end of 1988 the debt will have actually more than tripled. So this has been a disastrous term for the public at large, because really they are the ones who will be taxed in the future to replay all of these monies.

We have been told what a wonderful Budget we had in 1987 and what we will have in 1988. We have been told, in this Budget, that we may even have a surplus at the end of 1987. What I would like the public to understand is that even if the surplus materialises, it would not have been there had the Government not borrowed more than double the amount they expect the surplus to be. So there would not have been any surplus in the Treasury if in 1987 we did not borrow the \$8 million. What makes it even worse is that we hear talk about transferring some of this money to our reserves. But if one examines the Budget one will see that they are bleeding the Currency Board dry to get this cash, which they would like to pretend they have earned, to put it into our reserves, or into the new fangled name they attach to it in these computerised estimates.

Now I am familiar with the Currency Law and I know the Law compels the Government to keep a certain amount of cash in the Currency Board. Once that amount of cash, or assets, exceeds the requirements of the Law, Government is then free to transfer any surplus into revenue. But this Government has not merely looked on this exercise the way it should as icing on the cake, they depend on it heavily year after year to help them balance their Budget, instead of telling the Currency Board that it has more cash which it should try to invest so that it can be in a much stronger position in the difficult years that may lie ahead. So they have used the funds from the Currency Board. Although permitted to do so by law, it is morally wrong to interfere with the Currency Board's assets or surplus cash in this way.

It is expected that the year 1988 will end with a surplus balance of \$146,422. But this balance of nearly \$150,000 is small in comparison to our total Budget which is in the \$80 million range. Here again I would like the public to understand that we could not estimate \$146,000 surplus if we did not transfer 10 times that amount from the Currency Board. We could not expect any surplus at all if we did not expect to borrow \$8 million. This transfer to reserves and this estimated surplus is purely cosmetic. It is just an arrangement to make it look good. Money should be put in reserves from cash left over after all the bills have been paid, because it is foolish to put money in reserves and earn six per cent when you may be paying 12 per cent on other monies that are on loan. But it does make the Government appear to be in good state, and is a bookkeeping trick which can fool the unwary. With the advent of computerised accounts, it does enhance the overall appearance.

We are in serious problems with the loans. Some Members believe that because according to the Financial Secretary it will only take something like five per cent, maybe, of our recurrent revenue to service the debt, that we are in a good state. And perhaps, as some countries go, we could appear to be in a good

position because I think it is accepted that a country could spend up to 10 per cent of its recurrent revenue to service its debt and still stay afloat. However, do we want to work ourselves into that position? Whether we want to or not, we have long been doing it in a rapid fashion since 1984. It is now taking almost double, it might even be more than double, the percentage of our revenue to service our debt than it took three years ago.

I recall in this House a very solemn warning given by the ex-Financial Secretary when in 1976 our public debt had reached the state where it was taking nearly 11 per cent of the revenue to service the debt. And he warned that we were getting into trouble. Fortunately Government was able to reverse this trend and bring the servicing cost down to a mere three per cent. But the present administration has let this get out of hand again, and I am not surprised because the two Honourable Members who now lead the Government were the two Members who led it when the debt had risen some years ago to almost unmanageable proportions. So the warning from the Financial Secretary about the incurrance of debt in our present world conditions is well received by me, and I do trust that those two Honourable Members will hear a little of it, as they do not appear to hear any other warnings.

It is amazing how the Member who was tongue tied at the start of this debate now cannot keep his mouth shut. (LAUGHTER) But this, Sir, is what I promised you and I would not be surprised if he jumps up before I am through. But it will not alarm me, Sir, I will give way if he wants. I am in no hurry today, my Rotary meeting has been postponed until next week.

To continue to look at this Budget which, to my mind includes the performance of different sources of revenue, we see that the income, the revenue from the tax on land sales, has been exceptionally high. I will challenge the Government today to tell us of one single land sale that has resulted from any direct action by them, because the land sales which we now see resulted from work done prior to 1984. If they can single out one super land sale which their direct action has brought about, I will be happy to hear it. And this is the consensus of the business world.

We know that in 1987 Government's revenue has been affected by the new hotels, and we are told about the number of beds that are being filled. Of course, the public knows that the major hotels were not the result of direct action from this Government because the Hyatt project was started long before 1984 and, in fact, the club house for the golf course had been opened before November of 1984. The same with the other major hotel, Treasure Island Resort. The old Paradise Manor had gone into liquidation. Meetings had been held with the parties concerned for the takeover and for the construction of the hotel. So they just came along at the right time and barely managed to keep up with the flow of the tide, but no action of theirs precipitated any major financial investment.

I hate to leave this first page of the estimates, and will deal with only one other matter in showing that this is not as wonderful as it looks.

We have in the estimates \$975,000 for work on the new Fire Service building. This too is the result of delayed action on the part of the Government because they inherited, in November 1984, the most beautiful and well equipped terminal building in the entire Caribbean; one that is much better than many in the United States, and the only major part of that project to be completed was the Fire Service building. But instead of moving on to the construction of the Fire Service building they went to elaborate expense to re-christen the already baptized terminal building, and this conversion - I do not know whether it was to Catholicism or what, but it was to some new religion that the building was baptized a second time, and a new plaque appeared in devout praise of a Member of the present administration. But the real work that needed to be done lay in fallow for three years, and now we see coming up close on the eve of the next election that we are going to have a Fire Service building.

We have seen that these delays have resulted in escalated costs. This was pointed out clearly. I do not want to reopen the debate, but it was pointed out clearly by the motion which we dealt with for the desalination plant.

We expect to receive in revenue during 1988 the sum of \$70 million, almost \$71 million, plus loans of \$8 million. This is optimistic, but I believe it may be reached because the Cayman economy seems to have a resilience that makes it function despite the actions of Government. Other industrialised economies seem to function because of the action of Government. Fortunately, with our uniqueness, ours seems to function despite the actions of Government. This again is where I believe the biggest fault lies with Government. There are some of them who do not understand what makes the economy function, and if they are offered advice, they do not seem to take it.

Just as one example, we heard this morning the Honourable Member for Tourism admit that the revenue of Cayman Airways, and therefore the whole Island economy at large, was affected by Government's action in 1985 with the introduction of a tax on the 75 per cent of air freight which no one had previously paid. He was told that would happen. If you search the Hansard you will see that I made that point quite vividly in the debate when I spoke against the motion that would have imposed that tax. But they did not listen, so now they suffer.

The same thing has happened with the introduction of all the new taxes. You do not increase the Island's economy by repressive taxes because what happens is that the more money Government takes out of circulation by imposing taxes, the more the economy is deflated. So if they lower the tax, or let it remain, more money will be in circulation by the private sector, where the money can be used to increase

wages, to erect buildings, and to enlarge businesses. And so what we have here today is the result of a Government not understanding the basic philosophy of what makes an economy run.

In the Budget Address, we were told that a sum of money is included for a salary review for the civil service, and I say, thank God for that because those poor fellows have had nothing since November 1984. A satisfied civil service is very important. If one studies the history of economies that get in trouble, one will know that an agitated civil service, although they are not supposed to be, normally plays a major role. In this country it is much more so because Government is the single largest employer and they must set high standards for the civil servants and they must pay them well if they expect to get good results. And so I support this increase for the civil service.

Before I get too far into my speech, I would like at this time to take just a quick glance at the capital expenditure.

We had, during this year, an alarming situation in Cayman Brac which prompted a motion in the House, which prompted the appointment of a committee to make recommendations. There were two key factors which have been identified - two key problems with Cayman Brac. They have been identified, but they have not been made public. One of them was that over the last three years Government relegated Cayman Brac as they did Bodden Town and East End by spending only what they could not get out of doing. And so Cayman Brac, having lost the oil transfer, and having lost the large sums of money that had been spent during the eight years from 1976 to 1984, when Cayman Brac in some of those years received 20 per cent of the capital Budget, they found themselves with no employment. This is not to say that Government did not employ people in Cayman Brac, but not to the scale which had given them the comfortable position they enjoyed under the previous administration.

The second identifiable reason for Cayman Brac's position was the airlines. The useful, if not comfortable, Trilander, was taken away from them and they were given an aircraft called the Shorts which was short in so many ways that it has made the airline industry look ridiculous. Cayman Brac suffered and is suffering because the Shorts is not a dependable aircraft. I have been to Cayman Brac a few times over the last three years and every time I go I am worried about whether I will be back. The last time I was fortunate; I was able to travel on the jet because the Shorts was sitting here awaiting a part from half way across the world.

The Cayman Brackers are unhappy. They are very wise people and do not always voice their unhappiness because they are afraid of the repercussions, and afraid of being victimised, and so they bear their grudges silently. But they are unhappy. The Shorts cannot take any freight because it has no cargo door of any size. Cayman Brac depends on air freight and so the position is terrible indeed. This is why the summary of capital expenditure bears a direct relationship to the pitiful condition of Cayman Brac.

If one looks at this summary of capital expenditure, one will see at a glance that over the entire life of this administration, including 1988, one half or more of all capital expenditure came from borrowed monies. In 1988 we will use over \$7 million from local funds, but we will borrow over \$8 million. In 1987 we had a more serious position where the capital expenditure from local funds was over \$6 million and borrowed funds was over \$7 million.

In 1986 we had the same problem. The actual expenditure from local funds was \$4 million and the loan funds was \$3 million. The little better position due was just a fall over, an overrun from the past administration. So we really have a sorry sight here, and I trust the Members will understand what I am saying, although I know there is no reply.

In dealing with capital projects, I would like to mention that it is disgusting that the Government has proven to be so political in its capital works throughout the districts of these Islands. I refer especially to Bodden Town and East End, where the Government for three, or four years because they are not going to spend anything next year either, for four years has spent no money on any capital works in those districts. This is a sad indictment when people who are elected, who have received the trust of the people of these Islands, let politics cloud their expenditure of Government funds.

In 1988 they will spend in Bodden Town the sum of \$5,000 to complete a channel at Newlands, simply because the work in that area was started by the previous administration and could not very well be put off. There have been so many requests, so much agitation for it. In some instances \$5,000 is a lot of money, but when you are considering the capital expenditure for a district which was the first capital of the Islands, which is still the political capital of the Islands and perhaps one day will again be the administrative capital of the Islands, \$5,000 is not a lot of money.

I see in the estimates that the Government is going to spend \$5,000 to construct a wooden deck to the rear of the Attorney-General's house. So the \$5,000 being spent there is equal to the rear deck of the Attorney-General's House. Now I know the house is really Government's, and perhaps the Attorney General needs to sun his buns the same as everybody else. I find no fault with it - I am just giving a comparison on the figures. And if you think \$5,000 for Bodden Town for the four years (I am going to deal with the other three) is a lot of money, just look and you will see that they are going to spend \$20,250 to put in a toilet block and a garden shed at Government House. I do not know of the sanitary needs of the Governor, or the people who visit

Government House, and I believe they probably need this \$20,000 for the toilet block. But they are actually spending more than four times as much for a toilet block and a garden shed - I do not know what that is - at Government House, than they are spending for the entire district of Bodden Town which I think is the third largest district.

There is one item for East End. They are going to build a ramp for \$20,000 so we have not been left out altogether, but it is a sad indictment against the men who run the Government that they would take politics and do this with the Government's revenue.

MR. PRESIDENT: If I may intervene for one moment, you are not suggesting that politics enter into the Government House lavatories!

MR. G. HAIG BODDEN: Mr. President, you know that thought occurred me, but I did not know how to express it the way you have.

MR. PRESIDENT: Perhaps a confusion between the public interest and the public convenience?

MR. G. HAIG BODDEN: Our experience in the previous three years with capital expenditure has been no better. I understand in 1987 they are putting a hard court in Bodden Town, but I do not think this was what was really needed at the Civic Centre. Members know the Civic Centre was one big major project - the land had been bought, a police station had been built, a Civic Centre had been completed in 1984, and there was one other little bit of work that would have finished that job there, and that was to provide a playing field in the yard behind the Civic Centre. The land is there for it. Government owns about 4.25 acres or 3.25 acres, something like that, and all that was necessary was to fill it. And although a request has been made to Government over the three years, they cannot find it in their hearts to do this job, and this is sad.

There is no lack of capital works in George Town and West Bay where all of the Members of Executive Council are from, but there is a paucity in the other districts. They have been a little kinder to North Side and I am thankful for that, but they have taken us back 20 years because at that time, and prior to that, there was a philosophy that the Cayman Islands ended in Crewe Road, and that anything east or southeast of Crewe Road like Cayman Brac and Little Cayman did not exist. And it is time, if these Members are going to play international statesman, that they get these petty ideas out of their heads.

Now it is true that during the previous three years there was a major expenditure on the Bodden Town - George Town Road. I must say that I congratulate the Member and the Public Works Department because they did a fine job. There are some people who may not agree, but I believe that since that road has been worked on we have not had any really serious accidents that could be attributed to the road itself - although there always will be accidents. There has been a decided improvement in that road. However that is not a plan of the present Government. It did not appear in the estimates. It was simply a matter raised in the Finance Committee, and because, I believe, some of them were caught without their advisers (that is the advisers outside of Government which tell them what to do), they somehow or other agreed to it. The Financial Secretary endorsed it and they went along in good collective fashion. That work was completed and we are grateful for it. Of course a major road linking all the districts with the capital cannot really be considered a Bodden Town project.

If I were politically inclined I would deal with the many little projects that were done over the three year. Projects that were done which could have been left undone causing no great harm. But I will have to save something for a later date.

MR. PRESIDENT: Perhaps then, we might suspend for lunch if that suits?

Proceedings are suspended until a quarter past two.

AT 12:41 THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:16 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. The Appropriation (1988) Bill. Debate on the Second Reading. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, in concluding the part of my speech which dealt with the lack of capital works in Bodden Town and East End, I must congratulate the Government for including the \$5,000 for the work in Newlands, and I hope that the money will be spent.

We have at the present time a major need for channel work on the south side of the Island. I know that the Port Authority has undertaken some work to mark and light some of the channels, and we appreciate this. However, in Bodden Town there is at this time a need for the clearance of a channel which

would allow the boats to get in and out of the reef. The channel that should be cleared is the one we know as Big Channel, or Island Channel. This channel is perhaps the best one in the Bodden Town area, and it is my understanding that there are many shoals and rock projections that could be removed easily. Some clearance has been done on some of these shoals in the past, but these coral rocks seem to grow pretty fast and I would trust that, if this work can be done, the Government would see it as a priority during the forthcoming year.

Also, I would just like to mention that I am happy that the Ground Transportation Study will include some road works for our district. Here again, this is something that has been talked about for some time. There are several lines of thought on it - some people believe we should have a road that will bypass Bodden Town so as to take some of the traffic around the back of the town. There are others who believe we should have a road leading from the main road through to the north side of the Island. However, whichever way the work is done initially, it will be a great improvement to what now exists. Certainly it will open up the interior of the Island for development and agriculture, and also for more effective control of mosquitoes.

The need for these roads has existed for some time, and the need has been discussed on more than one occasion. I realise that the expenditure will be major. We are not looking at a little job to fill a few potholes so as to get a few votes for election. We are not looking at this type of work at all. We are looking at a major undertaking which costs money and which should result, in the years to come, in major developments and profitability to Government and to the land owners. So I am happy that the Ground Transportation Study has at least recognised the need for a major road in that area. Naturally we will have to wait and see what can be done with the funding which can be acquired, and wait and see what items will be given priority.

I think it is fitting at this time that I should turn my thoughts to some of the statements made in the Budget Address, which is a part of the motion before the House.

The Honourable First Official Member mentioned the part played by the banks, trust companies and insurance companies in providing employment, and he is to be commended for his comments because we do depend on employment. According to page 7, at the end of 1986 the total number of employees had risen to 967, with 758 of them being Caymanians, that is nearly 79 per cent. And of the increase of 77, 74 were Caymanians. This is very heartening news, but I believe more could be done to put Caymanians in management positions in some of these banks.

I do not like to call names, but the oldest established commercial bank in the Islands, which has been with us a long time, still seems very far from appointing a Caymanian manager. Over the years they have employed men like the Honourable First Elected Member of Council and others who have gone on to distinguish themselves in areas with more responsibility than that of bank managers, and certainly with more demanding work. Yet we find that none of these have been selected as permanent managers. I do not think there is any desire on the part of the owners of the bank to entrust these sensitive jobs to Caymanians. But I believe there are Caymanians who are capable of handling these jobs if given the opportunity.

The same thing can be said of other commercial banks. We have seen frustrated young men reaching plateaus from which they will never be promoted. They leave in frustration and go on to other jobs and continue to distinguish themselves. So while we appreciate what the banks have done in employing tellers and sweepers and messengers, we trust that they will have the confidence in us in the future to let us get some people in that other 20 per cent of employment where the real money is, where the real control is and where the real policy making decisions are made. It will not happen overnight. The local people will have to equip themselves for the job, they will have to take the banking exams, and will have to apply themselves diligently. But the material is here, and if given the opportunity, some of these banks in the future may be happy that they employed local staff and no longer have to fight with the Protection Board to get work permits, and no longer have to go through the tedious job of making the applications. I know I will hear that they have this supervisor and that one, and I know that is true, but I believe that up until now, no serious effort has been made to train and educate anyone for top management posts, although they have done some training in certain areas, and perhaps there have been one or two who did reach management or assistant management jobs.

I mentioned the Currency Board earlier and how the Government has transferred some of its monies into revenue. I notice in the Budget Address that the Currency Board will now remit its full line of regular circulating coins, 25 cents, 10 cents, 5 cent and 1 cent pieces. The speech did not elaborate on the reason, and I trust that if the Honourable Member replies to any of the comments made that he will let us know the reason for the remit. Up until that time, I can only assume that it is because the Currency Board has a lot of money and somebody is looking for work.

The recommendation has been made to do a new set of coins which will be profitable to the Mints, at least, that put them out. I see nothing wrong with the set of coins we have. I have heard no complaints about the coins. It is true that if they wanted to do something they could correct the mistake made on the \$25 note where Cayman Brac is situated to the west of Little Cayman. But as so few people know there is an error in these maps, that too could be left alone. What I would like to hear is what advantage it is to the Cayman Islands to have their coins reminted, and whether that advantage will be greater to us than the people we employ to mint, circulate and sell

them, and which people are really going to profit.

I am alarmed at the investments of the Government, particularly the heavy investments in the U.S. dollar. On the 31st of July 1987, fixed deposits amounted to \$1.8 million, with investments in United States Treasury Bonds totalling CI\$10.1 million. Revaluation of these investments for 30th June resulted in a net depreciation of CI\$432,333. But, as a comparison, last year, we had a net appreciation of \$454,536. The point I am making here is that I believe we now have, despite the advice of the experts, too much money in one type of bond. I believe we have too much money in one type of currency and I believe that we would be safer with a much wider diversification of funds. Of course, I know the U.S. dollar will strengthen, but it is something that needs watching all the time.

It is good to know that the Currency Board, for the second year in a row, has maintained the General Reserve which it needs, and the result of that has been good for the Government in that in 1986 the operating surplus of \$1,489,591 was in its entirety transferred to the Government's General Revenue, and this made it the largest transfer ever made. The Government seems worried that next time they may not be able to get as many gallons of milk from that good old cow.

I am happy that the Budget Address recognised the record of Mr. Woodward L. Terry, who has resumed the full time duty in August 1987 as Registrar General, having completed his LLB degree and qualified as an attorney at law. I remember it was very difficult to get the powers that be to take this man into the service some years ago. It was very difficult. Pressure had to be asserted to get them to take him in. It just shows that sometimes we can improve the service by doing what we know is right.

Leading on, I must say that I am happy with the entire results of the Law School and would like to congratulate the other four people who also qualified along with Mr. Terry. I feel it is ridiculous for the Government at this time to be talking about a change in the entrance requirements to the Law School.

MR. PRESIDENT:

Excuse me one minute, I am quite prepared to give great latitude in this debate, it is an important annual debate, but I do think that matter was covered the other day fairly thoroughly.

MR. G. HAIG BODDEN:

Very well, I will not pursue it, Sir, but I think the Government has asked, in the Budget, to spend a lot of money on the Law School and we want to know that the money is well spent and that the people get the benefit they should. The change, I think, is going to hurt. I will leave it at that, but I am not finished with that matter yet, although I have finished for today.

We have been told in the Budget Address that tourism is looking up, and here again I must criticise the Government for not doing anything over the last three years to qualify more Caymanians for the top jobs in tourism. And for the mistake which I think they have made in bringing in hotel workers from Ireland when the Government knew full well that the new hotels which had been approved would need staff for them.

Also, the Government bewails the fact that Eastern Airlines has been the biggest competitor for Cayman Airways, and I have no sympathy for the Government because they made a mistake and now they must pay for it. Eastern Airlines commenced a daily service to Grand Cayman from Miami in January of 1987. That is a statement of fact from the Budget Address. But we may ask, why did Government bring Eastern Airlines into Grand Cayman when they could have sent them into Cayman Brac instead. Cayman Brac needed the boost for tourism more than we did here? I am familiar with the agreement whereby the American carriers have reciprocal rights on our routes, but it is my understanding that the Department of Aviation could have recommended that Eastern fly into Cayman Brac rather than into Grand Cayman, and Cayman Airways would not have lost so much traffic to Eastern.

Another statement of fact is that Northwest Airlines added a direct flight from Memphis, Tennessee. It is also my understanding that Northwest Airlines has cut out their early morning flight from Grand Cayman to Miami, and if this is true, it means that Cayman Airways is left to handle the traffic. This may be good for the airline, but sometimes this puts some pressure on passengers when there are not enough seats. This incident, as small as it is, will highlight the need, to the Government, of maintaining our own airlines. And that is why I can support the money in the Budget for the subsidy to Cayman Airways. The foreign carriers, whether it be Northwest, Eastern or any other airline, are only interested in the profitability of their flights into Cayman. They can have no other interest, because they have to answer to their shareholders and their directors. This is why I am happy that the Government has subsidised the airline and has put forward a new subsidy for 1988. The most important ingredient (and I have said this a hundred times in this House) in an Island economy is communications. If we do not have a good passenger service out of the Cayman Islands, we can forget balancing the Budget.

The strangest statement in the Budget Address is that the Government will place more emphasis - it reads:

"... more emphasis will be placed on training programmes for hotel workers through the efforts of the Hotel Training School now operated under the Community College, Cayman Islands Hotel

Association, the Caribbean Hotel Training Institute and George Brown University in Toronto, Canada."

My question is, why has it not been done over the last three years? Why have they come at the eve of their departure, which is drawing nigh, making a statement that they are going to put emphasis on training workers for the hotel industry? Before the elections all we could hear was that the training schools must be shut down and training programmes done away with, which the Member for Tourism had established. And so today we pay the price of being political rather than being sensible. We find the Irish immigrants coming in and we find the hotels clamouring to bring in waitresses and bar tenders. I find this Government at fault.

The Budget Address paid special attention to Cayman Airways and mentioned it not only under Tourism, but also under Transport Sector. It made a positive statement that Cayman Airways continues to play its important role in providing the country with safe and reliable air transportation. I am happy that the Government, although it is on the eve of their departure, have finally come to their senses and have recognised that Cayman Airways can provide the country with safe and reliable air transportation. Perhaps, with their positive attitude, I can forgive their buying a vintage aircraft, the Shorts, for the Cayman Brac route and forgive them for the sale of the Trilander. I trust that we will see improvements in this area taking into account their new positive attitude which did not exist before.

We were told in the Budget Address that the Company leased an extra aircraft, which I believe was a 737, and had an extensive charter programme which proved to be a success. Needless to say, we were told much earlier on in this very chamber that one of the reasons for leasing the 737 was to find out if it would be more economical than the 727. I hope and pray, to whatever gods there may be, that they will not make the mistake of discarding the 727 and the good equipment which they have, for the low passenger appeal of a 737.

On page 17, again the Government bemoans the fact that on the Miami route, Eastern Airlines has undoubtedly created strong competition which is bound to affect the operating results of our national airline for the period ended 30th June, 1987. One can only question why the Government did not take those words into their negotiating meetings with Eastern and the American Aeronautic people.

Cayman Airways, we are told, has continued to meet its financial obligations. I will not discuss the finances, since I think it is the subject of a motion to come, but only to say in passing that as bad as the finances are, it would have been much worse without the huge subsidy which was granted to them in 1987. I have one criticism. It appears to me from the statement that the airline is about to depend heavily on their charter programme. It is my feeling that the charter programme should simply be the gravy and icing on the cake to give them a little more revenue and a little more utilisation of their existing equipment. The airline should focus on their scheduled flights and endeavour to bring them up to a profitable stage.

The Budget dealt with scholarships. Despite what the Honourable Member may feel, I think things are far from being all right with his department. Up until last night I had one young man who has become very frustrated, complaining to me about his difficulty in getting a scholarship. According to him he has been accepted at a certain university or college, and has been told that, if he can do well the first year and keep his grades up, they will give him the scholarship for the rest of the term, which seems very ridiculous. If he is not good enough to get a scholarship in the first year, how can he be good enough to get it in the second year?

Then we received an answer here in September which alarmed me. If I remember correctly we were told that no free scholarships had been given out this year. The 18 which had been given out (it may have been a different figure, but I think it was 18) up to the end of September had all been loans. So this means that no needy person has been given a scholarship. Nobody has been given a free scholarship. Caymanians as a whole do not want freeness, but we do have amongst the poor some very bright students who not only need free scholarships, but a little bit more. They come from homes which are poor and have difficulty in finding clothing for their backs, food for their tables and books and pencils. Yet we were told that no free scholarships had been given out, and there must have been the need. Of course, I know if the scholarships are given as loans the money can stretch a little further, but my contention is that this Government is not addressing the needs of the poor and it is an indictment against the Honourable Member.

We have had the same in Social Services. We were told about the vote which appeared in the 1987 estimates, that of the \$100,000 which formed the expenditure for this year to provide houses for the needy. Roughly \$92,000 was left in hand at the end of September. I had been told a couple of weeks before by one of the staff at Social Services that they had identified one needy project in Bodden Town and were prepared to pay for the materials if I could find the free labour. This was fair enough, but what they said was that they had to stretch the little money they had left, and at that time in September, unknown to me, they had \$92,000 left out of the \$100,000. So the Social Services Department in this instance is really not addressing the needs of the poor? and I hold the Honourable Member responsible. We must find out what is happening. It is his responsibility, he is answerable to the Legislative Assembly, and he had better make notes because I will not be easing him up on this matter.

The Customs section has been strengthened. I am

happy to see this. We are told that there are going to be changes in Cayman Brac so there will be more control. We know that Customs, like the Police, are having lots of problems with drugs coming into the Island, and the departments need to be strengthened. The officers need to be trained. I believe the Government as a whole has not done very much over the last three years with the drug problem. It is simply getting worse. Every morning when you turn on the radio, you hear about the number of cases on the court's calendar for that day, and in many instances the majority of the cases are drug related. Many of the burglaries and thefts are simply ancillary crimes to feed the drug habit.

The Government made a mistake in removing the mandatory provisions, the mandatory sentences, that were in the Drugs Law and they are paying the price for it. The Government made a mistake in other areas related to drugs, and they are so sensitive that I do not like to mention them. But they know, they have been told before from this same microphone.

MR. PRESIDENT: Would it be convenient to break here, in your speech?

MR. G. HAIG BODDEN: Yes Sir.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:37 P.M.

MR. PRESIDENT: Proceedings are resumed. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I would like to continue the same trend of my address which, in the last moments before the break, were highlighting the unpreparedness of Government to cope with the escalating crime in the Islands.

Some Members of Government believe that I am their biggest problem, and some of them believe that the other Member, the First Elected Member for Bodden Town, is also one of their big problems. However, the biggest problem this country now faces is the crime wave which has been with us over the last three years, decidedly marked by the arbitrary dismissal of Commissioner Stowers. Whether he had anything to do with it or not, I do not know, but all the police reports since that time have mentioned the amount of increases in crimes. It is sad to see that the Government now admits defeat. I think they ought to resign.

Page 31 of the Budget Address, in speaking about the prison, states:

"All available resources have to be committed to meeting the immediate demands rather than to the planning and implementation of strategies to address effectively issues related to rehabilitation of offenders."

That, Sir, is the most alarming statement in this 61 page address - that crime has reached such a stage in our country that the Government cannot look at the rehabilitation. What is even more important is the prevention of crime. It has to spend all of its resources in meeting the immediate demands which I take to mean simply the accommodation of the people at Northward. It is a big mistake, in any country, to concentrate on warehousing kids rather than on rehabilitating. It is a big mistake to put more emphasis on your detection rate after crimes have been committed, rather than on the prevention. We know it happened in the United States during the Vietnam war. They spent more money on killing one Vietcong soldier than they did on saving one delinquent boy. From this statement, it would appear that we are reaching this mark. Some time ago I heard some talk from responsible Government people that a minor social matter would have to await the construction of a new hospital.

The prison at Northward, when first opened, accommodated 60 or so persons. Shortly after the elections in November 1984, the population rose to over 100, and I think has remained consistently above the 100 mark. The prison accommodations need to be increased and improved.

The whole matter of dealing with those who come before the courts seems to need streamlining. We have no accommodation for the Magistrate's Court. A few weeks ago I attended one session of the Court and I was really perturbed to see the conditions under which the Magistrate had to work. Nobody seemed to know, up until three minutes before the Court would meet, even where it would be held. Apparently they had a system of pulling straws, and the person to pull the straws had not arrived. People were going up to the Grand Court and then up to the Law Court and, I believe, some were even sent to the Tower Building. Finally it was found out the Court would be held in the Town Hall, where there is no air conditioning and for whatever reason it was found that all the doors were locked. The windows were locked at the bottom and the Magistrate had to request that they open some of them at the top. There were no toilet

facilities.

Two juveniles who were before the Court were crowded in a room with maybe a dozen or more adults, and when I enquired why they had put these two juveniles in this little four by four locker room at the Town Hall, I was told that they were arrested the night before and that they could do no better.

It is very difficult for the Magistrate to perform his duties under these conditions. I must say, I was really impressed by his performance and he seemed to be fair enough, but certainly the conditions under which he works must be improved and this is why I have maintained, since November 1984, that the Government has spent too much money and time counting green parrots, catching crocodiles and worrying about sponge coral rather than putting the emphasis where it should be. I believe it is the general attitude of Government that has caused these serious problems to fester and multiply.

We have, within the Legal Department, within the Police Department and within the Prison Service many dedicated officers, but I am not certain that these people are receiving the support of Government. I understand at the present time there are six detectives from Scotland Yard in one office digging up some fifteen year old files, when serious crimes that should have the attention of outside help are not remembered. Government is spending money, but certainly not in the areas that are important.

Some people complain about the police, but in recent trends it seems to me that the Police Department is one of the few things that stands between us and chaos. This is why I stood against an investigation of the Police Force as a whole some time ago, and I believe the officers who are trying to do a good job should be recognised and they should be encouraged.

We have been told in this Budget Address of the heavy load carried by the Legal Department in the matter of legislative drafting. But I believe that most of their work is unnecessary, especially the hundreds of hours which they must have spent on defining where the little school boy may throw his fishing line. And, although I am not anticipating the Bill, we will be dealing with a Bill where a Committee of the House had 37 separate meetings over a three year period, or almost three years.

It reminds me of the story of the man who made a fortune from hot dogs. When he started his business, Oscar Meyer asked one of his young workers, "What are you doing?". He replied, "I am planning." He came back the next morning, and said "What are you doing?". He replied, "I am planning." He came back the third morning, and he said "I am planning." And this man, who made a fortune afterwards, said to him, "Why the hell don't you get to work". I believe this is a problem with the Government. Why do they not get down to the brass tacks? Why do they not go to work? Why do they not stop spending their time putting out propaganda like we have been told here in this Budget Address that in 1986 they issued 500 news releases - two for every working day of the year.

No one can accuse the Government of not being busy. I think the Honourable Members are busy. I think some of them work, perhaps, a little too much and this may in the long run impair their good health. But I question whether 90 per cent of their effort is being directed in areas which would be profitable for the well being of this country.

I welcome one part of the Budget, and that is the part that will provide a much needed rehabilitation facility for juveniles, as well of the creation of much needed caring home and social work positions. It also ensures, if this report is correct, that children will no longer be sent to approved schools in Jamaica.

Some years ago, a previous administration came to the conclusion that it was wrong to send convicted persons to prison in Jamaica. They also came to the conclusion that a rehabilitation facility should be opened here. It is a pity that the juvenile facility had not been built at the same time, but something has to come first. So after three years of dragging their feet on this subject, it is good that at the twilight of their departure they now mention that money will be approved for a rehabilitation facility for juveniles.

I would like to commend the doctors and staff at the hospital for the work which they do. We know they have a very difficult time, and it is simply that the hospital in which they work is an old one, and it is probably today three or four times the size of the original building. Every week one little cubby hole seems to be added to it. It is certainly growing with the times. Perhaps the day will come when the Government will have the funds to establish a new hospital. But up until that time we will have to work with what we have.

I am glad to hear from the Budget Address that the Housing Development Corporation continues to provide mortgage financing for low to middle income Caymanians, and that the assets of that Corporation at the end of June 1987 now stand at \$1,249,003. I remember the amount of opposition to this Bill, the Housing Development Corporation Bill, when it was introduced to the Legislative Assembly which, at the time, was meeting in Cayman Brac. But, in the long run those who opposed it, that is some of the Honourable Members of the present Government, now belatedly sing its praises.

It is comforting to know that a start has been made on the Farmers' Market. I understand it is a very fine building, although a few people have questioned the cost. But perhaps, Sir, it is like the toilets at Government House. When they do a thing, they do it in great quantity.

Another alarming section of this Budget Address is

that an upsurge in the mosquito number has occurred in 1987, following a year of exceptionally low numbers. This, Sir, has been known to the public without a statement from the Department. Like the crime wave, it seems that the Government was not prepared to deal with the mosquito problem in 1987. Way back in the sixties when the programme for mosquito research and control was introduced, many people were skeptical as to whether we could do anything with the mosquito problem, but over the years, that Unit has shown its worth and we have effectively controlled the mosquitoes. I might say the Mosquito Unit is like Cayman Airways. The day we lose either one of them, we can bid goodbye to tourism. The tourists are not used to mosquitoes and they are not going to come here if we let them get out of hand.

In examining the budget for the Mosquito Research Unit over the three years of the present administration, there is nothing in it at all to impress anyone. It simply looks like a budget for the personal emoluments where you simply add an increment because twelve months have gone by. I think this Department needs a shaking up, and I would suggest that Honourable Members of Executive Council discuss this matter at a departmental level and find out what is necessary for us to keep the mosquitoes under control. Whatever it needs, more equipment, more manpower, more planning or whatever, let this not beat us the way in which crime has. Forget about trying to look good in the public's eye. Forget about the green parrots. Do not underestimate the mosquitoes, because just as crime is the greatest single problem in our country today, so the mosquito, although he is in a back room now, is the greatest single threat to our tourism. I believe that if we let the mosquito get a foothold again, we will find the new generation more immune to insecticides, larvicides and pesticides and we will find the new mosquito man more stubborn than his ancestors. So this is a problem which faces the Government, and we had better find out what is wrong.

I mentioned earlier that the opening up of the land behind Bodden Town would help with mosquito control. They were no idle words because some of the big ponds are situated in that area. A lot of swamp land is in there. Vehicles need access roads to dispense the insecticides and the men need to get in to spray the larvicides or whatever else they use.

Those of us who grew up with the mosquitoes know how troublesome they are, know how effective they are in the days when they killed cattle, making it virtually impossible for people to go outside after dark. And now after two decades of fighting them, we find out that they are fighting back. We must get on top of the problem, even if it means sending back your six Scotland Yard men and getting three entomologists instead.

The Budget places great emphasis on the 28 moorings that have been installed in Grand Cayman, 27 off Cayman Brac and 28 off Little Cayman - 83 moorings and we cannot get one ramp in Bodden Town for the launching of boats. We cannot get one channel cleared. So what is the Government doing anyhow? I would not say that they are trying to perpetuate their own existence, but it certainly makes me wonder.

We are told that during 1987 the Government appointed a Director for Trade and Labour, and they are gearing up for the implementation of new labour legislation. As that Bill will be coming in this sitting, I will not discuss it now, although I have rather copious notes on the subject.

I welcome the money in the estimates for the new post office, and trust that the Government will follow many of the recommendations in the report which they received on the needs for a post office. I see that we will have an adequate supply of post office boxes. I know the report recommended either 10,000 or 20,000 new boxes. What I would like to see, when the new post office is built, is the old post office turned into a museum. I understand there are other plans for a museum, and I understand there are other plans for the old post office.

The ideal spot for a museum is right where the post office is because it is within walking distance of the cruise ship landings. I would not like to see the museum located by the Harquail Theatre or some other out of the way place. I believe the museum can be a revenue earner, but only if like a shop, it is situated in the right locality. We know that if you start a business there are three things you must look at, whether it is a shop or a service station. The three things are locality, locality and locality. So do not let any conservationist, or any historical groups sway your thoughts on this matter. The museum, to earn money for the Government, must be in the old post office. The old post office itself is a museum piece, with its nautical ceiling and its intricate concrete block work of many decades ago. The new post office building will be an asset to Government and perhaps, if it is started next year, the only monument to the previous administration, because all the other works are really a carry over from the good old days.

There is a statement that the present post office building will be used for other Government purposes, and I trust that "other Government purposes" when defined, will mean the museum. And if you are not bold enough to make it known publicly now, at least try to build up your courage so that when the post office is vacated, you can simply move the museum in overnight.

The Government, during the year received complaints about the economy in Cayman Brac, and took some steps to lessen the effects of the slow down which they had created themselves. I will not argue whether the steps taken were good or bad, but I must commend the Government for having taken the steps which it did, and which they believed, even if they were wrong, would help Cayman Brac. They reduced the import duty on certain categories of building materials and basic household appliances to

five per cent, but only for a certain class of people: foreign retirees, Caymanians living abroad returning to resettle, and condominium developers. Even if that reduction should encourage one person from each of these three categories to make an investment in Cayman Brac, it would have helped. There are those who argue that relief was given where it was not needed, and that the relief should have been across the board so that the local people in Cayman Brac would benefit. However, I have been taught that a cockroach has no business in a rooster fight so I will not take sides with either one, only to say that this was an instance where Government at least sought, in its own fashion, to correct the problems in Cayman Brac.

Now I notice that much work has been done on roads in George Town, and in fact roads were put in where they were hardly needed. One road which needed attention and which had been identified in a study done under the previous administration has not been touched. This is the entrance to the North Sound Road at the intersection where it joins Shedden Road.

During 1984, Mr. Clarence Flowers agreed with Government that he would move his blocks and that he would give a portion of his land so that a reasonable curve could be put in at this intersection which is so difficult to negotiate, particularly if one is approaching it from the airport side. Some people living in the area were unhappy with the original design and work was delayed. I had hoped that after the November election the Government would have tackled this problem road. I notice, however, that three years later they have done nothing about it. If one wanted to be critical, one could find one road that needed attention for each road that they have actually made or fixed. This is why I am worried when politics not only affects capital expenditure in Bodden Town, but also enters into road programmes in the second capital.

MR. PRESIDENT:

Would you care to break there?

MR. G. HAIG BODDEN:

Yes, Sir, I am satisfied. I will stop now.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, I move the adjournment of this House until 10:00 o'clock tomorrow morning.

Mr. President, I move the adjournment of this House

MR. PRESIDENT:

The motion is that the House do stand adjourned until 10:00 o'clock tomorrow morning.

The motion is that the House do stand adjourned

QUESTION PUT: AGREED.

AT 4:21 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.
FRIDAY, THE 20TH DAY OF NOVEMBER, 1987

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

FRIDAY, 20TH NOVEMBER, 1987
(SIXTH DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 20TH NOVEMBER, 1987
(SIXTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE THIRD OFFICIAL MEMBER.

2. QUESTIONS TO HONOURABLE 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. 99: WOULD THE HONOURABLE MEMBER STATE WHAT WAS OTHER REVENUE
OF CAYMAN AIRWAYS LIMITED IN THE FINANCIAL YEAR 1986 -
1987?

NO. 100: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE COST IN THE
1986 - 1987 FINANCIAL YEAR OF CAYMAN AIRWAYS LIMITED OF
FLYING OPERATIONS, MAINTENANCE, PASSENGER SERVICE,
AIRCRAFT AND TRAFFIC SERVICING, GENERAL AND
ADMINISTRATIVE?

NO. 101: WOULD THE HONOURABLE MEMBER STATE HOW MANY CHARTER FLIGHTS
DID CAYMAN AIRWAYS LIMITED OPERATE IN THE FINANCIAL YEAR
1986 - 1987; STATE WHICH CITIES; HOW MANY FLIGHTS TO EACH
CITY AND THE AVERAGE LOAD FACTOR PER FLIGHT?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE
HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE
FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 102: WILL THE HONOURABLE MEMBER SAY WHEN THE INSTALLATION OF
THE NECESSARY EQUIPMENT WILL BE COMPLETED FOR F.M.
TRANSMISSIONS TO BE RECEIVED IN CAYMAN BRAC AND LITTLE
CAYMAN FROM RADIO CAYMAN, AND WHEN IT IS EXPECTED THAT
TRANSMISSIONS WILL COMMENCE?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED
MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL
RESOURCES

NO. 103: WILL THE HONOURABLE MEMBER SAY WHETHER GOVERNMENT HAS
TAKEN A DECISION WITH REGARD TO THE PRESERVATION OF
MARITIME HISTORIC SITES LIKE THE WRECK OF THE TEN SAILS IN
EAST END?

3. GOVERNMENT BUSINESS

BILLS:-

THE APPROPRIATION (1988) BILL, 1987

CONTINUATION OF SECOND READING DEBATE

(ON BEING READ A SECOND TIME, THE BILL SHALL STAND
REFERRED TO FINANCE COMMITTEE - STANDING ORDER 63(3))

4. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL
SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

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FRIDAY

20TH NOVEMBER, 1987

10:00 A.M.

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 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, who 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:

Proceedings of the House are resumed.

Questions. The First Elected Member for Bodden

Town, number 99, please.

QUESTIONS TO HONOURABLE 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. 99: Would the Honourable Member state what was other revenue of Cayman Airways Limited in the financial year 1986-1987.

ANSWER: The other revenue of Cayman Airways Limited in the financial year 1986-1987 was US\$516,442.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN:

Could the Honourable Member advise the House whether this amount included the sale of the Trilander, the Rolls Royce engine, the apartment building at Prospect and the various and sundry parts of the 748 which were all disposed of in 1987?

HON. W. NORMAN BODDEN:

No, Mr. President, the other revenue is accounted for through in-flight sales and ground handling services provided to other carriers, and mail.

MR. JAMES M. BODDEN:

Am I to understand correctly that the sales of these assets of Cayman Airways are being carried in a column "ground handling and sales to other airlines"? Am I correct, is that what it is?

HON. W. NORMAN BODDEN:

The explanation given to me by the management of Cayman Airways is that other revenue is comprised of in-flight sales which is liquor sales and other items sold on board, the ground handling services provided to other carriers, and revenue derived from mail. This was the explanation given to me by the management.

MR. JAMES M. BODDEN:

Further supplementary.

Well, could you advise us what part of the balance sheet contains the information with regard to the sale of these assets?

HON. W. NORMAN BODDEN: Mr. President, the balance sheet shows an item 'profit on sale of assets' which is shown under non-operating incoming expenses, and I take it that is accounted for under that heading.

MR. PRESIDENT: Next question, please.

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

NO. 100: Would the Honourable Member state what was the cost in the 1986-1987 financial year of Cayman Airways Limited of Flying Operations, Maintenance, Passenger Service, Aircraft and Traffic Servicing, General and Administrative?

ANSWER: During the 1986-1987 financial year the costs of Cayman Airways Limited were as follows:

Flying Operations	US\$9,465,667
Maintenance	3,296,083
Passenger Service	2,921,765
Aircraft and Traffic Servicing	5,647,354
General and Administrative	3,447,822

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Under General and Administrative, this seems to have increased tremendously over the corresponding period of 1985-1986. Could the Honourable Member give any explanation for this large increase?

HON. W. NORMAN BODDEN: A part of that increase is attributable to increase in salaries and other administrative costs, like communications and rentals and items of that nature connected with the administration of the company.

MR. JAMES M. BODDEN: The Honourable Member said 'increase in salaries'. Is it not a fact that some of the airline personnel have only received minimal raises since 1984, so this should not account for the large increase?

HON. W. NORMAN BODDEN: Mr. President, the company has, within its means, given the increase in salaries that it found possible at the time. I am not too sure that they have been minimal increases since 1984. I know that there has been some increase and I am pretty sure that a part of that increase is accounted for by the salaries' portion of the accounts. As I said, the rest of it must be attributable to other administrative cost increases such as rentals and communications costs.

MR. PRESIDENT: I was going to say before you pursue this one, it would be helpful to the House to know what the 1985-86 figure, comparatively for the general expenditure, you are referring to, because we cannot form any idea of what the questioning is about.

MR. JAMES M. BODDEN: Well in the 1985-1986 period, the cost for General and Administrative was \$2,549,275. For this period it is \$3,447,822, or about \$888,000 more.

A further supplementary, Mr. President. Maintenance has increased tremendously over this period 1986-1987 from \$2,696,548 to \$3,296,083, an increase of approximately \$600,000 for the year. Could the Honourable Member tell us whether this could be attributed to the numerous breakdowns of the Shorts for yesterday and today also?

HON. W. NORMAN BODDEN: Well, whatever the breakdown for the Shorts cost yesterday or today, it certainly would not be included in this. But the increase in maintenance costs that the Member is pointing out is substantial, and this is due to two factors primarily - the normal escalation costs of maintenance, and also the fact that there has been an increase in flying operations. In other words the flight time has increased substantially as well and therefore the maintenance costs would automatically go up.

MR. JAMES M. BODDEN: Flying Operations have increased about 22 per cent over the corresponding period for 1986. That is an increase of 22 per cent on the basis of the additional revenue earned. Is that not a large amount for flying operations?

HON. W. NORMAN BODDEN: Mr. President, the same things apply to flight operations as well. Increased flying activities, more hours on the aircraft, more

operations in and out of various airports, and it is my view that these increases in flying operations and maintenance are attributable to increased flight time.

MR. PRESIDENT: If there are no further supplementaries, Question 101, please.

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

NO. 101: Would the Honourable Member state how many charter flights did Cayman Airways Limited operate in the financial year 1986-1987; state which cities; how many flights to each city, and the average load factor per flight?

(The First Elected Member for Bodden Town withdrew "and the average load factor per flight" from the question.)

ANSWER: Round trip charters operated by Cayman Airways Limited during the financial year 1986-1987 are as follows:

Between the Cayman Islands and:

Miami	187
Tampa	67
Baltimore	26
Philadelphia	26
Baltimore/Philadelphia combination	13
Costa Rica	1
Nassau	1
San Andres	1
Merida	1
New York	23
Chicago	20
Detroit	18
St. Louis	10
Memphis	16
Boston	11
TOTAL	447
	===

Since the Member has withdrawn the portion regarding the load factor, I will not read the reply because I think that is a bit confidential as far as the charter operators are concerned.

MR. JAMES M. BODDEN: Mr. President, this is a very complicated question. I am awaiting the answers which I have not yet gotten. Could you bear with me a couple of minutes for supplementaries on this question?

MR. PRESIDENT: It is not at all normal, but I do not quite know what you mean by a couple of minutes.

MR. JAMES M. BODDEN: One hundred and twenty seconds in case you would like to time me, Sir.

MR. PRESIDENT: Well, I think it is rather unusual. Perhaps what we could do - if you would put the supplementary in, and the Member will reply in writing?

MR. JAMES M. BODDEN: No, I would like to get this information now, if possible. Is there any way we could go on to the next question and then come back to this one.

MR. PRESIDENT: No, I really do not think we could. Sorry.

MR. JAMES M. BODDEN: I need time to study the answer.

MR. PRESIDENT: There has been some time already. I mean within reasonable limits. I think two minutes is too long. Perhaps if there are some other supplementaries that could be asked meanwhile?

MR. JAMES M. BODDEN: No, Sir, I will get my supplementaries answered, I hope, in the debate which will ensue later.

MR. PRESIDENT: Good.

HON. W. NORMAN BODDEN: Mr. President, if the Member wishes, I would take any supplementaries or additional information that he might need in writing and certainly give him the information he needs.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.
Question 102.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO. 102: Will the Honourable Member say when the installation of the necessary equipment will be completed for FM transmission to be received in Cayman Brac and Little Cayman from Radio Cayman, and when is it expected that transmission will commence?

ANSWER: The installation of the necessary equipment for Cayman Brac and Little Cayman to receive Radio Cayman's programming that is transmitted on its FM frequencies should be completed by the end of December 1987. Basic equipment should be ready for shipment to Cayman Brac by 30th November, 1987.

The next phase is for installation of the equipment on Cayman Brac which is contingent upon the availability of services of riggers for the antennas' installation and the availability of space on a privately owned tower at Stake Bay.

Transmission will commence immediately following the necessary testing.

MR. PRESIDENT: There appear to be no supplementaries. The next question please from the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES.

NO. 103: Will the Honourable Member say whether Government has taken a decision with regard to the preservation of maritime historic sites like the Wreck of the Ten Sails in East End?

ANSWER: Government has taken a decision with regard to the preservation of maritime historic sites by the enactment of the National Trust Law. A committee known as the Historic Preservation Committee has been set up under the National Trust Law to deal with such maritime historic sites as the "Wreck of the Ten Sails" at East End. Henceforth, all projects involving all maritime historic sites will be dealt with under the auspices of the National Trust and its Historic Preservation Committee.

SUPPLEMENTARIES:

MR. JOHN B. MCLEAN: Supplementary Mr. President.
Will the Honourable Member say whether it is correct that a study has been presented to Government on these sites?

HON. VASSEL G. JOHNSON: A study was carried out by the Indiana University to develop a maritime park, and it was submitted to Government. Government has not yet, however, taken a decision to embark on such a project and now that the National Trust is in operation, with its special committee to deal with historic sites, Government itself will not be dealing with this report, but it will be forwarded to the Trust for necessary action.

MR. JOHN B. MCLEAN: Mr. President, a further supplementary.
Will the Honourable Member say whether this study was carried out with Government's approval?

HON. VASSEL G. JOHNSON: When the team from the University of Indiana contacted Government about this matter we asked that they submit a project document to show us exactly what they would do. They did this, and it was approved by Government.

MR. JOHN B. MCLEAN: A further supplementary, Mr. President.
Will the Honourable Member state whether it is Government's intention to carry out further investigation to ascertain what is left of such maritime sites?

HON. VASSEL G. JOHNSON: This will now be a duty of the Historic

Preservation Committee of the National Trust and Government will withdraw from taking any active part, so to speak, in dealing with these matters. I am sure, however, that the National Trust is quite capable of dealing with these studies.

MR. JOHN B. McLEAN:

A further supplementary, Mr. President.

I wonder if the Honourable Member would consider it important enough to give us the undertaking that that would perhaps be one of the instructions given to the committee he is speaking about.

HON. VASSEL G. JOHNSON:

Yes, Mr. President, in fact Government itself saw quite a lot of usefulness in developing that site in East End and I do hope that the National Trust will move on with the project. I will speak to them personally on the matter.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1988) BILL, 1987

SECOND READING DEBATE CONTINUING

MR. PRESIDENT:

We now move to Item 3, Government Business. The resumption of the Second Reading debate on the Appropriation (1988) Bill. The Second Elected Member for Bodden Town.

MR. G. HAIG RODDEN:

Mr. President, I would like to finish off the matter I raised yesterday concerning the action of Government with regards to certain road works, and to reiterate that I feel that the road work at the junction of the North Sound Road should be attended to within the next twelve months. There seems to be an ambitious road programme. \$1.4 million is included in the capital expenditure and I trust that, since there is no other money for Bodden Town, a part of this \$1.4 million could be used for the Beach Bay Road which has been talked about for a long time, or perhaps for one of the other roads in the Bodden Town district which need attention.

I would like to congratulate the Honourable Member on the continued growth and good management of the Port Authority, and I am happy to see that again this year there were sufficient funds to take care of the loan on the Cayman Brac port. This is more or less an obligation that was undertaken when the financing was agreed and that there are still some surplus funds.

There are two areas in which the Government can control or contain spending. These two areas are under the Capital Works and New Services. I have shown that Government failed miserably in its capital works programme by delaying major projects for three years and by obtaining loans in great proportions. The other area in which the Executive Council could have sought to contain Government spending is the area of new services. But here the failure was greater than the failure in capital works.

The other area of Government spending, recurrent expenditure, is very difficult to contain. If they failed in the two areas over which they had some control, it would be unreasonable to expect them to do anything about the recurrent expenditure. However, my time is running out, and I will only be able to deal lightly with the new services. This is a subject which could well have taken another four hours, because whenever we bring in a new service, whether it is a new building, a new piece of equipment or a new person on the payroll, that person or thing automatically brings with itself the concomitant responsibility for recurrent expenditure every year thereafter. If it is a building we have to look at electricity, air conditioning, telephones, cleaning, painting and so on. If it is a person the salary will be upgraded and particularly if it is a person in the higher echelons of Government, that person will certainly need a deputy before the year is out. And then the deputy will need an assistant and they will need secretaries and so on. So when we approve any new service, we must realise that like a new baby born into the world, that person or thing brings with it its own expenses which the Government, in this case of the new services, will have to bear.

Of course, the new services have been downplayed in these estimates. They warranted only one line, which reads "New services requested are: \$2,000,000.". Only Sir Winston Churchill could have phrased a power phrase greater than that line. Its impact is sharp, clear, and concise. "New services requested are: \$2,000,000.". However, I know this line must have taken at least one hour to write, because what follows it appears to me to apply mostly to the capital expenditure mentioned above. I have never seen a neater sentence. But the sentence is frightening because if we approve these new services we are not approving \$2 million, but several multiples of two.

I would like Members to take a quick journey with me through the new services. To start off with we are approving the employment of a Liquor Inspector and we are going to pay him \$10 for the year 1988. It says this is a token provision for a Licensing Inspector who will serve as secretary to the Liquor Licensing Board and as Inspector of the Licensees' properties taking such action as is in accordance with the law. And that \$10 is a part of the \$2 million, but the \$10 is really not the cost. So when you approve new services, you can add the difference between \$10 and the

annual salary of that person.

Now I understand that Government, at the time of making the estimates did not know the exact salary of this person. But we are doing estimates so we should put in a figure that is a good estimate. And we did not have to look for outside factors because we are giving him a motor car allowance of \$675 for the year. I know there is a policy in Government that the motor car upkeep bears a relation to the person's salary, so that if he earns above a certain amount he gets so much for motor car upkeep, and it is a sort of status symbol. So they know what this man will be paid, and it is not included. If it were included, we would not have that surplus of \$140,000 at the end of 1988.

The next item is even more amazing. We are going to put up an immigration building for \$10. And the immigration is a very large department now. They are in very cramped quarters and the need for a building is urgent. But we add \$10 for the building, so it brings the total vote to \$695 - \$675 for the motor car upkeep, \$10 for the salary of the Liquor Inspector, and \$10 for the building. We do not know what that building will cost, but we can be reasonable and a reasonable estimate would be \$1 million for a decent building to house the Department of Immigration. I understand that Government has to do a feasibility study - they need designs and costing before they know the exact amount - but they certainly know near enough. However, if we were to put in \$1 million for the immigration building, we could not balance the Budget; we could not appear to transfer surplus cash to reserves; and we would not have the little mascara on our faces at the end of the year of \$140,000 plus which is supposed to be there.

I notice that in a few instances reasonable figures are put into the new services. I am wondering why it has not been done throughout. For example there is a \$25,000 item for training. There are reasonable quotes on the prison staff and there is even \$60,000 for a patrol boat which evidently is not the luxury Bertram.

Further, we are getting some pretty cheap labour in these new services because we are going to employ a Puisne Judge for the Grand Court for \$10, and this officer is to deal with the increased work in the Grand Court resulting from an unduly large number of cases expected to last as long as the Tower case. We know what Puisne Judges cost, we already have one, we already have a judge for the Grand Court and we know near enough what the cost is. But to put in a reasonable cost would defeat the appearance of the Budget.

Why I am alarmed at this type of budgeting is that on the same page for the same department under new services, we are employing an executive officer and we are going to pay him \$26,352 and a clerical officer, \$7,356, and a court usher \$10,104. So while we are going to pay these three people lower down on the pay scale \$43,812 dollars, we are only reserving \$10 for the judge of the Grand Court! And if this is taken into account, and we realise that when we vote \$10 here, we are actually saying go out and hire the man, put him on the payroll, and we will give you it through the year if we have it - supplementary expenditure or funds to pay his salary. But it will not matter then because the Budget has been debated and the appearance has been good. This is in practice what will happen.

I will not endeavour to deal with every page of the new services. But in my first examination I found that there were items on nearly every page which I could bring to the attention of the House. I notice there is \$1,538 to provide students on holiday with work experience. And I can only say to that, their experience will be limited indeed.

Under Mosquito Research we are providing \$3,500 for two return tickets to the United Kingdom for officers to collect colour plates which will be used in the production of the proposed scientific study. I do not know the reason for this. I do not know the details, but it seems like nonsense to me to have to buy two return tickets to the United Kingdom in order to transport colour plates. I have never heard of any product yet with today's technology that could not be shipped at lesser cost than paying two airline tickets to the United Kingdom. The most fragile and the most costly items today can be shipped under special arrangement - the most delicate of items. Yet, under new services we provide two return tickets. To me an unnecessary waste of money.

Under new services I see administrative officer, and there is nothing under salaries. Maybe that is a misprint or something. The note reads "To provide an understudy to the present Inspector of Banks" and an analyst who will be responsible for the production of the quarterly information from the hundred licensed banks in accordance with the Government commitment under the Basle concordat on the provision of banks. And there is a figure of \$6,768, which perhaps will cover both the administrative officer and the Deputy Inspector of Banks - or maybe one is promoted to the other. And under Computer Services - I never thought that the mind of man could imagine the many new posts set out in the estimates.

I have rushed through this to show that Government has failed us in the new services. They receive requests every year from their departments, but the Executive Council should be the decision making body of the Government. When they receive the many requests as are here, I think they should cut them down before bringing the estimates to the House. I tried last night to count the many new bodies we would be adding under new services, but I must admit that I fell asleep in the process.

The new services will put not only the 1989

estimates out of line, but will affect all estimates in the years to come. It is not only the new services that show clearly that this Budget was not the wonderfully balanced budget which some people may have been lulled into believing when they heard the melodious tones in which the address was delivered.

There are token votes in the estimate, apart from the new services, and I just want to mention one of them. There is a token vote of \$10 for seminars. I do not know what the \$10 is, whether it is to send somebody abroad for a seminar, or to hold a seminar here, but there is a \$10 vote, which just cannot do the job. And I hardly need to repeat that if the correct figure had been put up the end result - the bottom line in the Budget - would have been different.

Then there is also a token vote for the salary review which is scheduled, and that token vote is \$1,074,000. A totally inadequate sum, regardless of the outcome of the review, unless Mr. Hall comes to the conclusion that there should be no increases in salary. If I recall correctly, the last time the civil service had a cost of living adjustment, the cost of living adjustment alone came to more than the figure that is put in here. I did not check the figures accurately, but I know that the salaries for civil servants now run something in the vicinity of about \$30 million. So if they receive a modest 10 per cent increase, an average of 10 per cent increase, we will probably be looking at \$3 million during 1988, just to pay the salary increase.

So when we put all of these different matters together - that is the token vote for the salary increase, the token votes in the estimates and the token votes in the new services - we really see the true picture of the finances for 1988; and I would say that we have an opportunity to do something about it. We can refuse the new services which are requested. We can cut them down - some of them are necessary, some will always be necessary, but I believe that heads of departments seem to be working on the principle that if you ask for everything you can think about, you will wind up getting something.

New services have been a bone of contention in the Legislature for a long time. I remember one address given many years ago by a person (who is not the present Financial Secretary) in which he warned against the new services. He pointed out the dangers which I mentioned at the beginning; that every new service brings with it new recurrent expenditures. So it will be up to the members of the Finance Committee to reduce these new services in whatever areas they can. If the Members do not reduce these services they will have failed the public and they will be just as guilty as the Executive Council who presented the Budget. We know the Budget Address is read by the Financial Secretary, but it always has the approval of Executive Council.

I understand from the President that my four hours are about exhausted and that he will be cutting me off shortly. There is a provision whereby I can apply for an extension, but all my requests, in the past, for extensions, particularly the one of the Mutual Agreement Treaty, were denied, and I suspect that should I seek to continue, I would not be allowed. Because I am a very slow thinker and a very slow speaker, I really cannot work under pressure. I find it difficult to make a speech when I am at my leisure, much less when I am under time constraints.

And so, Mr. President, I will close by summing up that the last three years have been the most disastrous in our country because they were years when the Government had an opportunity to do something for the country. They had the resources and the technology. They idled away their time in ways which I have mentioned often before, and we find today there is much lacking. We find, as a result, a Budget that is stuffed with capital projects that should have been completed and projects that should be earning money for this country.

I will give just one example of how a capital project can earn money. For example, a previous administration built the reservoir at Lower Valley at a cost of \$135,000. Since that time, Government has collected revenue far and above the costs of the construction. The sewerage scheme will produce revenue, but not until it is built. The desalination plant will produce revenue, but not until it is installed, and the new post office will produce revenue, but not until it has been constructed. So Government has failed in its responsibility, and has played a little game in which they delayed these projects and now we will suffer eternally for it.

MR. PRESIDENT:

Perhaps Members might agree that we should take our morning break rather than request another speaker to take on. I suspend proceedings for fifteen minutes.

AT 11:05 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:29 A.M.

MR. PRESIDENT:

Proceedings are resumed. The debate on the Second Reading of the Appropriation (1988) Bill. We have a quorum. I shall allow one minute before inviting the First Official Member, if and when he is present, to reply to the debate.

Does any Member wish to speak?

HON. THOMAS C. JEFFERSON:

Mr. President, in light that it appears that no one

wishes to exercise their opportunity to speak, I would draw your attention to Standing Order 36, and if you so rule, I so move.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I was hoping that the Elected Members of Government with as much criticism as has been levelled at them would have exercised their democratic privilege by getting up to defend this Budget and to advise the people of the country just what is going on, rather than allowing this debate to be closed. I must admit that I was not properly prepared to debate the Budget at this time because I wanted to check out fully some more details so that I could make the type of presentation to the people of this country that I think they deserve. However, this is nothing new, and we should be at all times prepared to deal with these people.

Just to confirm that my watch is right, I would like to say that my watch shows 11:37 a.m., and I should have four hours to go, minus breaks, from this time, and at that time ...

MR. PRESIDENT:

I am happy to confirm that. My watch actually says 11:35.39, but I will give you four hours from that, excluding breaks, no problem.

MR. JAMES M. BODDEN:

And at that point, I am prepared to ask the House for additional time in view of my having to go before I was prepared. I was hoping that the Honourable First Elected Member of Executive Council would have stayed to listen to the debate because I have quite a few touches to make at him.

I would like to compliment the Honourable First Official Member, the Financial Secretary, for his able presentation of what I know was an onerous task for him. Being the capable person that he is, I know within my heart that he found it difficult to get up and make the able presentation that he did in defence of a Budget prepared by the Elected Members of Executive Council. So I will humbly ask him to please take what I may say in the best manner possible because it is not directed to him personally, but rather directed to what he has to represent.

This is the Elected Government's budget. It has to be. That is why I find it difficult, Mr. President, to understand why they do not defend it and why they do not support the Honourable First Official Member in his endeavours to present this to the public. I, like most Members of this House, would like to go on record as thanking my particular electorate (which is the political capital and the capital to be again, of the Island), my people in Bodden Town, for giving me the honour to speak on their behalf in this House.

I also thank my Maker that I have been spared once more to present my views in this House. I also, at this point, wish to thank my God that this will be the last Budget that this elected administration will have the opportunity of presenting. The public at large has, since this Budget was presented, cast a great sigh of relief because over the last three years they have been used to budgets being presented which were full of new taxation and full of areas of discontent that worried the public. However, they can sigh with relief, and if you should walk around town, as I have a little in the last few days, you will see that the people have been looking up into the sky. Now do not be alarmed about this, they are not looking at flying saucers or demons from outer space - they are giving thanks to the great architect of the universe. They are saying, thank you Lord, for helping your unfortunate, downtrodden servant. I have lived through this storm, there is only one more year of suppression and aimless wandering like Moses as he led the Jews in the desert. There is no more time for the empty promises of the present administration. No more taxes and heavy borrowing. I thank you, dear Lord, for delivering me from the utopia and the Garden of Eden which these people promised me three years ago. I thank you, dear Lord, that I have lived through it.

Mr. President, if I ever get the opportunity to say the prayer which is said in this House every morning, I will have to say, as the people in the street are saying, thank you dear Lord and help us to be delivered from this oppression.

The budget of any democratic country has to be the budget of the Elected Members, and their full responsibility. If you depart from that principle you depart from the democracy that we say we have. It is only in communist countries or dictatorial regimes that the budget is prepared by one man and one man presents the view of the machine gun. This is not supposed to be the type of government which we have. So therefore the four Elected Members of Executive Council have a responsibility to the people of this country to air their views and support the Budget because it is their Budget. They may tell us that they have no idea of this, that or the other, but this is an area in which they must have some ideas. The people elected them to set the fiscal policy and the direction of this country, and if they are shirking that responsibility, then they are not carrying out their responsibility for the people. They were elected on a platform which promised utopia. Utopia can only be achieved for this country if one handles and directs the fiscal policy because everything which makes this country worthwhile must come through the finances of the country.

If anyone would delude themselves to thinking that this is not an Elected Members' Budget and not a Budget which is politically motivated, then the only thing they have to do to change their minds is to look into the Budget, peruse it from cover to cover, and find out what Bodden Town will get in the year 1988. It

is not just for 1988, but this has been the policy since the election of 1984. My colleague, you are bowing too low. Ever since 1984, East End and Bodden Town (these two districts are still ably represented in this House by the Unity Team), much to our bitter regret, suffered and suffered badly. I cannot believe that the Honourable Financial Secretary, being the gentleman that I think he is, would have done this to the great capital of Bodden Town. It has to be politically motivated, so it is nonsense for any Member to sit here and tell us that this Budget is Tom Jefferson's Budget. This Budget has to be put around the necks of the four Elected Members. By the time I am through with my discussion on Tuesday or Wednesday of next week, God willing, I will have presented that point.

The Honourable Fourth Elected Member of Executive Council was truthful enough in his reply to a question in this House. Although I was not allowed to follow through with my supplementary question to him, I am however placing it today and I hope that I will get a suitable answer. In reply to the question that was tabled in the House by my colleague from Bodden Town, the Honourable Member said that in an attempt to balance the Budget Savannah had had to suffer. Savannah is a part of Bodden Town. If Bodden Town is suffering, Savannah is suffering, and vice versa. So at least he was honest enough to tell us that he had taken steps to see that we would suffer. He admitted to us in that reply that this is what it should be, a politically elected Budget. I can only say in all fairness, Mr. President, that the generosity to my district of Bodden Town by the four Elected Members of Executive Council cannot be forgotten. It is unlike anything I have ever heard before. I can only say that their cup runneth over.

Let us try to imagine what the people of Bodden Town are thinking in that today we are in this Assembly debating a Budget of over C180 million for the coming year of 1988 and the foundation stone of this country is only getting \$5,000. It is unbelievable. I believe that the native negro (I hate to use the term in the House, but I must at this point) of South African is treated much better. My colleague is usually very good on his percentages, and even he, with all his ability, has found it impossible to work out the minuscule amount that this \$5,000, in relation to an \$80 million plus Budget represents.

My people do not take this kindly, Mr. President, and my people, led by myself and my colleague are saying, 'Dear Lord, rid us of this burden that has been placed around our necks.'. On behalf of my people from the Bodden Town district, I state publicly that I cannot stand silently. I cannot stand humbly and meek, waiting for the bones to fall from the master's table after they have devoured the savoury meat. Would you expect it of us? Lord, I am meek and humble, but my bones are getting stiff. Although I may apologise, I cannot bow any further. This is too much humility to expect. Should I, in all humility, wish to bow and silently accept this treatment, then I am afraid that my ancestors could not rest in their graves. I carry the blood in my body of the old original people who pioneered this country - the Bodden's, the Eden's, the Watler's, the Coe's and the Jackson's, it is all in me. You can check the history of this country to see what those people have done in the building of this country. So, if I should be foolish enough to accept this kind of treatment, I am sure that after knowing what they did for the development of this country they could not remain silent in their graves.

We, like every country in the Commonwealth, have suffered degradation and repression. If you doubt this you only have to be a student of history as I pride myself as being. If you study the West Indian history, the Indian history and the African history you will see dictatorial repression and degradation to the people of those countries. I may have nothing else in life, but the one thing I have is pride and love for this little country of ours. If you have that manhood in you and speak out, believe me you had better be willing to face oppression and degradation from every corner. This is history. This is what has been used, in the history of this world, to control conquered people. If you doubt this, look at what happened to Gandhi, look at what happened to Nehru, look at what happened very close to us in the case of Mr. Bustamante of Jamaica. Look at all the other leaders today in the Commonwealth. You must bow or you go into subjection.

We supposedly, Mr. President, practice the democratic system of government and in conjunction with that we should have the freedom of speech. We have no bill of rights as such. We have nothing to fully guarantee our rights. But when we, as elected Members, speak in this House one fact must never be forgotten. However stupid we may sound, however long it may be, however immaterial it may seem to some people, we are speaking not as individuals, we are speaking as elected representatives of the majority of the people in our districts. We would not be here otherwise. That point must never be forgotten by anyone, regardless who it is.

The present regime has limited freedom of speech in this House. There is no limitation, Mr. President, placed on you in delivering the Throne Speech. There is no limitation placed on the Honourable Financial Secretary when he delivers the Budget speech. But yet we, who are caught unaware as to what the Budget or the Throne Speech will contain, are limited to four hours of speech. I do not believe from my heart of hearts that this can be right.

MR. PRESIDENT:

If I may intervene on a point of information, I do not think that the Throne Speech is excluded from the four hour rule. I do not think so. I would be very happy to have it included if that is the case.

MR. JAMES M. BODDEN:

No, I am not trying to have it included, Sir, I am making the point that your Throne Speech does not, in my opinion, fall within the four hour limitation. The presentation of the Budget speech does not, in my opinion, fall within the four hour timetable.

MR. PRESIDENT:

You are certainly right on the latter point - that is specific, but I do believe the Throne Speech is subject to the same rules as other Members of the House.

MR. JAMES M. BODDEN:

I will not argue with you, Sir, you may be correct. The point I am trying to get across to this House is that the Honourable Financial Secretary, in conjunction with his Elected Executive Council, has days, weeks or probably months to prepare the presentation of the Budget before it comes to this House. We get it without any foreknowledge, and are then expected to start, within two days, to debate the lengthy document. We need to gather information and everything else in order to make a suitable presentation to our people, and are limited to four hours. One cannot dissect the Budget, or make an able rebuttal in four hours. So therefore the democratic right of the people has been fettered.

I, for one, wish that the four hour limitation could be changed in our Standing Orders. If you wish to keep the four hours with regard to debating Bills which are presented to the House, maybe we could live with that, but I think I am putting forward a capable argument as to why change should be made. If it is not made during this present administration, I can promise you that in the next administration, God willing, it will be changed.

We are tired of being subservient. We are tired of being spanked like kids. I got a lot of it when I was a kid because I was a good kid, but I can remember my father, with all the due respect and love I have for him, taking me over his knee, pulling my pants down and giving me a good thrashing. I think he was wise at that time in doing it, because it shaped my life. It helped make the kind of man that I think I am. But at 57 years of age, having sailed most of the seas of the world and having been through a lot of adversity, my pants cannot easily be taken down and my posterior spanked.

This administration, shortly after coming to power in 1984, amended the Customs Law to present the Legislative Assembly with new taxes without any previous knowledge of the Members of this House. It was just read out to us, the vote taken and it came into effect. We are not able to oppose that legislation. It is presupposed that it will pass, which is wrong under a democratic system of government. You may have the strength to legislate taxation, and you may know that you have it, but it should never be usurped and it is being usurped in this House.

Our great neighbour to the north experienced this and had a celebrated tea party because of it. It brought about a revolution because of the repressive measures that were being enacted that could no longer be tolerated by those who had backbones. It is always easy to tolerate anything if you are like a jellyfish. But, if you believe in principles and manhood, you cannot easily tolerate some of these things. If King George III had been content with just a little bit, maybe today the mother country could still be milking that cow. Think of what was accomplished by the greediness that was expressed during that time. It has brought about one of the greatest nations in the world. I am using this as an illustration to show that history will support just about everything I will say in this House for the next three or four days.

This elected Government embarked on curtailment of the local economy. They have been like a windmill in a storm without direction, like a boat at sea which has lost its rudder. There is no direction, no combined direction, of the actions of our Government at this time. It is like the old saying - one hand not knowing what the other is doing. The fiscal policy of this country is a shambles. The country has embarked on a massive borrowing spree. The Budget is fictitiously balanced, and I will save this for a later time in my debate. I crave the indulgence of Members to come back to this point, because these are some figures which I have not yet been able to fully determine. But I intend to take apart past budgets of this administration and I intend to dissect the coming year's Budget.

Our present local economy is top-heavy. All the money is at the top. None is filtering down to the bottom. The holes in the sieve are clogged. We have forgotten that we have a middle and poor class people in this country. This will never bring prosperity to this country. I know some Members will get up and say there is still a lot of money around and that there are more banks coming in and so forth. I will deal with all of that further along in my presentation. But the point I am trying to make is that the money may be there, but the economy is not buoyant. The man in the street is not getting the benefits that he should be deriving.

We are fast going back to the era of the Cayman Islands when the country and the economy was controlled by a brown paper bag. I grew up as a kid in that era. I know what I am talking about. Cayman had gotten away from it. With the help of the previous Governor who set this country back fifty years politically, and with the help of this present administration we have gone back to what people experienced in this country fifty years ago. At that time the wealth was in the hands of a very select few and the poorer class in this country were treated like grovelling dogs at the master's feet. Do not tell me I am wrong because, again, history will prove me right. There were a few in the merchant class who controlled the entire economy of the country, and they

controlled it politically - that is, with what little political effort they could use - and everybody was obligated to this select few. One worked, one got his own brown sugar and flour in a paper bag with a piece of paper showing that one was still due three pence worth of flour the following week. That is what the economy was then. The poorer man in this country, literally, could not breathe. The Caymanian had to be a stalwart man or woman to have lived through an era like that and to have brought this country to where it is today, and that is why I am willing to fight for it. There are some people in Cayman who have backbones, I think, as I have. No country in existence which does not have a successful, prosperous middle class can prosper; and no government can properly function without a hard core of middle management. Both are missing today in our country.

I am proud that the Unity Team Government, of which I was a part, realised this. We provided the atmosphere for a thriving middle class, something which the country had really never had before. We provided the incentives. We helped in every way we could, without bureaucratic shuffling of papers, to help our people thrive and be prosperous. We did not put road blocks in their way. The entrepreneurial system prospered, and everyone who had ambition could show signs of prosperity. They could start their own businesses, and a lot of the people at that time did. They could build their homes, they could buy cars, they could buy televisions and satellite dishes. They could educate their children. These were things that the average Caymanian had had great difficulty in doing before.

Today, most of these benefits are disappearing. It is like education which I really have a long dissertation on. But I just mentioned that for once in an eight year period the people were getting a chance to further the education of their children. Before that, it had been the old paper bag mentality of who you knew and whose child you were. That is why today we are suffering and why we do not have the people with university degrees to hold some of the positions in this country. This is what I am embarking on to change so that in fifty years from now my grandchildren will not look back and say, 'Well, my grandfather did not try to help provide this for the country.'

I do not want to see Cayman slip back into what it was when I was a kid. They may say that they were good old days. They were good old days to a certain extent and I am proud to have the memory, but it is not the good old days that we want to go back to. Once you take away the benefits and the opportunity to create a vibrant middle class in a country, you are going to get a discontented population - and that is what we are getting now. You will get crime and turmoil, and a population that will eventually rise up because they cannot tolerate the whips on their backs any longer. That is not what we want to happen in this country. We want to build a country that we can be proud of in fifty years from now, but we will never be able to build it if we embark on the suppression of our people, because they are not going to be meek enough to accept it. You must remember one thing about the Caymanian. The Caymanian background has been the sea, and it is the toughest master that you can ever experience. If it made us tough to endure that, it is going to make us tough to fight the oppression at this time.

There has been an old saying - better red than dead. But, Mr. President, what I am saying to my people today is that it is better to be dead than to lose one's self-respect and become a slave. We must stand up. I will stand up for my beliefs as long as I live, and particularly as long as I have the opportunity to stand here and represent my people.

From the Budget we have been told that we have a work force of 10,034 - 74 per cent or 7,425 of which are Caymanian. If my mathematics are correct, this tells me that there are 2,609 people in the Cayman Islands workforce who are not Caymanian. I find it difficult to accept this figure. In my humble opinion there have to be more non-Caymanians than this because I have been privy, in the past, to the list which showed the number of work permits held; and if they hold work permits, they are not Caymanian.

It would also be very beneficial to know the geographical breakdown of this number of people. How many do we have from Ireland? If we had that statistic we could maybe look at it intelligently and assess whether or not we needed 15 more stewardesses from Ireland for Cayman Airways. The House should have this information, not just the Elected Members of Executive Council, but the entire House. We may be looked upon as minorities, but we are entitled, if we have a democratic system, to know what is going on in our country. We should have knowledge beforehand of the contracts being entered into with the Colombians. We should know what the water scheme is going to cost us and so on, and so on.

Another important statistic that this House should know is how many of those 7,425 Caymanians have positions in management or in the middle management areas. From that we would be able to tell the areas of discontent and the areas where something needs to be done. We would also know the amount in those 7,425 who are considered hewers of wood and drawers of water. Our people must have the opportunity to share in the wealth of this country. If we do not give them that chance, what is the use of developing this country. Are we going to totally develop this country so that the benefits may go to people offshore? No, we must develop this country hand-in-hand with people from the offshore sector because this country does not have the money to do it from within, but it must be done in such a way that some of the wealth stays in the right hands of the people of Cayman. Our policy must change. Caymanians who aspire to the higher positions in the workforce of this country, be it Government or the private sector, must be able to get those positions. They must be trained to take those positions. Our immigration policy must change completely. The rights of the indigenous population of this

country must be protected, even if we have to have a bill of rights to ensure that.

Caymanian status in the future must be preserved for the indigenous population and not rewarded indiscriminately as has been done. Both groups in this House are guilty of doing that. It is not something that I am laying completely at the doorstep of the present administration. However, the time has come for changes. The time has come where our people should not be completely left in the minority position. We have to be very careful with our immigration policy. We need people from abroad in certain areas to assist, but it must never be thought of that we are importing them to be our masters. Diligence must be exercised.

In some countries of the world today it is easy to live in a little town for six weeks and get a police record which shows that your background is clear because in some countries they do not have the police network that embodies the entire area. In a town fifty miles down the road someone may have been guilty of murder. That example is probably carrying it a little bit too far for that probably would show up somewhere, but in convictions of lesser crimes they would not show up. It is a proven fact that once a person has become addicted to drugs the habit is hard to kick. Persons have been known to kill, prostitute, steal or do any manner of things to obtain the necessary drugs to see them through from one waking period to the other. Persons of this background have obtained work permits in our country, and we are all guilty to a certain degree for neglecting some of this. Some of these people have also been lucky enough to get good government positions. Some of them have married in this country. But we must not forget the things that I have just said. A person who has had a drug habit will find it difficult to kick, and persons have committed crimes to satisfy that urge. So, people who have fallen in that category will in this country, particularly if they are in places of influence, secure information which can be traded or given to people offshore which can severely hurt the country.

I would also like, at this point, to put one other suggestion forward and that is that all work permit holders and their dependents must in the future undergo an AIDS test to ensure that we will not further become the victims of this in our country. I sympathise greatly with this scourge that God has put on mankind, because it could happen, more or less, to any of us. It is a serious thing, and I hope that God in His infinite mercy, will bless all of them and will help the medical profession to, sometime in the near future, find a cure. But we must not forget that our country could be ruined overnight if we do not put in the type of restraints that can forestall further things of this nature happening in our country. I am hoping that the Honourable First Elected Member of Executive Council has not gone to sleep during this part of my presentation. I hope his ears are wide open.

Great emphasis has been placed on the banking industry, and rightly so. It has contributed a lot to the economy, and it has given our country much prestige. I give credit to them, but we must not forget that most of these are only plaques on the wall. We must not allow them to dictate the policies of Government. They employ but a small amount of our people. We must give credit and thanks, but we must view the other side of the coin also. We must approach the banks on a basis of equality. We must ask of them, "Is this a marriage for you in this community, or is it an engagement?". We may be considered the wealthiest offshore financial centre in the world, but if they are looking towards the future and want a future with us, if they want a marriage with us, can they not look out of their windows and see our problems? Are they not aware of the below average standard of living and housing? Do they not see the old and sick who cannot care for themselves? Do they not see the kids who lack attention? Do they not see the amount of students walking the streets under the hypnotic trance of addictive drugs, barefooted because the Honourable First Elected Member of Executive Council has not provided scholarships for some of them?

How long, Mr. President, will wealth abuse the poor? Do you think this society as we know it will survive? I consider, Mr. President, that I have done my share in building this economy and society. I think that I have nothing in life to be ashamed of with regard to my contribution to this society, because it is my land of birth, it is my first love, it is where my bones will smoulder. But, if the hate smoulders in my body from time to time, as it does, because of the inferior way we, as Caymanians, are sometimes treated, I do not wonder how other people feel, because I know.

I echo a word of warning to everyone who may listen. The people of this country, including myself, will not be further abused. We will not be subjugated. We will not become slaves in the land of our birth. We will not be further insulted. We will not bow any further. We will master our own destinies, or go down in the ashes of them. The country's future is our future, and we love this country. So I ask of everybody who may care to listen, please wake up, please look at the problems that exist. Please help us solve them, but please do so walking shoulder to shoulder, hand in hand and not with us having to walk twenty paces behind.

MR. PRESIDENT:

That may be a convenient moment to adjourn.

MR. JAMES M. BODDEN:

Thank you, Sir.

ADJOURNMENT.

HON. THOMAS C. JEFFERSON:

Mr. President, a few days ago, all Members of the House unanimously agreed that at this particular time the House should adjourn until 10 o'clock Monday morning to enable all Members to be fully briefed on the Merchant Shipping Act and its amendments, as we have our counsel here to brief us. And I move the adjournment until 10 o'clock Monday morning.

QUESTION PUT: AGREED.

AT 12:33 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, THE 23RD DAY OF NOVEMBER, 1907.

WYOMING CONTRACTS AND AGREEMENTS

WYOMING CONTRACTS AND AGREEMENTS

WYOMING CONTRACTS AND AGREEMENTS

ARTICLE I

THIS AGREEMENT SHALL BE GOVERNED BY THE LAWS OF THE STATE OF WYOMING.

ARTICLE II

THE PARTIES HERETO HAVE AGREED TO ENTER INTO A CONTRACT...

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3. GOVERNMENT BUSINESS

1944

U. S. GOVERNMENT PRINTING OFFICE: 1947

CONSTITUTIONAL PROVISIONS

SECTION 1. IN SENATE AND HOUSE OF REPRESENTATIVES, THE BILL SHALL BE READ TWICE IN EACH HOUSE AND MAY BE PASSED BY A MAJORITY OF TWO THIRDS OF EACH HOUSE.

4. AMENDMENTS

TO BE PASSED BY THE MAJORITY OF EACH HOUSE, AND MAY BE PASSED BY A MAJORITY OF TWO THIRDS OF EACH HOUSE.

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MONDAY

23RD NOVEMBER, 1987

10:21 A.M.

PRAYERS

MR. JOHN B. McLEAN:

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 Name's sake. Amen.

Our Father, who 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:

The proceedings of the House are resumed, and may I apologise to the House and to Members for keeping you waiting this morning.

Questions. The Second Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 104: Can the Honourable Member say whether the Cayman Islands Government recently entered into an agreement with Caribbean Utilities Co. Ltd., regarding the use of a piece of property adjacent to the West Bay Fire Station, and, if so, what are the contractual terms and whether the present terms are an amendment to an original contract?

ANSWER: Government has not entered into any agreement with Caribbean Utilities Co. Ltd., for the use of any property in West Bay.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH:

Supplementary, Mr. President. Is there an agreement pending?

HON. VASSEL G. JOHNSON:

Mr. President, there were negotiations taking place some time ago for the lease of a parcel of Government land in West Bay, but nothing has yet come of those negotiations.

MR. PRESIDENT:

There appear to be no further supplementaries. Question number 105, the First Elected Member for Bodden Town, please.

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. 105: Would the Honourable Member give full details of any consideration being given to a policy of providing Government schooling for children from the age of three

years?

ANSWER: There is no consideration being given to any policy to provide Government schooling from age three, apart from the special programmes currently in operation, the early intervention programme operated out of the Lighthouse School and the Hearing Impaired Unit operated at the George Town Primary School. Both admit, from the age of three, students who are experiencing particular problems.

The reception programme, now in operation in all Government primary schools, accept children who are three years and nine months. This is a voluntary, half-day programme.

MR. PRESIDENT: There appear to be no supplementaries. If so, Question number 106, please, the First Elected Member for Bodden Town.

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. 106: Would the Honourable Member state why it was recently necessary to employ another House Mother and House Father for the Frances Bodden Girls' Home?

ANSWER: The House Father at the Frances Bodden Girls' Home became ill the beginning of August, some two months before the contract of employment of both the House-Father and House-Mother was due to expire. As a consequence of the illness of the House-Father, the House-Mother was also granted compassionate leave until the end of the contract. Concurrently, it became obvious to all concerned that because of the continuing nature of the illness it would not be wise to consider renewing the contract. Consequently, the present House Parents were contacted and offered the job. They accepted and were appointed early in September.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Could a reported police inquiry have anything to do with this dismissal?

HON. BENSON D. FRANKS: Mr. President, I did not say anything about a dismissal, Sir.

MR. PRESIDENT: Perhaps we should pass to the next question number 107, the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 107: Would the Honourable Member say what is being done to locate two persons, namely Mr. Burnie Anglin and Mrs. Nadine Simmons, who disappeared recently and whether police dogs or outside investigators have been employed to aid in the search?

ANSWER: All possible avenues of enquiry have been explored and will continue to be explored, both here and overseas as appropriate. The tracker dogs were not brought in, as in both cases some period of time had elapsed between the time the people were last seen and the time police were notified. It has not been considered necessary to bring in outside investigators.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if the three Scotland Yard detectives who are here are connected with these enquiries?

HON. J. LEMUEL HURLSTON: I know of no such connection, Mr. President.

MR. JAMES M. BODDEN: Human life is considered one of the most valuable things in this world so why was it not considered necessary to bring in outside help to try to locate and find out what had happened to these people, when we spend money foolishly in so many other investigations?

HON. J. LEMUEL HURLSTON: Mr. President, the answer has already indicated that all that could be done has been done and is continuing to be done in both of these cases.

MR. JAMES M. BODDEN: Could the Honourable Member tell this House who

determined that it would be impractical to bring in police dogs because some time had elapsed from the last time they were seen until the police were notified?

HON. J. LEMUEL HURLSTON: The decision is always made by the officer responsible for the investigation of the case.

MR. JAMES M. BODDEN: Does the Honourable Member or the officer responsible for the case have any idea as to the time period involved that the dogs would not be able to give any assistance?

HON. J. LEMUEL HURLSTON: No, Mr. President, I do not have the answer to that question.

MR. JAMES M. BODDEN: If you do not have the answer to it, does any Member of the Government have that answer?

HON. J. LEMUEL HURLSTON: If the Member so wishes, Mr. President, I could undertake to provide the answer to that supplementary question in writing.

MR. JAMES M. BODDEN: Well, could the Honourable Member state the person who made this decision?

HON. J. LEMUEL HURLSTON: Mr. President, could I ask what decision the Member is referring to, Sir?

MR. JAMES M. BODDEN: The decision that I was asking about a while ago. The decision that tracker dogs would not work in a case like this.

HON. J. LEMUEL HURLSTON: Mr. President, I thought I had answered that supplementary, Sir, by saying the decision was made by the officer charged with the responsibility of the investigation in both cases.

MR. JAMES M. BODDEN: Does the Honourable Member know how he could have arrived at this opinion, whether it was from stated facts or what?

HON. J. LEMUEL HURLSTON: I am sure that the answer to that, Mr. President, is that police officers make professional decisions based on their training.

MR. PRESIDENT: If there are no further supplementaries, we move to Item 3 of the Order Paper, Government Business. Resumption of the Second Reading debate on the Appropriation (1988) Bill. The First Elected Member for Rodden Town was speaking.

GOVERNMENT BUSINESS BILLS

THE APPROPRIATION (1988) BILL, 1987

SECOND READING DEBATE CONTINUING

MR. JAMES M. BODDEN: Mr. President, it is difficult to break a speech into parts, as I have had to do with mine, but I am thankful that I had the weekend to continue my research. As I explained in my opening, I would have thought that some of the Elected Members of Government would have seen fit to defend and put forward their Budget.

They have, however, preferred to play the waiting game to debate the Budget which, had I not risen, would have closed. I can assure the Members of this House and the public at large that there will be such a scramble for them to get to their feet when I am through delivering my speech that you will not know how to keep order and who will be the first one to his feet.

In waiting this morning at least we have some people in the gallery, and I also have some moral support. My wife has come to hear me as well as the school children whom I am happy to see here.

This country boasts of an atmosphere conducive to secrecy. It is our secrecy laws that have helped bring the prosperity of the country to the point it is today. However, I am warning this House, as I have done before and will continue to do in this debate, that this atmosphere will not continue if we, in this country, have to live as the native South African lives in his country. Our people must be trained for the high positions. A new policy must be instituted whereby a Caymanian must be trained for every job that exists here. If a foreigner is brought in to manage a business, a Caymanian must be hired to walk in his footsteps and be trained for that position. I submit to this country that this present elected Government should be indicted for their indifference to training our youth. They closed the training schools that the Unity Team saw fit to start. Those schools were becoming very successful. They stopped the allowances that were being paid to students who were attending the training schools.

They curtailed scholarships to our youth, and the old system of whose son or daughter you are, or who you know, prevails again. Is it any wonder that our youth are taking to the streets today as drug addicts?

We boast of the opening of two new hotels, but who are they employing? The Caymanian is not offered the good positions in most of these establishments. I have been to one of these establishments and I was ashamed to see that the few Caymanians in evidence were employed as what I would call foot men. All the good jobs have gone to the imported Irish people. A policy is beginning to emerge that the Caymanian is employed to shine shoes, and he is left there. There is no hope of betterment for him.

We all boast from time to time of the secrecy laws that I mentioned a while ago. I will ask this House what secrecy laws? What has this elected Government accomplished in bringing about the Mutual Legal Assistance Treaty? If we had any secrecy it has been destroyed by the implementation of that Treaty. No Member of the elected Government except the Attorney General has knowledge of what is requested of us by the United States' Government. There is no political or elected input in any of these requests. The United States' Government has not ratified the Mutual Legal Assistance Treaty, yet we rushed headlong, like a stone falling down the hillside, to ratify that Treaty. It was pointed out, by well established law firms in this country, the Chamber of Commerce and Members of this House, the dangers that were inherent in that Treaty. But these groups of geniuses would not listen to anyone. The Treaty as it stands now does not legally exist. We are the only ones, with perhaps the exception of the United Kingdom on our behalf, who have ratified this Treaty. At the present time it stands in the position of being a bilateral Treaty. And I publicly accuse this Government at this point of compliance with this Treaty, compliance with the United States authorities, as if this Treaty existed. I publicly challenge the Attorney General and this Government to take an oath and prove that we have not supplied evidence as though the Treaty were in force.

We have reached a dangerous point. We cannot continue in this manner any longer. We allow the banks that do business in our country and flaunt our laws as they see fit. They set their own standards as to how they will operate. We have banks in this country that will only give a customer a small amount of cash or a local cheque up to a certain amount. Any other withdrawals that he or she wishes to make have to be done by the bank giving them a United States' cheque, usually withdrawable on Irwin Trust in New York, or some other large bank in the clearing system. This is done because those banks are monitored very closely. Every cheque of over a certain amount that clears one of the United States' banks has to be reported.

The banks in the Cayman Islands are making a joke of our secrecy laws. They are jeopardizing the rights of their clients. They are leaving many American citizens, who have trusted us for many years, in jeopardy and leaving them subject to indictments by the I.R.S. If you think that we can continue in the banking business, and continue to boast of a stable economy under circumstances such as this, then we are all deluding ourselves.

The trust between an accounting firm and a client should be like that trust between a doctor and a patient or a lawyer and a client. It will not be necessary to debate many budget speeches in the future if we do not attend to some of these ills that exist. We have in this country large worldwide accounting firms, and people trust them. People put their future into the hands of these accounting firms, and I particularly refer to people from the United States of America. They trust that what they give or say to the accounting firms will be kept in the strictest of confidence. But these accounting firms are fast being seeded with police informants - people who will do anything for the greed of money or self-glory.

Mr. President, no man in this world has ever been able to serve God and Mammon. Documents that have been sealed in containers and left in safe keeping, in the safes of some of these accounting firms by trusting clients, have been stolen and supplied to the police.

MR. PRESIDENT:

I must interrupt you for one moment. I think you are entirely entitled to speak on the question of secrecy and confidentiality in regard to the banking industry and its importance, and hence its relation to our sound economy and the Budget. But I think if you are going to make allegations about failures of security by individual companies, this is perhaps not the right place to do it.

MR. JAMES M. BODDEN:

I will accept part of your ruling, Sir, but I am trying to point out that this country's future is built on the banking secrecy and the other secrets, and that they are being eroded. And it will affect the Budget.

MR. PRESIDENT:

I accept that, I think that is entirely right, but you were proceeding to refer to a number of types of company, namely accounting companies, and I think at that point you should move to the next paragraph, if I may put it that way.

MR. JAMES M. BODDEN:

Does anyone in this country believe that Americans who have helped build this country will continue to trust our system? In my opinion this is a dirty trick to destroy our economy and put us in the position where we will have to be monetarily assisted by the Mother country as we were many years ago. Once we have to go back to the days, on bended knee, asking the Mother country for monetary assistance then we are in full subjection. We can no longer say that we have anything to do with shaping the

destiny of this country.

I am very proud to know that I was a part of the Unity Team Government which was able to bring an end to the monetary assistance from the Mother country. I ask of this House today, what percentage of our people are in management positions in the banks and trust companies? What are we doing to ensure that our people will have the high positions? I say once more that there is no use in this country continuing to boast of our rapid development and of the five hundred plus banks that we have here, and so forth and so on, if our local people do not deriving some of the benefits by having us run pell mell to destruction.

I am proud of the Housing Corporation. The Unity Team Government saw the problem that existed and we set out to do something about it. Believe me it was worse than pulling teeth. It took years of negotiation with a committee to finally get it to where we could establish it and bring it into law. I could not believe that the bankers would place a loss of a couple of thousand dollars a year against the well-being of our people. I say that because the contribution that was being asked of the A-licenced banks was \$50,000 a year on a twenty-year bond at 5 per cent interest. If they loaned that out at 10 per cent there was a difference of 5 per cent which means they would have lost \$2,500. And that is what caused such a hue and cry from the banking society of this country, and that is why so few of them really tried to assist Government. It was a case of utter disregard for our people's well-being. But at the time, Mr. President, they had to deal with me and they had run up against an immovable object. When we left office in 1984 the Housing Authority was becoming a success, and many mortgages had been granted to our people who needed help. This was beginning to further instil the pride of ownership into our people, and was providing some happiness and contentment for them. For the past three years, like everything in this Government, the Housing Corporation has come to a halt and has stood still.

Mr. President, we do not want anything. The banks and many other institutions are making a lot of money in this country because of the stable atmosphere that we have, and because we have laws that are conducive to the capitalist system. We should not have to beg the banks and other financial institutions. The Honourable Member in charge of this portfolio should not have to come to the House and report that there are no responses to his pleas. We should make them respond. This country is a haven to hundreds of billions of dollars. Our society allows them to amass, yearly, hundreds of millions of dollars in profits. There are no controls on them; no reserves to keep on hand; no taxes. Profits can amass profits and all because the Caymanian people have built a society free of taxes and have maintained political stability. We need funds to develop our country through small business loans. Mr. President, if this is not attended to, if this is not done, in the next twenty years you will be able to count on your hand the number of local businessmen who will be in control of businesses in this country.

The banks and the financial institutions need to have work permits given to them by our country. They need to know that they can get Government support in many ways. I am saying publicly today that the banks should not get these work permits and should not get the assistance that this country gives them, if they are not prepared to help this country alleviate some of the problems that exist; particularly in view of the fact that to help alleviate those problems it would cost them so little. What is a loss of \$2,500 a year on a deposit to Barclays Bank when it has probably amassed a profit for the year of over \$100 million? How can they look at us and say, 'We cannot do this', when the Financial Secretary of this country has every penny which this country owns on deposit with them. They handle the total of Government's accounts. They have a captive audience, in that probably 1500 civil servants are paid each month directly through Barclays Bank and they in turn redeposit that money and make their loans with Barclays and so forth. It is a continuing spin-off effect. I do not want any Member of this House to think I am particularly speaking about Barclays Bank. I am using it as a source of reference to illustrate what is happening in our country. And I am not afraid to say that if the Caymanians cannot share in the prosperity and build for the future, then it serves no purpose for us to open the floodgate of immigration or to cooperate with any country or company if we are not going to survive and build something in these Island which our people can share in and be proud of.

Cayman today, in my humble opinion, is one of the most important gems in the English crown. I believe it is more important than the Star of India. Therefore I must insist that whoever we deal with should show the Cayman Islands the respect that it is due.

I have always been proud that our small Islands have been able to have its own currency. It shows one more area of growth for the country, and I am also proud that in the early days when this was first done that I was able to play a part in it. In the year 1986, 1987, I think it was, the surplus that existed in the Currency Board was \$1,489,591. This, for the first time in the history of the Currency Board, was transferred in its entirety to Government's general revenue. This year, another good sum, of at least \$1 million will be transferred into the general revenue fund. Yet with all this monetary assistance the Government of this country is still foundering like a ship at sea without a rudder.

I was pleased to see the changes that were made in the Companies Law. These changes were necessary, and in my opinion it will be necessary to further amend this Law. I deplore the fact, however, that explanation of the changes was not forthcoming in the manner which the Government bench has, in the past, explained

legislation to the Members of this House.

I am pleased also to note that some system of preserving documents for posterity is being explored. If we do not find a way of preserving, in a simpler form, the amount of paper used by this administration, it will sink this Island. I am sure, Mr. President, that before any decision is made as to how we will preserve these documents, we will first have to expert consult it to death. We will have to go to the United Kingdom to select some retired expert and consultant to come here; we will house him on Seven Mile Beach for six months, we will give him a rental car, we will give him all the good food and booze he can drink, and then he will tell us, 'Do you know, I really do not know what to tell you because I do not know what to do about it myself.' Or he will give us a volume of paper that will further help to sink us. If we are going to preserve these documents, make a quick decision about it, spend the Government money and get it done.

I compliment the Registrar General, Mr. Woodward Terry. I congratulate him on persevering in his studies and being called to the Bar. He has proven, like so many Caymanians in the past have proven, that given an opportunity they will grasp it, they will work at it and they will succeed. I compliment him and I compliment the other students who passed their exams.

I am proud that the Unity Team Government established the Student Loan Programme that is mentioned in the Budget. We did this through funds borrowed from Caribbean Development Bank. At the same time we also established the Agriculture and Industry Development Board. I think that has probably gone by the wayside like all other good things done by the Unity Team Government.

I was pleased to see that 14 loans amounting to C\$150,000 were granted in 1987 to worthy students. What hurts me, however, Mr. President, is that with all the emphasis that the Unity Team Government placed on scholarships for the youngsters in this country and in as much as we tried to train the youth, it has all been disregarded by the present administration. They should not have boasted about the 14 loans they made through CDB. What the Honourable First Elected Member should have been able to boast of is the fact that Government should have given 14 scholarships to 14 worthy Caymanian youngsters to go abroad and study and to come back and take their rightful place in this community. I will deal further with scholarships a little later.

The Unity Team Government saw the difficulties. We were fully aware what our young people encountered in trying to train in the legal profession. All the avenues open to them were blocked. They could only stand outside looking in while people from abroad gathered up the spoils in this country. I am referring to the legal profession. We were determined to correct this, and we did. We embarked on spending a lot of Government money, against overwhelming odds, to set up our own Law School and I am pleased that we did it. We did it because we saw the need and we knew that our people had to have a chance. If the Law School had not been set up it would have been as in the in the past when only a very selected few could ever enter the court house as trained attorneys. The cost per student was great, but five local men and women embarked on the uncharted waters, determined to succeed. They have succeeded, in that all of them have successfully completed the course of study, two of them with honours, and there are several others in the country today who are following in their footsteps. I say to them, well done, and the country is proud of you as I am.

MR. PRESIDENT:
are you placed?

Would that be a convenient moment to break, or how

MR. JAMES M. BODDEN:

Yes, Sir.

MR. PRESIDENT:
minutes.

In that case proceedings are suspended for fifteen

AT 11:12 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:30 A.M.

MR. PRESIDENT:
Member for Bodden Town.

Our proceedings are resumed. The First Elected

MR. JAMES M. BODDEN:

No other country in the world, of our size, can boast of having its own Law School, so each and every Caymanian should be very proud of this fact. However, in all joy there has to be some grief. I am disturbed to know that it is being proposed to change the entrance examinations for the Law School, and to make it more difficult for our young students coming out of the High School to enter. I take this as an affront to all Caymanians, especially when it is being done without any Elected Members' input. I have to blame the Honourable Member for Health, Education and Social Services, the Honourable First Elected Member of Executive Council, for allowing this to happen. Education is an integral part of his portfolio. I say, shame on you for allowing this to happen. Everyone must respect us as people - a people who have stood up and who have stood up in the face of much difficulty to bring this country to the point it is today. We must be treated with the respect that is due us. We are not monkeys hanging by

our tails from some tree in the forest.

The Budget speech gave praise to an effective marketing programme, to the promotion and advertising programmes of the Department of Tourism as if there had been no success in this portfolio before. Compare the increases in tourism from 1977 to 1984 and you will see a phenomenal growth - a growth of good tourism, not the peanut butter sandwich type of tourism that, in my opinion, we have at this time. Compare, as I will, later in my discussion, the expenditure of the Department of Tourism in 1988 compared to 1984.

When I refer to the peanut butter type tourism, I would like at this point to report to the House a conversation which I recently had with an hotelier of about 20 years standing in our community. He expressed to me that he had never seen the type of tourism that he is encountering today. He reported to me that he has seen people staying at his hotel who go out and buy little styrofoam boxes, fill them with the ice from the icemaker and put their milk and sandwiches on the ice. They do not go into restaurant or bar to spend any money. He further told me that this summer his occupancy rate was so low even though he had lowered the rates in order to attract business. He thought, on many occasions, that he should close the hotel.

This is typical of what is happening in our country. We boast of the figures, but the figures will not help this country if a corresponding amount of money is not being spent in the community and is not being filtered down to the man on the street. We have two new hotels that have recently been opened, but do we delude ourselves into believing that these two new hotels can survive? Some of the airlines are selling four days and three nights and a return trip to Miami for a little over US\$200. Do you think that this adds anything to the economy of this country when this happens? To service the interest payments on the Hyatt Hotel and the Treasure Island Resort it probably takes, for the Hyatt Hotel, at least US\$14,000 per day. For the Treasure Island it is probably US\$8,000 per day. Do you think they can stay in business with an occupancy rate of 40 to 50 per cent, at US\$35.00 per day? In fact in some cases, I think the rate is even less than \$35.00 per day. For these two hotels to survive, tourism would have to increase 40 to 50 per cent above the figure that it is today, and even at that, those two hotels would probably not run at more than 60 per cent occupancy. At these figures none of them can break even, and I am sure that none of them have a bottomless pit of money that they can pull from.

Even should our tourism increase by 20 per cent a year for the next three years, the hotels will not come to a break-even figure. We are presently doing, in the Cayman Islands, what every tourist destination in the Caribbean has done. Every one of the islands have done it to their eventual detriment, just to say that they have increased their figures. Our tourism business is bringing in every halt, lame and blind in an attempt to say that we have brought in five per cent or 10 per cent more than we did the year before. We must remember that one distinction of tourism is that class does not follow mass. It is the class that pay the prices, whether we want to admit it or not. We have a limited infrastructure, and if we do not get the people who can spend the money, this country will not survive eventually as a tourist destination. Class will not long tolerate the pushing, shoving rowdiness of mass tourism. If this Island wishes to pursue a policy similar to the policy as was in Jamaica a few years ago, that in order to attract foreign currency the north shore hotels were selling rooms for \$10 and \$15 a day. If that is the type of tourism we want and if that is what we think will build this country, then we are on the road to it. I give a word of warning, however, that road will only lead to our destruction.

I criticise strongly and condemn our present marketing and advertising programmes. I will deal with them later on in this discussion. I hope that somebody will listen, before it is too late.

We were envied in the past as a tourist destination. Today we are looked upon, in some areas, as a barefoot destination. We must not overlook the part that the up-scale cruise ships play in our economy. But in supporting the cruise ship traffic to this country, I emphasise that I do not support the cruise ships which bring in the cream puffs! In my opinion, whoever was responsible for that move should forever hang his head in shame. If you tell me that is the type of tourism that we want in the Cayman Islands, then I say to you, our policy is wrong. I am ashamed that that was ever allowed to happen.

Reference was made in the Budget speech to the successful charter programmes, but I emphasise again that this is another area which we must watch very closely. This is an area that was pioneered by the Unity Team Government. I am glad to see it is being built on today, although I do not agree with some of its attendant and I do not agree with the rates which I will deal with in my submission on Thursday, God willing.

If we are to exist in this country and keep the hotels with a decent type of occupancy, we must have the charter programmes. Since then we have to have them, I would like to know that the national carrier, Cayman Airways, is the carrier which brings them in. I do not think we should forfeit that right and let Jean Rich bring them in on her dilapidated DC-8s.

The Budget speech said that more emphasis would be placed on training, but this in my opinion should have been an on-going programme. The programme that was started by the Unity Team for political vengeance should never have been abolished, and today we would have trained Caymanians entering the hospitality industry. But instead of that, I guess they thought they would spite Jim Hodden, or Truman Hodden, or

Haig Budden, or John McLean. They cancelled the training programmes. What will it do to this country if we do not train the youth? What is the sense of saying that more emphasis must be placed on training when we are not doing it? Who are we attempting to train? The Irish workers we are bringing in? I thought they were already trained.

Trade statistics as revealed from the Budget speech show that in the year 1987 there was approximately \$134 million dollars in imports. This is good for the customs duty which we derive, and I must say that the Customs Department must be a very efficient department to be able to operate with such little money in relation to the other departments, and yet bring in so much revenue. But we must realise what these figures mean. We must realise that that represents a great deficit in the balance of trade. What efforts are we making to lure small manufacturing businesses, or to help promote local agriculture? These are about the only two areas open to us in which we can redress this imbalance of trade. There are still several dedicated local farmers. Today our help to them is minimal. The Member for Agriculture in the Unity Team Government did a magnificent job in dealing with agriculture and the farmers in our community. Today our policy to agriculture is in a shambles, and it is like everything else that this present administration is doing. They are foundering like a ship at sea without a rudder.

We can boast of one fact and that is that today we probably have the most sophisticated computer service in the entire world. I am sure that in the not too distant future the NASA programme in the United States will approach us and ask us to assist them with their launching projects. Computerisation is very vital and very important, but it has cost us vast sums of money to implement it. The point I really wish to drive home, Mr. President, is that we are in a very vulnerable position with regard to our computer service. I am making a point of warning to this country. Computerisation is at the nerve centre of everything we do, and it stores the Government secrets. There are secret codes which only senior staff are privy to. Those secret codes control the operations of the computer system. Those computers are interfaced with various terminal facilities in the United States of America - and there have been stories in the papers of even young kids being able to tap into sophisticated computer systems in the United States, and every company statistic and every government secret would be available to the United States authorities. We project in this Budget a new expensive building to be built to house all the modern technology which we now possess. I say to my fellow Members in this House, wake up, before we are led further downhill. No Caymanian graduates were employed in this department in the year 1987. It is almost totally staffed by foreign personnel. Foreign personnel who really owe no loyalty to this country other than waiting for the end of the month to come and the computer just spews out a cheque for their month's wages. We must not put such confidence on people who are not Caymanians.

The Budget speech revealed that there is evidence of hard drugs being landed on the remote Cayman shores. This is an area in which the police marine arm could be helpful, but what have we done with that enforcement arm? We fired the qualified Caymanian sea captain and we brought in a United Kingdom officer and put him in charge. I understand that when he went aboard ship the local officer approached him and said, 'Sir, I am going to the head.' He scratched his head and said, 'Well, my head is okay, I do not feel anything.' We need qualified people. We fire the qualified people that we have because they are Caymanian, and we entrust this arm to someone else.

The large police boat which was hired for the marine arm of Government has been laid up in Governor's Sound for nearly three years, gathering moss. The moss is about a foot thick on its bottom. I have only seen it put to sea one time, and that was about a week ago. The medium sized boat that we owned was, under expert guidance, wrecked on the reef of the North Sound. Now this country is preparing to spend, of the people's money, over C\$2.5 million to purchase a pleasure yacht. That is all I can term it. Those of us who have any knowledge of the sea well know that that is not the type of craft that should be used in the law enforcement field, or that should be expected to operate in the ocean waters that surround us. That is strictly a pleasure yacht and, in my opinion, it will be used by certain people as a pleasure yacht. There is one consolation in this fact and that is that we do have, annually, a fishing tournament here, which, if you are the lucky angler, you may stand a chance of becoming a millionaire. So I can only hope that in the next tournament held that the police boat will see fit to enter. Maybe we will be lucky enough to catch a big marlin and win the big prize - and then we can say, 'Well, we got our money back!'

However, as far as hoping that any worthwhile law enforcement duty is going to be performed by this boat, we can forget it. The police Marine Branch is not functioning. It should be put under the Customs Department or the Port Authority, or perhaps a new branch of Government called the Cayman Coast Guard. The Customs Department and the Port Authority are in capable Caymanian hands, and I have the faith that they will do the job that is required if no one else can do it.

I was very pleased that ship registration is finally becoming a reality. This again is something that my colleague from Bodden Town and I brought to the attention of this House in 1972. However, over the years there have been many obstacles put in the way of its implementation. I am ashamed to see that the positions at the top in this department will not be filled by qualified Caymanians. We have Caymanians who have staffed offices in the United States' Coast Guard as deck surveyors, engine surveyors, and every job in the maritime field has been filled by them; yet they cannot come back to the land of their birth and fill these positions - those positions have to be given to someone else.

Serious crime is on the increase with the

commission in the past few years of many murders and the large increase in drug trafficking. A blot that will forever stay on this administration was the uncalled for dismissal of Commissioner Stowers after the election in 1984, and the relaxation of the drug laws. We have just had two persons disappear off the face of the earth in thin air. Questions have been asked in this House about them this morning. It was not seen to be necessary to try and find out what happened. It was better that this Government expend its money in other areas. It is like these people were taken into the heavens, shrouded in ether and made into angels. We know nothing of what has happened to them. We seem to have but very little regard for human life. Did we bring in police dogs that could have followed the scent of these people from their clothing, even if it had been six months later? Did we bring in a team of detectives from Scotland Yard to try to locate them? Did we in any way try to determine the cause of their demise?

MR. PRESIDENT: If I may for a moment interrupt you. I think what you have said is entirely in order, although you have somewhat covered the same ground as earlier. But I think that if you take it any further, you will be raising the conduct of individual officers, and that must be done on a substantive motion if you choose.

MR. JAMES M. BODDEN: Well, Mr. President, it would have cost a few thousand dollars to put into effect what I have just said, and if we had spent the money in that way, we would not have been able to balance the Budget. The balancing of the Budget is the primary reason for its presentation and therefore it was not deemed necessary to put any value on human life.

It appears, Mr. President, that it is better to bring in teams of detectives and pay thousands of dollars (maybe per day) for housing, transportation, food and drinks, and to smear the reputation of politicians rather than to conduct enquiries into disappearances of people. It is only two lives that may have ended and it is much better to destroy political opposition than to worry about life? - I truly cannot believe that there is such utter disregard for human life and decency.

Mr. President, I can truly say to my people that (were it not that I feel I have made a worthy contribution in the service of my country and were it not that I was able to represent them), I become so disgusted with the human race and with some of my trips to this House. I see the treachery displayed like Jesus Christ looking down from the cross into the face of Judas Iscariot. I did not join in a motion recently brought to this House to investigate the police force of this country because I was of the opinion that it would have been destructive to the morale, and could only have destroyed the moral fibre of the police force. I believe very much in law and order, but an investigation of this nature would have only concentrated on our junior officers, most of whom are Caymanians. I now call on Government to investigate the senior officers of the police force, and some of the Elected Members of Executive Council.

MR. PRESIDENT: I am sorry, this is outside the scope of the Budget. You may move separate motions in that regard.

MR. JAMES M. BODDEN: With all due respect, I am still dealing with the Budget, because the money is spent and is a part of the Budget.

MR. PRESIDENT: That is correct, you may question the reasons for which it is spent, but you must not impute improper motives to any Member of this House, or any officer in the service of the Crown. That is what I am asking you to avoid.

MR. JAMES M. BODDEN: I do not think I was imputing anything that has not been done in this House. I said I did not support a motion previously brought, but that I would support it at this time.

MR. PRESIDENT: Then you may bring the motion with proper notice. No problem.

MR. JAMES M. BODDEN: I may do that. I call on this to be done because people in this country are getting tired of the South African tactics that are being used.

MR. PRESIDENT: I am sorry, I must interrupt you again. That is imputing improper motives quite clearly. I must ask you not to make that sort of remark.

MR. JAMES M. BODDEN: I will try not to. Records are stolen. Electronic bugs are being used to monitor the conversations of people - and are being placed in strategic public areas. Electronic bugs are being placed by someone at the expense of this Government - on home phones and on lawyers' telephones. People's homes are being broken into and documents lost. This is the truth. It is not just an allegation. This has happened. It has never happened, I believe, in our country before, and it has happened at the expense of the people and at the expense of the Budget because money to do this has to be used. Where is the money coming from if it is not the people's money, from the people's Budget? I say that if we are to live in a democratic country, policies such as these must cease. I am not prepared to be Mr. Mandela. I may admire him for being a patriot, but I do not admire

him for being a martyr. I believe and have always believed it is better to die for one's convictions than live as a slave. I will not bow, neither will I be a slave.

I have for 16 years been an Elected Member of this House, and during that time (the House records will reveal) I have always been a solid champion of the police force of this country. I have fought for the selection of our people to the police force, and fought to see that they were promoted. I have fought for good pay for them, and good working conditions. I have fought for proper training for them, I have also fought for them being commanded by a native Caymanian. I was a prime mover for the police cadets and the local constabulary that was established, and I take much pride in this. This present Government cannot afford to buy a constable a new shirt, but they can afford to go into every witch hunt type of investigation in the world. They can afford to pay great costs for condominium rentals and air fares, but they cannot afford to give the Bodden Town district more than \$5,000 out of an \$84 million Budget.

If we are going to become a police state, for God's sake give us prior warning of it. I say to the people of this country, and to you as President of the House, that a political vendetta to ruin my name and to ruin me politically has begun. It begun, I believe, from your elected Executive Council, because they know they have failed the people of this country. They know the people want a change. The majority of the people in this country, in my opinion, still have faith and trust in the Unity Team. They know that the Unity Team will bring them back the security and prosperity that they had in the years 1976 to 1984, and not the taxation methods that are being employed in the years 1984 to 1988. I cannot believe, neither can many other people, that all the standards of decency and of the legal profession are being destroyed. A precedent is being set in this country that will do no one any good, because in the future with every Government, on losing an election, and on the eve of a new election, there will be investigations of them. How long can we survive with this type of thing going on?

Mr. President, in an attempt to assist the population of the Lesser Islands, this House has made several attempts by lowering import duty and in giving other assistance to help its economic future. Building material was lowered from 20 per cent to 2.5 per cent, which meant that there was a great loss of revenue to the country. I agree with some of those changes. I agree it was necessary and I support the economy of the Lesser Islands now, as I have in the past, and as I will in the future. But I ask the House, who was the real person to benefit from this? Was it not one of the largest building material suppliers in Florida? The past Governor of this country, Mr. President, left here purportedly to build a home in Bermuda, and apparently he got side-tracked on the way to visit this building supplier. If he had been going to do an investigation of me, an investigation of him should be done to find out why he visited ...

MR. PRESIDENT:
offensive, and irrelevant.

Sorry, I must interrupt you, that is improper, and

MR. JAMES M. BODDEN:

Thank you, Sir.

The point remains, Mr. President, that the economy of the Sister Islands has been strengthened by the moves which have been made in this Honourable House, and I would like to know who, in the end, will really benefit. Will it be the country or will it be a private individual?

We are celebrating one hundred years of public funded education in the Cayman Islands. I do not believe that this is entirely accurate, because history provides us the information that education in these Islands was promoted by the churches. The churches bore the brunt of the education expense in this country for many years. There was little or no support coming from the governments of the past for education. In my opinion, one of the greatest indictments against Government has been their lack of action in the field of education. That is why today we are suffering so much in having to employ so many expatriate workers. Government, or no one else, paid any attention to education in this country. The same thing happened to us, in the Cayman Islands, as happened in every colonial country in the world. The people were not educated. They were not given a chance to get an education, and the same policy continues in our country today.

In a previous administration, the Honourable First Elected Member to Executive Council signed an agreement to substitute the G.C.E. examinations for a Caribbean examination that would have taught our youngsters all the glorious benefits of Communism. This is a fact. We could not today boast that some of the youngsters in this country have passed six, seven, eight, nine, ten G.C.E. "O" level examinations if the present Honourable First Elected Member of Executive Council had had his way, because we would have been teaching our youngsters all the merits of Communism and Black Power in the schools had he had not been stopped in his tracks by the stalwart actions of a Unity Team member, Truman Bodden. This is a fact.

We have been told in this Budget speech that the Department of Education employs 294 people. I ask today, how many of them are Caymanian? Do you know why there are no Caymanians there? - because history bears out everything I have said in this House in my speeches. No attention was ever paid to training the Caymanian. It was easier to bring in 40 more United Kingdom people - as we did a few weeks ago. At least the United Kingdom should thank us for one thing - we helped them tremendously with their unemployment problems.

There are now 19 Caymanians abroad in teacher training, and I am proud of that fact. However, I am sure that most of these were sent

under scholarships provided by the Unity Team Government and not the present administration. I will go further with this in the later part of my discourse, Mr. President, so when I return to it, please do not think I am repeating myself, because I will not be.

Instead of providing better facilities for the training of the handicapped, we bring in consultants. We consult and we expert our problem to death. Why can we not see what is needed? Why cannot we see what our country and our people need, instead of paying millions of dollars for consultants and experts to tell us what we should not do. Most of us pride ourselves on having good common sense. Well, for God's sake let us for one time use it, rather than spend the people's money foolishly and idly as this elected administration has been doing.

I am of the firm opinion that what we should be thinking about in our educational system is the establishment of a middle school and a high school in the Bodden Town area to serve the eastern districts. This will alleviate the congestion at the present schools and give a better atmosphere to the training of our youngsters. I know that nothing will be done during this administration in this respect, maybe the next administration will come to grips with it.

The Honourable First Elected Member of Executive Council informed this House that up to September of this year all scholarships granted have been on a loan basis. It is good to know that, even if it is done with loans, some of our people are being educated, but the students will have to work a long time for this Government to pay them back. Mr. President, the other side of the problem is that the parents have to be bonded for this money. Most of them are poor families who do not have the resources that the Honourable First Elected Member of Executive Council would probably accept for bonding purposes. So what they have to do is go out and beg their friends to sign the bond for their children.

I put it to this House, this is not the proper system for a developing country like ours. We should utilise all the brain power that we are able to harness. This action is discriminatory against the poorer classes. In the entire world, some of the best brains have come from people who started in life from a low estate. We should be sure in this country that any youngster, regardless of how rich or how poor he may be, will have a chance to earn a rightful place in the future of this country, if he has the ability to do so and if he has the intestinal fortitude to follow through with a course of education which will qualify him for a good future position. I can only ask at this time, Mr. President, if we do not follow the policy of spending the money to educate our young people, does the Honourable First Elected Member of Executive Council wish to continue paying the expensive prices for housing on Seven Mile Beach, air fares across the globe from Europe and large gratuities and high wages to the people that we have to bring in? Would it not be better to spend some of this money in educating our young people than to give the high gratuities that we give to some of these employees?

I am happy to know that this administration hopes to leave one other monument to its credit, and that is the rehabilitation facility for juveniles. They will then have left two monuments: the Farmers' Market which probably cost about \$120 per foot to build, and this facility. We hope the cost for the erection of this facility will not be as great as it was for the Farmers' Market. The Members of this House, for many years, tried to get this facility built. We realise it will be of great benefit to the youngsters of this country who get into problems. We hope that we will be very careful in the selection of the House Mother and House Father for this facility when it comes about.

I have heard that eleven young Caymanians, some of whom had jobs in the private sector were lured by the present administration to quit their jobs and become student teachers for two years, on the promise that at the expiry of two years they would be given scholarships to train and qualify as teachers. I understand that some waited three years before they finally got hired and quit Government. As the time went by they were told that Government had no money to provide the scholarships, so they became disillusioned and quit - 11 whom we could have had as teachers. But, Mr. President, even if they had qualified and returned home, they probably would have been given jobs answering telephones. Their salaries would probably have been so low that they would have been comparable to the provision for an expatriate's housing allowance. And we wonder why our people become disillusioned and either leave the Island and never return, or if they return, they get out of Government service as soon as they can.

Mr. President, I do not know if you would like a suspension at this time, but I would appreciate it. My throat is getting a bit dry from this cold.

MR. PRESIDENT: Can I take it you have concluded on education for the moment, because that would then be convenient.

MR. JAMES M. BODDEN: Well, I might come back on that a little further on, Sir, but it is more or less finished at this point.

MR. PRESIDENT: All right.

MR. JAMES M. BODDEN: I have two other parts of this Member's portfolio to work on.

MR. PRESIDENT:

In that case the House will suspend, but we will come back a little before our normal time. We will take an hour and a half and resume at, say, ten past two? I see a call for two o'clock over there. Is that agreeable to Members? Two o'clock it is, then. We are suspended until two o'clock.

AT 12:36 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:05 PM

MR. JAMES M. BODDEN:

In the area of health services, we are finally being told that the Government is aware of the devastating effects of drugs on our society, and that the rehabilitation services are being beefed up by employing a Drug Counsellor. In my opinion this is too little and too late. This is a problem above politics, and the Government should get input from all Elected Members of this House. The problems affect the entire country, regardless of race, colour, creed, wealth or poverty, education or illiteracy.

The drug problem is not only rampant in this society, it is rampant in the whole world. I think we can go to great lengths in trying to curb it in our small country. I believe in, and have always championed, strict enforcement laws in regard to drugs, but I also believe that sympathy is to be shown, and that we must wisely put a programme together to help our people who have become victims to this scourge. I call on Government to wake up, to do something positive, and to help our people who are afflicted and give them some hope.

Drugs are more prevalent in our society today than ever before because this administration in power lessened the drug penalties that had been put into the law by the Unity Team Government. They fulfilled their campaign promises by lessening prison sentences and setting a bad example for the country. At the same time, they summarily released the police chief of this country from his position. This did not help what was going on in the drug trade because much had been done by the Chief of Police at that time in combating the drugs.

We are told that the public education programme on AIDS has been successful. I am thankful for this. Action in this area needs to be taken, as I previously dealt with in my debate. AIDS has become a scourge of mankind, and it is no respecter of national borders, wealth, poverty, race or colour. I am sympathetic to anyone who may be afflicted, and I wish them God's blessings. We can only thank God and say, 'There, but for the grace of God go I.'

In the field of social services, Mr. President, nothing is being done. It is being sorely mismanaged. We vote money in this house to help the poor, and at the end of the year the vote lapses and the money supposedly remains in the Treasury because the present Honourable First Elected Member of Executive Council responsible for these services does not wish to alleviate the suffering of the poor people of this country. He operates on the policy that because he may have some wealth, the poor do not exist. It is an often quoted phrase that the poor you will have forever.

In my opinion, Mr. President, it would be ridiculous for us to believe that it takes three days at the Government hospital to get the result of an ordinary blood test. How is this possible when we have so many consultants and experts? How ridiculous. One may lie dying and the doctor cannot get the results of your blood test. I have been told that in some cases it takes three weeks of booking in advance to be able to get an ordinary x-ray done. If this is so, it is incumbent on this House to make a proper investigation into the medical services of this country. If the Honourable First Elected Member of Executive Council alone cannot come to grips with it then let us as a united force of this House come to grips with it for the good of our people. The less fortunate in our country have to put up with some of these problems because they can no better do. They cannot afford to hop on a aeroplane to seek medical attention abroad. It is a shame that they are forgotten by this present administration. The Members of the present administration only remember these people when election time rolls around. They should have longer memories than that.

I am pleased that George Town will receive a public water system. However, we, as the Elected Members of this House should be shown the contracts and supplied with the full details as to what is involved. What are our obligations? How much is the contract? What will the full cost of this be? Is it another of the open-end contracts which this administration is so renowned for? Why did we have to vote another large loan of over \$1 million a few days ago? They should have had the full figures available to them. It should have been properly researched. These types of open-end contracts should not be entered into by the Government.

The Unity Team Government stopped trading between Colombia and our country. We did this for various reasons which are now, and have been, apparent to the House. I submit that the explanation given as to why a contract has been awarded to a Colombian company is not acceptable. We must ask how many of these people have been brought in? What will happen to them when the contract is finished? What will happen in regard to repairing the roads that will be destroyed? Who will pay for those repairs? Is that a part of the contract the Government entered into with the Colombians? If not, is it an obligation that Government will accept over and above the payment of the contract price? If so, the cost to Government is going to be excessive. How could we

figure \$2 million to complete this project and it cost \$4.2 million? It is my humble opinion that any fifth grade student in one of our schools could have calculated the cost of this contract better than was done by this Government.

When we see examples like this, should we wonder why we are in the mess that we are in? The Water Authority was started by the Unity Team Government. The well field and reservoir at Lower Valley was completed and operational, and the well field and reservoir at East End was nearly complete. They talk about their self-financing schemes, but these schemes were started before they came into power. The profit in the water scheme for George Town does not apparently go to the Water Authority, it goes to Caribbean Utilities Co. Ltd. (CUC). We should be given a good reason as to why this was done. Was it that somebody at CUC had a good, firm handshake? This contract should have been aired in this House and every Member should have full knowledge of it. If we were forewarned we would have no reason to question what is going on.

We should ask ourselves what is happening to promote agriculture in our country. What are we doing to give the farmers the property, advice and support that they need. Our colleague in the Unity Team Government from East End did wonders in promoting agriculture and bringing it to the forefront. What has been accomplished since he left that position? Relatively nothing. We do have a monument. We have a small Farmers' Market that has apparently cost us a fortune. Savannah has not obtained a cattle dip because the Budget has to be balanced and it was balanced at the expense of the Bodden Town District. East End, we were told, could not be provided with a cattle dip because no place could be found where the soil was not hard rock. This is unbelievable. It is ridiculous and it is utter nonsense; it is nothing but political victimisation. The people of these districts are suffering - suffering at the hands of political victimisation. What is being done about the much needed interior farm roads that were constantly being built in the past? What are we doing to open up the interior lands of the country to agriculture?

It is time also that more attention be paid to the Mosquito Research Department. If we do not control the mosquito population our tourism economy will be destroyed. I have to ask are we using a cheaper brand of insecticide? Is the insecticide that we are using approved for use in the United States or is it just for Third World countries? If it is only for Third World countries and export only, then we should check into this matter because in the long term this could prove to be disastrous to our people. I hope that due attention will be paid to this and that we will be advised in the near future whether the insecticides being used can be used in the United States, or whether they are only approved for export.

I am glad to know that finally Cayman Brac will be getting its new airport terminal. It is badly needed and in my opinion it will help to bring prosperity to the Lesser Islands. I am also pleased to know that the plans of the Unity Team Government to place Owen Roberts Airport facilities into a separate operational entity was done. This is a good self-financing project. We should have no difficulty in it meeting all of its obligations. I would ask, however, that the use of the car wheel clamps from England be discarded. They have not used it on my vehicle, but I just hate to see someone, whom we are paying as a security guard, walking around with a contraption that perhaps could have been used in the interior of the Vietnam conflict. This is alien to our society and our way of life. I would ask that they be discarded. I do not believe that we are that hard up for a few dollars.

I wish to compliment the Head of the Fire Service and his complete staff. This continues to be one of the most professional and proficient of the Government departments. I join in support for the new fire station at Owen Roberts Airport and the one at West Bay although I did say that, in considering the financial position of the country with us having to borrow so much money, it might have been worthwhile to delay the project.

I wish to go on record in publicly thanking the people of Dade County, Florida, for donating a fire rescue vehicle. This came about because of the twinning done during the Unity Team administration between our Islands and Dade County. Our Government's attitude in regard to accepting this gift apparently was one of extreme reluctance. I would advise the Members of this House that this action in no way reflected on the Unity Team Government, it only hurt the country.

Money has been put into the Budget for work to commence on the new post office building in 1988 - if we are able to borrow the money. If the financial sources do not begin to place us in the category of some of the South American countries, we will then be able to borrow over \$8 million in the coming year. But I would say to the Elected Government that again the Elected Members of this House should have the details of the proposed building. How large is it? How will it be utilised? Where will it be put? What will it cost? It is my humble submission that we should give consideration to placing the proposed new post office somewhere in the airport complex. Government has adequate lands in that area. They can provide plenty of parking. It is easily accessible. The land cost is negligible, and it has easy access for arriving and departing aeroplanes. I suggest that this would be a very good area for the post office rather than using the expensive land that we have downtown.

I wish to thank the portfolio of Communications and Works for the completion of the Savannah School multi-purpose hall and the fine job that has been done on the Spotts and Lower Valley roads although it may have been expensive. I can imagine the fight that the Honourable Member responsible must have had in convincing his three other colleagues that the district of the Unity Team rebels should get something.

On behalf of the people of my district, I thank him for having this done for us.

I also wish to thank the many Members of the large civil service system whom I think are worthy of commendation. There are many people in the civil service who have done a very creditable job over a period of years although there are many who should not be there. However, overall I think they are deserving of praise.

The Financial Secretary, in delivering the Budget Speech warned that it would be imprudent for Government to make any further substantial borrowings in the near future as servicing the loans would create a heavy burden on revenue. I could not support him more in giving this warning to the people. This is a very wise saying and I fully endorse his words. The benefit which the people thought they would get from this administration has been minuscule. The burden has been great. Your great grandchildren will be paying off the debts of the last four years.

The Caymanian Compass, the daily newspaper, has a reputation of lukewarm attacks on any Government policy. In its editorial of Friday the 20th of November, it makes a scathing attack on Government policies on news releases. Government should be free with information and not hide from the public everything that it does. Government must set the example of informing the people and I must, at this point, ask of the Elected Government whether this is a new policy of the genius which it brought in, after the last election, to head the Government Information Services? Has the bull once more gotten into the china cabinet and cannot be contained? I say if this is his policy of direction for this Government, he should go as he went once before and this time he should go for good.

In 1984 the budget was \$55,196,158, with no new services, and a projected surplus of \$556,702. In 1988, the projected budget from recurrent revenue will be \$75,948,327, an increase of 36 per cent over the four years. New services are budgeted at \$2,010,949, and there is a predicted surplus of \$146,422. In my opinion, this is an unattainable and unrealistic Budget, because the same method has been used for the last three years in an attempt to balance it and it is being used again this time. Unreasonable cost factors are being used. Under capital expenditure for the construction of roads, a figure of \$34,000 has been put in. I would like to know what we expect to do with \$34,000 in the building of roads. What can this build? What kind of post office building will we build with \$2 million.

This Government boasted of transferring \$2 million to Government reserves in 1987. In this administration, this is the first time that they have done this, but this is a bit ridiculous when you consider that this same Government borrowed, during that period, \$7,855,942. It would have been better to have reduced the borrowings by \$2 million, and only borrowed \$5,855,942, rather than trying to put \$2 million of borrowed money into a reserve, when you are paying a higher rate of interest than you can earn by having it there.

The 1988 Budget is only \$2,582,410 more than the year 1987. A very slow rate of growth. Compare this rate of growth to the rate of growth experienced by this country in the years 1976 to 1984 under the Unity Team administration. The figures I have quoted here show only a five per cent annual growth. Recurrent expenditures are \$7,515,120 more than 1987, or about a 12 per cent increase. In other words, we are expending 12 per cent more than we did in 1987, and we are only receiving an income of five per cent more.

This administration has not been able to assist the private sector with much needed financial support in the form of properly secured loans as we did in the previous administration.

I come to another submission that is a bit difficult for me to understand. Cruise ship arrival tax was \$370,551 less in 1987 than it was in 1986. I have to question this, because apparently there were more cruise ships in 1987 than there were in 1986. In 1988 it is projected at \$960,000 less than it was projected in 1987. Why? What has gone wrong with the figures in this section of the economy?

The revenue from liquor licences for 1988 are projected at \$116,982 less than the \$246,982 collected in 1986. Again, I ask why? Everyone in the country fully knows that this administration went on an indiscriminate binge in changing the liquor laws, allowing anyone at any place to get a liquor licence. They increased the fees charged for liquor licences, and they increased the import duty. Well then, why are we collecting less money?

Motor vehicle drivers' licences are projected at \$25,589 less than the collections in 1986. Again, I ask why? I also, at this point, ask why we gave away the \$92,000 licence fee to CUC that was in the previous budget? Why is the sale of water to the tune of \$880,400 and sewerage charges of \$1,166,468 were added to the revenue when apparently they were set up as autonomous bodies. This income should go to those autonomous bodies. These two figures together will give us, if deleted from the revenue budget, a shortage of about \$2 million, therefore representing a \$2 million deficit in the projected budget.

The fees from agriculture are \$100,000 less than those collected in 1986 - another example to this House to show that the Honourable Member responsible is doing nothing in this area. Corporation Management licences will bring \$116,252 less in 1988 than what was collected in 1987.

We have a figure in the Budget for royalties on water. The Unity Team administration negotiated with the Cayman Water Company, and this is apparently where this Government will be getting the \$275,000 from. I submit that that

amount or more would be forthcoming from CUC if this administration had not negotiated such a sweetheart deal with CUC. If I am wrong, please show us the contracts to back up what has been done.

Interest on cash balances in the Treasury in 1984 was put forward as \$1,344,000. In 1988 it will be \$650,000, which is quite a substantial difference over a four year period. In 1986 this elected administration took from the Currency Board \$1,330,524. In 1987 it took \$1,489,591. In 1988 it will take \$1 million. My comment is that they are surely milking this cow.

\$1 million is projected as revenue from the Civil Aviation Authority. At this point it is unsure. What happens if the Civil Aviation Authority, after it meets its obligation, is not able to make this donation? If this happens we will be another \$1 million in deficit. If you do get it, you can thank the Unity Team and Jim Bodden, because although it has been christened twice, it is probably still the sinner it was before.

Under expenses, finance and development costs are estimated at \$1.3 million less than was spent in 1986. We know this is unlikely to happen. I am pointing these figures out to show the country how ridiculous and unrealistic the Budget is. The administrative costs for Health, Education and Social Services have increased for the year 1988 by a projected amount of \$352,000 more than was spent in 1987. This is a ridiculous amount for administrative costs, particularly in light of the little that is being done by this portfolio. Personal health costs have increased by \$762,000. Can we be sure that the people of this country will get the benefit of this added expenditure?

The administration of Development and Natural Resources has increased its operational cost in the projected Budget by \$675,000 to \$1,368,813. Why? When this particular portfolio does so little, why should it cost us so much?

The Department of Tourism increased its expenditure to \$6,249,927, compared to \$3,298,708 in 1984 - about a 90 per cent increase in four years. I have to ask at this point why such a large increase when tourism arrivals overall from the year 1984 until 1988 has probably not increased more than 30 to 35 per cent. In my opinion, this is another case of indiscriminate spending.

Wages to be paid to civil servants in the 1988 fiscal year are listed as costing the country \$36,079,993 - 51.54 per cent of the overall Budget. This is an alarming amount of money, yet there have to be further increases and I will deal with them when we come to the new services.

The utility costs to this Government in the various departments are becoming prohibitive. I refer to the telephone and electricity bills. Some attempt should be made to curb this expenditure.

In the 1988 Budget we have a projection that \$1,800,000 will be paid in housing for the expatriate employees of the Government. In addition the freight and passage costs paid for these people amount to another \$260,000, which means that for housing and transportation we are spending over \$2 million. On top of that we have another large figure in the form of gratuities which I will deal with later. When you add all this together you will find that the benefits paid to the civil servants of the country are running over 60 per cent of the general revenue. Yet this administration is attempting to enlarge the civil service again. If they are going to enlarge it by putting only local people into these positions, then maybe they would have a good argument for enlarging it.

When I quote all these figures to the House and dissect this Budget we find that there will be an expenditure of \$2,000 in 1988 for road safety. This is ridiculous. What can we do with \$2,000 to promote road safety in our country. All this shows is the utter disregard for human life that this administration has.

The employee benefits in the finance and development area of the Budget will increase in 1988 over 1987 by \$1,210,000 - an increase of about 100 per cent. The supplies used in the Finance Department have increased from \$41,269 in 1986 to \$180,750 in 1988 - an increase of about 350 per cent in two years. In the Budget we have a projection that \$1,074,000 will be spent on a salary review for the civil service. I think I speak correctly when I say that under the present rules of the civil service no raise will be considered unless it is more than 5 per cent. Now if we apply those figures to the wage increase that is being promised to the civil service, and based on the amount of personal emoluments payable to them in the Budget, we can readily figure that it will take at least \$1.8 million to meet Government's obligation in this area. Yet a figure of only \$1,074,000 has been put in in an attempt to balance the budget.

There is a figure in the Budget for gratuity for contracted officers, and it is a large amount - \$780,000. I keep stressing amounts and pressing my attacks to show that it would be better for this country if some of the money was used to provide scholarships for our poor people, rather than to continue using the money in these ways.

The Honourable First Elected Member of Executive Council, out of his beneficence to mankind, put in a figure in his budget of \$13,000 towards the drug and alcohol programmes. What does he really expect to accomplish out of this when he is probably going to have to spend \$30,000 to get a consultant to come here to try to advise him what to do.

I am sure there is a good explanation for the

following, but under the expenditures for the portfolio of Development and Natural Resources, utility costs increase from \$15,647 in 1986 to \$490,385 in 1988 - about a 3,200 per cent increase. I think the Budget reveals that this is for water. I do not know what water we could be buying that will cost us that amount of money at this point. There is also a further expenditure for utilities under the same portfolio of \$60,000, with this increasing from \$312 in 1986. I have to ask again, why?

The wages payable in the Planning Department in the year 1988 by about \$140,000 - an increase of about 55 per cent in one year. The advertising budget for the Department of Tourism in 1988 will be \$2,532,600. In 1984 the figure spent for advertising was \$961,615. This represents an increase in four years of 160 per cent, or approximately 40 per cent per year increase. What have we really gotten for this money? We cannot be shown arrival figures to match this expenditure. If we are shown figures to match this, then it is not of the quality deemed necessary for these Islands to continue in big strides. The collateral and photography costs in the same portfolio for 1988 will be \$510,875. In 1984 it was \$306,106. This is an increase of about 65 per cent.

I have to ask why, in the projected Budget, are we spending no money in the year 1988 for hospital furniture and no money for school equipment or school furniture. There is one very good thing, though, with all this gloom, Mr. President, that I have been able to find in the Budget. In the year 1986 we spent, on the cemeteries of the Island, \$69,963, but in 1988 I find in the same column that there is no projected expenditure for cemeteries. I wonder why? That is very heartening news, Mr. President. It must mean that we have all been spared and promised a longer life.

In 1988 we will spend \$45,500 for disaster preparedness. Last year we spent \$4,680. Now this, Mr. President, is about a 1000 per cent increase in expenditure, and this makes it quite plain that the Government of the day realises that we have to prepare for the disaster they created. And they have provided us \$45,000 to do so.

Computerisation has become such a big part of Government expenditure that we will also spend another \$400,000 this year to build a building to house it. Again, I would have to ask is this adequate because \$400,000 at \$120 per square foot of building will not build a very large building.

I have to point out again the beneficence of the Honourable First Elected Member of Executive Council. I see a vote in the Budget under capital expenditures for \$2,000 for the Lighthouse School. I wonder what they are going to be able to do in one year with \$2,000 at the Lighthouse School. His generosity matches his good looks.

HON. REMSON D. FRANKS:

If it did, they would be well off!

MR. JAMES M. BODDEN:

Mr. President, \$250,000 is provided in the Budget for the Juvenile Rehabilitation Centre. Again, it would be wonderful if all the Members of this House knew what we planned to build, how big it was going to be and exactly what its aims are, instead of just saying that they will be spending \$250,000. As I previously said, if it is going to cost us \$120 per square foot to build, then we will not have a very large building for the \$250,000.

Should the figures I have taken from the various budgets be correct, in 1986 this administration spent \$1,310,022 on the sewer project. In 1987 they spent \$6,194,767, and in 1988 we will spend \$3,288,362. This is a total of \$10.8 million. Yet to my knowledge, the Members on this side of the House have no knowledge of what that contract entails.

Before any Members of the present Government should jump to their feet and take the credit for establishing the sewer system, let me remind them that it was my worthy colleague from Bedden Town who laid the ground work for this project also, and that they are only carrying on what he so nobly set forth.

We have to ask is this the amount the scheme will cost? Are there additional amounts to be spent? The main thing to ask at this time is what is going to happen to the West Bay/George Town road? That road was built many years ago and it had been maintained in a very good fashion, but it will be ruined by the time these contractors get through with it. Are the repairs to that road included in the \$10.8 million that we have already paid, or do we have to pay the funds to the contractor in addition to that, or is it that after the contractor has been paid will Public Works do the repairs? If so, we are not looking at the true cost of \$10.8 million for the sewer scheme in three years. I am not up to date with the figures on this, but I am sure that it would cost probably another \$2 million at least to resurface with black top the road from George Town to West Bay. So that has to be added to the cost. If we have not paid it already, we have to pay it in the future.

At this point, Mr. President, I would like to deal with new services, and to point out as my colleague has done, how ridiculous the preparation of this Budget has been.

MR. PRESIDENT:

Perhaps, might I interrupt you, because we are close to our normal break, and I make it that you have 22 minutes to go, so you might like to take a break now and come back to new services?

MR. JAMES M. BODDEN:

I would appreciate that, Sir.

MR. PRESIDENT:

We suspend for fifteen minutes.

AT 3:07 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:28 P.M.

MR. PRESIDENT:

Proceedings of the House are resumed. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, during the break, I was advised by the Honourable Third Elected Member of Executive Council that the \$92,000 reference I made in regard to CUC is still a part of the Budget and that I would find it under section 70-001, lumped with some other figures which amount to \$775,000. I apologise if I committed an error here, but I really did not come across any place in the Budget that shows this. I looked into the areas where it would normally be, and I did not find it, so I supposed at that time that it had been taken out and that they had been given a holiday.

The same Honourable Member has also advised and given me some information on the road projects. I was about to come to that in my next submission. There is an expenditure for roads of \$1,400,000, but under the capital side of it, on the loan portfolio side, there is the \$34,000 that I mentioned. In total for the year of 1988 the country will spend about \$1,434,000 on roads, of which \$400,000 is projected for an expenditure in the Lesser Islands. In addition to that, we will spend \$282,500 on the maintenance of roads. I do not want anyone to get the impression that I meant it was only \$34,000. The point I was bringing out is that in this particular area of the Budget there was only an expenditure for \$34,000.

I am made to understand, Mr. President, that the Honourable Fourth Elected Member of Executive Council has been busy canvassing the stores in Miami that make plaques. The reason for this is that he feels he may have been left out, and that a plaque should suitably be made, inscribing his name and accomplishments, which will in the near future be put at the Farmers' Market on the lands of Government towards the airport. I, at this point, would like to ask him to be sure to extend to me an invitation for this ceremony.

Under new services, Mr. President, I find an item of \$10. This \$10, as was explained by my colleague from Bodden Town a few days ago, will go to pay the wages of a Liquor Inspector in 1988. I am very pleased to see that finally Government recognises that in this department we should have an inspector. But I wonder whether we are going to bring him from Ireland or some other place and whether he will work for \$10 a year.

In the next column on this submission in the Budget, we find an item for \$675 for car allowance for this particular person. Now the danger that is inherent when we make a token vote like this is that we accept the principle that the job will be filled. The \$10 is a token fee, but the wages will probably amount to \$35,000 to \$40,000. So when we vote the \$10, we are not voting \$10 but the full amount of money that he will receive.

The same thing occurs in another column where it shows \$10 expenditure for construction of the new immigration building. I have to ask what type of building this could be? Again, the danger, Mr. President, is that if this is accepted and voted upon, we are not accepting a figure of \$10 but rather probably a figure of \$1 million which is what it would probably cost to build. Where is the money going to come from to defray this expense? We are all aware of the position Government finds itself in. There is no money in surplus. If this is built we will either have to come to the House for some increase in the form of taxation to cover it, or we will have to borrow more money from some of the lending institutions. And as I will point out in the next few minutes, in my estimation this country cannot afford to borrow any more money. We have just about gotten to the limit with regard to the amount that we can borrow and the amount that we can service.

We also have a token vote of \$10 for the salary of a Puisne Judge. Again, I agree that we probably need this position filled. However, we know the amount of money we pay to the other holder of the present position, so why did we not put that amount in the Budget and then ask for the vote? If that had been done though the Budget would not have been presented to us showing a surplus. I think this is a wrong type of budgeting.

The total under new services amounts to \$2,010,949. As close as I can figure it, Mr. President, this will create about 80 new jobs in the civil service. Our civil service, as I have previously pointed out, is a very large one. It takes a lot of Government's revenue to pay the civil service and its many benefits, and if we extend the civil service by another 80 new posts we are creating a serious drain on Government finances. I would submit to the present Members of the Elected Government that they go through, department by department, and find out if some of the existing holders in the different departments could not be transferred or trained to take some of these new positions, rather than having to create new positions to bring more people into the civil service. To enlarge the civil service much further would, in my opinion be, ridiculous.

In 1984 the budget for this country was \$55,196,158, with \$11,715,502 going into capital expenditure. For that year no new

services were brought in. During that time, and at the end of 1984 there was a surplus in reserve of about \$11.2 million. This \$11.2 million included the approximate \$4.5 million that was pledged for the Tower Building. At that time, Mr. President, it took 2.4 per cent of Government's general revenue to finance the national debt, or about \$1.4 million a year. Four years later, in 1988, we find ourselves in this position: in 1985 (according to Government's revenue budgets which were presented to this House) this present Elected Government borrowed \$2,569,713; in 1986 it borrowed \$8,454,000; in 1987 it borrowed \$7,855,942; in 1988 it is projected that we will borrow \$8,363,902 - the total in four years will amount to \$27,243,557. This is a large national debt. It is a debt that will be with us for a very long time. It is a debt that will take the next generation to pay it off. We should be very careful how we vote anything for new services because in voting for new services, as I mentioned previously, the token fees could be disastrous. The addition of 80 new posts could again bring this Government into a very bad state of affairs.

In 1988 it will take about 5.4 per cent of the general revenue or approximately \$4 million to service the national debt. This is up by an expenditure of approximately \$2.5 million in four years - a large increase in four years. This would approximately be a 185 per cent increase in expenditure, in a period of four years, to service the national debt. What is happening, Mr. President, is that this country has embarked too much on a spending spree. We are spending money and not getting our money's worth.

Mr. President, if my watch is correct, I think I am within about three minutes of my allotted time span.

MR. PRESIDENT:

I was just going to signal you five minutes.

MR. JAMES M. BODDEN:

I have an additional 20 to 25 pages I would like to comment on. I do not know whether this House would be willing to give me the additional time, but in case they do not, Mr. President, I will end my present debate expecting that no additional time will be granted, by saying that I have wondered on many occasions why a person would ever seek political office. Having spent 16 years in this House, I continue to ask myself the same thing. Unfortunately, having spent 16 years, I still cannot answer that question. I am, however, thankful that my life has been spared and that the people of my district have given me the opportunity to stand once more in this Assembly to present the views of myself and those of my people. I hope that the Honourable First Official Member will be able to create great magic in the year ahead and, with all the tribulations and trials he may have in putting up with the present Elected Government, that God will help him to find the funds to have a balanced budget at the expiry of the year 1988.

MOTION

SUSPENSION OF STANDING ORDER 32(6)

I would ask at this time that I be allotted, if possible, another hour to complete my speech. I believe I would have to move this in accordance with the provisions of Standing Order 83.

MR. PRESIDENT:

I take it that you have moved for that. I need a seconder before we can proceed.

MR. G. HAIG BODDEN:

Mr. President, I second the Motion.

MR. PRESIDENT:

The Motion has been duly moved and seconded that Standing Orders be suspended in order to enable the First Elected Member for Budden Town to continue for one more hour on the Second Reading of the Appropriation Bill. I shall put the question unless any Member wishes to speak. It is of course I think possible for any Member, who wishes, to speak for four hours on this subject, if he can be relevant. Maybe I should put the question.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:

Mr. President, may I have a division?

MR. PRESIDENT:

Please, Clerk.

DIVISION

NO. 79/B7

AYES: 3

- Mr. James M. Bodden
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller

NOES: 10

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson D. Ebanks
- Hon. W. Norman Bodden
- Hon. Vassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Drett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell

MOTION DEFEATED BY MAJORITY

MR. JAMES M. BODDEN:

I think this proves my point.

MR. PRESIDENT:

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

MR. LINFORD A. PIERSON:

Mr. President, I wish to take this opportunity to congratulate the Honourable First Official Member, the Financial Secretary, for a cautious though reasonable Budget. Mr. President, I would wish to describe this Budget as a reasonable Budget. If it is indeed the Budget of the Elected Government, I must say that they are to be congratulated on submitting a reasonable Budget to the House.

Before dealing with the meat of my debate, I wish to say that I am reminded that freedom of speech does not imply freedom from responsibility. So accordingly, Sir, I will bring to bear a level of responsibility in my contribution to this Budget debate.

I am further, Sir, reminded of a quotation from Plato, and I quote: "Wise men talk because they have something to say, fools because they have to say something". I trust, Sir, that I will not fall into the latter category.

Contrary, Mr. President, to a few pessimists, I believe that the capital projects being undertaken by Government are timely, worthwhile and needed. As this is the Budget Session I will refrain from dealing with detailed debate on some individual departments, and will leave this for the debate of the Throne Speech early next year, God willing.

It was most encouraging to hear the Honourable Financial Secretary report on the encouraging signs of economic expansion in our economy, in both the financial and tourism sectors. I would, however, be remiss in my contribution if I did not reflect on some other areas that could create a problem in our economy.

The Honourable Financial Secretary alluded to the possible problems from the Black Monday crash on Wall Street, and to other world problems. One of the biggest, most negative forces against us today and our economy is, in my opinion, the inappropriate policies and attitudes of the management and of certain members of the Caymanian Protection Board. Unless the proper policies and attitudes exist in this Board, our economy will be a shambles. I will not deal in any detail on this subject because I do not think that it leads itself to that, but it bears directly on the future development of our economy; not only in the financial sector but also in the tourism sector, and it affects the lives of individuals in the Cayman Islands. I believe Sir, that it is timely that a thorough investigation be carried out into the policies and practices of this Board and that this matter be dealt with without delay. Enough said on this.

It is my understanding that we are attracting better and more solid business since the signing of the Mutual Legal Assistance Treaty. I would still, however, be most cautious to not let down our guard as we have not had sufficient time to test the intervention or the intention and resolve of the United States of America. To the best of my knowledge the Treaty has not yet been ratified by the United States Senate, even though I feel that it would be to our best advantage if this was done sooner rather than later.

Mr. President, it is gratifying to note that the 1988 Budget has taken into account the uncertainty of the financial markets - fully appreciating our very delicate position. The Honourable Financial Secretary has therefore recognised the need not to undertake too many new capital projects which could result in the overheating of our economy.

The 1988 Budget totalling some \$84 million, \$71 million of which is estimated to be raised from local or ordinary revenue, is an increase of 9 per cent over the 1987 approved revenue figure. As I deal with this Budget, I feel that I am as qualified as any speaker on this floor to analyse and assess the Budget as presented. Accordingly, Sir, I will do my utmost to make a fair presentation of my analysis.

We see from the Budget that \$3.8 million is allocated for statutory expenditure, \$1.2 million being allocated for public debt; \$1.6 million represents capital repayments; and approximately \$1 million for public officers - that is pensions and gratuities totalling three quarters of a million dollars, widows and orphans about \$16,000, and pensions for Members of the Legislative Assembly of about \$280,000.

As can be seen from these figures, \$2.8 million has been allocated to service public debt, which represents about 4 per cent of recurrent revenue. However, when the statutory costs for pensions, etcetera, are added to servicing the public debt, the percentage is increased to approximately 5.4 per cent of recurrent revenue. The capital expenditure allocation in this Budget is estimated at \$16 million, comprised of local financing of \$7.6 million and loan funds of \$8.4 million. Also, Sir, new services are estimated at \$2 million.

It is good to see from the new revenue measures that the increases are based on luxury items, that is items which are not totally regarded as essential necessities of life, even though, Sir, to some people they may be.

Of the eight major capital projects stated for 1988 I am indeed very pleased to see that provision has been made for the commencement of work

on a juvenile rehabilitation centre, as this was indeed the subject of a recent Private Member's Motion brought to this House by myself. Although Government did not see fit to approve this motion, they nonetheless indicated their support for such a need by providing funds in the 1988 Budget, two months after the presentation of the motion.

The other capital projects stated for 1988, including on-going projects, are the water and sewerage projects; Gerrard Smith Airport terminal; the fire station at Owen Roberts Airport; Community College first phase; an abattoir; a purpose-built computer building; a visitors' building; extensions to the prison facility; and, as I said, Sir, a juvenile rehabilitation centre. Mr. President, I cannot think of any one of the above projects which are not totally essential and needed.

At this point, Sir, I wish to deal with the Budget in further detail. While I am basically supportive of this Budget, as I said earlier, I am nonetheless concerned with the very high sum allocated to new services; especially in light of the caution and financial prudence sounded off by the Honourable Financial Secretary, the mover of the Appropriation (1988) Bill, 1987, during his Second Reading debate. However, Mr. President, I will deal with new services in more detail in the Finance Committee, as I am surprised at some of the items included under new services, such as an additional post for a secretary to the Liquor Licensing Board, especially in view of the number of clerical and executive officers now on the Government's payroll. Of course, I appreciate that only a token provision has been made for this item.

At present, Mr. President, there are a total of 1,645 established posts in Government, not including casual or hourly paid workers, which now form some 58 per cent of recurrent expenditure. Of the \$62,354,482 budgeted for recurrent expenditure for 1988, \$36,079,993 is allocated to personal emoluments. This is very, very high indeed. On top of this figure is another \$1.1 million allocated for a salary review, pending the report of the 1988 quadriennial salary review. The Honourable Financial Secretary referred to this amount of \$1.1 million as a token provision. I trust, Sir, that it is not the intention for this salary review to exceed this amount. If we add the \$1.1 million to the already high figure of \$36.1 million, we get a total of \$37.2 million, or approximately 60 per cent of the recurrent revenue. I feel that the Finance Committee will need to pay very close attention to some of the expenditures proposed under new services.

As I stated earlier, total new services for 1988 will cost this Government over \$2 million. Mr. President, I wonder where this will end because almost every year we come here and find very high amounts being allocated to new services. We have to be very careful that departmental heads are not building up pyramids for themselves. We could be operating under the philosophy of Parkinson's Law which states that where there is a void it will be filled, and I hope, Mr. President, that this is not the case.

On the 1st of January 1988, Government had a surplus balance of \$4,950,049 brought forward from 1987. I am, however, concerned that at the 31st of December 1988 the surplus balance remaining will only amount to \$146,422. If past trends are repeated this small surplus could quickly be reversed and turned into a deficit. This is especially true if many of the token provisions that we see in the estimates are undertaken and funds will have to be provided.

On the subject of capital expenditure, of the \$84 million estimated for 1988, \$16 million or 19 per cent is allocated to capital expenditure. This is a healthy sign. Fifty per cent of the total capital expenditure programme for 1988 will be provided from local revenue. However, Mr. President, the estimated expenditure of \$84 million exceeds the estimated revenue of \$79 million by approximately \$5 million, thus effectively reducing, or resulting in a deficit Budget. This could account to the small surplus balance estimated for the end of 1988, necessitating the need to dip into the revised surplus position which was brought forward at the beginning of the year.

On the question of capital revenue, of the \$16 million provided under the capital revenue budget, \$6,723,825 is estimated to be spent for local construction that will benefit the people of these Islands. Anyone, therefore, in our society or community today who says they are out of work, I would have to submit, are not interested in working. However, I would agree that much of the affluence that we see today is not being filtered down to the little people. I know that in this House that word is sometimes misunderstood, but when I refer to the little people it is not said in a derogatory manner, it is describing the less well-off amongst us.

Mr. President, with the capital expenditure provided in the estimates, I am pleased to see that Government is still committed to boosting and keeping the economy at a very prosperous level. No one in these Islands can truthfully say, as mentioned earlier, that they cannot find work. The problem in this country, as I mentioned, is not the want of work but the inappropriate policies of the Caymanian Protection Board in allowing people to get the necessary labour that cannot be found locally.

I am not quite sure whether the economic situation in the Lesser Islands has improved, but I do understand, Sir, that consideration is now being given to easing its economic woes by erecting a pyramid-like structure of an hotel. I trust, Sir, that the people of Cayman Brac and Little Cayman will indeed benefit from this floating hotel. However, with some of the letters from the people of the Lesser Islands which I have seen appearing in the press, there seems to be mixed feelings with regard to the wisdom and sagacity of such a development.

Mr. President, I am not going to deal with this,

neither could I in my best conscience knock this hotel because I recall in the last Meeting of this House that I was the mover of a motion asking for more economic development in the Lesser Islands. So I will await the results of the impact studies being done. I trust, Sir, that whatever is in the best interest of the people of the Lesser Islands will be done. The majority of the people of the Lesser Islands do not yet seem convinced that the floating hotel is the answer to their economic problems. As I said, time will tell and as soon as we receive the impact studies then we can form a better opinion on the subject.

I am pleased to see that included in the \$6.7 million allocated for capital expenditure from recurrent revenue, there is an amount of \$250,000 for a juvenile rehabilitation centre, and a further \$1.4 million to further improve our roads. There are many, many important projects slated, but I was disappointed to note the absence of any provision for the long awaited civic centre for George Town. And, of course, I recall that in my motion I also asked for one for West Bay.

Mr. President, in 1985, the motion calling for a civic centre for George Town was passed in this Honourable House, and I will submit that to pass a motion with no intention to take any action on it is a complete waste of time.

I am happy to see, Mr. President, that of the \$1.4 million allocated for roads, \$400,000 is being allocated for Cayman Brac, and that under the capital loan funds, \$1,427,832 is allocated to provide the new Gerrard Smith International Airport, and further a new fire station for \$292,500. These are all welcome projects and I feel that they will encourage economic development in these Islands.

Mr. President, I now move to public debt charges. On the question of public debt, the balance as at the 31st of December 1987 was \$14,041,153.47. However, as stated earlier, and as stated in my debate on Government Motion 7/87, the criteria, or the measure to be given major consideration when determining the acceptable level of Government public debt, is the level of debt required to service such public debt. In other words, Mr. President, it could be likened unto an individual going to the bank to get mortgage financing for his home. The bank will assess the ability of that individual to pay the loan.

I must say, however, that our Government is even more prudent than some of the commercial banks, because some of them give a much higher gearing and servicing amount than our Government is already asking. We are talking about 5.4 per cent while the bank will give up to 15, 20 or 25 per cent of one's total earnings. So I cannot understand this hysteria about our public debt. It is in a healthy position, and I say this not only as a past Deputy Financial Secretary of the Government, but as a qualified accountant. I see no problem with this. It is a lot of political rhetoric. Our Government is quite capable of carrying this responsibility. We have to take like with like. On one side we are looking at our public debt, but we have also to look at the proportionate revenue that we are earning now compared with 10 or 15 years ago. We cannot take figures in isolation. As I have said in this House, one of the biggest sins we have to contend with is not the sin of commission, but the sin of omission.

Mr. President, on reviewing the details of revenue it is pleasing to note that \$1.2 million is expected to be collected under the sewerage scheme. Additionally, Government will stand to gain some \$900,000 from the sale of water, as opposed to a revised figure in 1987 of approximately \$100,000. Revenue derived from revenue stamps alone is expected to realise some \$9 million, an increase of \$2.3 million over the 1987 budget. Against this background, Mr. President, it is clear to understand why the postal services have outgrown their present accommodation and why a new post office is so badly needed. Therefore, I can with all good conscience support the provision made under capital expenditure for the construction of the new post office. I will, however, deal with this subject later on in my contribution. I only hope, Sir, that serious consideration will also be given to the construction of a multi-storey car park above this facility or as close to town as possible, as was initially envisaged by the Honourable Member responsible. I cannot overemphasise the need for such a facility in view of the crowding that we are now experiencing in central George Town.

Mr. President, I will not attempt to deal with all areas of the Budget as I do not consider it totally unnecessary, but the very fact, Sir, that almost 90 per cent of our total revenue is recurrent revenue (derived from local sources such as import duties, indirect taxes, bank and trust company licence fees, etc., revenue and postage stamps etc.), it is easy to appreciate the fluctuation and vagaries in the annual estimates. It is also reasonable to conclude that the healthy increase we have seen in Government's revenue position is a sign of a prosperous economy.

There are other areas of weaknesses which I have seen in Government, and they are aware of these. However, I do not think it is fair to say that the economy at this point in time is not prosperous. I, too, am concerned that the wealth is not being spread as evenly as it should be, but I feel that it is only fair to say that the economy is prosperous at this point in time. It is quite buoyant; there is no question about that. I have heard people complaining that they cannot find enough people to do the work. I am one such person. On top of that, you cannot get permits to bring people in so it makes the situation worse.

Mr. President, what is even more remarkable, when we consider the unstable situations that exist in the economies of the major developed countries of the world, is the condition of our economy at this point in time. I therefore have to endorse the sentiments expressed by the Honourable Financial Secretary when he sounded a word of caution. Applying this same philosophy, we will see, of necessity, fluctuations and vagaries in our recurrent expenditure figures. Some will be in direct

proportion to the revenue fluctuations since they are recurrent by nature; others are fixed and others will be otherwise influenced.

Mr. President, while appreciating the ups and downs of recurrent revenue and recurrent expenditure which are a direct result of the growth in our economy, there are nonetheless certain expenses which require more detailed examination. One such expenditure provision is the annual subsidy to Cayman Airways, and the manner in which it is utilised. I will not debate this at any length, but I feel it is only fair that mention be made in view of the fact that it has been mentioned twice in the Budget and in view of the fact that the Cayman Islands Government owns Cayman Airways 100 per cent, and in view of the major subsidy being given to the airline to keep it going. However, may I make it quite clear that it is not my intention to give the impression that I do not support the subsidy for our national airline. I do in fact support it. My concern is with regard to its utilisation and the manner in which it is shown in our national carrier's financial statement. The way it is shown at present gives a wrong impression of the profitability of our airline, and this is no direct reflection on the management or staff of the airline. They are individuals for whom I have a great deal of respect. I find this an accounting problem, one of presentation and one for which the auditors of the company must bear responsibility. While I do not agree with the accounting treatment applied to Government subsidy in the presentation of Cayman Airways Ltd's audited accounts, I am nevertheless accepting that the performance of the airline over the past five years has improved each year. I will show the basis for this statement as I go along.

The audited accounts of Cayman Airways reveal that there has been an improvement in the operations over the past year. When we consider the operations of the airline, any layman would agree that we cannot include in operating revenue a subsidy that has been handed to the airline. This has nothing to do with operations in the same way that you would consider passenger revenue, charter revenue, cargo revenue and other areas that are in fact operational revenue. So, Mr. President ...

MR. PRESIDENT: Sorry, I was going to interrupt you for a moment. As you know, we have a motion coming up on the Cayman Airways Ltd's accounts, so I think that perhaps you have said enough on that topic for the moment, unless you were going to swing onto a wider aspect of it. Please go ahead.

MR. LINFORD A. PIERSON: Thank you, Mr. President, you are quite right, Sir, but, for example, the point I was making is that since Government is giving such a major subsidy to the airline and since we are 100 per cent owners of the national airline, it is only right that we account for the proper stewardship of it. Rather than to have shown a profit of \$800,000, it should have been a loss of almost \$400,000. However, as you rightly reminded me, Sir, this could form the subject of a motion now before the House, but I would just like to round that off and say that even with a \$400,000 loss in 1987, this compares very favourably indeed to the \$4 million loss in net income in 1983.

MR. PRESIDENT: If you have come to the end of a section of your speech, perhaps we should adjourn, if it is convenient.

MR. LINFORD A. PIERSON: Yes, Sir.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The question is that the House do stand adjourned until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:25 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. TUESDAY THE 24TH DAY OF NOVEMBER, 1987.

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

TUESDAY, 24TH NOVEMBER, 1987
(EIGHTH DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 LINEFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT FOR 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
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
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CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 24TH NOVEMBER, 1987
(EIGHTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. QUESTIONS TO HONOURABLE 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. 1081 WOULD THE HONOURABLE MEMBER STATE WHETHER THERE IS A COMPANY SELLING TRAYS, PENS, UNIFORMS, ETC, TO CAYMAN AIRWAYS LIMITED, AND, IF SO, GIVE DETAILS OF THE COMPANY AND INFORMATION AS TO WHO OWNS THE COMPANY?

NO. 1091 WOULD THE HONOURABLE MEMBER STATE WHETHER CAYMAN AIRWAYS ENTERED INTO A CONTRACT WITH ANOTHER COMPANY TO STUDY AND REPORT ON HOW CAYMAN AIRWAYS LIMITED COULD IMPROVE OPERALS, AND, IF SO, GIVE DETAILS OF THE CONTRACT, THE COMPANY AND ITS SHAREHOLDERS?

NO. 1101 WOULD THE HONOURABLE MEMBER:

- (a) SUPPLY DETAILS OF ALL COSTS OF THE LEASE OF THE BOEING 737 BY CAYMAN AIRWAYS LIMITED FOR THE YEARS 1986 TO 1987; HOW MANY HOURS PER MONTH DID IT OPERATE ON THE SCHEDULED AND CHARTER ROUTES, AND HOW MANY HOURS, IN TOTAL, HAS IT FLOWN DURING ITS LEASE
- (b) SAY WHETHER THE LEASE OF THE BOEING 737 PROVED PROFITABLE; AND
- (c) SAY HOW MUCH GROSS REVENUE WAS EARNED BY THE BOEING 737 DURING ITS LEASE PERIOD?

3. GOVERNMENT BUSINESS

BILLS:-

THE APPROPRIATION (1988) BILL, 1987

SECOND READING

CONTINUATION OF DEBATE:

(ON BEING READ A SECOND TIME, THE BILL SHALL STAND REFERRED TO FINANCE COMMITTEE - STANDING ORDER 63(9))

4. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

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TUESDAY

24TH NOVEMBER, 1987

9:56 A.M.

PRAYERS

HON. BENSON D. FRANKS:

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 Name's sake, Amen.

Our Father, who 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:

Proceedings of the House are resumed.

QUESTIONS TO HONOURABLE MEMBERS

MR. PRESIDENT:

There are three questions listed from the First Elected Member for Bodden Town. I have not had any authorisation from him asking any other Member to ask the questions, so I think that we must proceed.

GOVERNMENT BUSINESS
BILLS

THE APPROPRIATION (1988) BILL, 1987

SECOND READING DEBATE CONTINUING

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

At the adjournment yesterday I was dealing generally with the subsidy of approximately \$1 million in the 1988 estimates relating to Cayman Airways Limited. I stated, generally, that on the basis of the audited figures the airline has come a long way and has shown improved profitability, the results of which in no small way must account for the dedication and hard work of the board of directors, the management and the staff of the airline.

In my opening remarks yesterday, I also referred to the Budget as a very reasonable Budget.

Further, I stated that the improvements in Cayman Airways Limited's profitability in five years is even more pronounced and credible when we consider the added competition, notably from Eastern Airlines, and I want to warn that we can look forward to even more competition as foreign flag carriers attempt to obtain better and bigger advantages in the airline market. There is a motion dealing more specifically with the operations of Cayman Airways, and I intend to speak on this more fully at that time.

Before moving on to the next subject, I wish to

comment briefly on certain remarks made in the House yesterday. It was not my intention, Sir, to comment on this. It has, however, appeared on the front page of our paper, thus moving it away from the immunities and privileges of this House. Under the Legislative Assembly (Immunities, Powers and Privileges) Law, much can be said in this House and Members can be protected thereunder. But when it is put on the front page of the local paper it then becomes public knowledge, and some of the remarks in the paper this morning, if not proven correct, could constitute libel.

Up to January 1987, Mr. President, I was the managing partner of the local branch of a major international accounting firm. Due to the pressures of politics, I had to sell my interest in that firm. Over the night I have had a number of representations from some of the accounting firms on this Island, and more particularly from a partner, a Caymanian partner who is above reproach, of one of the major accounting firms. This gentleman was very upset by some of the remarks made. If there is any particular case or company, or firm, that the Member is knowledgeable of or has information on, then it is only fair that this matter should not be generalised, but the particular firm involved should be specified.

The profession of accountancy, worldwide, is one of high integrity and honour. Under the ethics of the profession we do not in any way conceal or condone wrong doings. I trust that since this matter has taken so much prominence that there are facts to substantiate the allegations I see.

On the front page of today's paper, Tuesday the 24th of November, the First Elected Member for Bodden Town is stated as alleging that large worldwide accounting firms were seeded with police informants. Mr. President, the Cayman Islands has a representation of all the major accounting firms in the world, of which, as I stated, I was the managing partner of the local branch of one of the largest international accounting firms. This is totally wrong with regard to the firm I represented, and from all accounts that I have been hearing over the night it is certainly wrong in respect of other major accounting firms on this Island.

With regard to the remarks made about the banks, I can only say that this will have to be left to the banking institution. I see statements such as:

"The banks are making a joke of our secrecy laws, jeopardizing the rights of clients, and leaving U.S. citizens in jeopardy."

I trust, Sir, that these can be substantiated because this is not only a reflection on a very high banking system in the Cayman Islands, but it also reflects on the controls made through Government's inspectorate department, and of course the whole financial structure of the Cayman Islands.

Further, Sir, a remark was made that certain information was stolen and supplied to police. I am very thankful, Sir, that in your wisdom you ruled this out of order and made it quite clear that this is not the place to make such allegations.

Regardless of the motives of the Member making these statements, I feel that it is totally wrong and in bad taste for such statements to be made in this House. When a Member, who is protected under the immunities and privileges of this House, abuses his position, it is wrong and I trust that the Accounting and Banking Associations will deal with this matter more fully. We should not be denied our democratic right of speech, but as I stated in my opening remarks yesterday, freedom of speech does not imply freedom from good responsibility.

Mr. President, I would now like to touch on the Legal Department. In doing so, I wish to take this opportunity to congratulate the head of this department, the Honourable Second Official Member of Executive Council, for the fine job he is doing, and indeed to congratulate him on his recent elevation to the rank of a Queen's Counsel - I think the term is called "taking silk". Well earned, Mr. President.

The recognition given to the Law School by the Attorney General in his contribution to the preparation of the Budget Address speaks well for the future development of that school, and may I join other speakers in congratulating the five graduates who completed their attorney at law and external LLB degree course earlier this year. I was surprised, however, by the recognition given to only one student, or that only one student was named by previous speakers in this House. Whether this was done for political reasons or otherwise, it was totally unfair to the other four who did equally well, and I would like to make it quite clear, Sir, that the gentleman whose name was called in this House is a very close and dear friend of mine. I feel that it is only right, however, if we are going to mention names, that all names should have been mentioned. So to repair that error I would like at this time to mention all five names and to congratulate them for the fine job they did. I will start with Mrs. Karin Martinez-Thompson, who did very well indeed, Mrs. Sharon Pierson who did well, Mr. Woodward Terry, Mr. Dwight Panton and Mrs. Twila Escalante. All did well. They all deserve much credit, not only the gentleman from the constituency of Bodden Town. They all deserve credit, and my congratulations go to each one of them, in particular to Mrs. Karin Martinez-Thompson and Mrs. Sharon Pierson for the exceptionally high job they did in gaining distinctions from the University of Liverpool.

In previous debates on this Budget remarks were made against the decision of Government to upgrade the entrance qualifications of students to the Law School. I cannot understand the reasoning behind the unjustified attacks. I

can only write it off, again, as political rhetoric. We have first class students in the Cayman Islands. Cayman Islanders have proven themselves in everything that they have ever done. Even from the early days of going to sea we were reputed to be the best seamen in the world. I feel that the students of the Law School, and future students, would wish to maintain first class standards of second to none anywhere in the world, be it in the United Kingdom, Canada, Jamaica, Barbados or wherever. They should maintain the very high standards that they have already set.

Mr. President, I see nothing wrong in bringing the standards of the entrance qualifications up to that required by a university in the United Kingdom, which is the minimum of three 'O' levels and two 'A' levels. This will not applying to all students, it will apply only to students between the ages of 18 and 21. I wish to make it further abundantly clear that this will not come into effect until September of 1989, which really means that any student completing this year will have two years to qualify or to obtain two 'A' levels.

To suggest in this House that students completing school this year would take advantage or abuse the entrance qualifications, by waiting three years until they are 21 to be exempted, does not speak very highly of our fellow Caymanians. I feel, Mr. President, that any Caymanian worth his salt who wishes to aspire to the lofty qualification of an attorney at law in the Cayman Islands should be prepared to meet the minimum entry qualifications. There is no question in my mind that the qualification of an attorney at law in the Cayman Islands, through the Cayman Islands Law School, is as high as that which can be obtained anywhere in the world. I would put any of the five graduates against any of our Caymanian graduates from abroad for I have no doubt that they will be able to hold their own very well indeed.

Moving away from the Legal Department, I will now touch on the Education Department.

As in the case of the Legal Department, I must also congratulate the educational administration for the high standards being maintaining. This year marks 100 years of public education in the Cayman Islands. We are told that in 1887 the education budget was some fifteen pounds, or approximately \$25 to \$30, compared to a total expenditure budget of \$8 million in 1987, one hundred years later. Our secondary education system is second to none. I am nonetheless concerned with the policy of not allowing certain students to graduate on the basis of minor juvenile infractions of the law. This is not fair, especially when these juveniles are taken to the Juvenile Court which determines the form of punishment they should receive (this is all done in camera, Sir, in privacy) and for the schools to then again attempt to punish them for minor infractions. I am not talking about the major infractions because there is no reason why they should be allowed the same privileges as other students when they have committed major infractions. This is an area that requires very urgent attention. The schools should not, on top of the punishment given by the legal authority, the Juvenile Court, again be punishing these kids on minor infractions.

Under the present school system, I am not satisfied that it is catering to the needs of the majority. It has long been my view that our Government school system is operated on the basis of a grammar school system, where only the brightest students benefit. Our system is a comprehensive system, and as such should be catering not only to the 20 per cent who will obtain four or more 'O' levels, but indeed to as many of the school population as possible. What exactly is happening to the 80 per cent who are not privileged to obtain four or more 'O' levels? I will tell you, Sir, they are given a School Leaving Certificate which means very little. When they go to the banks, the trust companies, the insurance companies or otherwise, they cannot use that School Leaving Certificate to prove anything they accomplished. Hopefully, Mr. President, the C.C.S.E. syllabus or system, soon to be introduced, will offer better opportunities to our children.

At the last graduation held, certain unfortunate remarks were made by the Principal of the school regarding the accents and background of the language, the 'patois' I think it was referred to, of the Caymanian children. Such remarks were unfortunate and I feel that it should not be repeated.

I am supportive, Mr. President, of any allocation that can be made to assist our children, for they are indeed the future of this country. My concern, which is well known to the Honourable Member responsible, is that the system is not properly catering to a wide enough cross section of the student population.

Moving on now to the Social Services Department.

Mr. President, I feel that the Social Services is doing a fairly good job, even though I feel that much more could and should be accomplished. There seems to be a problem in this department in getting projects completed by the Public Works Department, because it is my understanding that the Public Works Department is now overloaded. Where the Public Works Department is unable to assist with certain Social Services' jobs, arrangements should be made, if possible, through the private sector. I am aware of several needy cases in my constituency and otherwise that require assistance. The funds are available for materials, but unfortunately, nothing can be done because the labour is not available. I would again bring this forcibly to the attention of the Honourable Member, and ask him to look into this matter as soon as possible.

Even though we have a fairly buoyant economy, many poor people in this country are suffering because of the lack of proper service and facilities through the Social Services Department, which should be provided by them. I

hope, Sir, that we will see more improvement in this Department. I would nonetheless wish to congratulate the hard-working staff for the work they are doing. Even though I would point out that much needs to be done, I would nonetheless wish to recognise the very hard work they are doing in trying to keep the Social Services of this country running on a smooth level.

The Health Department.

It was gratifying, Mr. President, to see the programme designed to assist with the misuse of drugs and to improve rehabilitation services for drug misusers and their families, and that it is being spearheaded by the medical services department. While there are a number of other programmes which are commendable, I am nonetheless still concerned by the number of complaints from the public about the poor services received at the hospital.

Up until very recently I have received a number of complaints about the very poor services being rendered at that hospital. It is our only hospital and as such I feel that it should be operated on standards as high and efficient as possible, and that none of our people should be allowed to suffer. I would therefore implore the Honourable Member responsible to take a much closer look at its operations. I do not want to single out any individual names which I have heard because this would be inappropriate, but generally I feel that much needs to be done at that hospital.

Moving on to the Housing Development Corporation.

At the last session of this House, I brought a motion which was successful, dealing with the problems being experienced by the poor people within the Cayman Islands. This was not only designed to assist people in Grand Cayman, but also for any cases in Cayman Brac or Little Cayman. As a result of this motion, I feel confident that we will make significant strides in formulating better policies for addressing the problems of low cost housing in the Cayman Islands. And, Sir, as mentioned in that motion, we are very fortunate indeed to have somebody of your calibre, having had a lot of experience in housing, to lend some assistance to us in this respect.

Already Sir, a meeting has been called by the Honourable First Official Member, but unfortunately there were insufficient Members, or numbers, present at that meeting to form a quorum. Since I have heard similar concerns expressed and voiced about the problems being experienced by the poor people in our Islands, I trust, Sir, that each Member of our Assembly, or at least each of the Elected Members, will attend these meetings. It is so often the case that most complaints come from those people who attend committee meetings the least. This could be because they are not aware of what is going on.

I am aware that most of us have a lot of responsibility. I know for instance there are a number of committees which I am not privileged to attend, but I would challenge any Member of this House to suggest that I do not at least keep up with the minutes of those meetings. One such committee formed was on labour legislation, and I believe that when I debate this Bill I will demonstrate to the House and the public that I know as much about that Bill as any Member who may have a record of 100 per cent attendance. The point is that if Members are going to be critical of areas in which they can assist, then they should be fair enough to let the public know that they could have assisted in and corrected the very matters they are criticizing, had only attended or even shown enough interest in attending committee meetings. Unless Members are prepared to attend these meetings they are only paying lip service and a lot of political rhetoric when they get up in this House, and are not really dealing with the matters as effectively as they could.

Accordingly, Mr. President, in view of this very important subject on low cost housing, I hope that all Members expressing their concerns about the poor people of this country will make every attempt to attend the committee meetings and lend of their valuable ideas, rather than waiting for an opportunity to say it over the microphone to be heard on the radio. We need all Members to assist with formulating policies for the well being of our people. There are very few, if any, Members in this House who have shown more concern for the poor people of this country than I, and I will continue to do so. But to suggest that the woes and the problems of these poor people are a result of a very stagnant economy is to tell the public of this country an untruth, because the economy is a booming economy. We must appreciate that under a capitalist system, which I hope we will continue to be under, we will have situations where we have the haves and the have-nots. Regardless of the per capita income of certain individuals, we will continue to have a situation of haves and have-nots, and equals, but not really all equals. This is a situation that we will have to accept. We can only, as Legislators of this Assembly, make an outright effort to assist our people to the best of our ability.

Mr. President, later on I intend to deal with this subject more fully when legislation regarding social security is brought to this House.

Touching now on the Water Authority.

Certain remarks were also made in this House that would tend to give the wrong impression that Government is prepared to allow the companies of Hadsphaltic and Petroservicios to destroy our roads without any protection. This is totally incorrect. In the case of the contract with Hadsphaltic for the sewerage system, terms are contained in the contract with Petroservicios to restore any damaged roads to their original standard. In all fairness, I must say that both those companies are doing a very, very wonderful job indeed. I was pleasantly surprised, when I was taken on a tour of the sewerage system plant, to see the amount of work that had been done. I wonder how many Members, who would get up in this House to oppose this, have taken the time to even examine

what has been done.

As with the sewerage system, I was pleasantly surprised to see the amount of work that had been carried out on the water system; for example, the reservoir that has been built, the pump rooms, and the fine, neat way in which the work along the roadsides is being carried out. Let us be fair and let us give credit where it is due. Some Members seem only to criticise, and while I can appreciate that the role of certain Members is that of criticising, we should give credit where credit is due.

Mr. President, I cannot subscribe to the view expressed that because we may be backbenchers we can get nothing done. I agree that more could be done, and I am not very happy with the present system as I have expressed in this House. I feel that there is a breakdown in communication. I feel that there are many weaknesses that should be corrected, but there are 12 Elected Members of this House, not only four. Under our Constitution, four are elected to Executive Council, but if, because we may not be one of those four, we sit in this House and tell our people that we can do nothing to help them, then we should not be Members of this Assembly. There is a lot that we can do, and we should do it. We cannot all be on Executive Council. This is why it is important that the opposition play an active role. This is why in many countries the opposition is given equal status in pay with even the Government bench, because it is their duty to play an active role. No government is a good government without good strong opposition. But if we sit back and say that because we are not Members of Executive Council we can do nothing for our people, then we should not be filling seats in this Assembly.

I am pleased to see the progress and quality of work being carried out by the engineering company responsible for the George Town water supply. I would, however, remind the Honourable Member responsible for this project that the boundaries of George Town do not stop at Crewe Road or South Sound, and I look forward to seeing the water system extended to Tropical Gardens, Prospect, Red Bay, Spotts, and to all other areas of George Town.

MR. W. McKEEVA BUSH:

And West Bay.

MR. LINFORD A. PIERSON:

And West Bay, as the Second Elected Member for West Bay just stated.

I have had complaints from my constituents in those areas, and I promised them that I would speak to the Honourable Member and touch his heart, and work on him to ensure that as soon as possible we will have water in those areas.

Mr. President, the people living in the areas just mentioned are as much deserving of a proper water supply system as those in the areas we are providing at present, even though I wish to make it quite clear that I am happy that the residents of these areas, namely Crewe Road, South Sound, South Church Street and other areas will be receiving fresh water very soon. My point is, that other areas must be given similar and equal consideration.

Moving away now to the Civil Aviation Department.

I am pleased to see that as of 1st June this year the Civil Aviation has been operating as a separate legal entity, and I feel confident that, as in the case of the Port Authority, the Civil Aviation Authority will be operated as a profitable concern. One area of concern which I have mentioned to the Honourable Member, is that I would like to see the Civil Aviation take better care of the flowering plants around the airport. I was touched and saddened by the recent hacking of these plants and since they were put there to mark the visit of the Queen in 1983, if for no other reason, Mr. President, I feel that some pride should dictate that we take good care of these plants. At present I know that they are flowering and even if we have to ask for a supplementary vote to take care of this, I think it would be money well spent. I am one who is very concerned about aesthetics. I am very concerned about the looks of our Island. If I had the power today, perhaps I would have many, many more parks and beauty spots in the Islands. Perhaps the area between the Courts and Scotie Bank should be turned into a park when we get our multi-storey car park underway. And perhaps Albert Paston Street should be pedestrianised so that it could be locked off in certain areas. But these are points which we will address in due course.

On the Fire Department, it can truly be said, Mr. President, that the Head of this Department lives the maxim - 'if a thing is worth doing, it is worth doing well'. It is always a pleasure for me to speak about this Department as I regard it as one of the most efficiently run departments in Government. This speaks very highly and very well indeed of the Head of that unit. I therefore find it easy to agree to the capital loan being requested from the Caribbean Development Bank as I consider this to be money well spent - as with the case of the capital loan being requested through Caribbean Development Bank for the Gerrard Smith International Airport. I feel that a properly equipped fire station is essential to the future development of the Cayman Islands.

Trade and Labour.

I feel that the appointment of a Director of Trade and Labour in June of this year was a step in the right direction, and I would at this point in my debate pause to congratulate the newly appointed Head of this Department, Mr. Rudy Selzer. He is a gentleman whom I feel will bring a lot of expertise to the post, and already I understand that he is doing a fine job as newly appointed Head.

I will not speak further on this particular

subject, as I intend to speak, not to too great a length, but for some time, on the Labour Bill which will deal with this. I do not wish to pre-empt or anticipate the outcome of the Labour Bill, since, as I mentioned, I intend to speak on this in detail when it is brought up later in this Meeting. I would, however, say that I feel that the proposed law, the Labour Bill, is most essential for our people and I trust that when it comes here it will be given very strong support, even though there are certain areas that will be queried.

I move now to the Postal Department.

I am very pleased to see that provision has been made to construct a new post office, and I trust that commencement of work will start as soon as possible in the new year. I would wish to take this opportunity also to congratulate the Honourable Third Elected Member responsible for moving ahead with this project.

On District Administration.

Mr. President, I am also happy to learn that Cayman Brac and Little Cayman are showing encouraging signs of economic recovery. By economic recovery and implication, it would suggest that the economic situation in the Lesser Islands was in fact in a depressed state. This was pointed out by me in a motion brought during the September Meeting of this House. I will not go into detail because it was debated at length at that time. My arguments in that motion, though, are further strengthened by the admission that the level of unemployment has been drastically reduced. It is certainly good news that new projects are providing a significant improvement in the unemployment problems which previously existed. It is also noted that capital expenditure in respect of roads for the Sister Islands is estimated at some \$400,000.

On the question of the dental and medical services department in Cayman Brac, I am pleased to learn of expansion and improved facilities being provided. The total project is estimated to cost approximately \$100,000. I am concerned, however, that a petition dated 25th July 1986, submitted by more than 500 citizens of the Lesser Islands, has to date not received the courtesy of a reply. This petition, Mr. President, which dealt with certain unsatisfactory conditions in the medical health services department of those Islands was addressed to the then Governor, Mr. Peter Lloyd, and copied to the Honourable Member responsible for Health, the Executive Council Member responsible for local administration and other Members of the Legislative Assembly. Unfortunately I only recently saw this petition which I received and I was asked to use my best endeavours in getting a reply. I am amazed that a petition containing over 500 signatures out of a population of 1,300 people, approximately 38 per cent of that population, would be unanswered and ignored.

I feel, Sir, that the people of our Lesser Islands deserve better treatment. I am not here to predict the outcome of the petition, but whether or not their petition proves favourable to them, is beside the point. The point I am making, Sir, is that they deserve better, and they deserve the respect of a reply after the contents of the petition have been fully considered by our Government.

It is also noted, Sir, that mention was made of the concessions granted to foreign retirees, Caymanians living abroad and returning to resettle, etcetera. I trust, Sir, that this will boost the economy of the Sister Islands. I understand already that there are certain new projects in the pipeline, and I also understand that the floating hotel that is being considered for Little Cayman may also provide some of the answers to the economic woes of the Lesser Islands.

Moving along, Mr. President, I wish to touch on the Master Ground Transportation Plan Study. It is most essential for the present and future economic and physical development of this country. I for one, Sir, will certainly look forward to studying the draft final plan which it is hoped will be submitted to Government in early December this year. We will have to take a closer look at the estimated expenditures made thus far by the firm Wilber Smith Associates, and the other experts connected with this project, but we cannot continue to fool ourselves if we hope to continue our development. At the rate we are going we will definitely have to provide the infrastructure facilities and any superstructures that are required.

Even up to this morning, I was reminded that if it is seen necessary for the Government of this country to have to recruit 15 to 17 new people from abroad for the Prison Department because they cannot be found in the Cayman Islands; if it is found necessary for our schools to have to recruit a number of teachers because they are not locally available; and if it is found necessary for other departments of Government to have to recruit from overseas, then it is totally unfair for the private sector of this country to be refused the people whom they need to assist them in their businesses. It is the local Caymanians that are suffering. I could name a number of small businesses in this country that have had to close down because they cannot get assistance, they cannot get people to help them.

Mr. President, I would be the first one to say that we should stop bringing in people if we had the local people to do the jobs, but the simple answer is that we do not have local people to do the jobs. To suggest that domestics and casual workers should be brought in from Ireland or some other country in the United Kingdom is unrealistic. This is not realistic. The cost alone of recruiting those people is prohibitive.

Mr. President, we are talking about protecting Caymanians. Who are we protecting them from? Why do we not formulate proper policies for the guidance of the members of our Protection Board. This is one of the single (biggest) problems of our economic expansion in this country. It is unfortunate, Mr. President, that

we have heard remarks made, in the Chamber of Commerce and other public places, downgrading certain nationalities. It is most unfortunate when those countries being attacked have been our full supporters in years gone by. Most of us were fortunate to get our education in those countries. With regard to what I have seen happening in this country, how can we generalise? You might as well say to me that all Caymanians are bad because of the fact that we have a few in Northward Prison. It is unfair, Sir, and I trust that you will be looking into this matter very closely.

I know, Sir, that you are aware of some of the problems being experienced because I am aware of certain representations made. I am not saying that we should open the floodgates in this country, we do not want that, but there is a way of screening people; if not through character references, there are other ways of checking - through police records and otherwise. How do we know that we are not getting members of the IRA in here from Ireland. How do we know that? Yet we are quick to say that we should allow them in.

I trust, Sir, that the real reason for the concern, with regard to the policies and practices that we see at present, is really to balance the situation of nationalities in the Island. I hope that is the real reason. But let us not bury our heads in the sand. This is not a problem only for a few people. It cuts across all economic sectors of the Cayman Islands. This morning I took my car to one of the leading garages in this Island (and I think, Sir, I saw your car there), and the gentleman said that he was afraid that he might not be able to work on it because he could not get anybody to help him. The Protection Board, he said, would not allow him to bring in anybody, and he said that he was reminded that he should appeal the refusal. But from my experience, I had to tell him he would be wasting his time. The Protection Board should be completely revamped, and with a new set of policies, because it is harming our economy. It is not helping our economy. It is doing more damage than any good.

They talk about protecting Caymanians. It is not protection, Sir, when we throw people out of their businesses; when people, as a result of the restrictive and unreasonable policies of that Board, have to close down their businesses. I believe in the motto "out of many, one people". I have always stood for that, and my manifesto, Mr. President, supports this. I stated in my political manifesto, on which I ran in 1984, that we need an integration. We do not want a replacement of people. We have seen the damage that this has done in Jamaica. We have seen the damage it has done in the Bahamas. We do not want any social problems in this country. We want to live together in harmony, love and respect for each other. I submit, Mr. President, that we are on the wrong course. The way in which we are handling the situation is very, very unhealthy. I have spent the time on this subject because I see it hampering our economic growth.

Mr. President, I feel the simple answer to this is to issue certain directives allowing people to come here and work knowing that they would not be entitled to any benefit of status, permanent residency or otherwise. It works successfully in other countries. I understand it is working successfully in Bermuda. Why cannot we do the same here? What are we afraid of? Why does the Protection Board feel that they are protecting Caymanians? Who are they protecting them against? Why is there such an anti feeling against certain nationalities? Is this in the best interest of our country, a country in which we pride ourselves on our social harmony? I am afraid we are dealing with a time bomb, and unless something is done to alter this we will be heading in the wrong direction. I submit, Mr. President, that this not only be the responsibility of the Honourable Member responsible, but that of each elected and nominated Member of Executive Council, and they should look into this matter very seriously. We are not only talking of the 'little people' as we term them in this country and small businesses. This is a situation that is affecting a big cross section of the Cayman Islands, from the lowest to the highest in business. Why do we allow it to continue? We have a situation of the tail wagging the dog. This should not continue. We have a situation where it appears that one man is running this country. This is wrong.

Mr. President, I wish to move on to the new revenue measures.

Despite some of the concerns I expressed by certain individuals in this House, I feel that the new revenue measures are appropriate, fair and reasonable. There have been representations, nonetheless, made by certain groups. I received a letter from a group connected with a brewery or wine makers and I wish to point out it will not go unnoticed by me. I will certainly be addressing this issue in the Finance Committee.

As mentioned earlier I see the \$260,000, to be derived from these measures, as being well thought out. These increases are not essential necessities of life. These increases are on liquor, wines, beers and soft drinks - luxury items. I wish to God that it was double what it is because we would have happier families in this country. So many families are going to destruction because of liquor. We hear talk about cocaine, gangs, and other areas of concern, but so often we forget that liquor is one of the most damaging drugs in the Cayman Islands today. I wish also that we had thought of increasing the revenue on tobacco and tobacco products. And I still hope that in Finance Committee we can do so.

These are the areas that we need to discourage in the Cayman Islands, because so often the problems that we related to cocaine and marijuana are directly related to the use of other drugs such as alcohol. I have no sympathy for these who despise the measures taken here. In my opinion these individuals got off very

lightly. It should have been double because we need to discourage the use of drugs in this country. Members in this House talk about the problems we are facing with our young people in drugs, yet when measures are brought to effect the taking of certain drugs out of reach of our young people, those measures are criticised for the sake of being in opposition.

My position in this House is to speak against anything that I see is not in the best interest of our people. Regardless which side brings in a matter before this House, it is the responsibility of each Member to support it if it is good for our people. We are not only supporting four Elected and three Official Members of Executive Council, we are supporting issues for the best interest of the people of this country.

We need to move in the development of amenities for the youth of our country. We need to do more in providing proper facilities. Mention was made of the need to provide programmes. This is as ridiculous as saying that we should provide a syllabus for a school, but forget about a building and let the children sit outside! or as having a programme in place, but saying that you do not need the physical facility. This is why I impress that the need for a community or civic centre in George Town is most essential.

Remarks have been made that we do not need the facility in George Town, because the ones in East End and Cayman Brac are not being used or because the ones in Bodden Town and Breakers are only being used at election time. Regardless of the lack of use of these facilities in those districts, I can assure Members that if we had a facility in George Town it would be put to good use, and I believe that the same would be true of West Bay.

Mr. President, I got the full support of this House on a motion for a civic centre, but I was surprised that not even a reasonable allocation was made for this. When am I to expect to see the civic centre? It is not in the 1988 Budget, and next year is an election. It would appear that in order to get my civic centre I will have to be put in a position to enable me to get this done, and I trust, Sir, that my people are going to see to that. They will get their civic centre, I can assure you of that, together with all the other promises made which have not materialised. We will get these in due course. I will not say that due course is due course as I have heard in this House, I hope that that will be very soon.

As mentioned to earlier, I share the philosophy that a speech, to be immortal, does not have to be eternal, and it is not my intention to drag out this Budget Debate. I think I am documented in the Hansard of this House as having spoken for my four hours before, and have requested more time. However, as stated, I see this Budget as a reasonable Budget. I see it continuing to enhance the economy of this country, so it is not difficult for me to support it. With the exception of the concern expressed by me, which I hope to address in Finance Committee, I see the 1988 Budget as a good fiscal plan for the ensuing year, and as I said in my opening remarks, the Budget is indeed a reasonable fiscal statement for 1988.

I therefore support the Appropriation (1988) Bill, 1987, and again wish to congratulate the Honourable First Official Member, the Financial Secretary, on his splendid presentation of the Budget Address.

Thank you, Mr. President.

MR. PRESIDENT:

Proceedings are suspended for fifteen minutes.

AT 11:13 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:32. A.M.

MR. PRESIDENT:

Bill. Second Reading, continued.

Proceedings are resumed. The Appropriation (1988)

The First Elected Member for the Sister Islands.

CAPT. HARRY S. KIRKCONNELL:

Mr. President, I would like to take this opportunity to congratulate the Honourable First Official Member, the Financial Secretary, for his clear and comprehensive Budget Address which he ably delivered to this Honourable Legislative Assembly on the 13th of November, last Friday.

The Address was very informative, and in my judgement gave a clear and true account of the local economy and a preview of the year 1988.

The Budget Address, Mr. President, is a valuable document. It is a document that I shall keep with my papers for reference, and again I congratulate the Honourable Member for the way in which it has been set out. The table of contents makes for easy reference.

I wish to express gratitude to the people of my district, the third electoral district of the Lesser Islands (Cayman Brac and Little Cayman), for the opportunity of making my eighth contribution to the Budget Address since I was elected in 1980. I do not know if this may be my last chance of addressing our budget, so I would like to express my appreciation to you, Mr. President, the Clerk, her staff, and all Honourable Members for all the help they have given me during the eight years that I have been in this House.

The outcome of the election next year is something we all anticipate, and if I am not back, I will have done, in my opinion, the very best I could with what I had to work with.

Mr. President, the Budget of C1684,165,807 is indeed a large sum for a country of three Islands with the small land mass that we have. It certainly shows that we are a very developed territory. It indicates that through very prudent management and the blessings of almighty God we have reached the standard where we are today, and that we can approach a balanced Budget of such a high figure.

I listened very carefully to the remarks and words of advice given by the Honourable First Official Member when he referred to the results of Black Monday. This has had resounding effects all over the world, and I am very grateful that thus far we have not had more resounding effects in our territory. I think it was very proper that those words were given to us in this Honourable House by him.

I turn now to banking and trust companies.

I fully realise the important part which the bank and trust companies play in our economy. As was stated in the Budget Address they employ approximately 10 per cent of our workforce, which is a large percentage. Apart from the monetary contributions which they make in fees and the tourist traffic which they generate through the banking business, we are very proud that this year 42 of the 50 largest banks in the world have chosen to seek licence here in the Cayman Islands. This is indeed very encouraging, in view of the rumours during the last Budget Address, by some Members, that this may not be a continuing success story.

The insurance industry continues to grow and together with the captive insurance business we are very grateful for that industry. It is hoped that we will get approximately \$2 million in revenue from the insurance industry this year in fees. That is a large chunk of revenue for us. This industry also generates a lot of people to our shores and it has helped to make us well known internationally.

The Cayman Islands Currency Board.

I could not stand in this House without congratulating the Currency Board for the great job done. It is unfortunate that due to the weak bond market earnings will be reduced, but that is to be understood. We are very proud of our currency and we are also proud to know that numismatic coins will again be produced. This, too, will help to make the Cayman Islands that much better known throughout (the world).

I note with keen interest the development of company registration. As the Registry becomes fully computerised it will become far more efficient. It plays a very important part in our country. Delinquent companies are being removed from the Registry and this will provide a more realistic figure of those companies actively engaged in business in the Islands.

I turn now to the tourism sector.

This is again one of the most important industries of our economy. It is very encouraging to see that it has continued to grow. The 26.3 per cent increase over the year 1986 is encouraging. We must continue to strive to give a dollar's worth of service for every dollar paid. I again caution all our Caymanian people engaged in the tourist industry that we must treat our visitors as our guests. Remember they play an important part in our financial welfare, and without them the tourist industry would not exist. We must remember that the Cayman Islands has what the tourist wants, but that we want the tourist as much. Therefore I ask everyone engaged in the tourist industry to be as courteous as they can be and to help to further develop this industry to greater success.

I note with interest that the Community College is now engaging in hotel training courses that will better equip our young Caymanian people to serve in this industry. We are grateful for the cooperation that we have received from the major hotel operators and the other institutions.

Cayman Airways Limited.

Mr. President, those of us who live in Cayman Brac I think appreciate Cayman Airways far more than those residing here in Grand Cayman. As we all know, it is our only source of connection with the outside world. It is the only airline from which we can look forward to having any service. We are happy to see the improvement made in its balance sheet which we saw earlier in this meeting. Cayman Airways is very important to us. It is the only airline that will give the Islands a guaranteed service. Cayman Airways's first and foremost responsibility is to the people of the Cayman Islands who own the airline, and so therefore there can be no excuse to cancel flights because of load factors - and flights will return home when all other airlines find some excuse to not service the Cayman Islands. We can always depend on Cayman Airways, and so I would ask all Honourable Members, and all people hearing me today, to realise that it is absolutely essential, for a striving country as the Cayman Islands, for us to own our national airline from which we can demand service.

Mr. President, I give Cayman Airways my full support. We are grateful that service has improved with the Shorts aircraft to the district. There are certain things about the aircraft which have not met our hopes, but nonetheless it is a vast improvement over the previous aircraft. In answer to a parliamentary question it was revealed that with the introduction of the fuel supply in Cayman Brac the capacity out of Little Cayman will be doubled. We have previously suffered from the low number of passengers which the Shorts could accommodate out of Little Cayman, and if the capacity is doubled I believe the efficiency of the Shorts, in meeting the needs

of the Lesser Islands, will be greatly improved and we look forward to the institution of this fuel service in the not too distant future.

I now turn to Computer Services.

I have noticed with keen interest and great pride the progress that has been made even in the Legislative Department with the introduction of computerisation, and this is so throughout the service. It is true that it necessitates a fairly large staff and great expenditure, but it is well worth the investment. If we are to move with the modern times, we must continue to improve our computer service. I support the Computer Services, and I congratulate all who are involved with it.

I turn now to the Customs Department.

The Customs Department is to be complimented in operating on such a small Budget and yet generate such large sums of revenue in the collection of import duty. I am very grateful to the Collector of Customs and her staff for the progress they have made. The task force, I think, is a great step forward and I note with keen interest the development of the marine patrol. This is a phase of Customs which I think the Cayman Islands has needed for many decades. Once this is implemented, I think it will earn its keep. It will certainly help control the illicit drug trafficking which, Mr. President, is damaging to our youth which is of great concern to me. If any money spent can curtail the drug problem, then I think the marine patrol it is a great future investment.

Ship Registration.

This is an area which I have very keenly been interested in, even prior to my election to this House. I am very happy to see that the necessary legislation has been enacted and that it will be amended to make it possible for the necessary conventions to be extended to the Cayman Islands so that we can have a ship registry of which we can be proud. I think it will generate, in the years to come, considerably large sums of revenue. Besides that, it will help make the Cayman Islands better known throughout the world. We are, by nature, a sea faring people, and I think it is very fitting that we become one of the world's leaders in shipping registration.

I caution all that we cannot have a proper registration without following all of conventions, and therefore we will experience some difficulty with the shipping registrations that exist today. I feel, however, that with the step we have taken to enact this legislation the Cayman Islands will move ahead in this area once the ship registration is properly established.

Mr. President, in the revenue and expenditure I note that the surplus brought forward on the 1st of January 1987 was \$1,250,704. The local revenue was \$67,415,868. Loans were \$8,090,942. Taking recurrent, statutory and capital expenditures from that, plus local loans, the estimated surplus at 31st December 1987 is \$4,950,049. This is indeed encouraging. We are very grateful that the country has had the blessings of a successful financial year. During the year we were not able to get all the projects that we wanted due to us not being able to secure the loans in time, but nevertheless I think we have moved forward during the year 1987 and look forward to 1988.

Much has been said about the public debt, but I think that any country, company or family are fortunate if they can keep their public debt down to where 5.4 per cent of ordinary revenue can service the debt. It certainly shows proper, prudent management. I am proud that we have the ability to borrow when it is necessary to provide capital projects, and to be able to spread that payment back over a number of twenty years or so. The privilege of borrowing, in my opinion is a privilege because unless you qualify you are not able to borrow. That we are able to borrow shows that the country is in good financial shape.

I turn now to Internal and External Affairs.

Radio Cayman is greatly appreciated in my district. We look forward to the introduction of the FM service and we hope it will be operational in early 1988. As I stated in the last Budget Address or Throne Speech (I am not sure which) I strongly recommend that the Legislative Assembly broadcast be switched to FM once the Lesser Islands receive it. This would limit the broadcast to within the Islands.

I would like to congratulate all the staff of Radio Cayman for the job they are doing. It is an important arm of information. It keeps all the districts of the Islands fully informed. Not everybody lives in George Town, so by the use of Radio Cayman, both international and local news are disseminated for all to hear.

Prisons.

The prison is something I wish the country could do without, but unfortunately it cannot be so. I am sorry for those who are forced to go there, but most are there because of their own actions and so they must therefore pay the penalty. I note that construction and expansion continues, because it is alarming to me that the population continues to grow. I am encouraged to see that a visitors building is to be constructed. This is very necessary for both the visitors and those incarcerated, and I think it should be a priority.

Mr. President, I would like to ask all Members of this Honourable House to give very serious consideration to establishing, as soon as our financial ability makes it possible, a proper rehabilitation system for our prisoners. Unfortunately, some of our young people are being incarcerated. They serve their allotted term and come back to society no better off than they were when they were incarcerated. Sometimes they are indoctrinated by inmates and they become once more a detriment to society. It is imperative that we provide for rehabilitation and the means of curing our addicts of their addictions. The percentage incarcerated at Northward is alarming in

equation to the population of the Cayman Islands. We must do something to help to improve the position of the people, once they have served their term and paid their debt to society, so that they can come back into society, take place, and not be readmitted to further compound our problem with over-occupancy at Northward Prison.

Our Education Department continues to be a wonderful service. The country's best investment is in educating the youth and preparing them for their place in society. I see with interest that 1987 marks the 100th year of publicly funded education here in the Cayman Islands. It is hard to believe that Government's contribution to education in 1887 was the sum of 15 pounds, approximately CI\$23.00 at the present rate of exchange. Our present 1987 budget for education is \$8,067,645. This speaks for itself, Mr. President, that education is a priority of our Government, and it is justly so. I congratulate all involved in education and ask them to continue their good work.

The Community College continues to play an important part in our community. It is offering opportunities for our local people, who were not able to go overseas at a younger age, to further their education beyond high school level and also for school leavers to better prepare themselves to go into university at an elder age. I look forward to the time when Government can provide a proper, well established campus for the Community College. I had the opportunity of attending a college, and I know that benefits can be derived from higher education.

Our Social Services Department comes in for a lot of criticism, but I would like to compliment them for what they are doing. No service, regardless of how competent it is, can satisfy the needs and requests of all people, but we have a very able Social Service programme underway, and I feel as larger sums of money are available we will be able to do more. Nevertheless, for those who are aided, in poor relief, school lunch programmes and the like, I compliment the Social Services. I feel it is very unnecessary for us to get up in this Honourable House and criticism people whom we honestly know are doing the very best they can with what they have to work with. So I would like to offer my congratulations to that Department.

I note that money will be available under New Services for a rehabilitation facility for our juveniles. This is something that will be very beneficial. It has concerned me that our young children are being sent off to Jamaica. I appreciate that their behaviour caused them to be sent away, but nevertheless they are human beings, and if we are to rehabilitate them, we need to do it here in the Cayman Islands where they can be taught our culture and benefit the Caymanian way. This facility is a step in the right direction, and I look forward to this institution coming into operation.

Health in this country is also an area in which I could talk for hours on end. It is an important Department and it is doing a good job. It was the hope that we would by now have had plans for a new building, but economic constraints have made that impossible. Nevertheless, Mr. President, we are seeing our service improve daily, and we are grateful for the improvements which have been made in my district.

Agriculture.

The Agricultural Department is playing an important part, particularly here in Grand Cayman. We see good reports in the Caymanian Compass of progress being made by farmers here in Grand Cayman. Unfortunately, the arable land in Cayman Brac does not make it possible to farm with machinery and modern methods being used in Grand Cayman. I would like to ask the Honourable Fourth Elected Member of Executive Council if he could arrange to send the agronomist Cayman Brac to advise on ways in which we could improve our farming there in view of the soil restraints that exist.

The Mosquito Research and Control Unit, through its control over the mosquito problem that existed, particularly in Grand Cayman, is one of the prime reasons for us being where we are today. I am alarmed that in the last six months I have seen a marked increase, in certain areas of Grand Cayman, in the mosquito population. They have also somewhat increased in Little Cayman although it does not appear to be the case Cayman Brac. However, I am concerned about Grand Cayman, and I hope that every possible step will be taken to further control this. If Grand Cayman ever has an increase in the mosquito population as once existed, tourism will be doomed. So it is necessary for the Unit, having played a very important part in our development, to keep moving.

I note with interest the formation of the Civil Aviation Authority. This is a step in the right direction. I compliment the head, the Director of Civil Aviation, and his staff for the able way in which they have handled their responsibilities and I am sure that this will prove to be equally successful and profitable as has the Port Authority.

The Fire Department.

Mr. President, the Fire Chief and his staff have worked under very adverse conditions with their inadequate facilities at the Owen Roberts International Airport. I am really happy to see that at last their new fire station and headquarters is under construction. They deserve the best, they play a very important part and it is a very dedicated service.

I am also very grateful that soon, within the next couple of months, the fire station at the Gerrard Smith International Airport in Cayman Brac will be under construction and that also will help improve the fire service there.

I note with interest in the Budget the provisions being made for the construction of a new general post office in Grand Cayman. This is very

necessary. The Postal Department has worked under very adverse circumstances for many years in the facilities here in George Town, and I think they deserve better quarters. The people of Cayman need a better post office. If this is incorporated with the multi-story car park, as I understand it will be, it will offer additional parking and alleviate the serious parking problem that exists in downtown George Town. That I think, I am told, can amortize itself in a period of approximately five years. If that is the case, it will be an investment and not actually an expenditure for which Government will be looking for a refund. I feel it is a step in the right direction.

I think the museum needs to be improved here in Grand Cayman. The George Town post office, the building itself, is a museum piece and I cast my vote and say that it is an ideal site for the museum, once it is vacated by the Postal Department.

Speaking on parking, one thing that could improve downtown George Town parking would be the introduction of parking metres to limit parking time. Many people have told me that one of the reasons there is a problem with parking downtown is because most of the parking spaces are occupied from 8:00 to 5:00 o'clock by people who are employed. There are no parking spaces available for persons coming in and out of George Town for short periods of time.

Mr. President, I turn now to district administration, Cayman Brac and Little Cayman.

Early 1987 found Cayman Brac and Little Cayman experiencing much unemployment. All persons residing there are very concerned with our poor economic condition. I am very pleased to report today that conditions have improved greatly. We now have almost full employment. I hasten to explain (as I reported in my debate on the 1987 Budget on Tuesday the 18th of November, 1986 in this Honourable House) that much of our workforce had left Cayman Brac and relocated in Grand Cayman to seek employment. A few of these have returned, and I hasten to say that although all persons in our workforce are employed it does not necessarily mean that we have a boom, because we in fact have a very limited workforce. I would like to emphasize that our workforce is very limited and it therefore does not necessarily generate a large cash flow.

The largest private sector project under construction in Cayman Brac is the expansion of the Tiara Beach Hotel. Work is scheduled, I understand, to continue beyond 1988. There are relatively large expansion plans for the site and it is this type of expansion that we need in the Brac - projects by which our people can be guaranteed employment for the years ahead, not just short term, because without the security of employment through long term development we will never get our people to return.

Cable and Wireless is just about completing the laying of the underground laying cable, and installation of the necessary equipment to make it possible for direct dialling in Cayman Brac. This we are very grateful for. Cable and Wireless also expanded their exchange at West End and Creek so that provided a small amount of construction labour.

We have also seen the construction of several houses during the year. The renovation of one house to a new freeport shop will improve our freeport sales in Cayman Brac to a first class level, and we are looking forward to the improvement in our freeport sales for the tourist industry.

The Buccaneers Inn Hotel has made some renovations and a reverse osmosis plant, to purify the water, has also recently installed. This now means that all three of the hotels in Cayman Brac are offering desalinated water to their guests.

Mr. President, I would like at this time to express gratitude from the people of Cayman Brac and Little Cayman to all the Members of this Honourable House and to the Honourable Third Elected Member of Executive Council, the Member responsible for Communications, Works and District Administration, for the funds which were made available to the Cayman Brac district administration, and to the District Commissioner and his staff for the able way in which they have administered these funds in order to provide employment over the years for our people.

On the major capital projects, which have taken place in Cayman Brac, I go first to roads. One mile of road in Little Cayman has been sand-sealed. The James Scott Road, which is the road from Gerrard Smith Airport going west, has been constructed and surfaced. On the south coast of Cayman Brac 1.35 miles have been widened, straightened where possible and sand-sealed. Work on the east to west Bluff Road from the Cross Island Road has continued during 1987. A road has been constructed from the south edge of the Bluff in the Stake Bay area to the north edge and this now allows people to get from one edge of the Bluff to the other. Road is also being continued approximately 250 feet from the north edge of the Bluff, in a westerly direction running parallel with the edge of the Bluff. This we hope will make the western end to the diversion road more readily accessible for residential development. The road is well underway, but I hasten to say that it is only a trail. The main idea, however, is to open up the area for future development.

We have had delays during the year in the construction of the Gerrard Smith Airport terminal building, but the site preparation and taxiway, has continued. Work is well underway and the site is now ready. It is my understanding that the contract for the construction of the Gerrard Smith International Airport terminal building will be signed on 25th of this month, and construction will start, hopefully, in early December. This will afford employment opportunities for

Brackers and others in need of employment. We are very grateful that at last this project is to get underway. We understand the many surmountable problems that were faced in getting the financing, but now that it is in place, we look forward to the improvement of these facilities for locals and tourists as they come in and out of Cayman Brac.

Mr. President, a new dental clinic and public health offices are under construction at the Faith Hospital compound. At this time I have been asked by the people of Cayman Brac to express their gratitude to the Honourable Capt. Charles Kirkconnell for the donation of yet another piece of land for the siting of the clinic. At one time we thought it would have to be sited in the parking area of Faith Hospital which would have greatly impaired the use of the parking area and facilities there. However, he generously donated the property adjacent to the hospital on the west and the building is now being constructed on that site. So on behalf of the people, I would like to say thank you, Captain Charles.

I would also like to express the gratitude of my people for Government's expressed concern of the poor economic conditions in Cayman Brac. We are grateful that a committee was formed and that recommendations have been made. Executive Council approved certain incentives, which came into operation on the 1st of August of this year, to reduce import duty to five per cent on building materials and major appliances. This will be put into effect for a two year period. The reduction will be limited to foreign retirees, Caymanians living abroad returning to resettle in the Lesser Islands, and for all condominium developers. Mr. President, we already see beneficial effects derived from this. We are grateful that the Executive Council saw the wisdom in this request, and that they granted these incentives. We are a proud people in Cayman Brac and Little Cayman, and do not look for handouts. All we ask is that we be provided with tools from which we can work. If labour is created and people employed in these two smaller Islands, we can make ourselves self sufficient.

Mr. President, during the past few months we have been attempting to secure the use of a swimming pool and recreation area on Cayman Brac for use of the primary and high school students. In Cayman Brac there are no public swimming pools available. Prior to changes in the insurance law some hotels afforded the school principals the opportunity for the children to use their pools on certain occasions. Now that the Law has been changed, that privilege is no longer available and there are no swimming classes or competitions in Cayman Brac. I am constantly asked by the principals of all the primary schools, in particular, to see if anything can be done. I have discussed this with the Honourable First Elected Member of Executive Council and I am looking forward to his help in this matter.

I notice that \$15,612 has been provided in the Budget for a swimming instructor for Grand Cayman, plus \$14,474 for a sports' instructor. All I am asking, Mr. President, is for a \$500 per month rental. I have asked the Honourable First Elected Member of Executive Council and the Honourable First Official Member to give this serious consideration, for it is greatly needed by the people of my district.

Mr. President, we have recently appointed a Director of Trade and Labour, a very capable person in my opinion. I am glad to see that the position has been upgraded to a director. I look forward to an improvement in trade relations throughout these three Islands. I think we have the proper man for a difficult task, and I wish him all the success in the future.

The Public Works Department, Mr. President, actually does so much that it would be impossible to speak on it all. Without that Department I do not really know how the Government would function. I would like to congratulate the Chief Engineer and his entire staff for all they have done during the year. The improvement in the accident black spot areas is a great improvement. It was done, I consider, at a reasonable cost, and it is certainly an investment if it will help save lives.

The Port Authority here in Grand Cayman is a very profitable organization, and we are grateful that due to its profitability it is able to fund the Port Authority in Cayman Brac which has had its growing pains. However we can look forward to the day when it will be self sufficient. We are most grateful that we have one Port Authority for the Cayman Islands, and that it is being taken care of.

The year 1988.

The 1988 Budget of \$84.2 million, an increase of 13.5 per cent over the 1987 Budget, does cause me some concern, but I am sure that, in the capable hands in which the Budget finds itself, it has been well prepared, and I am sure we will be able to come to this House at the end of 1988 and say that we have a little surplus at the end. Capital expenditures of \$16 million, of which \$7.6 million will be financed by local funds, and \$8.4 million from loan funds, is indeed a large sum for capital projects, but each and every one of them is very necessary. I support all of the capital projects. I also note that new services require approximately \$2 million, but these new services, Mr. President, are also necessary for the proper functioning of the Cayman Islands.

Mr. President, I also note that \$1.1 million is in the budget pending the 1988 salary review. I feel that the civil service is doing a good job and I would like to congratulate each and every one of them. It is not my job to criticize any of them - I am here to congratulate the job which is being done. I feel and hope that when the review is published all will be satisfied, and that they will be getting justly the amount they deserve.

Mr. President, there is much more that I could say

concerning this Budget, but in not wishing to exercise the four hours that I have (in the interest of saving the costs of this country, and also the time of you and the other Honourable Members), I would like to say in closing that I am very thankful to Almighty God for the blessings which He has bestowed upon the Cayman Islands, and I pray that these blessings will continue.

With this, Mr. President, I support the Appropriation (1988) Bill, 1987.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:
the Appropriation Bill.

Mr. President, I rise to make my contribution to

First of all, as is my custom, Sir, I want to publicly say a word of thanks to these people in the civil service who gave me some assistance in the past year. As was usual, the Clerk of this Assembly, her Deputy and staff have done a lot of work and research for me, sometimes going out of their way to facilitate my requests. I will always cherish the relationship built over the past three years between them and myself. I put on record, Sir, that there is no better staff in any Department than those in this House.

I would also mention the Principal Secretaries and today I must pay tribute to the Principal Secretary for Communication and Works and District Administration. I believe he may be retired before the next Budget is presented, and in any case I do not know how I might be blessed by the electoral gods next year. So I wish to say that during my term in this House he has been most helpful and considerate to any request I might have made. Many times I might have been left out in the cold if he was not as watchful as he has been. I believe that his stewardship is well accounted for. I say and put on record that I believe he is a good Caymanian and I pray that God's richest blessings may be with him and his family throughout the years to come.

I wish also to say publicly that my colleague and fellow West Bayer, the Honourable Financial Secretary, is a man whom I am learning more and more to rely on. His conduct and leadership qualities are impeccable. There is no doubt in my mind that he has become a statesman which this country will for many years rely on.

That, Mr. President, brings me right to the subject matter.

It would seem that the Honourable Financial Secretary's judgement over the last three years, when it comes to realistic budgetary proposals, has proven that he knows what he is doing. Except for those areas over which he personally has no control, his budgets, including this one, tell me and indeed the country that he is quick to realise that the kind of money needed to undertake long range projects in a country at our stage of development (the social projects, the civic centres, the rehabilitation centre, the training, the school projects, the medical care, the roads, the sewerage and water, the airport development and all the various infrastructural needs) comes not from the resources of this country alone, but also, Mr. President, from outside sources.

The Financial Secretary had to build upon the concept of borrowing from sources, over which we had little control, whose interests were probably whether or not there was security involved for economical investment. It is the concept of financial policy based upon stability; borrowings based upon the fact that it can be paid back, and paid back due to the vibrating economy and a well managed fiscal policy.

Taxation. Although I have not supported all the revenue measures that have come before the House over the last three years, I have supported some of the increases on business licences. I fully supported the increase on the banks, insurance and other companies in this country. I have not and will never support measures for motor vehicles until the system is revamped. Owners of Cadillacs, Mercedes Benz, large Broncos, Rolls Royce, and what have you, should be paying more than the person who owns a regular sized American or smaller sized Japanese car. However, taxation, while it came, was not really unbearable. So the Financial Secretary's policy of borrowing where it could be paid back and of not raising unburdensome taxes on the people of this country is sound and effective.

Mr. President, another route could have been taken. The Government could have thrown open this country to crooked business which would not help in the long run. Taxes could have been introduced to the point of causing large scale unrest and disrupting the stability which this country is known for. Or, they could have introduced business which would have had adverse effects on the country, as has happened in so many of our neighbours. But because of a well balanced financial policy, there was no need for this route to be taken. The fiscal policy has brought about steady increases each succeeding year.

Some mention was made about the Legal Assistance Treaty. I have said it before, and I will stand again and say it. I did not support certain aspects of the Treaty, and I stated that publicly. I still do not. I believe that we have yet time to see the effect. Mention keeps coming up in this House concerning the walkout. Mr. President, my walkout that afternoon before the vote was taken was not on the Treaty. My walkout was on the President's ruling. I have never shunned my responsibility in this House in my time here, and as long as I am here I never will. So let those Members, who keep referring to that, sleep on what I have said instead of trying to dirty

my character in some shape or form. That cannot be easily done.

By the end of this year the number of banks operating here will have reached 515. From January to August 1987, 1,617 new companies were registered, bringing the total for 1987 to 18,408. At the end of 1984 there was something like 17,639. Even with the striking-off procedure this is a marked increase, and a substantial growth to be recorded for a country as small as we are.

And so, Mr. President, except for some problem areas which I will speak on, I say to the good ship Cayman: steady she goes. No man in his right mind can say that the economy of this country is in a shambles. To the contrary, every indicator proves otherwise. It is reckless to give the world, and those people who otherwise may not know, the impression that things are as bad as has been said in this House. This country has its problems like all other developing countries. In my three years I have pinpointed practically every major problem area that I have seen. For Members to get up here and say that people are walking barefoot or that they are starving in this country, is not good opposition tactics; that is a course of destruction which I will not condone.

I have to live in this country. I have to raise two children in this country, and beyond that I have put my responsibility to the entire country. Their claim, Mr. President, can and will be easily denounced because, as I have said, every indicator has taken a major move since 1984. There is, however, evidence that profits have grown, there is no doubt about it, but a corresponding spin-off effect has not taken place with regard to the smaller individuals or entities in other sectors of the economy. As to why this is so I do not know whether Government can be blamed for it, but I do know that in certain businesses Government cannot be blamed. In this instance, I believe that some of our own people are our worst enemies. By that I mean that I believe they are not being realistic, and in so doing are doing themselves harm and also creating an unstable position in that particular type of business.

I will go on to look at one area that I have been involved in myself - painting. I may value and quote \$3,000 for a job while another person comes along and quotes \$2,000. Who do you think the contractor or client is going to choose? The lower bidder, Mr. President, will take the job knowing full well that he is going to have to ask for more money before the job is completed. Along with that he might be using illegal labour. This scenario I have given is fact. This is just some of what is taking place, and we cannot very well blame Government for this type of operation. That is why I said that some of our people may be our own worst enemies.

Mr. President, I do not believe that some of our own people are looking out for their own people - if you know what I mean. They would rather take their business and give it to some foreign contractor just because he is foreign. That is the truth. They will see you starve first. Coupled with that, there are these "just come here" people who have gotten into small businesses which can be done by local people. They have no business getting into that type of operation and I will lay the blame for that at the door of our immigration policy.

MR. PRESIDENT:

Would you care to break there? Thank you. In that case we suspend until quarter past two.

AT 12:43 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:18 P.M.

MR. W. McKEEVA BUSH:

When we took the break, I was dealing with the point that there are people in our community who expect to have it all. Having said these things, I would point out that I have never discriminated against anyone. If someone comes to this country and is honest, I accept him. I believe in a policy that would bring into the mainstream of life in Cayman all the talent and energy to be found here, asking only that they share a commitment to these Islands, and an idea of justice resting upon our expanding economy. They can have a share if they come about it in an honest manner, but Caymanians must have preference.

There is another point I would make in connection with what I term the spin-off effect of the economy. Salaries and benefits or even incentives are very much tipped in favour of one end of the income scale in this country. For whatever reason, the claim of this country's high per capita income is made on false information. It is an assumption which cannot be backed by facts, and I believe that a circumstantial study would reveal that the major portion of salaries in this country (that is the casual labour sector - those at the lower level and the people on the street) are not in tune with our current economy. Salaries in these instances are very meagre indeed. The people at the top are receiving very large salaries and perks to go with it. So in my opinion this disparity needs to be looked at seriously so that information can be gained and steps taken to have it rectified. As long as we have salaries heavily loaded on one end and meagre on the other, there will not be an effective spin-off from the economy to the benefit of the majority of the people. I doubt whether this can be blamed on any financial policy of Government, neither is it any fault of its management of the economy.

There has been some criticism of the capital budget for 1988, including the criticism that the capital budget is political and is too much of a

spending spree, and that the country is getting nothing for it. One Member charged that because of political promises roads which should not have been built were built, and as far as West Bay is concerned, I would challenge any Member of this House to tell me which roads have been built that should not have been built. To the contrary. So far we have not received any road work yet this year due to the fact that Government's road budget was expended in the Bedden Town constituency - the roads serving the eastern districts.

Mr. President, there was surprise expressed at the size of the Budget, and at the capital budget in particular. My observation is that this country cannot have an expanding economy such as ours at the moment with all our infrastructural requirements without having an increase in the capital budget, or for that matter, in the overall Budget. I would be most interested in the way it is spent, and that we get our fair share. As far as new services are concerned, if we need staff because of the expanding economy, we cannot refuse to fill the need or to fill the vacancies to carry out the responsibilities which a developing country needs, just to balance the Budget.

I cannot criticise the capital budget. Certainly I would have like to have seen those projects come about earlier in our time. During my three years in this House I have moved motions, I have asked questions and I have generally set about the task of trying to get these things done. Yes, I would have liked to have seen them come about earlier in this administration's time, but, as I said before, if a man constantly asks for bread and when is finally given it does not accept it, then he should starve.

For 1988 the capital budget is estimated to be over \$15 million, but look at what it covers, Mr. President, we have eight large projects, and I will go on to point out the most important. We have water and sewerage projects, we have the Gerrard Smith Airport terminal, we have the fire station at Owen Roberts Airport, we have the Community College first phase and we have a juvenile rehabilitation centre. These are projects which this country is in dire need of. These are not projects that can be easily put off for another day. We have gone too far already and if we intend to stem the tide of problems which we have in this country we need to do it now, regardless of who wins the election.

I cannot understand this criticism, Mr. President, at this time, and the fashion in which it has been made. I consider the national interest above any political mileage that is hoped to be gained. If we look at the capital budgets during the previous administration we will find that in the years 1980 and 1984 the capital budgets doubled in those two election years. Why, and what did the country gain from it?

Mr. President, if you would bear with me for a minute you will see that in 1980 capital expenditure went from minor works, and if you look back in the records (and I do not care to take the time out to go through these estimates of capital expenditure) you will see that they are all minor works that could have been carried out, small works, adding up to \$25,000, \$6,000, \$35,000. Even the garbage containers, a \$10 vote, token votes.

Mr. President, these are things that could have been taken care of in an earlier year. If you look at 1984, another election year, you will find the same situation - minor works, small additions to buildings. Yards and stores, \$30,000. These are things that certainly could have been taken care of in any administration which had the people's needs at heart, instead of winning the election.

In 1980 the budgeted capital expenditure was \$6,967,240; double that of 1979. Actual expenditure was \$411,244 less than that which they had budgeted for. Why produce an unrealistic capital budget? Who suffers but the people we are trying to please? In 1984, another election year, the same Government's budget for capital expenditure was \$16,312,368. What did we gain from it? If we look at the actual expenditure for 1984, the year that the previous Government was most vulnerable and was defeated, you will see that they spent \$18,839,543. What did we gain for it? That was bad enough, Mr. President, that they overspent their budgeted capital expenditure by over \$2 million, but to make matters worse they ended up the year with a deficit totalling over \$591,000. Surely on the basis of management, this Budget cannot be criticised.

Mr. President, it is also a fact that the previous Government's election year budgets were not bearing true as I have just pointed out to the public. In 1980 there were no new revenue measures. In 1981 after the election, the Government in October of that year and again in November (when they produced their budget) raised over \$3 million in taxes. So, the facts bear me out. They produced an election year electioneering budget.

I have pointed out these facts, Mr. President, not to defend any one side, but to show how unfair criticisms have been made against the capital expenditure for 1988 - projects that are vital to all aspects of this country. In comparison to the election year budgets as presented by the previous administration, which I say were unrealistic and riddled with deceit, this Budget, with its capital expenditure, is therefore sound and meaningful, dealing with the problems which we need to tackle and eradicate.

The years succeeding 1984 were devoted to a rebuilding programme - foundation building. Under a general foundation building programme it was only natural - I expected, at least - that the country would achieve a steady rate of increase on all fronts. I also expected some sectors would experience more growth than others. The facts and figures I gave today are nothing but the truth. I have been, at times, Mr. President, one of the severest critics of this Government, and I will not agree

with the position as put forth by some Members. I cannot. I have never lied to my people, to the people of this country, and I will not begin today to satisfy anybody's political aspiration. I have my soul to consider.

Mr. President, I am pleased to see that a priority list for training, detailing areas of our manpower needs in this country, has now been published. I have said before that our only natural resource is our people. Training must begin in a more realistic manner and to do this, especially with school leavers, there have to be good passes and there has to be commitment.

With regard to the granting of scholarships, I believe (and I hope that the Honourable Member will correct me in his answer and say that I am wrong) there is a catch-22. Students applying to colleges must have some proof that their education expenses will be paid. This proof is usually in the form of a letter, and their applications cannot be processed without this guarantee. At the same time students applying for Government scholarships must have an acceptance from a college, however, they cannot have an acceptance if they cannot show that they have the scholarship.

As I understand, the Education Council sometimes gives a provisional agreement for the scholarship provided that the student is accepted, but they are reluctant to write a letter or guarantee to that effect. I must say, Sir, if this is correct, and this the information that I have, then there needs to be a clear set policy on these matters. I believe that the Education Council should grant a scholarship if a student is applying to a recognised university or college, and where he or she can show that they meet all of the entrance requirements for that institution, and, of course, where the course of study is useful to this country.

Mr. President, we must do all in our power to see that our young people are trained to take up the positions in this country that are available today. I would hope, Sir, that in this celebration of 100 years of publicly funded education, greater emphasis will be put on getting more of our young people into the teaching profession. Teaching is a noble profession. When we consider that our children spend a large proportion of their time throughout a long period of years within the school community, we would like to know that we have the best possible trained teachers who will leave good impressions upon our children. Our children's safety, health, meals, cleanliness, general behavioural and emotional problems, play, as well as the many aspects of their instruction proper, have to be supervised by teachers. It is in this, in particular the transmission of knowledge, that teachers do what most parents cannot possibly do. So clearly, the highest professional standards are desirable and must be sought after and sustained with all the effort possible.

To improve education in this country, and, Mr. President, you can believe that we have only just begun, training and career patterns obviously need the commitment of the authorities, and salary scales must be upgraded. If we desire for our children, and in fact the future of us all, excellence in the formulation of knowledge and for its effective transmission to be justly accessible to all, we, as parents, and the authorities in this country must uphold and respect the teaching profession. We must encourage rather than put forward purely negative and destructive criticism.

Mr. President, some fuss was recently made concerning the pay structure in this Island against the United Kingdom's. I am quite satisfied that the pay scale in this country is quite competitive and maybe considerably higher than the United Kingdom's if you take into consideration the benefits - housing allowance and what have you. But until we have more Caymanians trained in teaching we will for some time have to import teachers.

I firmly believe that we must offer our own local teachers the same benefits which we offer teachers from abroad. Are we asking our own young people to go overseas for four years or more while leaving families behind? Are we asking them to go overseas to face the cold and all else in a community to which they are not accustomed? Are we asking them to do all of that and then to get a degree and come home to make a commitment to the country? And are we then asking them to earn that which is being earned by persons without degrees and with very little experience in other professions? We cannot take them for granted.

Today, then, I stress the need for a new outlook in education in this country. We expect to see better passes each year, but we continue to take the teaching profession for granted. If those persons, who are to see that our children are better equipped, are paid on a par with professions of lesser importance to this country, do any of us believe that they will have a desire to smile all the time or that they will have the patience needed to instruct in order for our children yield the most excellent and desirable results? Teachers are human too and we had better not forget that aspect of it.

So, Mr. President, I believe there must be a re-evaluation of the status of teachers in this country. For starters I would like to see better salaries. At the least they should be brought on par with professions of lesser importance to this country. I would also like to see better career prospects. These things must be offered. We, in these Islands, must remember, Mr. President, that in our now complicated society the role of the teacher has been extended because I know that apart from teaching, many children today look to them for advice in many areas of life which affect them socially.

We expect more passes, we expect excellence from our children. We, as parents, have to bear in mind that we have a great responsibility in

being parents. We cannot allow our children to sit down and watch television when they should be studying, and expect them to pass subjects. We cannot expect to send our children to social functions and not expect them to study, and then expect them then to pass. There must be a re-evaluation and we need it on both sides of the fence.

Maybe, Mr. President, I have trespassed far enough on this subject this afternoon and so I will close this section by stressing the need, now, in this country, for a re-evaluation of all aspects of the teacher's role.

Mr. President, I attended the graduation ceremony earlier this month, and I would like to congratulate the Department of Education, and the Portfolio, for indeed an excellent year in education. There has been an improvement in education all around. That is not to say, however, that there are not problem areas and perhaps lot of room for improvement, because there is. When we consider how far this country has come today, this Member will certainly thank almighty God.

I believe it was just sometime after 1965 that a new policy on education was introduced which provided free education up to secondary level, and the system, then, was off on a good start. Up to that time students still paid school fees at the then High School. However, as far as I am concerned, the system fell short in the introduction of the secondary modern school. That system played havoc with the lives of people in my age bracket, and I have since condemned it. Students attending that school had to be moved out, before their time, to make room for other students. People like myself were disillusioned about the entire system and order of the day in education. Today, I do not get any slaps on the shoulder to say that I am a good boy, but I am glad, at this point, of the disposition almighty God gave me because I did not stand still and wallow in disillusionment, instead I aggressively carried on to try to better myself, as did many more from that school.

Although I have today criticised the Honourable Member responsible for education, I have criticised him many times. I have particularly not dwelt on the education policy of this country, but you can believe that I have had a lot of say (not in the running of it, do not get me wrong) in the social policy which he is also responsible for. But I believe today, Mr. President, in spite of the criticisms levelled at the Honourable Member, this country owes him a debt of gratitude for his interest in education. With great foresight, I would say, he introduced the comprehensive system. It had its pitfalls (it is only very young - some 17 years since its introduction.), but today every child in this country has a chance to get a decent education. Education is not yet at the stage I would wish to see it, as I have pointed out before, but it is a long distance from where it was.

This year has seen the largest increase in 'O' level passes - the largest increase in each individual student. Some students had nine 'O' levels, one had 10. There were 15 honour students, which means seven 'O' levels or more; and there were more Caymanian honour students than foreign, I am happy to say. So there has been all around improvement. It is not only the case of those with higher ability doing better and the lower being left out. We must look at the number of students who now are getting three, four and five 'O' levels, which enables them to go on to sixth form. And since September of this year, we have had the largest sixth form class ever in this country. So there is marked improvement.

Mr. President, it only leaves for me now to congratulate, again, all those concerned, not leaving out those dedicated teachers throughout this country. I would also congratulate all the students graduating this year, and all those who made the honour's grade. It is worthy to note that West Bay was well represented in the graduating class. All students are worthy of mention from my district and throughout the country, but I would mention Miss Pilar Bush - you will note the last name - who gave the Students' Address. You see, Mr. President, we have a good heritage in our last name too. Ebanks and Bush are very strong families in this country. These students, I believe, will go on to make this country proud.

The graduating class was something to be proud of. One incident, however, that smacked the whole service and that was the phrase used by the Headmaster, "the end of the days when it was good enough to answer a teacher in Caymanian patois". Unfortunate for that occasion, Sir. I do not know, but maybe it was a slip of the tongue. I can only hope so, because all of us are indeed proud - in fact this Member is - of anything termed "Caymanian". I would leave it at that, Mr. President.

I am happy to see a raise contemplated for the civil service. The success of this country is dependent upon, in a great part, a good, clean civil service. Much has been said in the past about productivity. What we have to remember as Legislators, indeed the country, is that productivity can, to a large extent, be procured by means of greater efficiency. I expect that some of us will point to the fact that people are lazy, many people do not carry out their jobs with enthusiasm. Many people at all levels and in various places do not work the number of hours for which they are paid. This is the sort of thing you hear, Mr. President. And though observations like these can be made, I am sure that at our level of sophistication, we can agree that efficiency is not merely a matter of working harder and putting in more hours per day, per week, per month of the year, but also a question of adapting techniques, methods and procedures which make for quicker accomplishment of the jobs which any civil service may undertake, or are paid to undertake.

There are those, and I have heard it in this House, who claim that from what they observe the private sector is always more efficient than the public sector. There are others who put forward this argument on the basis of orientation,

ideological - and I hope you all are listening and getting me right - they mean that the running of all business must always be left to private enterprise. I am not going to indulge in any argument about this sector or that sector, it is a fact of life in Cayman and accepted on all sides that these two sectors exist. But, Mr. President, there are some in the private sector whom I would not, as is used in a good old Caymanian phrase, hit a hog in the backside with.

MR. PRESIDENT: I thought you made a very good reference to being proud of things Caymanian a few moments ago.

MR. W. McKEEVA BUSH: That does not take away my pride, Mr. President.

MR. PRESIDENT: I am not suggesting it should, I was thinking you should emphasise it.

MR. W. McKEEVA BUSH: We must not always try to tear down the civil service at every chance we can get. There are departments lacking, we know it, but for those who are trying to put across this argument that the private sector is always more efficient than the public sector is not true. You can go into businesses in the private sector and not even get a smile, and you have to wait until they have finished talking to their boyfriend or girlfriend, or whoever it is they are talking to. There needs to be another look at that also.

But to carry on, I am one who likes to be realistic, and to give credit where credit is due. I believe that the public sector in this country deserves credit in more ways than one. I have heard people say "You are giving them a raise again?". We keep complaining about our young people who might leave the civil service to go into the private sector, but how are we going to keep them if their salaries do not compare favourably with those in the private sector. You cannot expect them, as I said before, to go off and train and come back, shove them behind a desk and say "do this for the love of country". Love of country must play a great part, but you can believe that it cannot take care of bills, nor of the children, nor of the children's education. No, I support the public sector in this country 100 per cent with this raise, and I am only hoping that it will be done right because there are many at the lower levels who need to be brought up.

Mr. President, the Customs Department is one that I believe we should never, never stop giving credit to, or praise and benefits. That department, as I understand, brings in more revenue than any other department. Again, I believe there has been some meddling with their overtime, and I am wondering whether the new position is not allowing Government to pay what the airlines should be paying. I hope that the Honourable Financial Secretary, in his reply, will answer me on that subject, to clear the air.

There is one observation, Mr. President, concerning a new method of clearing passengers. This clearway system, where passengers choose to enter either a red channel when they have goods to declare or a green channel when they have no dutiable or prohibited items, cannot work in this country. The Customs Department has been vigilant, all of them, especially those involved in the combating of narcotics. To put this system in place in this country would be to open this country to a greater influx of drugs and other prohibited items. We cannot compare the Cayman Islands with Great Britain. Let that be understood. I will say no more on that President, except to say that I hope it is never introduced in this country.

Immigration is another department that is most vital to this country today. They put in many long, hard hours, and many of them are not, I would say, paid, for they cannot be paid, in my opinion, for the kind of hours that they put in. In their kind of job, payment can only come, to a great extent, in the satisfaction of it. But I believe that again that we must seek to keep them on par with the other sector, the private sector. If we want honest people in the service, one means of getting them is to pay them properly. When salaries are low there is more of a pull, as I would put it, to ideas that are not conducive to honesty. So coming back to the raise, these are the people, in the lower brackets, that I hope are going to get a fair share.

The Caymanian Protection Law is not working at its best. It needs to be revamped. I believe that we have honest people on the Board, but we cannot continue to expand the economy with all our people employed (all those who want to work) and not have people upgrade their businesses. In many instances, to upgrade business means to have new staff. There is a great problem with this. I know a mechanic who needs to expand his business. The business, within the community, is there. Now you can tell him to go and hire a Caymanian, but any good Caymanian mechanic is like the man I am talking about, he has his own business. They are not there. I will come to that reason why these sort of people are not here later on.

MR. PRESIDENT: Would you like to yield to the suspension for tea?

MR. W. McKEEVA BUSH: Thank you, Sir.

MR. PRESIDENT: We shall suspend for fifteen minutes.

AT 3:11 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:30 P.M.

MR. PRESIDENT:
for West Bay.

Proceedings are resumed. The Second Elected Member

MR. W. McKEEVA RUSH:

In dealing with Immigration and the Caymanian Protection Law, I believe, Sir, that there needs to be a new look at that Protection Law. There needs to be a change of position in the granting of status. I believe that we have come to a time and place that the granting of status must be cut out - done away with. It is sad that we have a Law on our books that can give an outside person the privileges which the Caymanian Protection Law gives, and that these persons can come into this country and carry on dishonestly and illegally, without being able, after we have granted them status, to be able to take it back and to order deportation.

It is sad, because today Cayman is an attractive country. We could easily have gone either way, I know, but I am dealing with the present. When we consider, Mr. President, and look at our courts' list, we find that there is much criminal activity on the part of certain people who have gained status in this country over the years. I believe the time has come, and I am giving notice in this House, that if the Law is not brought to this House by May there will be a motion on the floor to bring it back to revamp it. I believe in giving individuals security of tenure. We could never deny that, and being a person who does not discriminate, I believe that there must be some security of tenure. We cannot expect people to come into this country, to invest, to bring their money in and for us to use them, we cannot give that impression. So when they come here, we must offer some security of tenure. But to give them the privilege, or give an all across the board privilege as the Caymanian Protection Law offers is not conducive today to the welfare of this country.

Mr. President, we find drugs rampant. I do not want to delve too deeply into it at this point, because I intend to go into it at a later stage. But we find that some, not all, of the cause is brought about by plans spearheaded by certain individuals in this country who have gained status; and they are so smart that they can get some of our local people involved and put together and form a gang. And we hear of the big man, Mr. President, but oftentimes a lot of small people make up the big men. I say it is time to do something about it when we find these situations, and the Caymanian Protection Law must change to handle it. It is not good enough to change our Constitution, to talk about devoting aspects of the electoral process, that is not good enough because I believe that the vast majority are not concerned with the electoral process, they are concerned with the making of money, and by whatever means they can get it, they go about it. The Law must be changed to reflect what I am talking about.

Housing. The Housing Development Corporation, Mr. President.

I was opposed to the Housing Development Corporation. I was opposed to it when it was first proposed. I felt that there was going to be too much bureaucracy. That Corporation cost over \$100,000 to set up alone, and that \$100,000 could have built several low-income homes in this country. I believe that Government should have only gotten into guaranteeing loans from the banks when it came to the low income aspect of it. Some new policies have been set. I do not know how well they are working, but I do know that there are still numerous cases which we need to tackle in the housing area. Not only is there the rigmarole that one has to go through to get a loan, but there the other bureaucracy which our people have to face in trying to get a little home.

I have just assisted in the building of two homes. I do not wish it to come across that I am going to ask for special favours, nor do I wish it to come across that safety aspects have not been taken into consideration with what I am going to deal with; but when you come across a situation where a man builds a 14 foot x 20 foot house, he has to go through the whole rigmarole, which is set up, to get the home complete with electricity. This man has one bedroom, and the conditions state that he must put three electrical outlets into that one bedroom. In all, in that 14 x 20 house, there is something like, I believe, 15 light switches and outlets - points I believe they call them. Why? There is the safety aspect, I agree, but for so many points in a one little 14 x 20 house? In the case which I am talking about, it will have cost that person more to have his house wired than to pay for the labour to build it.

I know the country needs revenue. Let them charge the big buildings, Mr. President. If I am not mistaken, the big buildings in this country do not cost much more than the little house that I am speaking of with regards to the Government fee to get it all wired. Big four storey buildings - I trust that the Honourable Member would have a look at this situation - charge them, they can pay it.

Mr. President, we must never neglect that social aspect of this country - housing. The least that a man and his family should have in this affluent society of ours should be a roof over his head. He should not be made to stay in a little 4 x 4 building with his wife and two or three children. It is not conducive to our affluent society, and we cannot neglect it any longer. I trust that whichever administration comes in this would be a priority.

Mr. President, there is much talk concerning social

security in this country. There is much opposition to it today. I know that, I work with my people, but, as with the Labour Law, the opposition will soon come to realise that there is the need. When we brought the motion to this House to establish the Labour Law, they never cut our throats and that was about all, Mr. President. They were saying that we were going communistic, that we were going socialistic and destroying the country. I never heard more in my life. Thank God the same opponents of the Law have now agreed to it. Sometimes I have to wonder, I hope I have not slipped, Mr. President, in giving them anything that they do not deserve because they are certainly happy that they have it.

But social security, Mr. President, is needed in this country today. When I first thought about any sort of retirement benefits, I first thought about the casual labour sector. I have since realised that that sector alone cannot carry its own burden. It needs help. Therefore the social security is the means by which to do it.

Mr. President, I have just applauded the civil service, but I understand that there is some opposition from that end as well. I would hope not. I would hope not, because those people more than anybody else know the position in this country. On the one hand, we have to do something about the position of the civil service pension. It is a fact, it has grown large. I am not ashamed of it. It will become larger. That is the point. You will see that the private sector is crying, 'let them take care of their position themselves'. The civil service is not going to be able to run the scheme. This is what you hear coming from so-called organisations in this country which claim they have this country's interests at heart. How dare they suggest that we do not have people, in the civil service of this country who are responsible and capable enough, to run a social security scheme. I must trust my money to them, but I must not trust my money with the Government.

Let me tell one and all, Governments come and go, but our civil service will last forever. I cannot trust my money as an individual to people on the outside who do not know what the next day is going to bring for them. There might be mergers, buy-outs and shut-downs. All these things we have to take into consideration when it comes to private enterprise managing anything like a social security scheme. I have no control over their board of directors. And there is much criminal activity in the world today when it comes to business in the private area. So where are the safeguards, Mr. President? But we have a safeguard in the people. The people, if a Government becomes complacent and tries to misuse the funds of any social security scheme, will be vigilant enough to remove them - that is politicians I am speaking of. As I said, I would trust my money to any civil service rather than to trust it to people I do not know.

Mr. President, do not ask about the need. The need is there. Are we saying that we must refuse to take care of all those people who work in stores, who work in the hotels, the condos, who have put in 25, 30 years, and who have left, some of them, with nothing? That is the attitude I am coming up against. It is those money changers in this country who refuse to share the wealth. They believe that they can work people for years and years with no security at the end of their useful life to them. That attitude cannot prevail in this country. They might kick me out come 1988, but you can believe they are going to have a thorn in their flesh between now and then. Because I am going to use every avenue open to me to see that a social security scheme will come about in the not too distant future. I am not going to wait much longer, Mr. President. We have people whom I know have worked 25 years in certain large institutions in this country, and they have had to go with nothing. Is that fair? Where is the fairness? They talk about social justice. They do not know what it means. And I pray that the civil service of this country will get behind the elected Government and help us institute social security in this country. As I said when I began on this issue, one sector cannot carry it, and to have that all around benefit we need it.

Mr. President, Social Services in this country has come a long way from where it was a few years ago. But we have yet to reach where we need to be. There are many areas that socially have a serious effect on this country. I touched on it in dealing with education. We as parents need to be more disciplined with our children. We cannot give them everything their eyes see and want. And to give them everything they want in place of spending some time with them is not helping. That has been the general trend in this country. I do not think I am overly criticising any one person. We are going to continue to have problems if we do not sit down and spend some time with our children.

Now, Mr. President, we have to take cognizance of the fact that in many families the mother, who is given the God-given role of motherhood, has had to go out and sometimes keep two jobs. This is most evident in the one-parent families in this country. By doing that she has left her family unattended. Gone are the days when you can depend strongly on other members of the family to help you with your burdens. But when we find some of the problems that I see, I do not know whether it is being recorded officially, but I know I see it. The problems of children staying away from school. That is one aspect of it. The problem of juvenile crime. It is alarming. We can build all the rehabilitation centres and caring centres that we want to, but as parents we have first charge over our children.

Mr. President, the increase in drugs has not relented. It has reached crisis proportions in this country. I am most concerned as a parent and as a legislator when I see what is happening. We can continue to blame this Government or the next Government, but we have a part to play in seeing that our children

are taken care of by us, as parents.

We have seen, in this country, a large increase in the jails - young people in jail. We can seek to rehabilitate, but (and I am stressing this for certain reasons this afternoon, reasons I do not care to voice on the floor of this House) we had better not sit down and expect Government to be the cure-all. Government has its part to play, and proper policies must be set. I disagree with this policy where a urine test is taken and that is good enough. I disagree because I believe that section of the Law is being ill used and abused. Information comes that certain officers will make it a point of finding out who is on suspended sentence and in a short period of time you will find that person before the court again. They will go to a person's home when the person is in bed, and take them to do a urine test.

MR. PRESIDENT: If I may interrupt you for a moment, I think it is reasonable to raise the general doubts on this score, but if you have specific cases in mind, you should report them to the authorities.

MR. W. McKEEVA BUSH: Mr. President, as I said to you some minutes back, that I was certain when I start on this subject I would be called to order, but I cannot be blamed for not moving substantive motions in this House.

MR. PRESIDENT: May I interrupt you again. I am not calling you to order. It was a friendly intervention, please.

MR. W. McKEEVA BUSH: I take it as that, Sir, but I have to carry on my debate in the same way that I was.

This is happening, and, Mr. President, you know, in your capacity as Governor, that I have made accusations on the floor of this House. I was challenged on what I had done about it. When in fact I had called to see a top official in this country, and I was put on to his deputy, and I refused, and you know and I know that that was refuted. Mr. President, I am not likely to go back to that individual to be called a liar.

MR. PRESIDENT: Now I really will have to ask you to stop there. Please go on to the next subject.

MR. W. McKEEVA BUSH: Under what Standing Order are you stopping me in this way, Mr. President?

MR. PRESIDENT: You are calling into question the conduct of an officer of the Crown.

MR. W. McKEEVA BUSH: I am calling ...

MR. PRESIDENT: ... into question the conduct of an officer of the Crown. You may do that on a substantive motion, but not in the conduct of this debate, please.

MR. W. McKEEVA BUSH: Well, Mr. President, you can believe I question his conduct.

MR. PRESIDENT: You clearly have, do not let us go back and forward, let us continue with the debate.

MR. W. McKEEVA BUSH: What I am telling you, Mr. President, is that you have asked me to pinpoint it, and I am telling you as the Presiding Officer of this House and in your capacity as Governor that I do not have the intention of being insulted again and again by these individuals that I must report to. I will not ...

MR. PRESIDENT: Would the Honourable Member please, please carry out the wish of the Chair. Do not let us get into a heated debate with each other.

MR. W. McKEEVA BUSH: Mr. President, I will abide by your ruling, Sir, but I feel that I am being curtailed.
There is no use moving substantive motions in this House.

MR. PRESIDENT: I am sorry, I have to interrupt you again. The point of moving a substantive motion in a matter like this is that it would give you the opportunity to say exactly what you wish to say in the proper place in that debate. Whether you win or lose a motion is not the point, the point is you have the opportunity to say what you wish.

MR. W. McKEEVA BUSH: Mr. President, I thank you for your explanation, but I have moved motion after motion in this House, and I do not really need that to be told to me. After three years, that was the point in me moving so many motions, even if they did not pass.

I will abide by your ruling. But I am not yet done.

Mr. President, I believe that when it comes to justice in this country there are double standards. I question the case here a few days ago where drugs were found in an apartment and no one was found guilty.

MR. PRESIDENT: I have to interrupt you. You put a supplementary the other morning on this and you know that you are questioning the decision of a court of law - and that you really must not do in this House.

MR. W. McKEEVA BUSH: Mr. President, where must I question it?

MR. PRESIDENT: I am sorry, I beg your pardon, I did not hear that.

MR. W. McKEEVA BUSH: If I cannot raise that subject in this House, Mr. President, where can I raise it?

MR. PRESIDENT: I think I will take legal advice on that, because clearly legal advice is needed, and I will reply to you in writing. But you cannot question a decision of a court of law in this House.

MR. LINFORD A. PIERSON: Mr. President, on a point of order, could you state what Standing Order, for the benefit of this House, you are referring to?

MR. PRESIDENT: Attorney General?

HON. RICHARD W. GROUND: Mr. President, I was going to say, first of all, that there is a specific provision which prohibits questions being asked reflecting on the decisions of cases, but then the conduct of a judge is, or the decision of a judge, obviously gets wrapped up under section 35(7). I do not think I can take it further than that.

MR. PRESIDENT: Section 35(7) is the section to which I was referring.

MR. W. McKEEVA BUSH: Yes, Mr. President, this particular Standing Order deals with the conduct INAUDIBLE.

MR. PRESIDENT: It is correct.

MR. W. McKEEVA BUSH: INAUDIBLE.

MR. PRESIDENT: Give me a moment, it appeared to me that you were questioning the decision of a court in that particular case. In other words, if I remember correctly, a conviction was not taken, you were questioning that, am I right? Well, I think that is the conduct of the court.

MR. W. McKEEVA BUSH: Mr. President, that is why I thought that you were wrong the day that you ruled on that. I was not questioning the conduct of the judges, I questioned, and I am still questioning, the method used in the investigation.

MR. PRESIDENT: Well, in that case you must not refer to the decision of the court. And when you put your question the other morning, you originally put the question in and it referred to the docket or case numbers and the decision of the court. I think whether you thought, or whether the Government thought, the decision was satisfactory, or the result was satisfactory, I think I ruled out the second part of the question. When you put it, you put the first part. In your supplementary, you then attempted to put the second part, and that is why I ruled you out of order. Now I am trying to be consistent on that.

MR. W. McKEEVA BUSH: Mr. President, I am not now questioning the sentences or the result of the case.

MR. PRESIDENT: May I interrupt you again. If I may take it that you are questioning the efficiency - no, I will take account of the time taken by interruptions in your four hours, do not worry - may I take it that you are questioning the efficiency of the police force in its pursuit of particular types of cases. Is this the point? Well I think you have made that point, I wanted it to be clear that that is the point you were pursuing, and not the questioning of the administration of justice in the courts. I think we are not in agreement.

MR. W. McKEEVA BUSH: Yes, Sir. But, Mr. President, I trust I can carry on with that part of the debate.

We have good examples set in this country. I am not questioning the judgement of the presiding officer of the court. I am questioning what happened when the case was investigated. That is where the fault lies, Mr. President, not

on the honourable court. As far as I am concerned, there was some meddling with it that should not have taken place. That is why I made the accusation of double standards in this country that some people are more equal than others. It will destroy our country, regardless of the vibrant economy, regardless of the fiscal policies of Government. I stand against it, Mr. President, and I have been doing so ever since I became publicly minded of what the position is in this country. It has been carrying on.

MR. PRESIDENT:

I think you have made your point very clearly.

MR. W. McKEEVA BUSH:

Investigation into allegations of corruption of the Royal Cayman Islands Police Force. Accusation was made, I believe by the First Elected Member for Bodden Town, that the motion was placed for an investigation into the junior officers of the Force. That is false, it is incorrect. He said they did not support the motion because an investigation of this nature would have only taken place on the junior officers of the Force, and that it would have left the morals of the Force low. It is a false accusation that I must refute.

The motion did not ask for any particular section of the Force to be investigated. The motion asked for an across-the-board investigation of the Force, and to get up and suggest in this House that I was placing a motion to only investigate the Caymanian officers is completely false. I must now refute it.

I believe, Mr. President, that when that accusation was made the Presiding Officer interrupted because the Member was beginning to question the conduct of certain officers. The Presiding Officer, yourself, said that it can only be done on a substantive motion. Mr. President, I quite well understand that. A substantive motion was placed for an investigation, but what did they do? They did not debate the motion. They did not stay here to vote aye or no. I now question their motives as to whether they are really concerned about human life or misconduct of any officer, be he Caymanian or foreign, or whether they are just raising political propaganda on the eve of an election year?

MR. PRESIDENT:

I think you have made your point, and I think we should now pass on. I refer you to Standing Order 35(2). I gave latitude to the speaker you have referred to, and I have given you latitude to reply. I think we should now pass on.

MR. W. McKEEVA BUSH:

Which Standing Order are you calling now, Mr. President?

MR. PRESIDENT:

Standing Order 35(2). I know that sometimes you think I give too much latitude to one and not enough to another, but I think in this particular case, you have given your answer, and I think we should now move on.

MR. W. McKEEVA BUSH:

No, Mr. President. I agree to your ruling that I not carry on the debate, but I am going to refute what was said that my motion was an attempt to only investigate the junior Caymanian officers. I am going to refute that, and that is going to take me a little while, Sir.

MR. PRESIDENT:

No, you have already refuted it very clearly. I am sorry, I think we should not pursue it any further, you have made your point very clear.

MR. LINEFORD A. PIERSON:

Mr. President, on a point of order. I believe that the interpretation of Standing Order 35(2) considers a matter on which the House has come to a conclusion during the current session. The matter to which the Second Elected Member for West Bay is referring was just mentioned during the Budget debate, and the conclusion of the Budget debate has not yet taken place. Granted, Sir, the conclusion of that particular motion took place, but not the Budget debate, and he is just refuting certain statements made during the Budget debate. So I cannot see how that is out of order, Sir.

MR. PRESIDENT:

I read the Standing Order to mean that it refers in a present session of the House that any matter that has been the subject of a concluded debate should not be related again except on a substantive motion to rescind that decision. Now, in the Budget debate, we allow a very wide range of discussion. That motion, which was Number 16/B7, as we have just been reminded, was referred to by another speaker. And I have given the latitude for the Second Elected Member for West Bay to reply to the point made, and he has refuted it, but that was a motion which has been debated and concluded. That is how I read it.

MR. W. McKEEVA BUSH:

Mr. President, I am not now trying to debate the motion rejected in September of this year.

MR. PRESIDENT:

I realise you are not. I am trying to point out that you have made your point; you have refuted the point made against you which you chose to refute. If you continue, it will become repetitious. I am trying to point out that a certain amount of latitude is good, but we simply cannot go on and on and on repeating ourselves. Now I have also discounted the time for this interruption from your four hours.

MR. W. McKEEVA BUSH: Mr. President, I cannot agree with your ruling, Sir. I think I am being curtailed, but I will bow to it.

MR. PRESIDENT: I am sorry, I could not catch the last phrase, could you repeat it?

MR. W. McKEEVA BUSH: I said I am not agreeing with your ruling, but I will honour the Chair's judgement.

MR. PRESIDENT: I am grateful.

MR. W. McKEEVA BUSH: But I feel that I am being curtailed.

MR. PRESIDENT: You are entitled to feel that. Now would you like to go ahead? It is more or less time for our normal adjournment. Would you like to go on for a few minutes, or shall we adjourn? I am in your hands.

MR. W. McKEEVA BUSH: No, Mr. President, that gives me a good opportunity.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I believe nothing now remains but to move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The motion is that the House do stand adjourned until 10:00 o'clock tomorrow morning.

QUESTION PUT. AGREED. AT 4:28 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 25TH NOVEMBER, 1987

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

WEDNESDAY, 25TH NOVEMBER, 1987
(NINTH DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 LINEFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 25TH NOVEMBER, 1987
(NINTH DAY)

1. PRAYERS

TO BE READ BY THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS.

2. QUESTIONS TO HONOURABLE MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST
OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND
DEVELOPMENT

NO. 111: WOULD THE HONOURABLE MEMBER STATE THE NUMBER OF PERSONS
EMPLOYED IN THE COMPUTER DEPARTMENT OF GOVERNMENT,
SUPPLYING THE NATIONALITY OF EACH PERSON?

NO. 112: WOULD THE HONOURABLE MEMBER NAME AND EXPLAIN THE COMPUTER
INTERLINKING SERVICES WITH THE UNITED STATES AND WHO IS
RESPONSIBLE FOR CONTROL CODES?

NO. 113: WOULD THE HONOURABLE MEMBER SAY IF THERE IS A POLICY OF
REWARDS BY MERIT AND ABILITY, AND, IF SO, GIVE DETAILS OF
ANY PROMOTIONS FOR MERIT AND ABILITY GIVEN SINCE 1ST
JANUARY TO 30TH JUNE, 1987?

3. GOVERNMENT BUSINESS

BILLS:-

THE APPROPRIATION (1988) BILL, 1987

SECOND READING

CONTINUATION OF DEBATE:

(ON BEING READ A SECOND TIME, THE BILL SHALL STAND
REFERRED TO FINANCE COMMITTEE - STANDING ORDER 63(3))

4. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL
SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

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WEDNESDAY

25TH NOVEMBER, 1987

10:01 A.M.

PRAYERS

CAPT. MARRY 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 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, who 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:

Proceedings of the House are resumed. Questions.

The First Elected Member for Badden Town.

QUESTIONS TO HONOURABLE MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.111: Would the Honourable Member state the number of persons employed in the Computer Department of Government, supplying the nationality of each person?

ANSWER: There are a total of 34 positions in the establishment for Computer Services, plus one supernumerary post to cover a permanent and pensionable establishment officer on study leave. The breakdown by nationality of the 34 posts is as follows:

Caymanian	19
Canadian	11*
British	3**
USA	1
Irish	1

* This includes 5 new staff recruited, but arriving between 15th November, 1987 and 3rd January, 1988.

** One Briton will be leaving 23rd November and replaced by a Canadian (thereby making the Canadian total 12).

MR. PRESIDENT:

There appear to be no supplementaries. We move to

question number 112.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.112: Would the Honourable Member name and explain the computer interlinking services with the United States and who is responsible for control codes?

ANSWER: There are no links into Government's computer system from any location overseas.

The only link to overseas includes the local connection to Cable & Wireless (West Indies) Limited's IDAS (International Database Access System) which permits users on Government's computer system to access database residents on computers overseas. This is strictly an outgoing service and does not permit any incoming access to Government's computer system.

Currently there are two database connections, LEXIS (Law Reference Database) for the Legal Department, and DSIN (Digital's Software Information Network) for Computer Services through the IDAS connection. In both cases, the codes are necessary to access those databases held by the respective departments.

MR. PRESIDENT: Are there any supplementaries? There are no supplementaries. Let us pass to the next question. The First Elected Member for Bedden Town, please.

MR. JAMES M. BODDEN: Mr. President, before I read this question out, I apologise for being sick yesterday.

MR. PRESIDENT: That is very courteous of you. We received your note, thank you.

MR. JAMES M. BODDEN: I wonder if it would be possible to get the questions that I was asking yesterday placed on the Order Paper for tomorrow.

MR. PRESIDENT: I am sure the Business Committee will take that into account.

MR. JAMES M. BODDEN: Thank you, Sir.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 113: Would the Honourable Member say if there is a policy of rewards by merit and ability, and, if so, give details of any promotions for merit and ability given since 1st January, 1985 to 30th June, 1987?

ANSWER: There is a policy of rewards by merit and ability. This is clearly defined in the Public Service Commission Regulation 19, which states: "In considering the claims of persons in the Public Service for promotion, ability, efficiency, experience, merit, qualification and seniority shall be taken into account."

In keeping with this policy, one hundred and fifty-one officers were promoted during the period 1st January, 1985 to 30th June, 1987.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, I would just like to ask the Honourable Member if this number excludes those that would normally receive an increment.

HON. THOMAS C. JEFFERSON: Yes, Mr. President, we are talking about promotions. Increments are an annual affair.

GOVERNMENT BUSINESS
BILLS

THE APPROPRIATION (1988) BILL, 1987

(CONTINUATION OF SECOND READING DEBATE)

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

MR. W. MCKEEVA BUSH: When we adjourned yesterday afternoon, Mr. President, I was dealing with the heading of Social Services, and the subject of drugs. I believe, Sir, that I have dealt successfully with the points raised in the debate concerning a motion I placed in September.

In both Members' debates which covered the aspect of drugs, it was sought to denounce my motion and lay the blame for the increase in crime to the departure of Commissioner Stowers. They tried to put forward the view that the Force was more efficient under him. I do not know why the two Members keep trying to give

this man credit. His record will not substantiate. During his time here, more crooks came to this country than at any other time, and walked freely as if they owned the country. The Members must understand that the people of this country did not respect the man, they detested his leadership of the Force because it was believed he was politically directed. The record of convictions was poor indeed, and I repeat, if they had called the investigation I asked for in 1983, there might not have been the need for one today. The same situation obtains.

Mr. President, there is much to be desired in the whole situation, when it comes to the apprehension and conviction of drug offenders today. However, when you look at the position according to the records of a couple of years back, you have to wonder about the whole situation concerning drugs. The record bears me out. If you look at the number of cases dealt with, and those which were reported from 1980 to last year, you will see what I am talking about. In 1979 there were 120 cases. In 1980, there was somehow a decrease and you have to wonder about it, Mr. President.

MR. PRESIDENT: Could I ask you one question? Are you referring to prosecutions brought, or to cases successfully prosecuted? I think it is important to make it clear.

MR. W. McKEEVA BUSH: The number of cases reported and dealt with.

MR. PRESIDENT: Reported and dealt with, thank you.

MR. W. McKEEVA BUSH: In 1981 - 172; 1983 - 156; and in 1984, an election year again, it decreased. In 1985 - 178. In 1986 we had a very large number of 397. My belief here is that Government is not telling the people a lie - Government has faced up to the fact. What this says to me, Sir, is that it seems they were more concerned about the electoral feeling of the country at the time rather than of the true apprehension of crooks.

MR. PRESIDENT: A further point of information. Would you give the House the figure for 1984. You say it is a decrease, I think it is important that the House should be told the figure.

MR. W. McKEEVA BUSH: In 1984 - 108.

MR. PRESIDENT: One hundred and eight, thank you.

MR. W. McKEEVA BUSH: To election year, and the year before the election year, up; election year, down. That is the point I am making.

To go on with the record under the previous Commissioner, as far as prevention is concerned, that was bad too, because absolutely nothing was done by the Member then as far as rehabilitation is concerned.

One Member spoke about the removal of the mandatory sentences. This is something that I stood against from its inception, and I campaigned vigorously against it. I promised that I would see it removed - the discretion of the judge had to be put back into the Law. This is what those mandatory sentences did. They removed the discretion of the judge. I doubt that it was even lawful, or that it would have been justice, at least. At the time, what was happening was that the little barefoot boy was penalised and put in prison for a first-time offence. I believe they removed that to put it for a second time offence. All this was going on while the big crooks in the country went about their business. The big cocaine kings (cocaine which was introduced into this country as far as records go, from the years 1977 to 1984) were not apprehended. The Commissioner of Police at that time did nothing. I stood against him then, and I stand against him today, in the hope that he will never again influence any direction of the Force in this country. I hear he might be coming back - I pray not.

MR. PRESIDENT: I think you are straying outside the bounds of the debate. You are entitled to question and discuss the relative efficiency of the police from time to time, but I must ask you not to go too far into personalities.

MR. W. McKEEVA BUSH: I cannot see how you call this 'personalities'. These are the facts ...

MR. PRESIDENT: Please, please do not argue with the Chair. You will put me in the position of ruling you out of order. I do not wish to do that. I think you are making your points very clearly. I am asking you not to make them too repetitious.

MR. W. McKEEVA BUSH: Well, with respect, Sir, I do not think I am being repetitious. But I believe I have made my point.

I am not dealing with personalities, I cannot agree with you on that. I am dealing with a record of two Members who brought up in this House the debate I am now referring to.

MR. PRESIDENT: You are now repeating yourself. You a moment ago said you had made your point, you agreed with me. Now please let us resume.

MR. W. McKEEVA BUSH:

No, Mr. President, I will have to agree with you because I respect you and I respect the Chair, but I do not think you are handling me right, you know because I am dealing with records. Two Members brought it up, and I think that should be borne in mind.

MR. PRESIDENT:

Please, please, please, Honourable Member, I do not want to have the last word, it is not necessary. The Chair must follow the rules of the House.

I am sorry, please resume. I did not mean you to sit down.

MR. W. McKEEVA BUSH:

All right, you have the last say.

Now, Mr. President, as I was pointing out yesterday, the position of first and second offenders today is not too good under the urine test. I stand against this method because I feel it is doing more harm than good. The urine test is doing the same thing that the mandatory sentences did. It is a fact, regardless of your ruling me out of order or not. It is being abused by certain officers. It is being abused. This is a fact. When the police catch someone (this is the position, please let me explain myself before I am ruled out of order), before they go to court that person is tested again. This cannot be right. All this is doing is building up resentment and packing Northward Prison with young people. We need to look at this again to see whether the abuse of drugs has decreased since the use of this section of the Misuse of Drugs Law. That is what we need to do. I believe you will find that it is not helping. It leaves too much room for abuse.

I believe that organisations like Cayman Against Substance Abuse can and will go a long way in helping to stem the problem of drug abuse in this country. It is these kinds of organisations, with dedicated parents working in them, that I believe will help put right the crisis we are facing. And so I would offer them every bit of encouragement because the task they undertake, as I said, is gigantic.

Believe it or not, I have some bouquets to throw too. Before I leave this area, I would offer my thanks to those Members of the Police Force who are really out there trying to honestly do something about crime in this country. We have some very good, dedicated policemen, no doubt about it, for whom I have a lot of respect. And we see a lot of young Caymanians, as new recruits, whom I can wish well. My advice to them is to be fair and honest. They should not think about the convictions that they can get, but they should be honest in the manner in which they convict. An honest policeman is worth his weight in gold to this country.

We talk much about drug abuse, and I believe one way of combating drugs is by clean, healthy sports. I see that we are going to get a sports instructor who will assist in maintaining and developing various sporting programmes throughout the Islands. This is more than needed. There needs to be coordination when it comes to sports in this country.

I see there will be some reorganisation in the football area. This is a right move. However, some revaluation needs to be done in this particular area of sports. The situation today is that we have all year round football. This is not good, because we do not have enough playing fields, and so the fields get overused, the men do not have time to get into any other kind of sport, and therefore their bodies are not getting the proper rest. Football in this country has always been an amateur sport, but I believe that today we can become professional. We can go to the Caribbean Championships, we can go to the World Championships and we can go to the Olympics. It is not outside our grasp. There is plenty of talent in this country, talent which we have to harness and manage properly. But all this needs the commitment of the entire country, not only of Government, but also private companies. Money is needed and I believe that enough of that is in this country to further the cause of better sports.

I want to go on record as thanking all those people who are involved in the different sports, who have given a commitment to our young people in helping to train them. We have come a long way, and therefore, as I said and will repeat, it needs the commitment of the entire country.

Before I close on the subject of Social Services, I would commend a move that was made to get the handicapped school, or a division of it, in the West Bay area, what is called the Sunrise Centre. I am not going to say too much on it, because this morning's paper carried two full pages on the school - but just to thank those who are involved and who have committed themselves to helping these sorts of children. What a pity that we never had something like this years ago.

As a Member here in this House, I have criticised Government on their social policy. I have criticised, in fact, all previous Governments. And they can be criticised, because no commitment was made to social development in the country. Today we are a little bit better off than we were in trying to institute programmes, at least. We have yet to see the outcome of those programmes, but I trust that every avenue will be explored to see that they work well.

I now move to tourism. It is obvious, quite obvious, that tourism is in good hands. Today I thank the Honourable Member and his entire staff for the good job they are doing. We are spending large sums on advertising. I do not know what the situation is, but I would trust that it would be now time for the hotels (which are not doing too much advertising, and depending on Government) to begin to shoulder a much larger part of the advertising in this country. They themselves can be the

best advertisement. There is much more that can be said. However, I do need to leave something to say in the Throne Speech.

Mr. President, before I close, as is usual, I want to speak on matters happening and affecting my constituency. Each year I have sought to rename roads in our constituency, in honour of our stalwart citizens who have passed on. This road that I am about to name is not a major road, but it is a minor road leading off from the main road; that is Town Hall Road going into Farrington Square. Today I will make a move to have this road renamed Captain Charlie's Road, in honour of the late Captain Charles Farrington. This man, as I said, was one of our leading citizens, a master mariner, and I do not need to stand here and give any obituary on him today, because he is well known throughout this country. His family is well known. I am only asking that this be taken into consideration. I will make further moves to see that it is done.

I want to thank those dedicated, community-spirited men and women in our district who have made this year's Pirate's Week yet another success. They have worked hard, and, Mr. President, you heard a lot of reference made to what this district and West Bay was getting in comparison with other districts. What we get is a result of a lot of dedicated community-minded people. We have not sat flat and expected Government to do everything.

Mr. President, once again I remind Government that tourism could be better facilitated in this country if my advice were taken to build the landing jetty in West Bay and have some, or one of the cruise ships, come to the district. Anchorage is not a problem there, and with the six or five cruise ships that were in the harbour the other day, it is quite obvious that something has to be done. West Bay, being the district that it is, I contend has a lot of room for tourism development, and I believe it will be the saviour of this country in the future because it is yet untouched with development. Government must now consider that this landing jetty is feasible, and that it would, as I said, facilitate tourism.

In our district we had one football field completed. A new football and softball field were started - to do this we raised money ourselves and we have got a small donation from Government. I will see to getting another one in Finance Committee.

I want to put on record my thanks to certain young members of the community who helped raise some funds. We had an event (and it is worthy of mention) in the constituency, where one young man, Mr. Alfred Ebanks, a Customs Officer, swam from Rum Point to Morgans Harbour, the whole length of North Sound. This was something to experience and behold. I was right there, of course I was not in the water, but I was there with moral support and otherwise. We raised some money - people like Mr. Westmoreland and Mr. Noel Bodden gave very large donations, and I want to go on record as thanking them. This event, I should say, was organised with the youth club of the district.

The youth club was also instrumental, together with the Pirate's Week Committee, in getting the new playground for the primary school. Work has commenced; it is fenced, and the playground equipment is just about ready for installation. Again I would go on record as saying thanks to the youth club, its president, Mr. Mario Ebanks, and the Pirate's Week committee which contributed the playground equipment.

The fire station is just about finished, and should soon be getting its baptism. I do not know whether we will have two, but it is just about ready. And I want to go on record as thanking the department, because this is a much needed facility. Of course, we can never say enough good about the Fire Department in this country with its stalwart Chief and stalwart officers under him.

I would make mention of a question I raised in the House concerning a piece of property adjacent to the fire station in West Bay. I trust that before any deal is made on that piece of property Members from the district will be informed so that we can have an input on it.

I have brought to the House a motion which Government accepted, to rebuild the Government wharf in North Sound. I would trust that this will be done early in the year. It is a hazard to the public, and a hazard to tourism.

Mr. President, I dwelt a long time on Social Services, but I want to put forward an idea here this morning that hopefully Government will smile on, and the community at large will accept. I believe that it would be good. I plan to get all the churches in the district together to employ a youth and community worker amongst themselves, with special emphasis on counselling. I believe that it is much needed, and if we have someone there in the district who can move amongst the people and know what they do, it will help our increasing social problems. I trust that, as I said, Government will smile on it. When it comes to counselling, much needs to be done because I know in my capacity as a marriage officer that I have had to do (in my short time - what little I could do) a lot. I believe when it comes to counselling that only those educationally able can do a proper job; those well trained in all aspects.

Clearly, West Bay has been well represented by this Member, and I do not know who would change results for promises, but I can tell you that I am standing firm for a second term.

In closing, I can only say that we have a lot to thank almighty God for. We have had no hurricanes, no storms, no natural disasters of any kind. Everybody who wants to work in this country is working, and we have it better than

most countries in the Caribbean area. I have done my part for this country, and whether I am here again to debate another budget will remain to be seen; but I trust whoever is here will do as good a job as I have done, for I believe that the Cayman Islands would be well served.

I would close, Mr. President, by repeating a poem put into song.

Lord while for all mankind we pray,
of every clime and coast;
oh hear us for our native land,
the land we love the most.

Lord of the nations thus to thee,
our country we commend;
be thou her refuge and her trust,
her everlasting friend."

I support the Appropriation Bill.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, the Budget Address which was presented to this country on Friday, 13th November, 1987 is a very comprehensive one. I am pleased to offer my contribution to the debate on it. It is my hope that I will be here to debate many such informative Budget Addresses in the future.

I take this opportunity to commend the Honourable Financial Secretary on another of his thorough presentations on the affairs of these Islands. This document is one which, in my opinion, will go down in the history of these Islands, and will be of great guidance to the generations to come.

At the commencement of this Address, the Honourable Financial Secretary, gave a clear picture of problems which are present in the world today, especially among stock markets. He has shown where the Dow Jones plunged to its lowest since the historic crash in the year 1929. What was more important is that he went on to show us world uncertainty, and how it could affect us in months to come.

This can easily be agreed with, as everyone knows our very close ties with the United States of America. We depend on the tourist dollar strenuously. And I say this because it is a known fact that our economy depends on that dollar to survive. We are also aware that the larger percentage of our imports are from the United States of America. I believe figures revealed some time ago that approximately 95 per cent of our imports are from the United States of America. Therefore, it has to be correct that whatever affects the U.S. dollar will eventually be spun off to us.

But with all of this, we, a very tiny country compared to the United States of America, can be most grateful to the good Lord for His blessings which have been bestowed upon us. Today we are in a position that we can brag of much construction, we can brag of the many tourists on our shores. We can brag of an abundance of business activity and most important, we can brag of a fairly healthy economy. We have much to be thankful for.

Mr. President, we, as Caymanians, can look back at our past with great pride. We have come a long way. Today, we are debating a Budget for 1988 which is estimated for CI\$84.2 million, which shows us an increase of some 13 per cent over 1987. I am certain that I am correct in saying that I do not believe there is another country in the world with a population of 20,000 people who can boast of such a large budget.

At this point, I have to say that I am concerned, and I am also disappointed, to see that of an estimated capital expenditure of CI\$16 million, there is very little for my district, the district of East End. I have to join with previous speakers when the question was asked, are we back in the days when Grand Cayman ended at Crewe Road?

Since the elections of 1984, I have tried repeatedly to obtain certain things for my district. I submitted to the present Government a list, on 1st December, 1984, of the various things I would have liked and what had been previously started, which of course needed completion. The people of my constituency would have very much appreciated even one major project per year, rather than almost nothing. But you know, to add to what I said a few days ago at Question Time, we are still grateful for the little that was done.

The list I am speaking of which was circulated to the various Elected Members consisted of several items, and I seek your indulgence to allow me to go through these one by one, because I think it is most important for the listening public.

Item 1 was a jetty and slipway for the Gun Bay area, with a swimming area dug around it. The district of East End is loved by many who travel there, especially the visitors to our Island. However, besides one small hotel and a dive lodge, there are only a few other rest areas. The area I have just spoken of could be utilised by the residents, and at the same time could have facilitated the tourists who travel out there. We constantly say that we are promoting the sand, the sea and the

sunshine, but I wish that something would be considered for my area which could also assist in that.

My second item on the list was a community hall/hurricane shelter for the Gun Bay area. Before leaving the Portfolio in 1984, an amount of C\$30,000 had been placed in the estimates for a deposit on a certain piece of property in the Gun Bay area, which this facility could have been constructed on. Until now, nothing has been done. Certain Members in this Assembly may look at this as something that is not important, but to me, knowing my people and my district, I see it as very important. The district of East End is a district somewhat like the Rodden Town area. We have Rodden Town and we have Breakers. I am looking to the future. Should there be a hurricane, how in the world could I be expected to transport my people, who live in Gun Bay, to East End. God knows, I hope I will never have to, but just in case we should have such a hurricane, I would very much feel at rest knowing that a small facility was in Gun Bay, should the road be cut off by sea. This is not impossible, Mr. President. I believe that there are things like this that the Government should have taken into consideration. The district of East End happens to be farthest from the capital. What would happen in case of a hurricane? We must look to the future and not bury our heads in the sand.

Item 3. I did ask for some work on the East End to Gun Bay road. I would elaborate but a little on this to say that the previous Government over the years had tried, at each budget, to allocate a certain amount of funds to construct a certain amount of hot mix road in the various districts. Again, three years have passed, and this is another item that has been ignored.

Item 4 was the continuation of interior farm roads in East End and Gun Bay. This brings me to remind the House that this is exactly what I was questioning the Honourable Fourth Elected Member of Executive Council on in my question, number 79, a few days ago. It was I who started farm roads in East End several years ago, and I know exactly what was planned at the time. It was hoped to continue to promote agriculture, and by so doing to open up other properties for farming, especially two large pastures which are used for the grazing of cattle. Also, in so doing, we would be encouraging other crop farmers. This is what I was talking about when I brought my question number 79 to the House. But what was I told? I was told that no farmers from that area made representation to the Government. I represent the district of East End, and it happens that, in that district together with the district of North Side, we make up most of the farming community. So when I present Government with a matter, it is not on behalf of John McLean. If it is to do with farming, it is on behalf of the farmers of my district.

Item 5. I did ask that the playing field in East End be completed and fenced. Again I have to say that not enough has been done to assist the youth in my district. Several months ago I brought a question to the floor of this House, and I questioned the Honourable First Elected Member of Executive Council on the matter of fencing for the playing field in East End. Mr. President, I have to say that I was shocked at the answer which I was given. I was told how some football group are supposedly sometime in the future going to build a new playing field. And let me say now that I support that idea, but what the Honourable Member has failed to do is to fill the gap between the time that that field will be constructed. This is what I was saying. The field was started and it should have been completed; and I believe that the Honourable Member should have further contacted me to ask my opinion before concluding that the field should not be fenced. I think I am right in saying this because it has been two and a half years now and the field still has not been fenced. I think this is bad and I hope and trust that most urgent attention will be given to it, regardless of whether a new field is going to be built or not.

Another item which was included in my list was a jetty and slipway behind the old playing field, which is directly across from the field I was just speaking of. I am glad that I can thank the Government for including in the 1988 Budget a sum of \$20,000 to have this job done. I am very grateful for this, Sir, because I see it as a need, and I hope and trust that it will serve my people.

Item 7 was the clearing and marking of channels. Again, this was a project which I understood when I was in the Portfolio, and I am pleased to say that at present the Port Authority is trying to have it completed. The people of my district are grateful for this, and I speak on their behalf.

Item 8 was the property by the Town Hall to be filled. For this I am not laying the blame on the Honourable Third Elected Member, because I was present when he instructed that this work be done. That has been about two years, now, Sir, but it has not been done. I do not know where the breakdown in communication is, but I certainly would appreciate if the wheels could be turned a little faster.

Item 9, cattle dips. A few days ago, I asked a question here which read as follows:

"Would the Honourable Member say what plans there are, if any, to establish proper cattle dips in East End ...
...?"

Mr. President, my reason for this question is that this is long overdue. When I was in the Portfolio - and I will keep referring to this as long as I am speaking on agriculture, because most of what has been done for the last three years was started by me - I had plans drawn for cattle dips, not only in East End, but also in the Savannah area. If I recall correctly there was a figure in the region of

CI\$20,000 in the budget at that time. What was I told here a few days ago? I was told that the terrain in my district is too hard to construct a dip. This was the reason given for a piece of foolishness, I call it, and a waste and Government funds for the purchase. I consider that an excuse to dip, not for a dip. But this is the result of certain people not knowing, and believing themselves to be too big to listen to somebody who knows. I do not have to ring any backing bell. My history goes back. I farm every day of my life, so I know what I am talking about.

Mr. President, now that I have an opportunity which I did not have in Question Time, let me deal with this piece of junk that was brought and put in my district and referred to as a cattle dip.

When my opinion was asked on that, I immediately said that it could not work, and that is the reason why it has been sitting out there for the last three months. The Honourable Member here a few days ago tried to make it sound like my people were not grateful. That is not the case. I wish at some convenient time I could take and show you what we are talking about. It is impossible for this to work. It is a piece of equipment which is powered by a gasoline motor, and when started can probably be heard from here to East End. This is the equipment which is used on farms such as a dairy farm, where there is nothing but tame animals, animals that one tends to each day of one's life. How can you take that and put it out there and expect a farmer, who probably sees his cows once or twice a month, to go there to use it. It is utterly impossible. And to add to that, Sir, the equipment is too small. I attended the first demonstration, and in order to put certain animals in and close the door closed properly, one almost had to push the animal in, so how can a large animal fit in such a facility?

We cannot any longer continue to be hard headed and to try to do certain things to upset other Members. We must first consider that we are not only upsetting the Member, but upsetting his whole constituency. I am going to say about this cattle dip what the Second Elected Member for George Town said yesterday about his community park and civic centre. We are going to get it. We are going to get it, because, with the help of the good Lord, things will change.

MR. PRESIDENT: Is that a convenient moment for you to break?

MR. JOHN B. McLEAN: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes, then.

AT 11:13 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:34 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Elected Member for East End.

MR. JOHN B. McLEAN: Thank you, Mr. President.

When we suspended I was barely touching on the item of a cattle dip for East End. I would like to go on to say that I am sure that if cost was the factor for the terrain not to have been developed into a dip, I am certain that the generousities of the Honourable Third Elected Member would have been passed on to the farming community in my district. What I am saying is that I believe that the Honourable Member would have loaned to us the services of his quarry to have this done. So there is no excuse why the dip should not have been constructed. Also, Sir, I believe that if the second site, which I spoke of a few days ago, had been explored it would have been found that the cost of the construction for the dip would have been on a par with that of buying that piece of junk.

My next item is to do with feeder roads from John McLean Drive to the original public road. When that road was constructed it was to try to facilitate the poor people who had been punished for many years, whenever they were constructing a home and had heavy loads to carry up the hill to their homes. It was hoped that, to follow up to that road, we would have placed feeder roads at various points, so that in case, again of a hurricane, we needed to get up there in a hurry, we would have different points of entry and exit. Again, I am laying no blame on the Honourable Third Member, because, again, he has visited with me the various spots which I was suggesting, and I know that I had his support on the matter.

Item 11 was an ambulance to be used for the eastern districts. This is, I am sure, quite fresh in your minds because you will recall when I wrote a letter not too long ago, which I circulated to each Elected Member and yourself, concerning the importance of an ambulance, not only for East End, but for East End, Hodden Town and North Side. For a while, I must say that the only response I had was the letter which I gladly received from yourself. A few days ago, to my surprise, I received a letter from the Honourable First Elected Member of Executive Council. When I saw the letter with the caption "Ambulance for the eastern districts" I felt very good, because I thought that the contents of the letter would include in some hidden vote in the 1988 Budget a figure to purchase an ambulance for my district. Again, I am very much upset with the result of my

efforts in trying to get for my district something as important as an ambulance, and for the measly excuse which is given. It is most ridiculous if we are going to weigh human lives against the cost of staffing an ambulance. I am not going to read all of this letter, Sir, but for the listening public I care to read a section which says:

"Funding for vehicle and staffing have to be weighed against the demands for health services."

This is not good enough. If we have one case in my district or even if we have two cases a month, I believe it is important enough that we have the facility there to take my people to the hospital. We have only one hospital, and I think it is important enough that the Government reconsiders and has that ambulance placed out at Frank Sound. We deal with less important things in this Honourable House. Why cannot we deal with this one? And to go on to say, about the replacement of the ambulance at the hospital, let me say now that I did not in any way want to disturb the three ambulances which are there. I believe that we could cut something short of \$50,000 and purchase a new ambulance for this cause. My people deserve it. When it comes to the first of the year, my people pay their taxes like anybody else in this country. Likewise the people of North Side and Bodden Town.

Mr. President, what I have to say on this, I shall. And anyone who comes behind me wishing to ridicule what I have said, I can only say that I have broad shoulders. It does not matter to me one way or the other. I know my people support me.

To move on, let me say that I agree with projects such as the water and sewerage, the Cayman Brac airport and the fire station for Grand Cayman. I know these are highly necessary. But at the same time, let me say that I believe that we should not in any way neglect other areas which also need attention. It was the Second Elected Member for George Town and myself who brought a motion here not too long ago trying to see if we could get Government to take the necessary action for some help to be offered to the Lesser Islands. At that time we had to take our licks from the Government and our motion was defeated. But I am proud to see that with even this the wheels have started and it will be of great assistance to the Lesser Islands. I believe that with a good air link to Cayman Brac we are going to see wonders in a short time.

The fire station in George Town. This Department has operated well over the last years. Anything that Government gives in that area, or constructs for the use of that Department, is money well spent. We have an honourable Caymanian in charge of that Department of whom we can be justly proud and we can say likewise of his staff. He runs a good show, and I wish we had many other departments that would follow suit.

An area of great concern to me is the Caymanian Protection Board. Sometimes, Sir, from the various complaints I received, I wonder if it is not time to change the name, because I see no protection any more for Caymanians. The work permit situation in this country today is completely out of hand, and I think that the necessary action must come now, before it is too late. I know the directives to the Protection Board are made by Governor in Council, because I have been part of Governor in Council. I believe that the Government should take the necessary steps to have this mess cleaned up so that our people will suffer no further.

The small businesses in this country are suffering, as was said here by a previous speaker. Both he and I have received numerous complaints on this matter. Can we sit back and allow only the larger businesses to survive? No, we must have a change. We must have a change in habit now. We must look out for our people. If there is some ambitious enough to get themselves a small business, we should lay no obstacles in their way - things which I consider could be easily handled once tackled properly.

I believe two specific areas which are probably suffering worse than anything else is the farming and construction sectors. I have had many farmers come to me, and let me say at this point there are some of us in Cayman who do farming. But labour for farming is hard to get. For many years, we have had to depend on outside labour. I believe that each Honourable Member of Executive Council by this time knows that. Why then should there have been a directive given to the Caymanian Protection Board to exasperate the problems the farmers have been experiencing over the last few years. It is likewise in the construction sector. I have had small contractors come to me complaining that they cannot find work locally. I know the proper avenues and I directed them to the Labour Board. In turn what happened? They returned to me with a letter stating that there was nobody available that they could recommend. The letter is turned in with an application. What happens? The permit is refused.

Mr. President, this is not good enough. There are certain people whom we need, regardless if we need to screen them - and we screen them to find out if they are desirables. But in cases as I mentioned, these are people whom we consider to be good people, because the persons endeavouring to get them permits are all reputable and they would not stoop to bring in persons who were not. I would appreciate very much if Government would take the necessary steps to have this rectified at once.

We hear constantly of allegations against the poor Jamaican labour force. Let me say that it is a good thing that we have some Jamaicans who work for us, especially in the farming area. There are no two ways about it, I have seen it myself where we question certain our own people in doing the job because they are

presently so occupied with themselves that it is impossible for them to work for others. Let me say, however, that we do have some who are willing to work, but it is impossible to find all the necessary labour and we must depend on people like the Jamaicans. It seems to be a trend now that if they are not Irish, we should not have them. I believe, Sir, that we should keep the devil we know. I am aware, like any country, that when we import Jamaican labour, we will find those who are far from being desirables for this country. I think it is at that point, Sir, that we should get rid of that type of person. But, please, I do not think it is fair to smear the character of every Jamaican who comes to this country to work. We have Jamaicans who are very decent, and they are here just for survival, the way that we tried to survive years ago, by going to their shores for our livelihood.

I will say, however, that I believe that if the trend continues, and we make the mistake of replacing such labour force with the Irish, we are going to have our hands full. I believe it is going to be the greatest mistake made in the history of this country, and it will probably be the greatest mistake for the English too, because I understand the English and Irish can never make it, so I suppose we will always have nothing but wars on our hands.

Mr. President, to move on to the salary increase, I was most happy to see that (on page 60 of the Budget) included in the 1988 Budget is a token figure of C\$1.1 million - a salary increase for the civil servants. In my humble opinion, this is long overdue. I believe that Government should have paid attention to this years ago and not to have left it so close to the election. I agree wholeheartedly with the words of the Honourable Financial Secretary, and I quote:

"It is important to keep Civil Service salaries at appropriate levels, in order to recognise it for the efficient services it provides ...".

This is quite true. We have deserving civil servants who work hard for the survival of the Government and the country as a whole. I believe that whatever we give in this area will be well deserved.

Mr. President, again I have to move back to an area that is near and dear to my heart, and I am speaking here again on agriculture. Let me make it abundantly clear that I support the idea of a Farmers' Market and abattoir. Again, this was first started during my time. When I left the Portfolio there were plans which I suppose are still there, that had been drawn for such facilities. What I completely disagree with is the area where we have constructed the Farmers' Market, and also I disagree with the costly facility which has been built. We could have done with a building that would have cost us half the amount. And it would have done the same job that we are hoping to do with the present one.

As I pointed out a while ago, it is a known fact that farming in this Island is done mostly in the areas of Savannah, North Side and East End. I am speaking of both crops and animals. The Honourable First Elected Member is reminding me, also in West Bay. But what I said was mostly in the eastern districts. I know what farming is done in West Bay, because in my time as a Member of Executive Council I did not sit in the Government Administration Building all the time. I visited every farm in this country that I heard about. Ask Mr. Bothwell whether I went.

Mr. President, what I am saying is, why should a farmer from East End or North Side have to travel all the way to George Town to sell his crops or his animals at the Farmers' Market. The location is far from being suitable. The original plans were on a piece of property which Government owns, if I recall, twenty plus acres of land in the Lower Valley area, where this facility should have been built. It would have been a mid-way mark for farmers from East End, North Side, and if they were coming from West Bay it would be the same.

I can neither agree with the excuse I heard for changing the plans to the present site. It is my understanding that somebody decided there was not enough water to facilitate the abattoir. How ridiculous, when the piece of property I am speaking of is only a stone's throw away from the water reservoir in Lower Valley. But I guess, Sir, I understand exactly what has taken place here. I guess this area was chosen for several reasons. But I hope and trust that nobody's name will appear on the wall. I do not know if an adviser was brought in on this matter, but I still stand to be corrected. I believe the advice was surely wrong. I guess that was like the dog eradication programme which I started. I took local knowledge and constructed traps to catch dogs that were strayed. But yet we heard that we had to bring in an adviser to tell us how to eradicate dogs. It is my understanding that when he was told and shown the traps, he commended me for it, but it was not passed on to me.

If agriculture is to survive in these Islands, greater attention must be given at once. We can boast of that monumental Farmers' Market, but without a farmer producing his crops and animals, it cannot become operational.

Another area in the Budget which I care to speak on is page 19. It is to do with school leavers who are presently on Government scholarships. Also some mention was made in the Budget of eleven university graduates who joined as teachers, etcetera. It is very good to see this, it is good that we can brag about it. But my question is, what incentives are there to encourage the Caymanian individuals to remain with the Civil Service? I have said this before, and I will say it again. I believe that the same incentives which are offered to the expatriate officers should be

offered to local officers. I consider it unfair that expatriate officers are given housing allowances, medical and in some cases car allowances, and young Caymanians entering the Service are given absolutely nothing. What is the difference? I know I will be told that you have to make the job description in such a way that it is attractive to the best type of expatriate labour. I do not buy that. I believe, Sir, that we would be able to recruit expatriate officers regardless of what is put. And I would further say that I believe we would find that our own Caymanian officer would perform better and we would find a more localised Civil Service if the incentives were passed on.

I know I am getting old now, but I can recall my feelings when I was much younger, and I believe that all young Caymanians felt as I did at that time. Each Caymanian who has any ambition at all wants to know that somewhere in the future he will start a family and get a home and car. And for this, Sir, he must pay a mortgage. Why could we not assist this officer in such a way as we would assist an expatriate officer? We have some Caymanians who are presently having to rent homes. It is not a matter of fact that each one has a home in which he can stay. My humble submission is, Sir, that we take a good look at this. I know the Honourable Member in charge is a competent Member and one who believes in Caymanians, and so I leave it with him to have this looked into, because I for one would like to see our Civil Service become more localised.

Mr. President, let me make it abundantly clear, because I know sometimes the slip of a pen can write exactly what you do not want it to write. I am in no way advocating that Government should stop the incentives presently given to the expatriates. I am just saying that we should make it equal. What is good for the goose should be good for the gander.

I wish also to congratulate the graduating class of 1987. Much has been said on this already, so I will not go into this in depth. But I must comment on a remark which was made at the graduation ceremony, and I am glad that we have now had some public reaction in the newspaper on this. I felt that many who were present there felt the way that I did. I was very disturbed. And I was hoping that the Honourable First Elected Member who has the responsibility for that Portfolio would have, in his contribution that night, made things right rather than to have had the public come forward to do so.

I now turn to the Merchant Shipping (Applicable Conventions) Law. Just to make a small point on this, I would say that I am surprised to see that two maritime surveyors will be seconded from the United Kingdom Department of Transport. I believe that here in these little but beautiful Islands we could recruit two dozen such officers, rather than having to rely on the United Kingdom. It is my hope, however, that, if this is done, we will make sure to have two Caymanians recruited who will understudy and replace them, say in a year or two; that is not to create another post in the budget of the year to come.

Mr. President, in conclusion, I would like again to say that I hope when we go into Finance Committee to further study the Budget for 1988, that the Government will give some consideration to my request which was made back in 1984, and that they will try to assist me, even if it is only with one item - the ambulance for the eastern districts. This item really upsets me because, as I have pointed out on the floor of this House before in speaking on a motion, no one can really plan their sickness. Therefore the most we can do is to endeavour to put the facilities in place should such an occurrence occur.

I also would like to say how proud I and the people of my district are on the opening of the Sunrise Cottage. This facility is one greatly appreciated and this was shown by the hospitality which has been shown by the people of East End. I would further like to thank the newly formed Rotary Club of Grand Cayman Central, of which I am a member, for undertaking an early project to add to the facility out there. I believe, Sir, that whatever is done for the elderly, again, is money well spent.

Finally, Sir, let me say that I am pleased that I could support the revenue measures which are before the House. As has been mentioned these items are all luxury items, and it should not in any way create a problem to anyone. Liquor is something which we do not have to drink, although I know there are many out there who may share a different view. I am hopeful that as we go into Committee we will put our heads together and work together in there, and that we will try to see eye to eye and will look at each portion of these Islands taking into consideration that there is a need in each district.

Mr. President, I would like to take the opportunity to wish to you and your good wife all that is good for the season which is fast coming upon us, the Christmas season.

MR. PRESIDENT:

The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to thank our Honourable Financial Secretary for his comprehensive and constructive Budget Address. Our small country has once again been able to carry forward a surplus from the year 1987 and has presented a balanced Budget for the year 1988. There are very few countries today in such a favourable financial position. I am happy to note that inflation is under control, and that prices rose by less than five per cent in the last year. Hopefully this trend will

continue. This is proof that the policies of Government have been good and responsible for the strong financial position we are in today.

We are well aware of the present worldwide economic crisis which was precipitated by the horrendous crash on the U.S. and other major stock markets. Even the best economists in the world are undecided what effect this will have in the foreseeable future. Our economy is directly linked to the United States, and to a lesser extent the British economy. Any recession experienced by them will ultimately affect us one way or the other. We are extremely fortunate in these troubled times to have a buoyant economy. But it will only be through prudent financial management that we will be able to sustain this period of growth and expansion in our economy. We cannot afford to be careless or reckless in our spending.

There is a great deal of construction taking place at this time, commercial as well as domestic, and our tourist industry has never been in better shape. Our financial sector continues to develop and increase. In the banking and trust sector we expect to have, by the end of the year, approximately 515 banks with current licences operating here. Most of the world's major banks are represented here, which proves that the major financial institutions of the world have faith in our stability and our policies. We are now considered to be the leading offshore financial centre in the world. This is certainly a big step forward, as we have changed from the Island that time once forgot to one of the most sophisticated and sought after financial centres in the world. This is an achievement which we can all be justly proud of.

The banking sector contributed substantially to our economy, and employs nearly 10 per cent of our working population. The banks are continuing to train Caymanians locally, and they are also sent overseas to specialise. More Caymanians are now holding higher executive and administrative positions in every financial institution, and this bodes well for the future of our Islands.

Insurance. Applications from large insurance companies seeking to establish captives in Cayman continue to increase, and our stable political climate will undoubtedly attract more. The revenue derived from this sector is approaching \$2 million a year. It will be interesting to see if the recent stock market reverses have any impact in this area.

Companies Registration. Government policy of striking-off companies that are delinquent in paying their annual fees has had a positive and pleasing effect. I am sure that this will go a long way in reducing the problems which were caused by many of them, and it has already improved our international image. Government has seen an increase of 12.7 per cent in the number of new companies registered here, and they are also of a better quality and financially more sound. The revenue received from this sector is substantial, and is expected to exceed the sum of \$6.5 million budgeted for 1987.

Currency. The Currency Board had an operating surplus of CI\$1,489,591, which was transferred to Government's general revenue. This transfer was possible because it was in excess of the 15 per cent of demand liability, that is currency in circulation, required under the Law. The introduction of the new \$50 note should also assist banks and other businesses in expediting transactions with the public. We are not keeping the Currency Board dry as the Second Elected Member for Bodden Town said. The Board has its statutory reserves. All we have done is to transfer the 1986 surplus to the Government's general reserve in accordance with section 7(1)(b) of the Cayman Islands Currency Law (Revised). I would like to say well done to the Chairman and his Board for the efficient manner in which they are conducting the affairs of the Currency Board.

I would also like at this time to offer my congratulations to the first five students who graduated from our local Law School, and trust that many more local attorneys will be called to the Bar in the next few years. It is encouraging to know that in each year a number of young Caymanians are attaining international qualifications in law, accounting and banking, and this local participation in the financial sector can only bode well for our future economic progress.

Tourism. Tourism continues to be one of the mainstays of the economy. Two new major hotels have opened, and there are several other applications which have been approved by the Central Planning Authority. More airlines are flying here from more destinations than ever before, and it is pleasing to note that Cayman Airways is maintaining more than an adequate share of the market. I would add this is due in part to the fact that most travelling Caymanians fly Cayman Airways whenever possible. The confidence Caymanians show in their national carrier is most encouraging, and it is very important to the success of our airline. Our tourists demand high standards, and we must continue to strive to provide quality accommodation and service to maintain our edge in this very competitive field.

Ships Registration. The Government has at last been able to get the green light from Her Majesty's Government to proceed with establishing a convention Ships' Registry in the Cayman Islands. We have already passed legislation that enables the Governor to refuse to register ships which are not up to international standards, and to remove those from our Registry which do not comply with the international requirements. The Merchant Shipping (Applicable Conventions) Law, 1987 is being amended at this meeting in order to meet certain additional requirements, and I am sure that all Members will support the amendments when they are brought to the House. We hope that in the not too distant future, a convention Ships' Registry in the Cayman Islands will become a reality.

Drugs. Drug abuse is the Cayman Islands number one problem, and will destroy our Islands if we do not earnestly try to eradicate it. I am pleased that the Health Department is spearheading a programme designed to prevent the misuse of drugs and to improve rehabilitation services for drug abusers and their families. I believe our Drug Counsellor is doing a very good job, and when we have a permanent psychiatrist, the programme will be strengthened. Drug abuse is the main cause of the overcrowding of our prisons, and if we are successful (and I expect we will be) in our misuse of drugs programme, the prison population will fall dramatically. However, a lot of work has to be done, and we will need Island-wide cooperation. It is most encouraging that while some people have the attitude that Government should tackle every problem, the service clubs and other organisations are concerned with the drug problem and are willing to do their part to help with the problem of substance abuse. I also believe that with a united effort we can go a long way in stamping out this monster in our society.

Mr. President, I now turn to the subjects of my Portfolio, and I will be very brief.

Cayman Brac and Little Cayman. The economy of the Lesser Islands is showing signs of continued improvement, with the situation of full employment being enjoyed once again. Currently all persons in the Islands who seek employment in the skilled, semi-skilled and even in unskilled categories can find employment, particularly in the construction industry. The only exception is a few school leavers who are seeking clerical jobs and are unable to find this type of work. However, there are jobs in the hotel and tourist related industry which these persons could perhaps get. Government remains the largest employer of labour with 122 permanent employees in the District Administration and other sections of the Public Services and there are, in addition, 60 hourly paid employees in Public Works. Tiara Beach Hotel has 104 persons employed, 53 are working in the hotel and 51 are construction workers. The Brac Reef has 32 persons working in the hotel, and Buccaneer's Inn, 17. Cable and Wireless has 18 employees at the moment.

During the first ten and a half months of 1987, 106 planning applications amounting to \$4,086,250 were approved by the Development Control Board. Since 1st August when Government reduced the import duty on certain categories of building material and basic household appliances to five per cent, there have been five enquiries. It is expected that firm application from these five will be forthcoming.

The Public Works Department at Cayman Brac is working on roads in Little Cayman, and they are continuing construction on the road on the Bluff from Stake Bay in a westerly direction. It is hoped that early in the new year there will be a link with a private road at The Rock.

Construction on the new air terminal building is due to commence in approximately two weeks time, that is about 1st December. Work is continuing on the apron, taxiway and car park, and it is hoped that this terminal building will be operational by the end of 1988.

With the continued expansion of Tiara Beach Hotel, the start of the new air terminal building, the construction of roads on both Islands and other private projects which are in the pipeline, I believe that the year 1988 will provide plenty of jobs and opportunities for the residents of the Sister Islands.

Public Works. The functions of this Department are numerous and varied, as it has to work with every Portfolio to carry out their projects. Government's building programme this year was carried out mainly by the private sector, and nearly all projects will be completed by the end of the year.

Road works in the districts was limited, because most of the members of Finance Committee agreed that this year priority should be given to removing the accident black spots on the road between George Town and Bodden Town. The road was realigned and improved at Spotts and Lower Valley, and was completed in July at a cost of \$380,000, which was below the estimated cost by \$188,000. The savings of \$188,000 was divided between the Master Ground Transportation Study and the districts in Grand Cayman. A sum of \$65,000 was taken to meet the additional cost of the study, and the remainder of \$123,000 was distributed proportionally to the various districts.

I will now state exactly what was allocated to each district out of the \$123,000. The district of West Bay was allocated \$81,608. George Town was allocated \$81,608. Bodden Town, \$39,142. North Side, \$39,142. East End, \$39,142. So what I am trying to say is that priority was given to the road between Bodden Town and George Town in Grand Cayman, and this was to the benefit of the persons living in the eastern districts. The balance of what was left was apportioned between each district, and each district was treated, not equally, but proportionately. They proportionately got the sum of the remaining \$123,000. So no charges of neglect should be levelled at Government this year, because our funds were limited.

The Member for East End did give me a list of the projects he mentioned, and I have done my utmost to comply with his wishes and regret that some of the projects mentioned have not been done. I personally visited his district with the Chief Engineer of Public Works, and we made a list of the various projects that the Member pointed out to us that needed attention, and some of these projects have not been attended to. The community hall and hurricane centre for Gun Bay was not possible; we did not have the funds. But what we did was to complete the civic centre which had been started. The road he mentioned from East End to Gun Bay was not paved with hot mix, but the money was spent on the road from Breakers to Frank Sound last year, 1986. There again, funds for that year were also limited. Road work carried on to many access roads at East

End and Gun Bay, and we constructed Little Bluff Road as a feeder road for the farmers in the eastern districts. The feeder road that the Member was speaking about, I regret has not been attended to.

The sum of \$1 million for capital road projects and \$282,500 for maintenance of roads in Grand Cayman has been included in the 1988 estimates. However, the Chief Engineer of Public Works has not been able to finalise his 1988 road programme because he is not certain of the amount of money to be set aside to carry out the recommendations of the Master Ground Transportation Study. The draft report of this study will be submitted to Government early next month. It is hoped that by late January, Government will have had time to study the recommendations of the Report and submit them to all members of Finance Committee for consideration and input. I will also be calling on the Chief Engineer of Public Works to attend Finance Committee when the Public Works' expenditure is brought in question, and Members will have the opportunity of telling him at that time which roads they would like given priority.

The Postal Department. The need for a new General Post Office has been known for years, and that need has increased year by year. The rapid development of our Islands has proven the present General Post Office inadequate to handle the increased postal traffic. In spite of the inadequacies, the staff have maintained a high standard of efficiency, and they are worthy of praise. The revenue earned from the sale of stamps is significant, and a new spacious post office building will raise the morale of our postal workers, and should improve performance generally. Revenue derived from stamps was, at one time, Government's second largest source of income, and it is still a very significant part of our total revenue. To say that the property on which the General Post Office is to be built is too expensive for such a building is rather short sighted. A general post office in any city is in the centre and it is felt that regardless of the cost of the land on which the proposed post office is to be built, the site selected is the most centralised location in George Town for this facility.

The Port Authority. The Port Authority has had a good year, in spite of having to spend a substantial sum on repairing the finger pier. The earnings for 1987 will be a record, and the outlook for 1988 is bright. There are plans to demolish the old building which was used by the Department of Tourism, and to rearrange the taxi dispatch area. The plans also call for improvement to be made to the tourist landing facility. The construction of a two storey building consisting of approximately 6,500 square feet of space has been approved by the Port Authority Board. This building is to be erected on the site of an existing car park, and when completed will provide new offices for the Authority's staff as well as for Customs and Immigration. Upon completion of the new structure, the existing Port Authority's building will be demolished to make room for a car park. A separate transit shed will also be built to accommodate inbound goods entering through the seaport.

The Second Elected Member for West Bay brought a motion to the House requesting Government to repair the jetty at Batabano. The Government accepted the motion, and my Portfolio made a request to the Budget Officer for a sum of \$25,000 to be included in the 1988 estimates to carry out the necessary repairs to the Batabano jetty. So I think he will be pleased to know that.

Mention has been made of this Government not giving any increase to the Civil Service. That is not correct. This year we gave the Civil Service an increase in salary of five per cent. The review has taken place although we do not know what the reward is, but the Honourable Financial Secretary has indicated that he has made a provision of \$1.1 million in the estimates. However, we did give the Civil Service an increase of five per cent and to my recollection that amounted to about \$1.26 million last year. So this Government certainly cannot be accused of neglecting to pay the civil servants.

The 1988 Budget is realistic and affordable. It reflects the Government's sound fiscal policy of living within its means and borrowing only what it can afford to repay. It is a Budget that can be justified in any country. The country's financial position is sound, and I pray that the financial affairs of our country will remain strong. Our economy is a fragile one and dependent upon financial trends in other countries, especially the United States. The Government must remain cautious and vigilant in order to maintain the financial independence of our Islands.

I am truly thankful that God has blessed our small country and made us prosperous. We must ever be mindful that we are only stewards of that which God has allowed us to have. I hope our people will recognise this and give Him thanks for all His many blessings.

Mr. President, I support the Appropriation (1988) Bill, 1987.

MR. PRESIDENT:

Proceedings are suspended until 2:15 p.m.

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MR. PRESIDENT:

Debate is continued on the Second Reading of the Appropriation (1988) Bill. Does any other Member wish to speak?

The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON:

Mr. President, I see that the Second Elected Member for West Bay is using the Honourable Financial Secretary's lectern from which to debate his Budget Address. I take it that the lectern is specially used by the long and the short, and so since I am neither one of those, I will be content to look at my notes from the desk.

I would also like to join all my other colleagues here in congratulating the Honourable First Official Member, the Financial Secretary, for a well prepared and well presented Budget Address, or what would be termed in the bigger countries as the State of the Nation Address.

Although there was input by Heads of Departments, and the Address was termed 'a Government presentation' when this suited individuals, the exercise itself involved much of the Honourable Financial Secretary's time, concentrating, researching and deciding how to balance the Budget; and how to present an accurate up to date account of not only the local economic and financial affairs of these islands, but also what is happening on the international scene.

Preparing the annual Budget, and the Address allied to it, is not a simple exercise by any stretch of the imagination. That is why I personally take great pleasure today in offering my own congratulations. We are grateful to the Honourable Financial Secretary for explaining in some detail the recent stock market near crash, which could have triggered a major economic depression similar to the one that hit the United States, and indeed the world, in 1929, and which depression lasted about ten years. Fortunately, from 1929 we have not experienced another depression of that nature - no major world depression. It appears somehow that capitalists and the wealthy might have had second thoughts on how to treat their riches in such a difficult period as a recession. Perhaps they might, instead of hoarding money unproductively, enter what is commonly known as business competitive system in which there are risks as well as benefits.

Since the depression of 1929 there have been only recessions, and recession is a mild form of depression. In the American recession of mid 1974 did not trickle down to these parts and affect us until around January of 1975. It is usually normal for a recession to move from one country to another. The six months of advance warning was very useful to us for it gave an opportunity to adopt defensive measures against the recession. In this 1975 recession we, in Government, adopted the theory of applying large expenditures on public works. Government at that time used its reserves, reserves that had been specifically created for the purpose of cushioning a recession or some other form of economic disaster; and together with loans we financed a building and road construction programme. The buildings included the Police Headquarters and the Government Administration Building. Roads included the paving of roads with hot mix from West Bay through George Town to Badden Town. Another big project undertaken at the time was the George Town port. That, at the time, was deemed to be Government's largest project, costing upwards of \$4 million. And there were other smaller projects as well, but I am only really mentioning the big ones. This programme of work eased the situation by keeping the economy active until the boom cycle returned.

While it may be true that in some situations recovery from a recession can be left to self controlling conditions (because recessions do come in cycles, except, of course, in the case of a stock market disaster as we recently nearly had), experience is that in cases of small countries like the Cayman Islands we could not just sit by and wait on the natural forces of recovery to rectify the situation; for this would result in much harm - much harm to us socially and economically. And so the Government, in its wisdom, undertook that crash programme and used reserves and raised loans for the purpose. All the private sector had closed down. Nobody wanted to touch anything. All projects were deferred. Government was the only workforce in the country. Praise be we had the money to do it.

We had embarked earlier, with the permission of the British Government, to create that reserve, because the British Government, when we mentioned it at first, said that we could not create a reserve and have Britain continue to provide development aid. That is not a principle with the British Government at all, and so we had to go forward on bended knee and said to them, 'Well you know Cayman's situation does require that we provide a bit of money in case of difficult economic situations'. And after some time the British Government agreed with us and gave permission for us, at any single time, to create a reserve which was equivalent to three months' revenue collection. In January 1975 we had that three months revenue collection in reserve, something like \$2 million. That was a government of wisdom and planning; not a government of promises.

What seems difficult for some people to understand or to grasp, or to appreciate, is the statement made by the Honourable Financial Secretary at page 4 of his Budget Address. Here he said:

"... I am pleased to say that the economy of the Cayman Islands has never, in real terms, been more active than it now is."

The Opposition would want to make you and the public believe that we wrote that in the Budget Address. The Honourable Financial Secretary prepares the Budget Address himself; it is cleared with Government, but he is the specialist in Government to understand finance and the economy, and he puts the Address

together on behalf of Government. The Members know (they have been in Executive Council) that they have never written a paragraph of the Budget Address, and yet they would want to make the public believe that the Budget Address is the work of this Elected Government.

I was in Council with them too. I delivered 14 budget addresses in this Honourable House, and I know how they were all prepared. I know all that happened to them before they were delivered here. So they are not talking to Members who are green in this job. Fourteen budget addresses; they are on record here. I wish they would read the last one, too.

The state of the economy today reflects stewardship, not policies. The Honourable Financial Secretary who, as I said before, is qualified to speak on this subject, told you what the position was in this document that he provided.

I heard, too, the Opposition say that the wealth of the country is not trickling down to middle management. That is rubbish. On page 4 of the Honourable Financial Secretary's Address, paragraph 3, he said:

"The revised estimate for the Gross Domestic Product of the Cayman Islands in 1983 is approximately \$170 million."

It is over \$200 million now. I would imagine. The country is earning a lot of money. I should not doubt that there are millionaires being created here over the wealth that is coming into this country. But a lot of it is trickling down. Do you see any beggars out there on the streets? The tourists come here and they are pleasantly surprised to see such a clean atmosphere in this country. Nobody is molesting them on the docks or on the street. It reflects exactly what Cayman is. That is what they should be telling the public. Everybody is getting a piece of the pie. Some may get smaller pieces than others, but that is democracy. That is not Communism, but Democracy. People must earn for themselves, and the state will give them the opportunity to do that. While we may have what we always refer to as 'small people', you cannot walk the street and see very poor people out there. They might come around the corner when they see their favourite politician, and say "Any little thing today?" This is just a habit more than anything else. Those chaps sitting out there could look for jobs. There are plenty out there. Just like their politicians.

I agree entirely with the statement made by the Honourable Financial Secretary that in real terms the economy of these Islands has never been more active. That is what we came into Government to do, because in 1984 it was dead. One walked the streets and saw people holding up the corners saying "Have you got a job?" There was a lot of unemployment. We came in determined to show the previous Government how a Government should be run.

This is politics, and I am going to have my share of it, they had theirs, now my turn is here.

MR. PRESIDENT:

I would like to say that, while not interrupting you, I think you are entirely right, and I am, so far, very impressed how, on either side of the House, nothing more than political motives have been implied; in other words, improper motives have not been implied. I think political motives are entirely acceptable as a statement or a mode of argument.

HON. VASSEL G. JOHNSON:

Yes, Sir. Thank you for that, but I am dealing with subjects too, you know. I know when I am out on a limb, and I am not going to allow you to chop the limb off with me either.

One of the proven activities in a boom situation here in the Cayman Islands is movement in the speculative real estate field. At page 42 of the Budget Address, the Honourable Financial Secretary has recorded that in 1987, transfers will produce \$8 million in stamp duty, as against \$5.9 million in 1986, an increase of 36 per cent.

In company registration, we can look at page 11 of the Budget Address and we will see that the increase in company's fees over eight months this year is 12.7 per cent over the same period last year.

In tourism, if we go to page 16 of the Budget Address (I am going to quote pages and figures, that is what they did) we will see that the projection for this year is 26.3 per cent growth over 1986. Look at the labour market. Employers are now storming the Caymanian Protection Board for work permits. If the economy had not been active there would be no need for that - there would be no jobs, people would be content. Of course, we in Government have tried to come to grips with this situation, knowing that in time of boom, as is the case of the present time, a tight squeeze in any area of activity, especially labour, can have damaging effects on our ability to produce and to perform. We are quite aware of that. But there is the other side of the coin as well, where an influx of a large labour force here can cause resentment and concern among Caymanians themselves. And so it is not a simple situation that you go to the Caymanian Protection Board you knock the members over their heads and say "You are not doing right at all, you have to give us some more labour.". It is not as easy as all that. Administration of this country is a very technical thing. While taking action in one area you have to look at the expanse of the entire system and see what is going to happen down at the end of the line. You cannot deal with one thing in isolation, because there is a chain reaction which can affect many things.

I am concerned that with the private sector as busy as it is making money, amassing wealth and doing their thing the right way, that critics should try to deceive the public about the buoyancy of the economy as it is at present. I would prefer the public to come and complain to us, to the Government, about the economic situation of this country, if they do not like what they saw out there. But for Opposition to come here and talk about the critical state of the economy - it is quite amazing to me, to say the least. One Member said that he was walking the streets of George Town and saw people looking in the skies. They were thanking God that only one year was left before their liberation. That is a joke. All of us have followers. One go out and walk through the town and into the districts seeing a lot of people who support you; also a lot who do not too, but they are not too many these days. They have been converted, most of them. But one can walk out in the streets and see people who will say, "You know, our memory is not short.", and you will see them becoming as nervous as a cats on a tin roof. So there are two sides to it.

At the end of this Budget Address we would have heard varying descriptions of the performance of this Government. Some will be negative, some will be positive. Of course, friends of the Opposition will receive bouquets, while the Elected Members of Executive Council will be chastised and ridiculed behind the curtain of bad performance and bad management. It is amazing that those Members would take credit for everything completed over the last three years which they believe was good for the country; everything - they did it, they started it, and they would go on and on and on. We are not going to jump in the gutter to chase them and their jealous pursuit. As I said, they are a promising group, like the building of castles in the air. We are a Government who plan and implement, and so we do not have to go chasing around.

I would like to say one thing which I am sure the public will understand. It is this glowing Budget that we are now debating which puts the Cayman Islands in a most enviable position internationally; a position of being the world's leader in the offshore financial industry; a country that will balance its Budget in 1988 - and with surpluses and reserves. A full employment situation and a strong commitment to social improvements must speak well of the present Government, a Government that is dedicated to the well being of the people of this country. We could be nothing else. These are your Elected Members of Government.

Mr. President, we have heard quite a lot, during this meeting, about the need for more consultation, more communication and more information. Even the press are now chewing on this from a recent editorial I saw. I happen to know where that editorial came from. But this outcry from the Opposition is to me like young children crying over the milk they spilt. We are an open Government, and will assist anyone with information if it is available and if it is sought from the right source. We hide nothing from the public which can be made available to the public, and we would like that message to get outside of the walls of this Honourable House. We are an open Government, but one must understand that there are matters in Government, at times, which are confidential and cannot be released until they are downgraded.

What this Government had hoped to establish within this Honourable House was consultation and communication with all the other Members. We thought that this consultation and communication could have well been done in the Committee Room of this House where Members could attend to the business of this Honourable House. This is a responsibility for which each of the twelve of us were elected; not just to come and sit down here at general meetings. It is this responsibility, to attend to all the business of the House, that we have given to the public and it includes matters that are not debated here, but which go into the committee where they are dealt with in the Committee Room and are brought back here.

I am sure that the minutes of those committee meetings can reveal to you what the position was there. Many times there are no quorums and the poor Clerk and her staff have to phone around in the mornings to contact Members (even though they were served with notice one or two weeks before the meeting) to see whether a quorum could be mustered. Sometimes we managed to raise quorums, but often we were unable to put the question if a Member was out of the room and we would have to wait until he returned. The goings over the last three years were rough. Do not let anyone fool you about that. And they are talking now about communication and information, when in that Committee Room all the information that they wanted, and all the communication and everything else, could have been provided in there; because many times we share matters that are still confidential, but we place confidence in the Members to maintain confidentiality until such time that it can become public. And so in the Committee Room there is all that opportunity to get whatever information is needed.

To oppose and to criticise are two entirely different things. We have heard a lot of criticism in here - all levelled at this Government. As far as I know, the role of the Opposition is one of the bright principles of democracy. The Opposition is the people's watchdog. In our case, thank God the people had a Government better to them than the Opposition, otherwise thieves would have taken everything for the watchdogs were not there.

No mention was made in the Budget Address about the Planning Department, and I am not blaming anyone for this, but indeed the Planning Department is a very important part of the system. I think that it is appropriate that something be said about them. The Planning Department has always been a small department, riddled with problems too. If we look at the progress and development of the country today we cannot but say that planning in the Cayman Islands is very important. It is said that

an organisation or institution is as good as its head. In July this year we were fortunate to recruit a Director of Planning, through the United Kingdom although he is an American. He has already come to grips, in my view, with some of the problem areas of the Department, and I do hope, because of the situation in that Department in the past, that Government will give him and the Department the support they need; support to rectify some of the ills to strengthen the Department so that he can serve the public adequately. I have requested the new Director of Planning to concentrate on two projects within the Planning Department: the Development Plan Review and the Building Code, so that we can perhaps get them here in this Legislative Assembly at the next meeting in February 1988.

The Development Plan Review was due in 1982, five years after the Development Plan came into effect in 1977, and as required by the Development and Planning Law. The Review was not done then, and so we scheduled it to start last year, after dealing with many pressing projects in the Portfolio. These other pressing projects are projects like the marine parks. I am sure the Opposition will want to take credit for the marine parks. They toyed with the concept in the early 1980's, but like many other things, it ended up in the archives with no guiding principles - only a castle in the air. In fact two Members of the previous Government wrestled each other to determine whose subject it was. I believe that is when they decided to retire it in the archives, for that is where we found it.

Another pressing subject we had to deal with was the Turtle Farm issue with C.I.T.E.S. which failed. The Turtle Farm, up to 1978, was deemed to have been given commercial status, because the animals in that Farm were classified as threatened species. So the Farm had permission to sell wherever they could - to the United States, Britain, Japan and all over the world. Something radical happened between 1978 and 1979 which caused the conservationists and environmentalists (I think they are the same thing) to take that thing by the neck. They went to C.I.T.E.S. and said that the status of the turtles should be upgraded from a threatened species to an endangered species. That happened, and so we were cut off from the outside market, unless we could have gotten it to Britain because, being a Colony of Britain, Britain was bound to deal in turtle products. We tried to open the market in Britain, but of course the British like the soup, but apparently not too much else. In America they used all of the turtle - steak, oil, jewellery, you name it, every part of the turtle except one was used there.

We had to move on with the Farm to do other things with it so as to improve its economy and to reduce our dependence on subsidy, from this Government, to maintain it. We did a report here which was very enlightening. (INAUDIBLE) The pigs (LAUGHTER) - my friend wants me to mention the pigs again!

We had in the Portfolio other responsibilities outside of the Portfolio. For thirteen of those early months I held the position of Chairman of Cayman Airways. It was thirteen months of trying times to sort of salvage what was left of the airline and to put it on a better financial basis. But I will leave that for the Honourable Member who represents the subject to deal with it, because I am sure that he is going to do well when he is ready to speak.

MR. PRESIDENT:

Might I interrupt you and suggest we take our break now?

HON. VASSEL G. JOHNSON:

Yes, Sir.

MR. PRESIDENT:

Proceedings are suspended for fifteen minutes.

AT 3:11 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:34 P.M.

HON. VASSEL G. JOHNSON:

Mr. President, when the break came I was dealing with the Planning Department. I spoke about the Development Plan Review which was scheduled after I was able to get under control some of the major projects in the Portfolio. After scheduling the Development Plan Review last year we met with a number of problems, including the departure of our Director of Planning at the time. We went on to employ an overseas adviser to assist with the Review of the Plan, and this was following the same pattern of the previous Government - when the Development Plan was being constructed in 1977, they too employed someone from overseas to assist with that exercise. So I thought that we would do the same. Unfortunately the results were not to our liking, and so the subject was further delayed and I have now passed it on to the new Director of Planning.

The Building Code, which started in 1985, also had its delays. Presently we are faced with a printing problem, otherwise the Code could have been before this meeting of the Legislative Assembly. However, we are hoping that both the Code and the Plan Review will be completed and submitted to the Legislative Assembly at its next meeting in February.

The Director of Planning, in his preliminary views about the Development Plan Review, observed that it should set forth policies that would strike a fair and equitable balance between future development needs and environmental protection; and that it should also recommend various amendments to the Development and

Planning Law and Regulations, so that planning legislation is clear, consistent, reasonably flexible, and easily enforceable. At the present time that is not so - there are a lot of problems in implementing planning regulations and rules. The new Director of Planning is scheduling an exercise following completion of the Plan Review, to review the Law and the Regulations.

From the attitude of the new Director towards this subject of the Development Plan Review I am given the impression that he is perhaps on the right course. For in a country as small as ours where there will be a need always for development to provide new job opportunities for the growing population who could otherwise become frustrated, Government is bound to take a balanced view between development and the need for conservation in certain respects. It cannot be one sided, regardless of what the wish of conservationists and environmentalists may be. The Development Plan is certainly going to reflect those views. It will be entirely up to this Honourable House, when it gets here, to decide on policies. We will make our recommendations.

The Department of Planning will expand its office to include a section for the Building Code operation. That is going to be a very important and integral part of Planning, because the Code is going to be responsible for buildings, their structures and all the other implications, including aesthetics.

The Planning Department had also embarked on a training programme. At the present time there are two officers overseas pursuing their Bachelor's Degree in Planning - a three year course. One of the officers has been out now for two years, the other for just six months. One of them is hoping to move on to his Master's Degree so that when he gets back here he will have adequate qualifications for the job in that Department. When I say the job, I mean moving up to the director level.

So the Department of Planning is making every endeavour to put itself in the picture of what is required there. I would plead once again for the Government to assist that Department in getting itself straightened out so that it can serve the public adequately.

Before I move away from Planning - I see the Opposition have absented themselves, nevertheless I will place this on record. Much was said about the condominium tax. Now the condominium tax was a tax which was introduced in April 1981 under the Development and Planning Law. It was a tax against condominium development, so that a certain fee for each unit built in a condominium complex would be paid. Then the Law provided for various ways in which the fee would be paid, and alternatives to fees. That is not the most important thing. The important thing is that this Government has been accused of abolishing a tax which would put revenue into the Government coffers. Well, the truth about it is that when the Amendment Law was being introduced in 1981 (and the records of this House can bear me out) I made a statement during the winding up of the Budget Address in February 1981. It was February, because 1980 was an election year, and as usual, the Budget is brought forward to the following year in February.

Although the Law had its First Reading, the public came to me, as Financial Secretary, and expressed concern over this tax and the Law, and wondered what else the Government would attempt to introduce in the form of tax. Well, as financial and economic adviser to this Honourable House, and to Government, I had no alternative other than to report the matter to this Assembly, because I was responsible to them for this. The Government, on the other hand, was determined, whether or not, to introduce this legislation. I warned that this tax would have its ill effects. Well I by no means, at the time, tried to wage war against my own Government, but if you look at the records, it almost seems so.

Anyhow, coming back to Government in 1985 after an absence of a few years, we had the private sector coming to us again, and saying why do you not look at that condominium tax, because condominium development is not going to move here as long as that law is on the statute book. And so we had a good look at it and found that up to 1985 there was something like \$600,000 in taxes due Government by the condominium developers. I started to ask the question why this amount was not collected. They said, "Well, it is a planning matter, why do you not deal with it?". We certainly went after it and we collected \$10,000. That \$10,000 came from one Caymanian who was involved, and nobody else paid the tax. So I passed the matter over to the Financial Secretary, because revenue and collection are his subjects. I checked just a little while ago, and not a penny other than that \$10,000 has been collected.

Now, we decided here in the meeting of February 1985 that we would repeal that piece of legislation - repeal the tax - and we did so. That is what we are being accused of, that we have thrown away Government's revenue. Well, throwing away good money is quite a bad thing, but throwing away what we did not collect is quite another thing too. But let us look at what the Law produced - the very thing I warned the House would happen.

Between 1982 and 1984, 47 units were built on the Island. After the tax was abolished, we had, in 1985, 32 units built. We had in 1986 34 units built, and in the seven months of this year we have 41 units built. In just seven months of this year we have almost as many units as there were in the three years 1982 to 1984. That shows that the public was right. It is not always the quantum of money that a developer is asked to pay, but it is the manner and method in which that tax is placed on them. From all over the world (I remember the time that Bermuda introduced the Payroll Tax, many years ago) people came streaming down here, nervous and frightened. Bermuda lost a good bit of business then which came here. When any of the offshore financial

centres fiddle around with their systems, people come here. It is a natural haven for them. That is what we are trying to guard and protect here: that natural haven that feeds us and brings all that we need here.

I hope that the question of condominium tax has been settled, and that we do not hear anymore of the nonsense being said about it as we heard since it was abolished.

Now, for fear that I miss one of my main issues in this debate I would like to comment on the headline of the Compass newspaper yesterday which said: "Secrecy Laws Violated" - charged by a Member of the Legislative Assembly. That Member when he first spoke of confidentiality here being violated, said that he wanted the Honourable Second Official Member, the Attorney General, and Government to take an oath that evidence had not been supplied to United States' Authorities as if the Treaty was in force. I have made an oath in Executive Council. That oath was made to Her Majesty the Queen under provisions of the Constitution. What I am trying to determine in my mind is who is that Member to want the Honourable Attorney General and the Government (and I imagine he meant the Elected Government) to make an oath. To whom? We have already made an oath to Her Majesty the Queen. That oath relates to the duties we must perform in Executive Council. The question of confidentiality is also a part of it. Yes, we deal with matters in Executive Council, and those Members talking about Executive Council should know what happens in Executive Council, they have been there for a long time. They were supposed to be there as life members, but unfortunately it did not happen.

Mr. President, the ability of this Government is well known; not only nationally, but internationally as well and more so since we rescued the Government from the past regime. We have been able to reestablish harmony and good relations with foreign governments which, in earlier years, harassed this country, especially in confidential matters. The First Elected Member of Bodden Town made the statement that large worldwide accounting firms were seeded with police informants. That is a very serious accusation against the financial community of these Islands. Commercial banks, he said, flaunted the laws. Imagine that. "They flaunt the laws and make a joke of our secrecy laws, jeopardizing the rights of clients and leaving United States citizens in jeopardy." I could not believe my ears that a man who had spent eight years in Executive Council and who had upheld the policies of Government regarding the financial operation of these Islands could have made such a statement as this. I know he probably has personal reasons for it, no doubt, but it is a very damaging statement indeed.

Mr. President, I was Financial Secretary of this Government for seventeen years. The building of the financial industry started at the beginning of my administration, and especially from 1966 when certain laws were introduced to promote the financial industry. The industry as a subject fell under my Portfolio, the Portfolio of Finance and Development. It is still the subject of that Portfolio. During those years I took a pride in building an industry of very, very high standards. And a confidentiality system second to none.

When I retired from the Civil Service in March 1982 I was satisfied that our financial industry in these Islands was one of the most disciplined anywhere. I felt, too, that it was as professional and efficient in every respect as that which existed in any other financial centre around the world. That is how I felt about it. And I was not far wrong, because I kept a close tab on what happened in that industry - bankers, accountants, trust operations, legal, everything. I kept my eyes on the lawyers too, Mr. President. And so today I will say that I doubt whether there is anyone in these Islands who knows more about that industry up to that time. And from what I can understand, that the level of efficiency, prestige and everything else, has continued and has risen since that time. Go to any of the banks and talk about confidentiality and see what will happen to you. And for this statement to have been made is really beyond me.

For someone who for personal reasons will stand in this Honourable House under the Immunities, Powers and Privileges Law of this Legislative Assembly, and make those derogatory and irresponsible statements against an industry that provides the largest chunk of income to this country is truly, as I said, strange to me.

The Elected Government is being accused of pursuing political victimisation against Elected Members of this House. I have never practised victimisation in my private or public life, and I will not at this time do otherwise, especially sitting in this seat of this Government. The two things are linked together, the statements he made about the banks, the accounting firms, and so on, and wanting this Government to take an oath, and the accusation which is being levied against the Elected Government. I cannot but ask at this time, that as Her Majesty's representative in these Islands, as the Governor of these Islands, and Chairman of Executive Council that you, Sir, make a statement on this accusation; because I have no doubt whatsoever that with the election campaign warming up and taking shape for the election of November 1988, this false accusation may start making its rounds in the wrong places. I think it calls for a statement from you, Sir.

Mr. President, I will now move on to my favourite subject, agriculture.

If I had nothing in my Portfolio to think about but agriculture I would be able to visit the farms every week of the year. I was told this morning by the past Member that he visits farms often - all the time. I visit the farms too, but I also visit a lot of other things because we have quite a number of on-going projects in the Portfolio. And if the Member would accept my invitation when I invite him

to come and look at some of the projects, then he would be better informed as to what is going on and that we are not just dealing with agriculture alone.

It is undoubtedly true that agriculture is becoming a much talked about subject these days. In the past years it was a subject of little importance, the least of the apostles. At the start of this Government we decided that agriculture needed a boost to test whether it could become a viable industry in these Islands, and so an Agricultural Development Committee was appointed by Executive Council with a membership which included prominent farmers of the Island. Following that, the Committee thought that we would solicit the advice of Israeli specialist farmers, because they are looked upon to be as good as any, for what they have done in their own country. Then we went on to recruit a qualified agronomist, a farming specialist. In the meantime we moved on to develop a Farmers' Market and abattoir, the things that we hear so much about today. These two subjects were scheduled to be built in the period 1975 to 1978. Unfortunately because of delays in implementing those projects on the works' programme, we did not get to the Farmers' Market and abattoir, but over the other eight years they remained on the schedule. Nobody looked at it. I heard that plans were left in the office in 1984 for the market. I do not know whether the abattoir was mentioned too, but I can assure you that when I went to that office, I asked my staff to pull everything from the lockers and off the shelf because I wanted to deal with them. When we went to the Agricultural Development Committee I specifically asked if there were any plans on agricultural development, and I was told there were not. Yet, the Member for East End is quick to claim credit for the market which he says is too expensive. I am coming to that later on.

We started out from scratch on agricultural development, and I cannot see how anyone can come at this stage to claim any credit for anything that is being done. If they want to get credit for anything, do the job, do not talk about it and make promises.

If I had been in that Portfolio for four years and did nothing other than visit farms, then no doubt I would have been trying to get a bit of credibility at this stage when I am vying to go back into that Portfolio. Credibility at other people's expense.

In order to put farming directly in command of the farmers, we went another mile to create a farmers' cooperative in these Islands, a cooperative which would embody all the leading farmers and anyone else interested in farming in this cooperative because we intended to lease the market and the abattoir to the cooperative. The lease is now being prepared by the Legal Department and then to put the onus and the responsibility squarely in the hands of farmers, while of course Government will assist in whatever way it can. Just now we are trying to recruit a manager for that cooperative because the farmers themselves are busy people and they do not have the marketing experience and expertise, and so we must find someone with that ability to organise and to run the market and abattoir.

The cooperative will also take responsibility for farming supplies like cattle feed and fertilizer, and things like that. It is probably only insecticide that will remain with the Agricultural Department.

As I said, we heard a lot about the market. We heard about the cost and value, and that it was so much out of proportion to other buildings. It was outrightly criticised that the siting of the market was not in the right place. If this Government is in charge of that Department (and we are working closely with the farmers), who then are other people to come and tell us that it is not sited properly when the farmers, themselves, agreed that that is where the market should be sited? The farmers are not going to ask the people to come to them, they must go to the people, and so they must establish themselves in a convenient place for the public. And the farmers agreed with that.

They were in Government a long time. If they had wanted to build a farmers' market and site it in East End or wherever else they wanted it, that would be entirely up to them. We have sited it where the farmers wanted it. And now they talk about the cost of the market, and I am going to give you a breakdown of the cost.

The building which is a purpose built building of a very high standard - that is, it is not an ordinary building - has to house quite an amount of valuable and specialised equipment. The building itself contains an 18,000 to 20,000 gallon cistern, and it includes air conditioning. That building cost \$14,214. The site preparation, for clearing and filling, cost \$37,130. The equipment, with freezers and other things, cost \$40,420. Professional fees cost \$4,760. The external work, which includes parking, sidewalk, septic tank, grease trap, top soil, drain work, the lot, cost \$31,830. So the total cost of the project is \$228,354 and we are told that that is too expensive. Well, I wonder that if they had so much admiration for the farmers and wished to see farming take off in the right direction and at the right pace - and if they think that \$228,000 to provide all these things (which I thought was reasonable) is too expensive for the farmers, then I think we will just let the farmers know that: if that is what they are saying that they should not have it and do not deserve it. There are two sides to the story. One side is all right until the other side is hurt.

Mr. President, while dealing with the East End situation, the Member was talking about not getting anything in East End. He was there between 1980 and 1984, and I tell you that 1980 to 1983, apart from this period of prosperity in the Cayman Islands, was the most prosperous period in the history of these Islands. When I exited from Government in March of 1982 I left \$21 million in the kitty

(just to give you an idea of what Government's wealth was at the time) and they are talking about not having anything in East End, not having anything in Bodden Town. They say we gave North Side a little thing, West Bay a little, and so on, and that nothing went to Bodden Town and East End.

In 1985 we went to East End to look at the civic centre. The foundation was being poured then, and we did not touch anything at all. We found a 1985 budget which we did not touch at all, that is why we called it the Opposition's Budget, the budget of the previous Government. We did not touch a thing on it at all. The civic centre was completed, everything was completed in there. Come 1986 it was a different proposition. We had a number of priorities. This Government does not deal on the basis of personal issues, or anything of the sort. We look at priorities throughout the Island, from West Bay to East End to North Side, all around. All the proposals go to Government. They are all put into the lot, and there priorities are dealt with. They go to Finance Committee and all the Members have an opportunity to declare their interests and to make their needs known.

The Second Elected Member for Bodden Town spoke about going in Finance Committee last year requesting certain works to be done on the George Town to Bodden Town road and this was done. I mean- those are the things that they do. That Committee Room is there for Members to make their needs known and they should not come and talk about it here. This is not the right place to do it. Everything comes back to the House in a report.

Regardless of what they want to say about this Government, we treat everybody equally. We look sympathetically at all their needs and all their requests. We are not there as a selfish group to only do the things that we think should be done. We are the people's representatives and we deal with issues in that respect.

I do hope that the figures I have given for the farmers' market will now settle that issue. If any further details are required, I am sure that the Public Works Department can provide them, and if anything further than that is needed, my office is open to anyone who cares to visit and ask for information. So I could not understand when they talked about lack of information. They go only where they want to go for information, and then they come here and lambast us. They never step into our offices to ask for information.

I know it is getting time to adjourn.

MR. PRESIDENT:
Do you have some idea of how many more minutes, or hours, you might be going?

Do you have some idea of how many more minutes, or

HON. VASSEL G. JOHNSON:
President.

Well, I have not finished yet with agriculture, Mr.

MR. PRESIDENT:

I am simply bearing in mind that tomorrow is Private Members' Motion day, and perhaps if you wish to continue for another fifteen or twenty minutes, the House may wish to see you through.

HON. VASSEL G. JOHNSON:

Mr. President, I could not commit myself to that. You know those Members over there spoke for four hours

MR. PRESIDENT:

Oh, no, I am not seeking to persuade you to have less than your ration, please do not think that.

In that case would the Second Official Member move the adjournment.

ADJOURNMENT

HON. RICHARD W. GROUND:

Mr. President, in accordance with Standing Order 10 I move that this House do now adjourn until 10:00 o'clock tomorrow morning.

MR. PRESIDENT:

The question is that the House stands adjourned until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:26 P.M., THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. THURSDAY, 26TH NOVEMBER, 1987

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

THURSDAY, 26TH NOVEMBER, 1987
(LEARN'D DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS D JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O FRANKS, OBE	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BOBLEN, 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 LINDARD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT FOR GEORGE TOWN
CAPT MABBY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BOBLEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BOBLEN TOWN
MR G HAIG BOBLEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BOBLEN TOWN
MR P EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN F McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 26TH NOVEMBER, 1987
(TENTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. QUESTIONS TO HONOURABLE 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. 108: WOULD THE HONOURABLE MEMBER STATE WHETHER THERE IS A COMPANY SELLING TRAYS, PENS, UNIFORMS, ETC, TO CAYMAN AIRWAYS LIMITED, AND, IF SO, GIVE DETAILS OF THE COMPANY AND INFORMATION AS TO WHO OWNS THE COMPANY?

NO. 109: WOULD THE HONOURABLE MEMBER STATE WHETHER CAYMAN AIRWAYS ENTERED INTO A CONTRACT WITH ANOTHER COMPANY TO STUDY AND REPORT ON HOW CAYMAN AIRWAYS LIMITED COULD IMPROVE MORALE, AND, IF SO, GIVE DETAILS OF THE CONTRACT, THE COMPANY AND ITS SHAREHOLDERS?

NO. 110: WOULD THE HONOURABLE MEMBER:

(a) SUPPLY DETAILS OF ALL COSTS OF THE LEASE OF THE BOEING 737 BY CAYMAN AIRWAYS LIMITED FOR THE YEARS 1986 TO 1987; HOW MANY HOURS PER MONTH DID IT OPERATE ON THE SCHEDULED AND CHARTER ROUTES, AND HOW MANY HOURS, IN TOTAL, WAS IT FLOWN DURING ITS LEASE;

(b) SAY WHETHER THE LEASE OF THE BOEING 737 PROVED PROFITABLE; AND

(c) SAY HOW MUCH GROSS REVENUE WAS EARNED BY THE BOEING 737 DURING ITS LEASE PERIOD?

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

PRIVATE MEMBER'S MOTION NO. 20/87
CAYMAN AIRWAYS LIMITED

TO BE MOVED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN.

TO BE SECONDED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN.

4. GOVERNMENT BUSINESS

BILLS:-

THE APPROPRIATION (1986) BILL, 1987

SECOND READING

CONTINUATION OF DEBATE:

(ON BEING READ A SECOND TIME, THE BILL SHALL STAND
REFERRED TO FINANCE COMMITTEE - STANDING ORDER 63(3))

5. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL
SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

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Cayman Airways Limited

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THURSDAY

24TH NOVEMBER, 1987

10:07 A.M.

PRAYERS

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, Prince of Wales and all the Royal Family. Give grace to all who exercise authority in us, Government that peace and happiness, truth and justice, religion and piety may be exercised 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, who 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:

Proceedings of the House are resumed. Questions.

The First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE 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. 108: Would the Honourable Member state whether there is a company selling trays, pens, uniforms, etcetera, to Cayman Airways Limited, and, if so, give details of the company and information as to who owns the company?

ANSWER: Cayman Airways Limited purchases trays, pens and uniforms from separate companies and not from any one organisation. Trays are purchased from BOSTEK Corporation of Amsterdam, by ordering through that Company's branch office in Miami; pens are purchased from Albert's Advertising in Miami; and uniforms are purchased from Fashion World Incorporated in New York. Details as to the ownership of these companies are not known.

MR. PRESIDENT:

Supplementary?

In that case, next question please.

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

NO. 109: Would the Honourable Member state whether Cayman Airways entered into a contract with another company to study and report on how Cayman Airways Limited could improve morale, and, if so, give details of the contract, the company and its shareholders.

ANSWER: Cayman Airways Limited has not entered into any such contract, and, therefore, the details requested are non-existent.

SUPPLEMENTARY:

MR. JAMES M. BODDEN: Has any study of this subject at all been done, whether it was done under contract or not?

HON. W. NORMAN BODDEN: No, Mr. President, not to my knowledge.

MR. PRESIDENT: If there are no further supplementaries, Question Number 110, please. The First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

- ND.110: Would the Honourable Member:
- (a) supply details of all costs of the lease of the Boeing 737 by Cayman Airways Limited for the year 1986 to 1987; how many hours per month did it operate on the scheduled and charter routes, and how many hours, in total, has it flown during its lease;
 - (b) say whether the lease of the Boeing 737 proved profitable; and
 - (c) say how much gross revenue was earned by the Boeing 737 during its lease period?

(STATEMENT)

HON. W. NORMAN BODDEN: Mr. President, in reply to this question, I should remind the House that at the February meeting this year, I undertook to supply Members with a report as to the operating results of the 737 and this information, as provided to me by the management of Cayman Airways, was distributed some time ago to all Members of the House. I have the information here, and the answer is as follows:

- ANSWER:
- (a) The total cost of the lease of the Boeing 737 was US\$2,607,027.00. It flew an average of 198 hours per month with a total of 2381 hours.
 - (b) Yes, there was a profit of US\$258,112,007.
 - (c) Gross revenue earned by the Boeing 737 during its lease period was US\$2,865,146.00.

MR. JAMES M. BODDEN: Mr. President, I have the paper that was circulated to Members in August. The reason for bringing this is that that was just an estimate and averages. I will not pose any supplementaries at this point, but will keep it for debate on the Motion that follows.

Thank you, Sir.

MR. PRESIDENT: Thank you. If there are no supplementaries, we move to Item 3, Other Business. Private Members' Motions - Motion No. 20/87. The First Elected Member for Bodden Town to move.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 20/87
CAYMAN AIRWAYS LIMITED

MR. JAMES M. BODDEN: Mr. President, I move the following Motion:

WHEREAS the financial statements and annual report of Cayman Airways Limited for the year ended 30th June, 1987 were laid on the table of this Honourable House at the sitting of the support meeting on Monday 16th November, 1987;

BE IT THEREFORE RESOLVED that the Legislative Assembly is of the opinion that the accounts of Cayman Airways Limited are not satisfactory in that they do not provide a true picture of its financial and operational position.

I will reserve my details until it is

seconded, Sir.

MR. G. HAIG BODDEN: Mr. President, I beg to second the Motion which has

just been read out.

MR. PRESIDENT:

Private Member's Motion No. 100/7 has been duly moved and seconded. Would the mover wish to speak to it?

MR. JAMES M. BODDEN:

Mr. President, this Motion has been brought by my colleague and myself in an attempt to dispel the rumors that a scandal clouds the operation of Cayman Airways, and to fully air the operational and financial position of the Company so that the shareholders - the Cayman public - will know what has been going on.

Before entering my debate, let me qualify some of the things that I will say by explaining to this House that this is no way in any reflection on the auditors of the Company. I have always held the auditors, Mr. Richard Harris and his firm, Price Waterhouse, in the highest esteem. They have done a lot of work for me personally, and it was I who selected them to do the work for Cayman Airways. I feel that their integrity is the highest that you will find and I do respect their figures.

I wish, however, to prove to this House that the public is lacking a lot of the information which they should have as regard to its operation. The entire country is aware of the hue and cry that has caused in this country by the present Government Members and their colleagues when they were in opposition, and when Cayman Airways could do nothing that was right.

Cayman Airways Limited is the country's largest investment. It is one of the largest endeavours that this country has ever undertaken. It is the biggest contributor to the economy of this country that we have. It is a big dollar earner. It employs a lot of Caymanian citizens in very high positions with an attendant high salary scale. So I do not want anyone to believe that all the ridicule and nonsense that has been attached to Cayman Airways in the past was not worthwhile. I, for one, am very proud that the national airline was established and that it is owned by our people. I am not attempting in any way to degrade the airline, either as an asset or in any way to lower the morale of the employees of the airline, because in my opinion they are all very dedicated to the service of Cayman Airways. However, we must look at this objectively.

Cayman Airways Limited has undoubtedly been the country's most controversial subject over the past ten years. There has been no item, which Government has had anything to do with, that has brought so much controversy as Cayman Airways. I am ashamed that this happened, but it happened because of the prodding of certain people who are now in this present Government, and who in every way to degrade the effectiveness of Cayman Airways. Mr. President, I can speak here without any fear of contradiction that there never have been as many lies told in the history of the entire world as was told during the period that Cayman Airways was being guided by the Unity Team administration.

A press was provided by some of the well-known politicians to their cohorts who mounted a campaign that it was a wonder Cayman Airways was not literally pulled out of the skies. This was recalled for a reason, since the last election when Cayman Airways came under new direction and new management, they have had a real honeymoon. None of us, who are now in Opposition, have ever written any large amount of questions or motions, or anything else which would attempt to degrade the operations of Cayman Airways.

It is my opinion that what then happened recently with regard to the Chairman of the Board taking an affront to something that was said by one of the Elected Executive Council Members, Cayman Airways was thrown full blast into the political arena again. We got a resignation and I am sure that most of us with good sense knew what to expect and what would happen with regard to that resignation. It was a political play, pure and simple. I wonder whether we are going to get a resignation when I get through with my debate. I am sure that what the Honourable Second Elected Member might have missed, I will not miss today. And I will prove without the need of doubt that Cayman Airways is in a much, much worse position now than it was at the end of the time in 1984. And I will prove that from the figures by comparing 1984 with 1987 completely.

Cayman Airways was founded many years ago. I cannot take credit for the original founding, and so before I get started on that subject later on in the debate I want to make it completely clear that Cayman Airways was founded - I do not even remember the exact year - quite some time before I had anything to do with it.

Cayman Airways was the product, I think, of a company which originally started to operate a DC-8 operation between Grand Cayman and Cayman Brac. We then got into bed more fully with the Costa Rican airline, Lacsca, and we formed a company which wet-leased the aircraft from Lacsca. The aircraft was in full operational control of Lacsca. It was merely a paper entity with regard to Cayman Airways. Cayman Airways was 60 per cent owned by the Cayman Islands Government, and 40 per cent by Lacsca. That paper entity wet-leased aircraft from Lacsca. We had, I would say, nothing to do with the operational part of it - as far as what was done by the airline. We were completely controlled by Lacsca. The crew were nearly all Lacsca crew, with the exception, I think, of two people who were Cayman nationals. I refer, I think, to Captain Wilbur Thompson and Captain Harrison Bottevell. I think they were the two crew members who were lucky enough to get employment with Cayman Airways at that time. I intend to prove, further in my debate, exactly what happened with regard to the Cayman Islands Government with regard to Cayman Airways' personnel.

We supposedly owned 50 per cent of this paper company; that is strictly what we owned. All kinds of stories have been told of how good Lacsca was to us, and how LACSca was the curative power for all ills that ever afflicted the Cayman Islands. I will give credit to Lacsca for opening up the airline route between Grand Cayman and Miami and also to Kingston, but we must never lose sight of the fact that Lacsca got well paid for everything it did for the Cayman Islands. It was not in any way the profitable deal that some of the present Elected Members of Executive Council would try to have us believe.

We, as shareholders of the 50 per cent, only rubber stamped whatever Lacsca wanted to do. We had no control. I would just like to point out that the Honourable Fourth Elected Member of Executive Council was, at that time, the Chairman of Cayman Airways. I heard him debate yesterday, and he was quick to point out in rebuttal to my colleague from East End, that he had to spend so much time on the chairmanship of Cayman Airways that he had had but very little time to deal with agriculture. So before he may jump up and say that I am not giving him the due respect accorded to his high office, I want to make it very plain from the start that at this point he was the Chairman of the then existing Cayman Airways.

Mr. President, for many years this society, including many of the Members of your present Elected Government, was afflicted with the most serious disease ever to have afflicted this country. We had to send off our consultants and experts to try to figure out what it was. Finally it was determined that that disease was named Lacsca-itis. I intend this as a pun. But all it was virtually the truth. There was so much said in favour of Lacsca that at that time I wondered if we were an appendage of Lacsca and Costa Rica, or whether we were merely the Cayman Islands. So I will not dwell on this disease much longer at this point, but will follow into the rest of my debate.

Leading up to the elections in 1984, all those who now say that the country could not survive without Cayman Airways predicted that it would ruin the country. They preached every imaginable wrong against the airline. I am wrong, Mr. President, (and you should have been here during that time if you think I am wrong) but derogatives said about Cayman Airways. Now these same people are disking Cayman Airways into their arms, pulling it to their breasts, slipping it on the back, and saying, 'You know, you are the best thing we ever had.' At times when they slip it on the back now they are not sticking the dagger under the ribs the way they were before.

I have, however, always stood on a steadfast in my belief that Cayman Airways was needed by this country; that it was the best investment that we had; that it helped the prestige of this country; and it aided the labour problem. It helped our young people, who aspired to do, and hoped to become worthwhile citizens, to become of themselves worthwhile citizens. I defended Cayman Airways every opportunity which I got. I know that again the Fourth Elected Member of Executive Council, particularly, will be quick to get to his feet when I have gotten through with my discourse and say to the House and to the people of this country that I made the statement that I would keep Cayman Airways flying if it cost the last penny in the national Treasury to do so. Mr. President, I made that statement on several occasions. I stood by it and I will not withdraw that statement today because I fully believe that the benefits to be derived by Cayman Airways cannot be equalled by any other airline that may fly into this territory.

We went through a period when we were completely at the whims of foreign carriers. British West Indies Airways pulled out and there may have been other airlines pulling out. We have recently seen what happens when airlines are controlled by foreign entities. Northwest Airlines used to have two flights a day from Miami. Today they only have one, because for economic reasons they do not seem fit to stop one of those flights. Now if we did not have Cayman Airways would any of the people in this House and country think that we would have had the prosperity which we have in Cayman today? Whether or not I may argue about the type of tourism, tourism is the mainstay of the economy. People are coming into the country, and if we did not have the national carrier to bring them in we would not have a buoyant tourism industry. Therefore, Cayman Airways has to continue in operation and I hope the time will come, and I believe it will come, when we find Cayman Airways to be a revenue earner for the country and that we will be able to do away with the subsidy which we are now giving the airline. No subsidy which I personally do not believe in, and a subsidy which I refused during the time that I was Chairman of the airline.

Mr. President, many contracts have been void, and some of these from the inner Elected Government circle of the present time concerning the break that was made between Lacsca and the Cayman Islands Government. Let me point out that one of the things that contributed to that break could have been the stubbornness of the Unity Team administration because we were not content, as representatives of a sovereign country, to stand up and let Lacsca ride us to the ground. For the time Lacsca had people who would stand up and deal with them and trade blow for blow. I do not want that to be misinterpreted, and I will speak on that later on, but people did stand up and stand up for the integrity of our people and for the integrity of the country.

Finally, after much consultation and I will debate this further when I go back to deal with the Bermuda II Agreement, the break came about because Lacsca, in their final offer to us, said that they would schedule us for two trips a week to Miami, one trip a week to Kingston, with no cargo operations and no additional routes. Under the Bermuda II Agreement Cayman Airways can be a national

carrier and at that time was entitled to the establishment of regular routes into the United States. Now this is what we were told by Lacsca. Can any of you ladies imagine what would have happened to the Cayman Islands from 1977 until now if our national carrier had been limited to two trips a week from Miami and one to Kingston, without any additional routes and no cargo flights?

Mr. President, under the Bermuda II Agreement, which was negotiated between the United Kingdom on our behalf and the United States Government, it was determined by the American authorities that the Cayman Islands did not have effective control of the then known entity of Cayman Airways. To get that effective control we approached Lacsca to buy 30 per cent (they had 40 per cent of the shares) - and we would buy 30 per cent of them, leaving them with 10 per cent, which would have made the then known entity of Cayman Airways Limited owners of 20 per cent of the shares. We finally concluded that, but every move we made with Lacsca, at that time, was pre-empted because Lacsca had prior knowledge and experience in every area to which we were proposing to move. Finally we bought the entire amount at a very high price per share in order to get the total shares of the then known entity of Cayman Airways. At that point we formed a holding company known as Cayman Air Holdings. Mr. President, Lacsca's final message gave us the ultimatum that within 30 days we should accept their terms or they would quit flying into Grand Cayman.

Now this can all be substantiated from records that I hope are still in the Government Administration Building. We said that we would not stand for this. On the streets it was said that I was at the time, meetings with myself and Mr. Escalante (I believe that was his name) of Lacsca that I threw an ashtray in his face at the Government Administration Building. Mr. President, you just need to show how far and ridiculous were the lies that were spread at that time. The Managing Director of Lacsca and myself did not get along, but we never had any disruptive argument. We never had any fights, we just dealt with the problem as he saw it, for his company and as I saw it for the Cayman Islands.

When we were given total ultimatum, the Oarty Team administration began to act at once to establish a viable carrier for the country. I made a commitment, and said so publicly, that there would be no disruption in service. And there was no disruption in service even though it is not easy to put an operational airline together in thirty days, particularly when you have had no previous experience at all with it. But I assembled a working group who were very dedicated and patriotic and we were able to accomplish the goal that we set out for - and there was no disruption. The plane came in I think about a half hour later than the normal schedule operated by Lacsca.

To give credit at that point, I must give credit to Captain Wilbur Thompson who was our senior pilot for a long time in Cayman Airways, because without his dedicated help we could not have put Cayman Airways together as an entity that would work. We negotiated a lease with Air Florida, originally for six months, on a DC-9, which carried I believe 84 passengers. That lease had to be extended, I believe, for a further three months. I will never forget that on signing that lease I told the Honourable Second Elected Member of Executive Council who was at the time in the Miami offices, when everything had been worked out as closely as we could, I told the group, of which he was a part, of the approximate loss that we would experience in the next six months if we were to go into the deal with Air Florida. I said that I was prepared to go forward if the rest of the Members and staff were prepared to hold me out that due to the approximate loss that we would experience it should not be thought that we were going to make money.

At the end of the lease term, if I remember correctly, I had under-estimated the amount between \$50,000 to \$70,000, one or the other. So I am bringing this point out to show that from the inception we all realized that we were in a ticklish position with regard to making Cayman Airways a profitable deal.

Later on, the Government approached a BAC 1-11, with the assistance of financing. I am not quite clear on the first financing, but I think that the financing I am referring to was granted to Cayman Airways by the Royal Bank of Canada. If it was not the first aircraft, it was the second one that they financed, and I thank them for their help. At that point we needed help and we bought first a BAC 1-11 aircraft. I will not go into the details of the BAC 1-11 operation, because a report that had ever had anything to do with this aircraft will probably bear me out completely when I say that the BAC 1-11's are a very good aircraft. It is very well maintained, not costly to operate. We experienced many, many difficulties with it. I may add at this point that from the beginning I was the one who stood up and said the BAC 1-11 is not the aircraft for us to buy and that it is not the best operational aircraft because of the problems we would encounter in the procurement of parts; the parts being very, very expensive.

Anyway, we bought the first BAC 1-11. We later bought another one, and we began, I would say, a full scale operation of the airline. During this time also, we leased a Boeing 707 and opened up routes to Belize, San Pedro Sula, Tegucigalpa and Houston. Now Houston has proven to be a viable destination over the years. The other routes which I just mentioned were on a lease arrangement with the Belize airline which at that point had the routes, under their respective agreements, for that area of the world. We leased a DC-6 and gave the country a very dependent cargo service. At one point, with the buoyancy of the economy of the Cayman Islands, that cargo plane was operating five days a week between Miami and Grand Cayman. I think it went into Cayman Brac one day a week - I think this was what was happening. But I would like to point out that that aircraft was under a lease purchase agreement with Cayman Airways and it was

being flown by crew of Cayman Airways.

After several years of operation and many, many heartaches with regard to the BAC 1-11, we finally sold them. We then purchased the two B-727's that we have at the present time. Now this was not done until, Mr. President. The two major American aircraft manufacturers, Boeing and Douglas, sent many teams down here at their expense - not at our expense but at their expense - to work out the merits and the demerits of the operation of these aircraft if they were going to be used on the routes of Cayman Airways. I have still in my possession copies of many of those reports. Those studies helped tremendously in the decision that we made.

So the purchase of the 727 aircraft was not something that was done without a lot of prior study, nor without knowing that it would be the best thing for the country to have. It took much research to finally come to the decision that was made. We looked at many aircraft, some as far away as Singapore, some right in our own hemisphere, but finally what we settled on was the 727's that were being lease purchased by Air Florida. These had originally been aircraft that Braniff had placed deposits on. Braniff at that point failed and Air Florida took over the agreements and fell on their face. Therefore we were able to pick up those two aircraft at an original cost of \$20.5 million plus interest set at eight per cent a year over a period of 14 years.

That is the history of the two 727's which are now being used by Cayman Airways. If I remember, when we purchased those two aircraft each had approximately 2,500 hours on them, so they were relatively new aircraft. At the present time, if those two aircraft were put on the market for sale, they would bring much in excess of \$30 million. So it has been a very, very good investment for the country. We have accumulated losses, but we have built equity.

Cayman Airways opened up the Turks and Caicos operation after much negotiation and being recognized as a d.k. carrier we were able to take over direct flights from Miami to the Turks and Caicos Islands. Now, Mr. President, it took some losses and some time before that operation began to pay. It was just beginning to get to a load factor which would make it profitable when the elections came about in 1984. For what reason it was cancelled I do not know, but immediately after the elections, the Turks and Caicos route was given up and Pan American Airlines immediately jumped in. They are running the route today, and running it well as a profitable route. So we had lost some money in building up that route, but the losses were being covered at the time of the 1984 election.

One point I would like to stress is that during our administration ...

HON. BENSON D. FRANKS:

Mr. President, on a point of order, Sir.

MR. PRESIDENT:

Would you state your point of order?

HON. BENSON D. FRANKS:

Standing Under Order, Sir, the relevancy of what is being said in relation to the motion before the House.

MR. PRESIDENT:

If you would be seated I will sit on the point of order.

I have deliberately allowed considerable latitude. This is a Private Member's Motion. It seems to me that the ground is being set for the purpose of the motion, but I shall continue to watch. I would ask the Member to observe reasonable latitude.

Thank you.

MR. JAMES M. BODDEN:

I appreciate that, Mr. President. I am trying to lay the reason for Cayman Airways financial position being what it is today, and I do not think I can properly lay the groundwork unless I give this background. I am not surprised at all that the Honourable Member would make a move such as this.

MR. PRESIDENT:

No, I am sorry. I point to the point of order, I do not think it is necessary for you to add to it. Please proceed.

MR. JAMES M. BODDEN:

Mr. President, Cayman Airways did not have trained personnel. We had to embark on training programmes that encompassed every portion of the airline. However, the point I am specifically stressing is that much of the training that was done was done to benefit local staff. We hired people and we trained them. We gave the fulfillment of dreams to a lot of our young people who wished to learn as pilots. We assisted them with training, we made jobs available for them when they got back and today many of those are a credit to this community and a credit to any airline if they were to fly them.

We started charters to Toronto, Miami, the Bahamas, New York, Chicago and Detroit. The Cayman Express charters were started during our administration. This is the point I am gradually working to, Mr. President, because as I dissect this balance sheet I want to prove the great difference in prices that were charged at that time compared to what the Company is earning at this time, and prove my point that the financial position of Cayman Airways is not as bright as people are led to believe.

At the elections in 1984, all the infrastructure to

make Cayman Airways a viable proposition was in place. All the necessary programmes to make it viable were in place. All the training programmes that were necessary were in place and we were beginning to get to a break-even point on operations. We had put in a lot of cost saving devices. We had put in a lot of controls that were saving money for the airline. The Honourable Second Elected Member of Executive Council, I am sure, can agree with me on this point, if he agrees with nothing else, that the airline problem from the beginning was an accounting problem more than anything else. The reports had to spend a great deal of money in an attempt to come to grips with the accounting side of the business. The Honourable Member fully knows that he and I have spent many nights, into the early morning hours, trying to determine what had happened to the money and where it had to go, and so forth and so on. I point out, Mr. President, that during this period the problems in the accounting department for which I fully took the blame, were monstrous, because the accountants that we were able to bring in at that time were worse than those that we hired locally, and they were bad enough.

In the year 1983, Cayman Airways had to spend about US\$400,000 over and above the usual accounting cost to bring in trained accounting staff from the United States. This was done under a programme in conjunction with Price Waterhouse, who were, and still are, the auditors of the Company.

I point out that what is being done at Cayman Airways today is being done from the foundation that they were upon in 1984. I will point out further that their stewardship from 1984 has not been as good as they would lead many people to believe. We were on the road to having a successfully efficient and maybe profitable airline in 1984. Since 1984 the Company has been fix to lease a 737 aircraft. This was mainly done in an attempt to prove that the decisions of the previous administration in buying a 727 was wrong. And I am submitting that this attempt to prove the previous administration wrong cost the Company money rather than earning it money as we heard in a question tabled in this House this morning. Mr. President, at that time to lease the 737, which carries but very little cargo and fewer passengers than the 727, we were paying about \$60,000 a month more than what we were paying for the two 727's. If everything had been kept accurately on the accounts with regard to that 737, there is no way that with the amount of hours that it operated and the amount of passengers it carried that it could have made the money. And I am prepared, as I go into my submission, to point out the areas, that were not mentioned, as having incurred any costs.

At the bottom of the report which was submitted to the Members of the Assembly on 20th August of this year, and which was referred to in the questions this morning, was a footnote. That footnote says: "This analysis is based, to some extent, on estimates and averages." It is not the correct report that you would expect to receive from the accounting department on the operation of the aircraft. I submit that it is incorrect and not fully representative of the operation of the aircraft during this period. On the expense side, no amounts are shown in regard to the passengers that the airline carried. This is pro-rated back with the insurance company at a per person cost on each person that you carry. There is nothing in that report for administrative costs. How are you going to operate a 737, or even a Shorts, without having administrative personnel in place? There is no money in that report for these things. There is nothing for the cost of negotiating the lease and getting it in place. That is an integral part of the expenses that were incurred. There is nothing at all in it for legal costs and nothing for telephone and communications. How are you going to operate an airline without incurring communication expenses? There is nothing at all for advertising or public relations. And the note at the bottom reads as I previously read to this House.

This is strictly, in my opinion, a waste of what one would hope it could do, and circulated to the operational staff of the airline. It shows a projected profit of \$289,119. I believe that this was just a haphazard estimate rather than being the correct figure.

Cayman Airways had a very efficient and cost effective aircraft that was operating the inter-island run. That has been changed. That aircraft was sold, with the spare parts, for a very low price during the financial year of 1986-87. It was replaced with a plane that we have been told holes tremendously to facilitate larger loads of passengers to the Sister Islands. This again is a bit misleading because that aircraft, although it may be listed to carry thirty passengers, can only carry thirty passengers if the fuel is restricted. I understand, from very informative sources, that that aircraft is restricted to twenty passengers between Grand Cayman and Cayman Brac. The Trilander had a restriction of twenty persons that it could transport from Little Cayman to Cayman Brac. The Shorts is unable to take flight. The cargo carrying capacity of the Shorts 3-30 is not the amount we have been told in this House. It carries much less cargo, and therefore it is not able to take the load of passengers, with their baggage, that the Trilander could carry.

The point I am making is that we have not really improved the efficiency of the routes to the Sister Islands to that great extent. I am happy they have another plane. I am happy that it is more convenient for them. I am happy that it has a toilet. I go along with anything that can help the Sister Islands or this country, but what I am pointing out is that that aircraft has cost a lot of money. It has not given the efficiency that it should have given. It is broken down more often than it flies because we have difficulty in obtaining the spare parts, as would be the case if we were still operating the BAC 1-11.

When we brought the 727's on line, I requested with the pilots not ask for an increase to operate the larger aircraft. They agreed with

me, and I understand that the pilots only get a five per cent rate for a longer period of three years.

At this point I would like to just inject a query into my submission, and that is that I see some folders which advertise Cayman Air Tours. I would just like to place a query to find out if Cayman Air Tours is a company owned by Cayman Airways and used as a marketing tool, or is Cayman Air Tours a company owned by someone other than Cayman Airways?

MR. PRESIDENT: I am not quite sure if you are placing that as a rhetorical question. I think one must leave it to the Member of the Government responsible to speak to you in the interval if he wishes.

MR. JAMES M. BODDEN: Yes, Sir. Thank you. Now, Mr. President, it is a bit unfortunate in one respect that the financial year of Cayman Airways runs from 1st July of one year to 30th June of the next year. The reason I am saying that is because in making my submission on this, it would have been much better if we were to deal with financial years that embraced the last elected Government of this country versus the elected Government at the present time. So in the submissions that I will make we have to realize that the financial year stretches across two administrations in the country.

In 1984 the airline was under the administration of the Unity Team Government, represented by myself, for four and a half months, and for the other seven and a half months it operated under policies and cost effective programmes which were set up during my administration and carried on by the new administration which, at that time, was chaired by the Honourable Fourth Elected Member of Executive Council.

It is my humble submission that, at that point, the only thing of which they could really boast during that seven and a half month period in 1985 was that they fired the directors and appointed their own friends - or they should do in a democratic society. They fired some of the high ranking staff because they thought those staff were loyal to myself. Therefore the accounts of Cayman Airways that I have to deal with in the 1984-85 period does stretch across two administrations.

The financial report for 1984-85 shows that a Rolls Royce engine and Hawker-Siddley spare parts, valued at \$289,000, was carried as an asset in the balance sheet. And carried as an asset in the balance sheet was the apartment building, for \$142,381 in Prospect. The Tridenter and spares were carried for a little over \$200,000, but it was sold in the 1987 period for \$175,000; so I am submitting the amount here at \$175,000. These combined figures amount to \$506,381 of assets which were sold in the 1986-1987 period and used as operating revenue. If nothing of assets are gone (and the money has been used up) and are reflected in this balance sheet to show us that the airline only made a loss of something like \$900,000. I am submitting that if we add this to it, it will enlarge tremendously the losses.

In the year 1984-85, the passenger revenue earned by Cayman Airways was \$23,042,404. This is a very relevant figure. In the same period the cargo revenue was \$1,989,561. In the same period the charter operation had a revenue of \$4,351,229, and according to information available to me the charters they were run in the period up to June, under the present administration, would probably amount to a little over 300 hours, with the remainder of 500 and something hours being run in the period before the change in administration.

Other revenue was listed at \$572,804. Operating expenses for this period are: flying operations - \$11,540,977; maintenance cost - \$3,318,597; passenger service costs - \$2,055,698; airports and traffic - providing - \$3,606,659; general and administration - \$2,096,002. In the year 1984-85 there was an operating profit of \$461,310. In that year the airline showed a net loss of \$1,402,444. Now included in the above amount was a figure of \$269,849 for interest on the Government loan, which had been extended to the airline. I will point out that at this time in the operation of Cayman Airways this no longer has to be paid. In 1984 the airline sold the assets that it sold in 1986-1987, had it not paid the interest on the Government loan which has now been transferred to shares in the company on which no interest is paid, and had it had a Government subsidy of \$1,250,000 as it had in the year 1982-1983, then the net profit the airline would have shown in 1984 would have been \$617,408 rather than a net loss of \$1,402,444.

MR. PRESIDENT: I was going to ask you if that is a convenient moment to break - I think it may be.

MR. JAMES M. BODDEN: Yes, Sir.

MR. PRESIDENT: We suspend proceedings for fifteen minutes.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:38 A.M.

MR. PRESIDENT: Proceedings are resumed. Order: Member's Motion

MR. JAMES M. BODDEN:

Mr. President, I would like to make it abundantly clear that the exercise I have embarked on here is no way meant to detract from anything that Cayman Airways is doing for the country. I have the greatest of respect for all the employees of Cayman Airways, and I will even extend that to the Chairman, thinking that he is doing his very best.

I would like to bring out one more point before I go further into my submission, and that is that some years back the airline had the services of a Member of this House as Chief Accountant. I am not trying to detract in any way from the things I have said with regard to this gentleman. He was able to assist the airline at that time in one particular point and that was to save about \$200,000 in revenue which we might have lost because the other accountants kept invoices in their desk drawers for two years, and this was much over the period when funds could have been collected from the clearing house. So I am not trying to detract one bit from his ability and contribution to the airline. And I hope that he can be as lenient with me with respect to what I may have said in this area.

Mr. President, if, in 1984, Cayman Airways had sold the assets that it sold in the period 1985-1987, and if we had not paid the interest on the Government loan, which has now been transferred to shares in the company on which no interest is payable, and if we had had a Government subsidy of \$1,250,000, then the net profit in 1984 would have been \$617,404. I am prepared to fully put forward my argument that, if the airline continues to get the Government subsidy that it is getting, with good management it should be in a break even position in a very short time.

In 1984, fuel prices were approximately US\$1.20 per gallon, compared at the present time to an average of about 40¢.00 cents a gallon, which is a saving of about 35 cents a gallon on fuel. In a further comparison on the 1986-87 financial year of the company to the financial year 1984-85, we will find that the airline has many more routes than it is operating. It has increased ticket fares - the ticket fares are much more expensive now than they were in 1984; the company is operating over twice as many charter hours as it was in 1984; it has no interest to pay on the Government loans, and therefore it should be making money.

In 1987 passenger revenue earned by Cayman Airways was \$22,872,096, or \$170,308 less than was earned in the financial year 1984-85. I have to ask at this point why, when the ticket fares have gone up, are we operating more routes? Why? Is the load factor decreasing that amount? In 1987 cargo revenue was \$1,688,136, or \$301,425 less than 1984-85.

The charter market in 1987 was \$4,578,407, or \$2,227,178 more than it was in the year 1984-85. This figure is an integral part of my argument, and I will comment on it later. Under "Other revenue" on the balance sheet for 1987 it was listed as being \$516,442, or \$57,472 less than it was for the period 1984-85.

Flying operations in 1987 cost the airline \$9,465,677, or \$2,074,400 less than it did in 1985. The main reason for this was the decrease in fuel prices that I previously mentioned. We have had a fuel decrease over the years of approximately 30 per cent, and if we figure that 30 per cent on the flying hours of Cayman Airways, we would see where the savings came in. The 1987 aircraft takes about 1,465 gallons of fuel to operate per hour, so that if we take a saving of 30 cents a gallon on that we will see that the savings are approximately \$450 a hour. So this is where the airline has benefited tremendously.

Maintenance in 1987 was \$3,296,080, or \$22,814 less than in 1984.

Passenger service in 1987 was \$9,421,765, or \$866,067 more than it was in 1984-85.

These are some of the areas of which I am being critical in saying that the airline is not under the type of management that some people will be led to believe.

Aircraft and traffic operating in 1987 cost \$5,647,354, or \$2,040,695 more than it did in 1984-85. This is a very significant amount when we consider that the income earned by the airline on passenger service in 1987 was less than it was in the corresponding period of 1984-1985. Now this is where we come to good management. If the airline had the good management, which that would have us believe, this figure would not have increased as drastically.

General administrative cost in 1987 was \$3,477,822, or \$349,820 more than it was in the corresponding period of 1984-1985.

Now these figures are very significant when you begin to get to the bottom line of the operation.

Operating profit. Having utilized the assets which were sold, in having to pay no interest to Government, and by having the Government subsidy, we came out with an operating profit of \$859,957.

The total net loss, after various losses and everything else was taken into account, was \$835,826, or \$66,608 better off than the corresponding period of 1984-1985. Now we must remember that we are dealing with two financial years in between. The Company has sold a lot of assets, it has increased its routes and the charter market, and yet they have not been able to come to grips with the bottom line dollar with regard to the profits. I would point out that we hear a lot about the efficiency of Cayman Airways at the present time with regard to management, and we

hear of so much improvement and of so much dedication by a few people - but let us compare the operation objectively.

Passenger revenue. With some destinations and with more flights being flown, increased revenue from ticket sales has decreased. It was not increased, it has decreased. This means that we have a significantly lower load factor than we had in 1984-1985.

Cargo revenue in 1987 is less than it was in the year 1984-1985.

Charter income has increased about one third over the period from 1984 to 1985. But again, Mr. President, taking into consideration the amount of charters that the airline ran in the year 1986-1987 (and we work the hours out by the figures given to us by the Honourable Second Elected Member on notice as a question I placed in the House a few days ago), we find that in 1987 the airline operated approximately 1,900 hours of charter flights. Now if we compare this to 1984 when the amount of charter flights were approximately 850 hours, and look at the amount of income that was earned on the charter flights in 1984 compared to the amount earned in 1987, we see a big disparity. The 1987 figures will reveal that former flyers are only getting \$3,000 to \$3,200 per hour for the charter flights. This will compare to \$4,200 to \$4,500 an hour they were getting in 1984-85. And if you take the decrease in fuel as a significant point here, and you take \$450 an hour from \$4,500, you would still be at \$4,000 an hour. The main point I am making is that you cannot separate the 727 and pay all the attendant expenses which should be paid in that operation, when you are only earning an income of \$3,000 to \$3,200 an hour. We are flying the plane, keeping it in the air, giving experience to the pilots, bringing people to the Island (which I do not object to), but we are not breaking even in any sense of the word. You cannot cover direct operational costs at that price.

Flight operation cost has been reduced, as I pointed out previously, by the decrease in the fuel price from an average of \$1.20 to an average of 85 cents.

Maintenance costs in 1987 is about 1.07 per cent less than it was in the corresponding period 1984-1985.

Passenger service is much more now than it was in 1984. Traffic servicing is more, general and administrative costs are more. Altogether those three things have increased by about 37 per cent over what it cost the airline to operate in 1984-1985.

So do not tell this House, nor the people of this country, that the present administration of Cayman Airways, under the direction of the Chairman, has come to grips with the problem because the problem of the present time lies in his administrative costs, his passenger service costs, and his traffic servicing costs. These have increased 37 per cent in the last two years.

To recap further, a net loss is shown of \$835,826. If we add to this the approximate \$500,000 of sold assets, the interest of \$29,898 per year chargeable in 1984, which is no longer being paid, and a dividend of \$1,250,000, paid by the Cayman Islands Government to ensure the operation of Cayman Airways, we find that the true loss of the airline for the period 1984-1987 is \$2,855,724 instead of the total loss of \$835,826 that is projected in the balance sheet of the Cayman.

Now, if anyone of this kind should doubt my calculations, income and traffic operations in 1987 is \$1,687,373 more income than that of the corresponding period of 1984-1985. Expenses were \$3,864,654, a difference of \$1,878,361, or a shortfall of that amount. The subsidy from the Cayman Islands Government was \$1,250,000. The sale of assets is \$500,000. The interest would be \$29,898, and if we take those two figures, after adding the depreciation difference of about \$100,000, we will find that the two figures match up within a few hundred dollars of each other.

So I have propounded the problems in the financial picture of Cayman Airways and I would further like to expound on other points, Mr. President. I understand lately that the airline has operated nine charters. The plane left Grand Cayman, it went to New York on a deadhead - it carried no passengers. That is a three and a half hour flight plus ground time. It loaded passengers on a charter basis in New York and flew four hours and forty-five minutes to Grenada. It was about overstretched its flight ability on fuel. It could not carry the baggage so it had to be shipped the next day on ALM. ALM was diverted from its Apsara route to come over to Grenada to off-load the baggage. The aeroplane then flew back to Grand Cayman, empty, three hours, empty. So it flew six and a half hours empty to carry out a four hour and forty-five minute trip.

I understand that, from ten charters, Cayman Airways got approximately \$30,000 per charter. Now if we figure that, Mr. President, we are looking at a cost of about \$2,700 per flying hour. I will defy any accountant or anyone in association with the airline to prove to me that you can separate a 727-200 at \$2,700 an hour and cover your direct expenses - because you cannot. This is why the airline is losing money.

I notice that at the present time we have a third aeroplane for Cayman Airways - a 727-100. I am very proud to say that Cayman Airways has reached the point where it can have another 727 airplane. At least they have proven us right with regard to the type of aircraft the Company should operate. However, the point I am getting at is that we now have this plane under lease. It is sitting at the airport, and I understand the legal technicalities have not been worked out with regard to it being

able to fly under the FAA regulations, and on the size class of landing. A complete crew has been brought in to operate this aircraft. I understand that one of the captains came all the way from Australia. I understand that we have brought in fifteen to twenty stewardesses from Ireland to operate this airplane. We have rented condominiums to put up all this crew, we have bought cars to transport them, and they have their own private cars while they are here. This is costing the airline money. Why should we not train some of our local people to take these jobs? Do you know that people come to Cayman to see the Caymanian smile, to rub shoulder to shoulder with us and to see what makes us tick. They do not wish to travel the airline just to see faces from other foreign countries. They are looking for the local people who should be employed on the local airline.

In my opinion, with the figures that I have presented to this House, the airline is probably 200 per cent worse off now than it was in the financial year 1984-1985. And I think it will continue to get worse unless we take into consideration all the space available at Owen Roberts Airport and the airline's administration building. I understand that Cayman Airways recently leased space in a building which was built in close proximity to the airport, and which is owned by one of the present elected Government's big supporters. They have leased a large space from him to train staff. Well, I guess it will be used to try to retrain the Irish staff which they have brought in.

Mr. President- I submit that the airline was in good hands in the years 1976 to 1984, and that the groundwork to make Cayman Airways a successful, viable operation, was in place. I further submit that none of the present Government geniuses can prove me wrong in the submissions that I have made. The airline's financial and operational position has declined seriously, and a committee should be formed by this House to look into all the activities of Cayman Airways. If this occurs, Mr. President, that we will have a new Chairman, so be it.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?
The Elected Member for North End.

MR. D. EZZARD MILLER:

Mr. President, I wish to oppose private member's Motion No.20/87, Cayman Airways Limited.

My reason for opposition to this Motion is simple. The resolve section states:

"Be it therefore resolved that the Legislative Assembly is of the opinion that the accounts of Cayman Airways Limited are not satisfactory in that they do not provide a true picture of its financial and operational position."

Mr. President, I do not accept that statement as a fact. In my opinion we can all argue as to or what can be done to improve the revenue position of Cayman Airways and what can be done to reduce or increase expenses, but we cannot argue that the accounts, as tabled in this Assembly, do not reflect the true position of the airline.

It might even be possible to argue that, according to the accounts as tabled, the overall financial position of Cayman Airways might in fact be worse than it was in 1984, but it cannot be argued that the accounts as tabled do not reflect the true position of the airline.

And, Mr. President, I have listened intently to the mover of the Motion and was glad for the history lesson on Cayman Airways. It filled in a few blanks about the airline. However, in his presentation he still did not present any substantial facts that could lead me to believe, as he contends in the wording of this Motion, that these accounts do not reflect the accurate position of Cayman Airways. In fact, in the final analysis, what he has said is that the accounts do not fairly represent the true position of the airline, but from those facts and figures he concludes that the airline is worse off financially than it was under his administration. That is his opinion, and I would not argue with it. I believe that that conclusion might be a logical one from the figures, but if he is going to draw that conclusion from the resolve section of his Motion must read differently. It must say that the accounts as presented represent an accurate position of the airline as it was for the accounting period 1985-1987.

I am not an expert in similar management, but I do have some expertise in management, and the principles of management are the same whether you are selling fish or flying an aeroplane - the basic principles are the same. It is my opinion that it cannot be successfully argued that the policies and practices of management, as put in place by the Honourable Second Elected Member who has responsibility for Cayman Airways Limited, have stemmed and plugged the source of money from the Treasury to the airline.

Now, Mr. President, it is common knowledge that I do not support the \$1.2 million subsidy to the airline, but it is also common knowledge that I support the policy decision Government has taken in that the airline will be given and has been given, over the past two years, a quantified subsidy with which to last live. The management of the airline can no longer continue to run on bills. It is threatened that the airline will be seized in Miami because they have not paid their fuel bills. If then comes Finance Committee and five, six, seven, eight, ten, fifteen million dollars or

whatever it takes, is automatically coughed up. And the person of full faith and credit, "We bought you some more shares.", That has stopped. And Mr. Speaker, I contend, is a sound and sensible managerial policy.

My reason for not supporting the subsidy is because I believe that Government should put its foot down and tell Cayman Airways that it is not getting any subsidy, that it will have to cut some more fat - some of that extra staff which it has but does not need - and live with it. That is why I do not support the subsidy. But Mr. President, it cannot be argued that the accounts as tabled in this Assembly during this meeting do not reflect the accurate position of Cayman Airways.

Now we can all interfere. We have time in various ways. That is a privilege which we all have in a democratic country. I would support the mover in saying that Government's investment in Cayman Airways Limited has been the biggest it has ever made. I might differ with him as to whether it is or not the most sound investment, but it certainly is the largest single investment Government has ever made.

In listening to the Member's presentation in moving the motion, and with respect to the new routes which Cayman Airways Limited has opened up, there is one thing that bothers me. It seems that all the new routes - which Cayman Airways flew to were all countries that were poorer than us. I understand that most of those routes turned out to be a loss (and I guess one could expect that if you go to countries poorer than yourself), but I do not know what the reasons were for making these decisions at those times.

The Member made much of the fact that the Shorts aircraft and the BAC 1-11 are British aircraft and that parts are hard to get. I disagree with that. The Trilander, I believe, is built by a British company, Hawker Siddeley Aircraft Company, as well, so I suspect that any problems in the procurement of a British company would apply to that one too. Maybe it did not, I cannot argue the point, Sir.

The Member also alludes to a promise that he made to some senior pilots in Cayman Airways. He made a correct statement at the beginning that the Government of this country paid LACSA for all it and for this country. I agree with that, but my information, and I speak subject to correction, as a part of the promise made to these senior foreign pilots was Caymanian status. And that, indeed, has become a big problem for a lot of our young Caymanian pilots who aspire to be, one day, senior captains in our airline. Like LACSA, this country has paid these pilots for every hour they worked for Cayman Airways. If Caymanian status was part of the agreement, it is my contention that it should be rescinded, because we are doing more than what we should not be doing and that is blocking the upward mobility of our own nation's people who aspire to Caymanian status.

I recognise the Member's difficulty with regard to the 1984-1985 accounts. He is right in saying that it does cross political administrations, but I wonder, Sir, why he did not use the 1983-1984 or the 1986-1987 accounts which did not cross any political administrations.

The other disappointment I have is that the management of the airline, to whom the people of this country are paying handsome wages, is not sitting in the gallery listening to this debate, or at the very least showing loyalty and support for the present administration which, as is my conviction, Sir, rescued them from the brink of destruction.

Mr. President - I can I support Private Member's Motion No.20/87. As I said, I believe the accounts as tabled in this House do represent the true picture of the financial operations of Cayman Airways.

Thank you, Sir.

MR. PRESIDENT:

Does any other Member wish to speak?

The Honourable Nelson Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, I rise to oppose Private Member's Motion No.20/87, which claims that the Legislative Assembly is of the opinion that the accounts of Cayman Airways Limited for the financial year ending 31st July 1987 are not satisfactory in that they do not provide a true picture of the company's financial and operational positions.

First, let me make it abundantly clear that I am not and cannot be against any Member raising any matter they choose to raise in this House. That is their privilege, and I do not fault anyone for exercising their rights. In this particular case, dealing with Cayman Airways' accounts, I am not saying that mistakes and genuine errors cannot be made, for no one is infallible. Even though I am not an accountant, nor do I profess to be one, to the best of my knowledge and belief the accounts as presented are true and correct. Absolutely no attempt is made, nor need it to be made, to hide anything from Members of this House or the public. Furthermore, I fully trust and have complete confidence in the professionalism and integrity of the persons responsible for auditing, accepting and bringing the airline's accounts to me as the Member responsible for the subject, and responsible for tabling the accounts. I certainly would not knowingly be part or parcel to anything that was not correct and proper.

What I do resent, Mr. President, is what I consider the scheming and undermining manner in which this matter is brought, which to my view is to gain political mileage, if possible. Some people see only what they want to see, and understand what they want to understand in order to support their own opinions. It is my

view and my opinion that the motion before this House today is ill conceived. Clarification was made by the mover of this motion in his presentation, but I have the responsibility to say so here that Price Waterhouse, the company's external auditors, is a most responsible, reputable and professional accounting firm that has been, as has been pointed out, and has been auditing the company's accounts for the past seven years. This is the first time that this unusual course has been taken in this House in dealing with the tabling of the national airline's financial statements.

I must admit that this motion came somewhat as a surprise, and was somewhat unpredictable with respect to what grounds could be made sensibly and justifiably be made. The auditors have supplied a clean-qualified letter, and this letter reads as follows:

"We have audited the financial statements on pages 2 to 4 in accordance with international auditing standards. In our opinion the financial statements give a true and fair view of the financial position of Cayman Airways Limited at 30th June, 1984, and the results of its operations for the year then ended in accordance with international accounting standards."

The financial statements, Mr. President, were accepted by the Board of Directors and signed by the Chairman and Managing Director, and tabled by me on Monday, 16th November. I must say that while the motion reads that "...it is the opinion...", I view this as a most serious charge and I wonder if such a statement, opinion or view, or whatever you wish to call it, would dare be repeated outside the four walls of this House. I think, Sir, that Elected Members have rights and privileges, and we should use them cautiously.

The Member in his presentation went to great length to outline the history of the airline. I noticed that he gave credit to several of the people who worked with him in those dark days of getting conventional airline well underway, and that he called for my support in confirming that his calculations on what would be lost on the Air Florida deal was within \$50,000 or \$75,000 of the amount that was anticipated. I believe that that is fairly correct, Sir. I will say one thing - I am here today as an Elected Member of the people and of this Government because I am a truthful person, and I am not here to tell lies for anybody. I am not here in any attempt to shroud Cayman Airways' operation in any secrecy. The accounts, since 1984, have been prepared and tabled on a timely basis. Nobody is denying anything. I am here to tell the truth, and I will do that until I leave the seat that I fill in this Assembly.

However, Mr. President, I know a little about the history of the airline too. I was with it from the beginning, and it is true that Cayman Airways Limited was organised and operating into the United States carrying the banner of the Cayman Islands under its own right for ten years before the Unity Team appeared on the horizon. Cayman Airways was started in August 1968 with a 50-50 per cent ownership, as was pointed out by the Member, and it was taken over by Government on 1st December, 1977, which is nine and a half years after it was started in August of 1968. So I was there from the beginning. I was originally hired by Laccsa Airlines, but I have no axe to grind. I think that the time and days in which the leasing arrangements were made with us were good arrangements. But we grew and the time came for us to have our own airline. I supported that position from the beginning. I support that position today. I challenge the mover of this motion, or any other Member of this House, to check the Hansard over the past seven years to prove that I have done anything other than support Cayman Airways from every possible position and at every possible opportunity. I do not need to be convinced by any of the Unity Team members of the importance of owning and operating our own airline. I worked both sides of the fence, and I know and understand the way to be done. I am not an airline expert, but I happen to have been there from the beginning, and I would like to read from the Hansard of this House, for 12th December, 1985, how the story of Cayman Airways, to a certain extent, has been documented. And I repeat:

"Mr. President, I saw a man take over national airline, to Cayman Airways, and as the Member whose House Portfolio this subject falls, I must have my say the same as all others."

Mr. President, this is dealing with the same set of accounts referred to by the Member. However, I have another set of accounts which I will come to because he is dealing with a set of accounts which took the airline through June 1985 and which covered six months of his administration and six of the new Government's administration - if you want to call it that. When the new Government was elected in 1984 we had the auditors prepare financial statements of Cayman Airways dated 30th November, 1984, and I will deal with them.

But let me continue:

"Mr. President, a few days ago I saw 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 are covered

loss for the year of approximately \$1.3 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.

Cayman Airways had a working capital deficiency of \$9.1 million and a shareholders' deficiency of \$5.5 million at the close of this period. The results for 1985 show an improvement in operating results of approximately \$770,000 (United States dollars), in other words from a loss of \$313,000 for the last accounting period for 30th June, 1984 to a profit of \$141,000 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 decisions 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 (referring to November, 1984) we found the staff of Cayman Airways, even those who supported the Unity Team, demoralized and of very low morale. They explained that part of this reason was because for two years they had been promised increments which never materialised. Also, there were non-Caymanians in top management positions 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 Sinclair 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 five members of the Board selected from the private sector were 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."

MR. PRESIDENT: May I interrupt you one moment. Apparently there is a technical difficulty with the recording, and they are asking for a break of five minutes. Have I got that correctly?

I think in that case perhaps we should suspend for lunch. Would that suit you?

HON. W. NORMAN BODDEN: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended then, until, shall we say, ten past two?

AT 12:34 THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:10 P.M.

MR. PRESIDENT: The Honourable Second Elected Member of Executive Council, continuing.

HON. W. NORMAN BODDEN: Mr. President, when we had the lunch break I was saying that the new arrangement of an Executive Committee enabled and left the Board free to deal with important policy decisions in keeping with the interests of the shareholders. I was in fact reading from Hansard a contribution to the Budget address in 1985. Continuing on with the situation we found in November of 1984 and some events which had been made:

"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 was 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 the Board's approval. Policies have been established in relation to all three, and our discounted travel, including that for company employees, have been curtailed.

The audited accounts as we know for the year ending 30th June, 1985 have been accepted and presented in this House as I have mentioned. When the new Board assumed office there were accounts payable in excess of US\$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 Fancott Airlines for services provided by Cayman Airways were reviewed and revised which produced increased revenue for Cayman Airways.

However, in spite of good cost control and prudent management the company continues to incur 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 is 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 businesslike 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.

No one in this country, Mr. President, need take this matter lightly. The financial structure 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 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 (substantial amount of money it.)

Let us look, Mr. President, factually and realistically at Cayman Airways. I know that sometimes the public must grow weary of hearing the news 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.

Cayman Airways was started in August, 1968, and Government invested at that time as the shareholder of 51 per cent \$30,600. That was in 1968. In the 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 the 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 Hansard of this House of April, 1976 substantiates 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 (1982, 1983 and 1984) it has revealed in hard cash from this country's coffers over US\$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 debt of \$5.5 million. Further to this, this Government has financial obligations as sole shareholders 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 Trilander and has one seat belt on the 727s. In fact I understand that if there is a change of course or an option exercised by Cayman Airways that a change is brought about in the leasing arrangements that the \$2.5 million is a new account which was received from the sale of the two BAC 111s, that this amount (has to be taken into consideration and) could be forfeited. (One way or the other.) (This is a separate-paper.)

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 Sea and little Cayman. It provides employment for approximately 170 Caymanians. (That was the number at that time). There is no denying that great pride is taken in boasting of our own airline when being compared with many larger and stronger countries around which people 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 costs at least possibly reach a break even position.

The question must be answered by Government and this country if our financial resources can continue to support the high cost of operating our own airline. It is a fact that what we would like to save and what we can afford are two different things."

Mr. President, those were my comments in 1985 with regard to Cayman Airways.

Now I turn to comments which were made by the mover of this motion that Cayman Airways has been the most controversial subject over the past ten years. This is true, Mr. President, but this is one Member who has always stood in favour of support of Cayman Airways. He is said that persons in this Government tried to degrade the airline and that so many lies have been told. That is his opinion and claim, but as far as I am concerned, it is totally unsubstantiated.

Mr. President, the British Government bought out Lacs's share in Cayman Airways and took over the airline on 1st December, 1977. I am not disputing that this had to come. As I said earlier the market was expanding and we needed to find jobs for more Caymanian pilots. We were growing up and needed to do our own thing. It is my own view, however, that the take-over could have been handled in a more orderly fashion, and perhaps would have cost the country less in the long run. It is true that the Civil Aeronautics Board (and under Bermuda III) has a requirement that British carriers operating into the United States need to have substantial ownership and effective control of British nationals. However, at that time, no definition was given of what the Civil Aeronautics Board meant by "substantial ownership".

The break with Lacs came after a series of meetings and a confrontation with Government and Lacs which was held by the First Elected Member for Bodden Town. And, yes, it is true that within weeks the Government had to scramble to get a replacement aircraft to keep the service going. We suddenly found the support and expertise of a parent company which we had depended on for ten years and we had to paddle our own canoe, or to put it rightly, we had to fly our own airplane. As the mover said, the accounting problems were varied and complex and serious. And as he said, he and I went over the accounting problem many times together.

But, Mr. President, within a short time, we had been converted into a fully fledged airline. We depended on Lacs to do our airline billings, therefore our accounting system and procedures fell behind, simply because we did not have the expertise here locally - neither the experience nor even the staff to cope with the demands which had suddenly been thrust upon the company. And Mr. President, 1977 to 1978 were certainly not the days of computers for Cayman. It was a struggle to survive, it was management by crisis; and as the mover rightly said, adjustments finally had to be brought in at great expense in order to bring the accounts up to date and to increase the accounting staff from four persons to ten.

Mr. President, it is also true that Lacs was paid for its services. It had to be paid. It was a business. But now do not think that when we turned to Air Florida that we got services from them for a price. You heard them say that if you think education is costly, try ignorance. If you think Lacs was expensive, then try Air Florida-itis. That was even more expensive. They were the only game in town, and with all due respect to them, at that time they were just getting organised themselves. And with respect, they had a bus operation. They did not have

an interline ticket or even knew what it meant. They were not a part of the airline clearing house. They had practically nothing but a few Dollars, however, it is true that the service was kept going. What is also true is that the cost of the airline kept mounting. The company eventually raised loans backed by Government guarantees or letters of credit. It got one BAC 1-11 from British Aerospace, got BAC 1-11 on lease, the second BAC 1-11 was bought from Lacs Airlines. But the aircraft, the BAC 1-11, though its performance was good, did not have the range to suit the Cayman Airways route system at that time, because we were operating to Houston and had to make fuel stops at Florida, which was convenient. It did not provide the available cabin load that Cayman Airways needed at the time.

Also, another development that came about was that the Federal Aviation Agency had proposals to prevent those aircraft, because of the noise factor, from operating into several airports into the United States, especially Miami, and for all of these reasons coupled together, Cayman Airways started looking around for replacement aircraft. Studies were made of Cayman Airways' routes, and as far as I can remember, Sir, one study strongly supported the 727 aircraft. But it was not too long after that that another study appeared which said the 727 was better, even though at that time, in 1982, Cayman Airways did not really have the utilisation to justify an aircraft of that size and it cost the Company extra money to support that expensive aircraft on the route system it had. Four years later the utilisation in our Cayman Airways' routes are expanded and will expand more in the future, and so today, Mr. President, I can say that Cayman Airways at the present time could not have a more suitable aircraft than the 727-200. It cost us money to keep it until we could fully utilise it, and in my opinion it was a good arrangement, it was a good decision, and it was worthwhile.

Mention was made about the plan to change the 727 for a 737 aircraft. Mr. President, this was never the intention of the Company, not to the best of my knowledge. Some time ago, when we leased a 737 for a short period, the lease that was discussed this morning at Question Time, I made the comment that it would give the company first-hand knowledge of what that aircraft could do performance-wise, what it would cost, and it would have full details, because many times these aircraft salesman will tell you anything. I merely made the comment that it would be a good opportunity for Cayman Airways to have first hand knowledge of this.

Mr. President, mention was made that if the 727's were sold today they would bring approximately \$30 million. That is purely hypothetical of course, (and I will not take the time of the House to read the leasing arrangements on the 727), because if this Government could get \$60 million for the two 737's it could not sell them because they are leased. Those aircraft were never purchased, they are not owned by Government.

Mr. President, the Turks Island service was mentioned. They said they did not understand why it was discontinued. I will not repeat myself on that, because I think that was brought out in my reading of the Hansard. However, I remember the days when that 727 was despatched from Grand Cayman to Kingman to Turks Island and carried about two to five passengers from Kingman to Turks Island. So there were heavy losses and low load factors. This is why the Board of Directors, in June of 1985 discontinued services to Turks Island.

I feel that any Member can stand up and justify losses of Cayman Airways when those losses are incurred in providing service to these Islands, but I cannot support or justify losses incurred from serving other countries which I consider to be competitors.

It was also said, Mr. President, that the infrastructure was in place to make Cayman Airways a very viable operation in 1984 if it had been properly managed. Improvements were beginning and others is denying this, but I say today, as I said in the beginning, that it is a fact that Cayman Airways up to the present time has always lacked the basic economic factors needed to make it viable. But let me also hasten to add that if the airline ever stood a chance in its turbulent history to succeed, it is now and in the future.

Mr. President, the Member last morning also pointed out that the 737 made a loss and that these were only estimates. The problem is that he did not continue to read the rest of the footnote which said that this was a fair representation of the operating of the income and expense of that charter operation for December through April.

Mention was also made that the Trilander aircraft was very efficient and cost effective and that it was sold at a loss. It was sold at a modest profit, Mr. President. It is an English aircraft. Parts are hard to come by and it was becoming very, very expensive to maintain. This is one of the main reasons it was sold.

The Member last week asked my opinion, too, at Question Time, whether I thought it strange that the Shorts should have been bought without being inspected by a crew member. The Trilander was taken possession of at One Locks Airport after being flown in from Fiji. No Cayman Airways' Captain saw that aeroplane until January 1979, when it was received at the airport in Florida. So not involving crew members in the buying of small aeroplanes for Cayman Airways is nothing unusual.

I maintain that while there are restrictions on the Shorts, I do not have to make any apology. Of course, I want to make it clear that I am the Member responsible for the subject of Cayman Airways, but management takes certain decisions. Nevertheless, I think the decision to purchase the Shorts aircraft is the

inter-Island service, under the terms and conditions by which it was purchased, was a good idea. It has improved the services substantially, and when refueling facilities at Cayman Brac are available, it will improve its operation.

The problems experienced in the different types of aircraft for the inter-Island service is nothing new. This has existed since 1st April, 1955. One aircraft that could service Cayman Brac is not suitable for Little Cayman, and this has always been the problem that has plagued the inter-Island service. So let nobody get the impression that there are experts out there who can produce an aircraft that means everything to everybody. This type does not exist.

Mr. President, a comparison was made regarding the accounts for 1985 and 1987. The Member built a case claiming that if in 1985 there had been a subsidy and had there been no interest payments on Government loans it would have been 'profitable' or a 'break-even' (I do not remember which term he used), but this is correct. If in 1985 there had been a subsidy provided by Government, and there were no interest payments on loans, according to the figures I have seen, there could have been a break-even situation.

Before I get that far, Mr. President, when the new Government took office in November of 1984 it was of interest to us to try to find out the situation in Cayman Airways as it existed at that time. The auditors prepared a set of financial statements up to 30th November 1984, which took the period of five months, that is 1st July, 1984 to 30th November, 1984. At that time, the Company for those five months would have had an operating loss of nearly \$1 million. The Government wrote a press release which was signed by the four Members of Executive Councils which read:

"One of the first order of business of the newly elected Government was to make available to Cayman Airways a loan of amount of \$1,036,675 to meet its lease payments due on 1st December, amounting to \$636,675, and a partial payment of \$400,000. Cayman Airways, with an overdraft of over US\$1 million at 31st October was in no position to meet these payments. Finance Committee approved the funds to meet these two payments. It will take time to prepare an accurate statement of Cayman Airways' financial position, as the draft audit report for the year ended 30th June, 1984 has just been submitted for examination by the Board of Directors. However, based on the draft audit report, and a report submitted by the Managing Director dated 27th November, 1984 we find the current financial position of the airline to be as follows:

According to the uncertified balance sheet as at 30th June 1984 the accounts reveal an accumulated deficit of \$16,237,553. The accounts for the current year also show a further accumulated deficit for the period July to October 1984 of \$1,271,576, or a total deficit to 31st October of US\$17,509,129. The uncertified balance sheet as at 30th June, 1984 also reveals a cash balance of US\$1,036,675. At 31st October, 1984 the account was in an overdraft of approximately US\$2 million. Outstanding bills and owing as at 31st October amounted to \$0.7 million. However, amounts due to Government for landing fees and interest and principal repayments on Government loans were not included. The total amount owing by the airline appears to be nearer \$6 million, or more.

From this preliminary review it can be seen that the airline is in urgent need of sound fiscal policies and efficient management. In spite of the many difficulties being faced by the national airline it is the intention of the new Government to use its best efforts to ensure its continued operation, and we wish to assure the general public of our determination to continue to provide a dependable air service."

Mr. President, the member who spoke about the decrease in passenger revenue to charter revenue is comparing the operating revenues of the company in 1984-1985 with 1986-1987. Part of the reason for the difference is that for the year 1986-87 Cayman Airways increased substantially its charter activities, and passengers were diverted from scheduled services to charter services. Nevertheless, it meant that the company was still receiving the revenue.

Mr. President, the Member went into great detail to compare 1985 with 1987. He spoke about the sale of assets of the 740, the Felix Royce, the apartment building and the Trilander spares, and said that if they had had the income from these sales of assets (which is really not accounted for in the P and L in our case) and had they had assistance with a subsidy they would have been able to show a much better position. He also said that he had refused a subsidy from Government. It might not have been called 'subsidy' but in 1982, 1983 and 1984, as I said previously, Government injected \$20 million in cash into the airline. These were accounted for through loans, advances and

shares. So the \$1 million subsidy that Cayman Airways is presently receiving from Government, is no comparison whatsoever with the subsidy which the airline got, that is if one divides \$20 million between three years. That is a substantial subsidy, Mr. President. Had that been treated as a subsidy, the situation would have been different, yes.

Mr. President, the Member said that the Company is not under the type of management which we are trying to make the people believe. I deny this. I feel that there have been substantial improvements in the management of the Company. The annual report which was tabled on 15th November clearly states that the company has been able to keep its lease payments up to date. Its position of the airline today is not 200 per cent worse off than it was in 1984. I would say it is 400 per cent better off today than it was in 1984. I know that much of this might be politics, but I sincerely trust, Mr. President, that Cayman Airways will continue to grow and expand, and that it will grow from strength to strength, because we have a tremendous investment in this airline. We have a future to build and Cayman Airways figures very prosperously in that future.

Reference was made to the Chairman's resignation and that it was a political ploy. I think this is very unfair. I do not have to defend the Chairman. I only believe that he is there doing a good job. I do not think that he has any political ambitions, at least not to my knowledge. He I do not see any reason why he should have to resort to any trickery or tactics to get attention.

Mr. President, mention was also made if I do not know how it got into this motion, but nevertheless about the third aircraft, the 727-100, which is sitting at the airport. All the legal technicalities, as far as I can understand, have been worked out. That aircraft is here for a very short period of time to fill the summer programme. It was asked why we did not train local people to do this, and why did we bring in crew and stewardesses from Ireland. It is true the aircraft is leased from a company in Ireland. We do not have sufficient crew to crew that aircraft, and there was an arrangement made where the crew would be interchanged, so additional crew had to be brought in. We could not train local people to fill that for a three month period. What would we do with them after that? So this is a need that has to be met on a short term basis, because it is my view that in the not too distant future Cayman Airways will probably have to look for a third aircraft, and I believe it will be a 727-300. With an expanded route structure the airline has to grow and we have to look in that direction. However, for short term periods we cannot train crew and bring them in. For what are we to do with them after that?

Mr. President- there is one point which I should make before I sit down. I do not want to be accused of mislabelling anybody, but when I presented the accounts I dealt with the financial year ended 30th June, 1987. The subsidy that was granted to Cayman Airways was clearly set out there. It was not hidden, nor was any attempt made to hide it. As was pointed out in the annual reports, if there had not been a subsidy, the operating loss would have been in the eight- instead of \$891,000. Nobody has said differently. This is provided in the accounts, and it is clear to see. So with the help of the subsidy we have been able to show an operating profit that is shown on the P and L.

Mr. President, I would just like to say, finally, that in my view the resolve section of this motion should have read that the now Elected Members for Bodden Town were of the opinion that the accounts are not satisfactory and do not provide a true picture of Cayman Airways' financial and operational position, because I do not believe that it is the Legislative Assembly's opinion that it expressed in this motion. I do not honestly believe that anyone in their right mind would support this motion.

Mr. President- I oppose Yvonne Bodden's Motion No.20/B7. Thank you.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, the Honourable Second Elected Member of Executive Council is right, at least as far as I am concerned, with regard to the resolve section of the motion.

This subject has been raised and I should say over the last couple of years. That this country needs air transport, which is well substantiated, is well substantiated. The provision for a national carrier has been dictated by hard necessities, and my support for our air carrier over the years has been along those lines.

As I see it, in just in the area of our national economy, the existence of the national airline and its active participation in local tourist routes and otherwise, are essential if the possible disadvantages, from a situation which allows other carriers to operate here, are to be avoided. For example, the tourist industry in these Islands would be totally dependent on foreign operators who would or could, in order to suit their own particular requirements, fail to give the type of service which would be beneficial to us, and might even, in certain circumstances divert their main activities to other competitive tourist areas. That is just one area of our national economy that we could compare to the need of reliable air transport. I need no convincing of its importance.

Mr. President, I would like to say now place on record my thanks to the staff who have laboured over the years to help make our airline the type it is today. We have some very dedicated pilots and other staff members who work

relentlessly to serve the national airline and thus serve the interests of Cayman.

The Member in moving the motion gave quite a history on the airline, but he did not give me any reason to reject the auditor's report on the financial position. The debate moved along the lines of putting a trial the administration of the airline since 1984.

When we came to office, this Government was much constrained from doing many things for this country because of the financial needs of the airline. We had to pay our due loan payments of over \$600,000; fuel bills, long outstanding, of over \$800,000; an overdraft of \$2 million; some total outstanding bills of \$6 million, and a deficit of \$17 million.

As a new Member, I was very concerned, and worried. I am of the opinion, and the records bear me out, that had the change not come about in 1984 the airline would have either collapsed or the country would have been taxed out of existence or would have suffered for need of important infrastructure expenditure in order to keep the national airline going. I believe today that Cayman Airways is in a much better financial position than before the change came about in 1984.

At the least, no longer is it the position where Members can expect requests for millions of dollars every year without knowing where it is going. You heard that, in 1981, 1982 and 1983, there was a cash drain from the Treasury of this country of \$20 million. Today we have given this account which I have supported from its inception and advocated ever since I came on the political scene. The airline, Mr. President, seems to be weathering the storm - coming on a bad winter, yes - but staying afloat. In this world we have to be thankful for that. A couple of years ago, before the 1984 election, Members of the House and the public in general did not know what it meant to have accounts for two years at a time, and even when the accounts do come they were unaudited.

Today I would record my support for the Honourable Second Elected Member of Executive Council, Norman Godden. I think this country should be glad that we have a man of his calibre responsible for the airline and responsible for putting it in a position that we know what is happening. I think the Honourable Member and his Portfolio, the Chairman and the entire Board deserve the support of this House. I am not a professional accountant, so I hold the Board members and management responsible to appoint a qualified accounting firm, as they have done.

To pass this motion without a comparison from another qualified firm, which could offer this House a professional opinion on the financial statements, would be to imply that Price Waterhouse is a liar and that it does not know what it is doing. I am not in a position to do that. I do not whether any Member in this House, with the exception of the Second Elected Member for George Town in his professional capacity, could do that. I am not prepared to do so. Price Waterhouse said, and I quote from the financial statement:

"We have audited the financial statements on pages 2 to 9 in accordance with international auditing standards. In our opinion the financial statements give a true and fair view of the financial position of Cayman Airways Limited at 30th June, 1987, and the results of its operation for the year then ended, in accordance with international accounting standards.

Price Waterhouse".

Mr. President, the Member has now brought one scrap of paper from another firm, and I would reiterate that statement, to disprove or otherwise prove wrong this statement. We have to rely on what we have. I trust the Honourable Second Elected Member of Executive Council. I trust the Chairman and his Board. I trust Price Waterhouse. I am voting with the Government to bring out the resolution.

Thank you.

MR. PRESIDENT:

I think we might take Mr. Johnson's motion there, as it is nearly 3:15. Proceedings are suspended for fifteen minutes.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:24 P.M.

MR. PRESIDENT:

Debate is resumed on Motion: Member's Motion No.20/87. Does any other Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

HON. VAGSEL G. JOHNSON:

Mr. President, had I not been included in this debate, I perhaps would have just sat quietly. However, I felt that because I was a founder director of Cayman Airways when it was instituted in 1968, and later became Chairman in 1971 until 1977, and then in November 1984 to 5th December 1985, I feel that it is no more than right for me to give my little bit of what I know about Cayman Airways.

And so, Mr. President, I like to thank the Hon. Free debate on the subject is important as Cayman Airways is dead for evermore. However, as other speakers have pointed out, I am of the same view that the motion commits this Honourable House to be of an opinion about a subject laid on the table of this Honourable House; and furthermore was followed by a statement by the Honourable Member responsible for the subject, the Honourable Second Elected Member of Executive Council.

As was pointed out by other speakers, you can not really bring a business matter to this House to be presented here, especially for public viewing, because anything that is laid upon the table of this Honourable House becomes a public document. How can we really lay a report on the public table of inaccuracies. We would not only be deceiving ourselves, but we would be deceiving the public and the integrity of this Honourable House. And so I have exception to the wording that the Legislative Assembly is of this opinion.

Mr. President, as far as I am aware, when an auditor or an audit firm examines the accounts, especially of a public corporation or an important institution in the society, and where that accounting firm has international reputation, international reputations are something that must be protected at all costs. I appreciate the statement made by the First Elected Member of Executive Council when he was presenting the motion, that he had the greatest confidence in the integrity of the firm referred to here. I think all of us have regard for that firm. It was one of the early accounting firms to come here, and we know quite a lot about them since that time.

However, I think this is a sort of double barreled affair. On the one hand the Member is saying that he respects the integrity of the accounting firm, and on the other hand he is saying that the management and those responsible for Cayman Airways are dodging behind the curtain of uncertainties about the position of Cayman Airways.

I have dealt with accounting firms in the private sector and Government, and auditors must bring to the attention of management any aspect of their work which appears to move on the borderline of malpractice or of good practice or principles. When an auditor signs a certificate that he has examined the accounts of a firm, and he presents that, I do not think that there is any scope for it to be questioned, because questioning must be done before these accounts are audited and signed. So I am a bit concerned that I do not understand the form of presentation if the Member has concerns about the financial affairs of Cayman Airways - that is his prerogative, and one cannot blame a Member here for putting forward his views about a subject.

Anyhow, getting back to Cayman Airways. From the beginning there was a marrying arrangement between Cayman Airways and Lacsas. Mr. President, it was seen in those early days that air services in the Cayman Islands would sooner or later be very pertinent to the development of the country. And so Lacsas with an interest (because they are business people there is no use in kidding ourselves by saying that Lacsas charged a lot and that its charge was this and the other) and as business people were out to make business and to make money. I would like to go in to say that I have dealt with the Lacsas directors and their Board for quite a number of years, and I cannot but say today that I have found Lacsas's directors nothing other than gentlemen. I know especially one of their directors, by the name of Otto Escalante. I would like to say that a finer gentleman than that you would not find anywhere in this hemisphere.

Mr. President, Lacsas has been nothing but a friend to Cayman, forgetting about the charge they made, because anyone would make a charge for their services. But what I would like to say, and the public can bear this out, is that there are a lot of services which Lacsas rendered to this country that were not charged for. Lacsas would come here and pick up the sick even if they were not on their routine flight through here. Once they were advised in sufficient time they would sleep as if it was an urgent case. They would pick up the sick and take them to Miami.

Mr. President, Lacsas stood by and assisted in other respects. I remember back in 1971 when British West Indian Airways pulled out of Cayman. It is a good thing that we had Lacsas here serving us, because the only way out was for Lacsas to come on the scene and take on the service. I remember Mr. Parnham, during the 1975 recession Cayman Airways was in its last struggle for survival. The recession had worn down the Company's financial position to zero, and its accounts were in a deficit. We asked the Board its intention and whether it was prepared to take over Cayman Airways, and it said "no". Lacsas took the lead. It decided to buy time back from British Airways, for one full year Lacsas did that to re-strengthen the financial position of Cayman Airways to the stage where that it could survive again.

Mr. President, I remember on many occasions when lease charges were due to Lacsas. The first one was the first leg of the international journey to Jamaica when that service was established in the 1970s. There was a losing proposition because British West Indian Airways was operating the route at the time. However, we thought it was wise to maintain that service so that it would one day become useful, and since it was the first leg of the international journey we thought that it should be maintained. And alas when British West Indian Airways pulled out of Cayman, and Cayman Airways became the sole operator, within a short time we were able to recover our financial position from that route.

On other occasions when lease charges fell due, Lacsas did not come around and indicate any concern and told us that if we did not have the money now we could pay later. Sometimes one or two months would be due. I remember on one

occasion three months went by without us paying them, but they did not come and knock at our door and ask us for the money. Unfortunately, it was not until we were Air Florida took over, because they were very keen on obtaining payment for the lease of their aircraft. And I remember quite well - they would send a man down here from the office three days before the lease was due. He would go around knocking at the offices of different Members saying, "I am here". If on the due date of that lease the cheque was not handed to him he would have taken the aircraft back to the United States. For the money had to be paid. There is no guess work about that, I know. That was the difference between Laccsa and Air Florida.

Mr. President, when I became Chairman of Cayman Airways in 1971 I ensured every year that the audited accounts of Cayman Airways and the Chairman's covering report were laid on the table of this Legislative Assembly. That continued throughout the period that I was Chairman, 1971 to 1977 and again in 1985. The records can be searched. We kept the Legislative Assembly current on all the happenings of Cayman Airways because we knew that that was a responsibility with which we had to comply.

From the day that Cayman Airways was established until today there has only one year in which the airline ever made any profit and declared dividends to its shareholders. That was in 1974 soon after the inauguration of the Cayman to Miami service. The Jamaica service was then in operation. Our share amounted to over \$68,000. We could have declared dividends the following year - but it happened to have been a recession year and we were advised by all the shareholders that we should not declare dividends but strengthen ourselves for the on-coming recession. It is a good thing we did that, it was good advice. And so we can record that there was one year that Cayman Airways made a profit. No doubt sometime in the future it will do so again.

Mr. President, unfortunately, in 1977 the new Government decided that they wanted to take over Cayman Airways completely for themselves. Whenever we embark on projects of this nature it is always good to make changes slowly. Something as complicated as an airline operation is not just taken over and put into operation for it to operate smoothly. There are a lot of implications, and Laccsa which had experience in this respect (Pan American was once owner of Laccsa - later on Laccsa bought out Pan American and it became an independent entity) agreed with us that Cayman Airways should eventually be fully owned by the Cayman Islands. They were prepared to go along and to schedule this takeover. However, the Government of the day thought differently. It wanted it to be done in a snap second and so would accept nothing else. The terms of the takeover were decided on and so Cayman Airways became the property of the Cayman Islands Government, as the single shareholder during 1977. I should say that it was only after Government took over the airline that Members here knew what it was to be an airline. It was tough going all the way, until even now.

However, Mr. President, the Honorable Member responsible for the subject has gone through quite a bit already, and so I am not going to go over what he has said.

I would like to comment a bit more on the Turks Island withdrawal, because that is important.

We did not come into Government with the intention of undoing the things which we found. We believed in supporting the policies of Government when it was economically and financially feasible. The Turks Island operation went well in early 1985 simply because Cayman Airways operated a scheduled service to Turks Island in addition to a charter service to Providenciales where Club Med operated. Now for some unknown reason the Turks Island Government allowed Club Med to cancel their charter service with Cayman Airways, and to enter into negotiations with another airline to do the job. So it left Cayman Airways with the two scheduled services per week to Turks Island.

We watched this very carefully. We called in the Turks Islands officials and asked them why they had done this, and whether they valued the services of Cayman Airways into Turks Island. We asked how they expected Cayman Airways to survive if it was not making sufficient revenue on the route. They said it was something out of their control and they could not help it. The feedback that I got was that in the Turks Island they were saying (the Government and everybody) that Cayman Airways was making so much money from the operation that they did not care what happened. Other airlines wanted to operate there as well and so they were not very interested in Cayman Airways continuing.

The Board of Directors was very concerned about this very carefully. We called in officials from Turks Island to discuss this. We eventually had to serve an ultimatum because Cayman Airways was losing, on a weekly basis, over \$10,000. Now \$60,000 a month, over a year, is a lot of money. What officials did we have there to continue that operation? We showed the officials the figures and told them what would happen if they were not prepared to do something about it. They did absolutely nothing. They went back to Turks Island and quietly transacted with another airline to take over the service. Then they said they had someone else to do the service. So we quietly pulled out, pulling one scheduled flight first and the following month pulling the other.

So, Mr. President, as we were pulling out of pulling these flights out of Turks Island. We tried with them we had sympathy with them; we were willing to go along and try to assist in every way we could, but their attitude was not right and the Board could not sit there and suffer a loss of over \$700,000 per annum.

I will not make any comments with regard to what I found in November 1984 when I went back as Chairman, because I would take quite a long time to relate everything. The Member responsible for the subject has declared that,

Again, I must say that I am a bit surprised about the views expressed on the audited accounts of Cayman Airways. I want to make sure that the debate here will indicate the feeling of the Legislative Assembly and not indicate in the end that it is really not the opinion of the Legislative Assembly, as the motion states. Mr. President, I cannot support the Motion, Sir.

MR. PRESIDENT:

If no other Member wishes to speak, I will invite the mover to exercise his right of reply.

MR. JAMES M. BODDEN:

Mr. President, I do not wish anyone to believe that my colleague from Bodden Town and myself were of the opinion that this motion would succeed. We were well aware of the treatment it would get, but we felt that the public should know the facts, and we have brought those facts into the open. Let public opinion be the forum to judge these facts, and not the Members of the Legislative Assembly who have spoken and those who did not speak on this issue.

I challenge anyone to prove me wrong in the submission that I made to this House with regard to the operation of Cayman Airways. This motion was not brought to disparage Price Waterhouse, the auditors of the airline. I thought I had made this very clear in my opening remarks. I have the greatest faith in their ability. What I am trying to point out to the Members of this House and to the public is that if Cayman Airways Limited had not had the funds from the subsidy, the funds from the sale of assets, and the funds from interest which is generated from Government loans, because the loans have been put into the form of shares in the company, the loss on the operations of Cayman Airways would have been substantial. There is no way in the Government of the day, or the Member responsible, coming to this House and telling us that conditions at Cayman Airways have improved tremendously, when the facts and the figures do not bear that out. If it had improved tremendously then there would have been no need for them to get the subsidy and the other help that has been given to it.

The other point to prove is that the financial picture of the airline is much worse now than it was before. There has been no improvement in the financial figures.

I would like comment on a few things said by some of the Members who spoke on this motion.

The Member for North Side said that he supported the Government's policy decision. We all know that. He was not telling us anything that we are not aware of. He said that at least there are no requests now for millions of dollars for Cayman Airways from the Government of this country. I am not aware of those either, Mr. President, unless those requests came in the past to allow the financing of aircraft for Cayman Airways. So why would he try to mislead the House?

He made a remark about the countries which Cayman Airways Limited operated into, being poorer or richer. That may be so, Mr. President, but the operations to the Central American countries which I mentioned in my speech were mostly charters that were paid for, before the charters were ever run. So whether the countries were poor or rich made no difference. The point is that Cayman Airways set a charter price for that operation and we collected most of it in advance. To my knowledge it was only a \$10,000 loss on one cheque that was never cleared.

The route to the Turks and Caicos Islands was an attempt to extend the scheduled routes of Cayman Airways, because before this change in the Bermuda II agreement, the routes that Cayman Airways could operate were very limited. We looked at it from an economic point of view that it would cost some money to establish the route. We knew we would lose at the beginning, but the Government decided that in the end, if every other thing was equal, the route should make money. Some of the services that we could have gotten to that point because we were ready at a time when the restrictions came about in 1984.

I think the same Honourable Member made some mention of my commitment to Captains Robert Hamarty and Joe Marston - the senior captains of Cayman Airways who have been with the airline for a number of years now, but who formerly, I think, worked for Air Jamaica. Mr. President, I wish to go on record to state that I hold these two gentlemen in the highest esteem. They have been captains of a very long standing good reputation with Cayman Airways. They came to us at a time when we needed them. They have not just been flight captains, they have done a lot of other work. A lot of manual work, training and so forth, have been carried out by these two gentlemen. In my opinion they have earned the right, which I gave them, to be placed on the permanent seniority list. And I am proud also to know that the present Honourable Member of Executive Council responsible for the airline has seen fit to stand by that decision. I could not promise them Caymanian status, but I would have helped them in any way I could to get Caymanian status if it meant them remaining with the airline, because I thought they were doing a creditable job. I will not back down from that decision and I will say it publicly here and I will say it anywhere else.

He also went on to say that the present administration has rescued Cayman Airways Limited from the brink of destruction. This is an untrue and irresponsible statement. I did not expect was better. I am used to hearing such statements. The Honourable Second Elected Member of Executive Council said that he resented the scheming and underhand manner to get political mileage. Mr. President, can anyone explain to me what is so scheming and underhanded about placing a motion of this sort in the House to be debated before and by the Members so that the people of the island

can hear what is going on - I cannot understand it. Sir, as a politician and myself from Bodden Town do not need any more political mileage. Our record of service to our people speaks for itself. We do not have to come here and speak in the House in the hope of getting political mileage out of it. This is wrong. I am not attaching any things to him.

He said that what we said about the airline this morning is a serious charge which we would not express outside this House. I invite him to my next political meeting in Bodden Town and I will ask him to sit at the table with me, and I will tell him and the crowd exactly what I have said in this House today on this motion. So he does not have to worry about me expressing my feelings outside this House on this point or on anything else. We are not making a charge. We are laying the facts - the facts in these balance sheets.

He said that decisions are not based on economic rather than political grounds. Again, I do not really know what he means by this, but when you run an airline that is the national carrier, you are going to have to make decisions based on both grounds, and you cannot get away from it.

He said that the staff after the elections in 1984 were discouraged and that their morale was at a low point. Well, maybe he knows more than anyone else, but I can tell him one thing. If morale was better at this point, I think it is now rather than after the elections in 1984.

He said that the reports of Cayman Airways are now timely. This Honourable Member, above all others in this House, Mr. President, knows full well the difficulty encountered over the years with the accounts of Cayman Airways. I was not put there as an auditor or an accountant, neither was he, but he had tremendous difficulty in coming to grips with the financial situation of Cayman Airways. I could not present any reports to this House until they were prepared by the accountants and auditors. And the auditors, from the inception of the company, were Price Waterhouse and Company. So why try to belittle and besmirch me, by making such accusations as these?

I think if my notes are correct the second Elected Member for West Bay made some remark about putting the accounts since 1984, on trial. This is not what we are trying to do. We are trying to solve the problem with a problem that faces every Member of this House. He made reference to local outstanding bills of about \$6 million at the end of the 1984 election. That, say he says, that might have been what the accounts payable were, but what about the receivables?

I believe the Member made some ridiculous statement about the administration in 1984, and that had it stayed in power somebody would have been taxed to keep Cayman Airways Limited running. The record of taxation in this country in the years 1976 to 1984 speaks for itself, with regard to what one does in taxes. It is the first time in the history of the country that taxes were ever taken off board.

He also made the statement that before 1984 no one knew what was happening with the accounts, for it would take two years to bring them to this House, and when they were brought they were unaudited. Well, it is an untruth. When they were brought to this House they were audited, and they were audited by Price Waterhouse. I am not saying, Mr. President, in any way that Price Waterhouse is wrong. What I am saying is that the financial position of Cayman Airways has not improved since 1984 and that we can no longer keep quiet about it.

MR. W. McKEEVA BUSH:

Mr. President, Standing Order 21.

MR. PRESIDENT:

Is this a point of order?

MR. W. McKEEVA BUSH:

Standing Order 21(a).

MR. PRESIDENT:

I cannot hear you, what number?

MR. W. McKEEVA BUSH:

Standing Order 21(a). The Member speaking has made a remark in connection with what I said concerning accounts not coming to the House in two years. My precise words, Mr. President, were that "the accounts for the year did not show what it meant to have accounts for two years at a time, and over these two years they were unaudited". I did not say they had come to the House unaudited.

MR. JAMES M. BODDEN:

Well, where did they come from then?

I do not see that as being a point of order, Mr. President, so I will continue with my speech.

MR. PRESIDENT:

Well, I think it is a point of explanation, but it is not at all clear to me what the point was.

MR. JAMES M. BODDEN:

Mr. President, I will go through the figures again.

In the year 1984-1985, passenger revenue earned was \$23,042,404. Cargo revenue was \$1,989,561. Charter revenue was \$9,851,229. Other revenue was \$573,934. The flight operations - I can list them, but the main point is that if, in 1984, the airline had sold the assets that it sold in 1986-1987, and if they had not paid the interest on the Government loan which has now been transferred to charges in the company, and if it had received a subsidy of US\$1,250,000, a profit of \$617,404 would have been realised.

Passenger revenue in 1987-1988 decreased. Cargo revenue decreased. The only increase in revenue was on the charter operations and I made a long deliberation on that in the House this morning to explain that I am certain it is not worthwhile running charters at the price per hour that Cayman Airways is apparently getting. This is the only increase in revenue that the airline had. The only decrease in operating costs has been in flying operations, about 42 million which can easily be accounted for when you figure the number of hours that have been run and the savings of about 35 to 40 cents a gallon on fuel.

Passenger service, aircraft servicing and general administration has all increased tremendously. The airline did show an operating profit in 1986-1987 of \$859,754., but the net loss after capital leases in 1987 shows as \$835,826 which means that it is only \$566,608 better off than in the 1984-1985 year if you look at with regard to the operating profit.

To recap and show you, Mr. President, a net loss is shown of \$835,826. If we add to this the \$500,000 of sold assets, interest of \$269,848 (which is no longer paid), the subsidy of \$1,280,000, we will find that the loss experienced by Cayman Airways, with regard to the revenue taken in and the cost of operations, is \$2,855,674 rather than the loss which is listed of \$835,826. I am talking about the operational cost and the income of Cayman Airways. If my calculations are doubted, anyone can use the formula which I have used and they can prepare the two balance sheets. I am certain that they will find that the submissions I have made on behalf of Cayman Airways today is correct. The airline is 100 per cent worse off now, financially, than it was in the financial year 1984-85.

Thank you, Mr. President.

MR. PRESIDENT:

I shall now put the question on Private Member's Motion 20/87.

QUESTION PUT: AYES AND NOES

MR. JAMES M. BODDEN:

Division, please.

MR. PRESIDENT:

A division, please. Clerk.

**DIVISION
NO. 20/87**

AYES: 1
Mr. James M. Bodden

NOES: 12
Hon. Thomas C. Jefferson
Hon. Richard W. Gould
Hon. J. Laurel Hurstler
Hon. Geneva J. Ebanks
Hon. W. Norman Bodden
Hon. Carl Charles L. Kirkconnell
Hon. Yusef D. Johnson
Mr. W. Norman Todd
Mrs. Barbara A. Greig
Mr. Lenford A. Pirkman
Capt. Mabry S. Kirkconnell
Mr. D. Edward Miller

PRIVATE MEMBER'S MOTION NO. 20/87 REPEATED BY MAJORITY

MR. PRESIDENT:

Honourable Member: On this point there are eight minutes left this afternoon. I would suggest that it does not make a great deal of sense to resume the debate on the Appropriation Bill unless the Honourable Fourth Elected Member - he indicated, I think previously that he would need longer than eight or eight minutes. I therefore think it would make sense to adjourn. I sense a general agreement.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT:

The question is that the House do stand adjourned until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED.

**AT 4:18 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.
FRIDAY 27TH NOVEMBER, 1987.**

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

FRIDAY, 27TH NOVEMBER, 1987
(ELEVENTH DAY)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 (A.M. ONLY)
HON VASSEL B 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 FOR 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 B 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 (A.M. ONLY)

ABSENT

MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
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CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 27TH NOVEMBER, 1987
(ELEVENTH DAY)

1. PRAYERS

TO BE READ BY THE ELECTED MEMBER FOR NORTH SIDE.

2. QUESTIONS TO HONOURABLE MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST
OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND
DEVELOPMENT

NO. 114: WOULD THE HONOURABLE MEMBER SAY WHETHER GOVERNMENT IS
CONSIDERING GIVING THE PUBLIC SERVICE COMMISSION POWER TO
STUDY WORKING RULES AND CONDITIONS AND WHETHER GOVERNMENT
IS CONSIDERING CHANGING THE FUNCTIONS OF THE PUBLIC
SERVICE COMMISSION IN ANY WAY?

NO. 115: WOULD THE HONOURABLE MEMBER STATE HOW MANY CIVIL SERVANTS
PRESENTLY EMPLOYED BY THE CAYMAN ISLANDS' GOVERNMENT LIVED
OR RECEIVED TRAINING IN SOUTH AFRICA?

NO. 116: WOULD THE HONOURABLE MEMBER SAY WHAT IS BEING DONE TO
IMPROVE CONDITIONS FOR CAYMANIANS IN THE CIVIL SERVICE?

3. GOVERNMENT BUSINESS

BILLS:-

(1) THE CUSTOMS (AMENDMENT) BILL, 1987

FIRST READING

(2) THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS)
(AMENDMENT) BILL, 1987

FIRST READING

(3) THE APPROPRIATION (1988) BILL, 1987

SECOND READING

CONTINUATION OF DEBATE:

(ON BEING READ A SECOND TIME, THE BILL SHALL STAND
REFERRED TO FINANCE COMMITTEE - STANDING ORDER 63(3))

4. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL
SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

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FRIDAY

27TH NOVEMBER, 1957

10:00 A.M.

PRAYERS

MR. D. FZARD MILLYRE:

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 Name's sake, Amen.
Our Father, who 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:

Proceedings of the House are resumed.

ANNOUNCEMENT BY THE PRESIDENT

MR. PRESIDENT:

Perhaps I might mention before we commence Question Time that the Chief Justice will be leaving the Islands on Monday 30th November in the morning. As is normal, the Members of Executive Council will be seeing him and Lady Sumner off at the airport. So a little later on when we have the exact timing I shall be asking if the Assembly would not mind meeting a little later than usual on the Monday morning.

Questions. The First Elected Member for Sadder Town, please.

QUESTIONS TO HONOURABLE MEMBERS

WHO WERE MEMBERS FOR SODDER TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 114:

Would the Honourable Member say whether Government is considering giving the Public Service Commission power to study working rules and conditions and whether Government is considering changing the functions of the Public Service Commission in any way?

ANSWER:

The answer to both questions is no.

The functions of the Public Service Commission as prescribed in the Public Service Commission Law and in the Public Service Commission Regulations which were revised in October, 1955, are to advise the Governor on matters relating to the appointment, transfer, promotion, training, dismissal, retirement and disciplinary control of public officers.

No change in the functions of the Commission is being considered.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Has it not been seen as necessary to broaden the rules with regard to the training of the personnel in Government service?

HON. THOMAS C. JEFFERSON: Mr. President, I am not 100 per cent certain of what is being asked of me. The candidate for training is recommended by the Head of Department to the Public Service Commission which considers that recommendation and takes its advice known to the Governor.

MR. JAMES M. BODDEN: There evidently is an area in the service where further training is required, and that is in the middle management area where the service appears to be very weak. Is anything being done to try to train Government staff to come up and take their positions in middle management?

HON. THOMAS C. JEFFERSON: Yes, Mr. President, I believe that many things are being done in that respect. We should recall that there are 32 departments with over 1000 employees, and a good many of them are middle management. There are quite a number of them who are on overseas training at the moment. Some are at university and some are on attachments, with a view to qualifying them to take their responsible places in the respective departments.

MR. PRESIDENT: If there are no further supplementaries, next question please.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 115: Would the Honourable Member state how many civil servants presently employed by the Cayman Islands' Government' lived or received training in South Africa?

ANSWER: As far as can be determined, no civil servant presently employed by this Government received training in South Africa. However, the newly appointed Training Officer is on record as having worked in South Africa from 1976 to 1979.

MR. PRESIDENT: Could we move to Question Number 116, please.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 116: Would the Honourable Member say what is being done to improve conditions for Caymanians in the Civil Service?

ANSWER: The conditions of service of public officers are reviewed frequently in order to maintain an efficient service and provide for localisation.

Two separate exercises were undertaken this year to identify and correct any existing anomalies.

The first exercise was a revision of the General Orders which govern the conditions of service of all public officers. This revision was carried out in close consultation with the Management Council of the Cayman Islands Civil Service Association.

The second was the quadrennial review of salaries' structure, grading and conditions of service of public officers.

Government is also committed to a policy of providing opportunities for Caymanians to improve their skills and knowledge and to prepare themselves for advancement in the Public Service. Many Caymanians have taken advantage of these opportunities and at present two officers are undergoing training at the Cayman Islands Law School and 17 officers are on training courses overseas.

Caymanian officers also receive on-the-job training and opportunities to understudy experienced officers.

Caymanian graduates joining the administrative service are given wide exposure to different departments, portfolios and sections of Government. This is to ensure that they will be thoroughly versed in the operating procedures of Government and adequately prepared for assuming senior management positions.

MR. PRESIDENT: No supplementaries? We will move on to item 3 of

our order paper today, Government Business. Bills, First Reading.

GOVERNMENT BUSINESS
BILLS

THE CUSTOMS (AMENDMENT) BILL, 1987
FIRST READING

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1987.

MR. PRESIDENT: A Bill entitled the Customs (Amendment) Bill, 1987 is deemed to have been read a First Time and is set down for Second Reading.

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS)
(AMENDMENT) BILL, 1987
FIRST READING

CLERK: THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1987.

MR. PRESIDENT: A Bill entitled the Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987 is deemed to have been read a First Time and is set down for Second Reading.

It now goes on to Bills, Second Reading.

THE APPROPRIATION (1988) BILL, 1987
SECOND READING

(CONTINUATION OF DEBATE)

MR. PRESIDENT: Continuation of the debate on the Appropriation (1988) Bill, 1987. The Honourable Fourth Elected Member of Executive Council.

MR. VASEEL B. JOHNSON: Mr. President, Honourable Members, when the adjournment came on Wednesday evening I was talking about agriculture, and the department, in particular, the farmers' cooperative, which was established in May of this year to further promote farming in the Cayman Islands.

I said that the cooperative would take responsibility for farmers' supplies such as feed and fertilizer which Government now stocks and provides. This is being done particularly because farmers have complained in the past about the services offered by Government. So we thought that if the cooperative was to be meaningful in its representation of farmers' interests in the Island, then they should also be responsible for supplying the things that farmers use mostly, such as feed and fertilizer.

Mr. President, if the cooperative fails in its effort to assist in the promotion of agriculture and to give farmers the exposure in their efforts as we would like to see then I think that Government's efforts would have been in vain. At that time it would be justified for Government to look at agriculture again and decide whether it should continue spending the level of funds now devoted to that department, or whether these funds should be used in some other service. But all things being equal, and with the support which I hope Government will give to the cooperative and their efforts, and to the farmers themselves, I am sure that their efforts will be successful. That is what we aim to do, to make it a successful venture.

In a recent United Nations report on the Cayman Islands, the subject of agriculture was mentioned. The United Nations paid particular compliments to the Cayman Islands for entering upon the promotion of agriculture. They went to the extent of encouraging the local Government to encourage and support this effort. They noted in the report that it should always be the aim of countries, and especially Third World countries, to reduce their dependence on foreign goods, especially agricultural produce. That is exactly what this Government embarked on doing in 1985 when Executive Council was asked to ratify a proposal from the Statfalls to establish a Farmers' Development Committee.

That proposal to Executive Council was not merely to see farming make some progress here, but the principle behind it was that the Government should put some effort into farming, so as to increase the productivity of agriculture in these islands, to avoid being totally dependent upon imported food. That was exactly what the United Nations reiterated in their report.

Mr. President, much has been said in this debate about the market, and it would appear to me that the Opposition had in mind to support agriculture, and at the same time was envious of the effort which this Government was putting into it. They even talked about prices for the market. Well, I do not go around asking for anything or for my name to be put on anything, but I know that the Member for

East End who mentioned this built a little road in East End, and before it was finished he stuck his name on it.

The first Elected Member for the Lesser Islands asked if it would be possible to send our agronomist to Cayman Brac to look at the situation there to see whether any encouragement could be given to the promotion of agriculture. I would like to assure him that that will be done. In fact I had already discussed with him, a little while ago, that as soon as he settled here he should pay a visit to the Lesser Islands to see what was happening there. I know that agriculture there is quite difficult, especially when there is drought, but, nevertheless, now that we are opening up deep wells in Cayman Brac there may be an opportunity to also consider an irrigation system for the farmers.

Mr. President, I took note of comments made about the increase in mosquitoes this year. Of course I want to say that I, too, was concerned about the increase in mosquitoes and I began questioning the Mosquito Research and Control Unit about this to see what their views were. Most of the complaint came from areas like West End and North Side. That is largely because the programs of dykes has not yet been completed in those areas, so penetration of the dense mangrove forest is not like that on the western side of the Island. Nevertheless, I asked the Unit to advise the public right away of what was happening with the mosquito problem. A press release was issued by the Government Information Service. I heard comments here about the press release, as though it said nothing to the public. However, the mosquito problem here is something that all of us know about. Another, one of the things about the mosquitoes is that they are no respecters of persons.

Mr. President, regardless of what may be attempted to be said about the Mosquito Research and Control Unit's efforts to keep the island rid of mosquitoes, there will always be that problem. A problem like that which we encountered this year, unless of course, Government is willing and prepared to put adequate financial resources at the disposal of the Department, to improve their programs in research and control. My past experience is that year after year Mosquito Research and Control would ask for funds to do specialized improvements in the research programs, the control programs. This would always be treated in the category of ordinary expenditure, with cuts here and there. So the Unit was always limited with its financial resources. I dare say, Mr. President, that listening to some of the comments about the Unit and what was being asked for, almost suggested to me that those Members remembered little or did not remember anything about the problem of mosquitoes which this country faced years ago. When we complain about a service and what we are getting, we must also remember that we get what we pay for.

This year, the Mosquito Research and Control Unit had a number of problems. They had a new breed of mosquito which had to be investigated, and which required special attention. Most of all, they were faced, at times of the year, with really high tides. This was coupled with exceptionally heavy rains. Our average rainfall in this Island is something like 50 inches per annum. This year the rainfall to date far exceeds the average. Last year was a fairly good year as far as the mosquitoes were concerned, because the rainfall amounted to only about 40 inches. It was the lowest rainfall, I believe, recorded in the history of the Islands, as far back as records were kept.

Mr. President, research in the department covers a number of areas. Mosquitoes become immune to treatment after a certain time and so new insecticides and treatment have to replace the old ones and so the Unit has to spend time to deal with this. Then there is the dangerous disease carrying mosquito which must at all times be taken into consideration in the research programs. They have to be investigated on a continuing basis. We cannot let up on this, because it could be dangerous.

When we think about the very high proportion of land here in the Cayman Islands covered by mangrove swamp, it gives one some idea of the difficulty which the department has in monitoring mosquitoes in all areas of Grand Cayman. There is also a problem in Little Cayman, because, as Members are aware, there are large swamp areas there. However, the problem is not as great as it is here because the population is so small in Little Cayman.

Mr. President, I am sure that every one of us here realize the importance of that department. I think that we should at least once in every year dedicate a bit of time to think about the mosquito problem, and to cast our memory back years ago when the Island was riddled with mosquitoes. Without control, as we see it today, tourism and other facets of the country could never have thrived the way they have.

I will now go on to the Water Authority. I will not make very many comments about the Authority other than to say that I believe (and not because I am Chairman of the Authority) that the Authority is doing an exceptionally good job. It is headed by a Director who has a tremendous amount of interest in the work of that Authority. I just cannot understand a person who would want to say anything derogatory about the Authority or its head. I am sure that the country will be proud of the present projects that the Authority is undertaking - the West Bay Road sewerage scheme and the piped water system for George Town.

I would like to advise this Honourable House that before the end of this year parts of the sewerage works nearest to George Town will be commissioned and put into operation. In other words, sewage will be flowing through the lines to the processing site.

Mr. President, the Second Elected Member for George

Town expressed the wish that water would be distributed to the outskirts of George Town into the areas of Red Bay and Spotts - and other areas up along that road. Well, we heard so much complaining coming from the Opposition about the little money we were asking to extend the network of pipes in George Town to cover very important residential areas, and I am happy to say that that will be done. Water will go into Trade Road and into Tropical Gardens. It will go to the end of Walkers Road through Church Road and it will join on Fourth Church Street to make the circle. That is the present scheme for the first phase of the George Town water system.

The present view of Government is that if we start moving outside this scheduled area one will never tell where the lines will end up. It could even end up in Brackens. So we are adopting a policy that if the residents of any particular area would like water they will be asked to contribute to the capital costs of running the water there. I am happy to say that the people of Red Bay have now given Government the assurance that they will pay the capital costs of running water from the entrance into Tropical Gardens on to Red Bay Estate. The cost is tentatively estimated at some \$150,000, and they are prepared to pay that. The matter has now gone to the Water Authority for consideration, and will eventually be ratified by Government. So any other areas which feel strongly about the need for water can perhaps follow that practice.

Mr. President, on now to Lands and Survey. That department was mentioned in the Budget Address and I would only like to make a few brief comments to say that the department is doing an excellent job. It is keeping abreast of the real estate and land speculation deals, and making a lot of revenue for Government. Earlier I mentioned that the estimate for Stamp Duty this year is some \$8 million. That is a lot of money from Stamp Duty. Our Land Registry enjoys, in the Caribbean, a very excellent reputation. In fact it is used as the model for all other registries being created. It is almost the training centre for the rest of the Caribbean. Any Islands wanting to move on to land registration, with the system that we operate here, send staff to our Registry for training.

Going on to the Housing Development Corporation and the Agricultural and Industrial Development Board which were also mentioned in the Budget Address. The annual audited accounts for those two public corporations should shortly be laid on the table of this Honourable House, and at that time I hope, as in other reports, to give a general overview of the operations over the past financial year.

In the meantime, we are still endeavouring to satisfy applicants who apply for loans from those corporations. We are fortunate, occasionally, to make good loans. Other times we make loans and although complying strictly with the operating guidelines, where all the conditions must be complied with, we still find problems. Some of these loans eventually end up to be nothing but promises. Anyway, these corporations are catering to people who are going out, perhaps for the first time, to create small industries or build houses. We expect that sort of problem, they cannot all be good loans. We are trying our best.

As I mentioned somewhere in an earlier address, or at Question Time, the Housing Development Corporation's reserves funds are now nearing exhaustion, and so we must start shortly to try to negotiate with local commercial banks the possibility of raising new debenture loans, perhaps on slightly different terms and conditions from the original debenture issue.

Talking on now to my own Portfolio, I must say that the pressures of work has not eased any from the time I went there. It was all a rush - sometimes like a madhouse. But the staff are coping quite well with everything, in spite of the fact that they have to be off here, there and other places. My Principal Secretary, Mr. Keatney Speaks, was recently appointed Supervisor of Elections for the upcoming election in November 1988, a position he also held in the last election in 1984, and on Sunday last he left the Island for a three week visit to the Turks and Caicos Islands at the invitation of the Government there, and of course, by approval of the British Government and ourselves. He has gone to assist the Supervisor of Elections and the Government, and all others concerned, including the politicians, on the procedures in their forthcoming election. I think their Election Law is perhaps a copy of ours - a law which my Principal Secretary is now well acquainted with. So it would be natural for them to ask for his assistance.

Mr. President, in passing, I would like to mention (because I am a Government member on the Board of Directors of Caribbean Utilities Company Limited) that in their 1986-1987 report they mention (and this has been confirmed by Government) that they paid into Government a sum of \$1,500,000, representing import duty on imported material and also representing licence fees. This is a source of new revenue which was a part of the new franchise granted to them last year. It is quite a bit of revenue and I thought that it was worthwhile mentioning it. I do so again because I am the Government representative on their Board of Directors.

Mr. President, among the many things we are doing in the Portfolio (and I am not going to mention everything, because a lot have been discussed as separate subjects already) I thought that I would mention to this Honourable House the concern over the growing number of tour and dive boats in the Islands, and the fact that the dive sites are being contacted by different groups. So it has become apparent that some form of control is necessary. You can understand the problem, Mr. President, because if we allow the number of tour and dive boats to increase without some form of control, in time to come there will be no sites for them to anchor and they will be in one another's way. The problem goes a little beyond that because quite a lot of foreign

boats are moving in here as well.

A study team has been appointed by Government, comprising government and private sector members. That committee is to eventually, and as early as possible, recommend to Government forms of control by statutory means. We hope that after public acceptance of the decided measures they will come into effect at the earliest possible date. We hope that this will be in early 1988.

One of the prominent tourist attractions of these Islands is the beautiful reefs deemed to be one of the leading diving destinations anywhere. If we want to keep those reefs beautiful and attractive, we need to institute the sort of controls that will do this. We want to know, too, that Caymanians get their full share of what is out there, and not to allow that trade to be taken completely by outside people.

There were a number of things said about the Portfolio by the Member for East End, but I will not go over these again, because I think I have said enough.

Mr. President, we have now come to the last Budget Address of this current session, four of them in all. Two in 1975, one in 1986 and one now. The first one, in February 1983, I called our predecessors' budget, because it was only through the election of November 1984 that its presentation was delayed to the following meeting in February 1985. In the meantime, because of so many other urgent and pressing needs for our time, we did not have, even had we wished, sufficient time to go into the details of the budget. In any case, Mr. President, we were not going in there like a bull in a china shop to upset policies of the past Government, or to change things around.

In January of 1987 we went to East End and saw a huge civic centre, costing a lot of money, being built there. The foundation was just being poured. We did not do anything about it, other than to complete it. So that will give you an idea of what our attitude was. We were prepared to do what we thought was best for the country.

The next Budget was called the people's budget, simply because it was a serious budget. We needed money for the administration and decided, as a first and last effort, to put a tax package to the Assembly. Of course, the Opposition thought that they had us where the wool was short. They thought that they could use that to dismiss this Government. But nothing was so far from reality, for they were meddling with the people's budget. We were elected by the people to represent their interests in this Honourable House, and that we did at that time, and that we have done ever since. We have never put forward a budget to suit our own personal liking, or that of our friends or our relatives. It was always based on priorities and priorities as agreed by this Honourable House.

Mr. President, putting politics aside, we cannot but admit that much has been achieved in these Islands over the past two decades. I am not singling out any special administration. Much has been achieved in that all Caymanians should be justly proud of what they have today. However, the effort does not stop here because there is much yet to be achieved. So we should not engage ourselves in criticising or attempting to destroy the work of others, rather we should try to improve on what we have and continue to build.

Our fortunate position, our fortune, which we deem to have, all happened, Mr. President, because of well thought out policies of Governments; our endeavour to recruit the right technical skills and to employ good and strong management; the efforts of this Honourable Legislative Assembly, the Government and the Civil Service - and the result has been tremendous. We have an efficient Service, and a good infrastructure which cushions all development of the Islands today. What we have not got we are now building. These, with our natural attractions and strong financial position reflected in this Budget, a Budget which also carries reserves, have put the Cayman Islands, for its size and its population, unparalleled anywhere in the world.

Our enviable position at the present time should not be allowed to breed complacency, not in Government, the Legislative Assembly nor the private sector; instead, our position should endeavour to create in us an unrelenting pressure to continue to excel in all we do. While endeavouring to guard and defend for dear life the things that have taken so much of our efforts to build - something that we saw in the early stages when we embarked on building an economy for the people of these Islands so that they would not have to run the world to look for a livelihood. I remember the days when the economy was largely the earnings of seamen - men going to sea. I would see young couples getting married one day with the husband leaving the next. Sometimes it was a year or maybe two before he returned to his young wife. These are the things that inspired all of us to start building something to provide an income at home. Look at what we have today - Caymanians who have lived abroad for so long are coming back. They are leaving their jobs in many cases to come back home to be a part of the system. This is exactly what we saw in the early days, if indeed we were successful in doing what we set out to do. Every year a number of Caymanians are returning, and that is good.

Mr. President, before I sit down, let us say that we welcomed you here not long ago in the middle of the year. We welcomed you as the Governor of these Islands and as President of this Legislative Assembly. You have come to us, Sir, with a wealth of experience from the large world outside our shores and you have come into a blooming and booming Caymanian economy. The job you have undertaken here carries with it many responsibilities. So far, Mr. President, I cannot but say that you

have excelled in patience, in dedication and in the ability to remain calm under strained circumstances. These qualities are virtues which form and mold men into great leaders. I would hope that at the end of your tour of duty in these Islands, you will leave without regret, taking with you your own self-earned trophy for leadership.

Mr. President, may I extend to you, Mrs. Scott and your dear family greetings of the coming festive season.

I support the Appropriation Bill, now in its Second Reading. Thank you, Mr. President.

MR. PRESIDENT:

Thank you for your very kind words. Perhaps we should now suspend for fifteen minutes.

AT 11:11 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:28 A.M.

MR. PRESIDENT:

for West Bay.

Proceedings are resumed. The Third Elected Member

MRS. BAUNNE L. CARENE:

Thank you, Mr. President.

Mr. President, I would like at this time to continue the debate on the Appropriation (1988) Bill, 1987 as moved by the Budget Address which was presented by the Honourable First Official Member, the Financial Secretary on 13th November.

I would like to quote a Psalmic prayer as recorded in the Psalms as a preface to my contribution here today:

"Let the words of my mouth and the meditation of my heart be acceptable in thy sight, O Lord."

Mr. President, I wish to thank you for the opportunity of contributing to the debate on the Budget Address recently delivered by the Honourable First Official Member, the Financial Secretary. Without meaning to sound repetitious I wish at this time to congratulate the Honourable Member, his able Deputy and members of his staff, all Government Members, Principal Secretaries, Heads of Departments, and members of the Civil Service, for putting together such an upright, positive and sensible Budget Address, which I am sure only reflects the true picture of our country's present and projected financial position.

I must admit, Mr. President, that I expected an encouraging Budget Address after the end of this present Government's first three years in office, but to be honest, the financial picture far exceeds what I had expected. Congratulations are definitely in order. I am grateful to be a part of a Government which leads our country on such a satisfactory course. May I add, to God be the glory.

The Honourable Financial Secretary, at the beginning of his Address did at some length focus our attention on the uncertainty which surrounds as indicated by slow economic and troubled financial markets worldwide. In spite of all this, the Honourable Member could go on in the same breath to say that:

"The economy of the Cayman Islands has never, in real terms, been more active than it is now. There is no doubt that the great architect who created this world watches over us."

Now true, Mr. President. Now true.

I trust that each and every citizen of this country realises this, for in the final analysis, our way of saying thanks and showing our appreciation will be to use our resources of intellect, strength and wisdom to utilise these material blessings in ways which will be pleasing to Him and will bring glory to His name.

With a population of just over 24,000 people, we have a workforce of over 10,000 with our own Caymanian people representing some 74 per cent of this total workforce. Although domestic workers are not included in this figure, all things considered, this is a healthy employment situation. Although the Honourable Financial Secretary did not spare his edgewise and expletives in presenting certain statistics, I am sure he is simply reflecting the true picture when he reminds us that as we move in and around Grand Cayman we see such construction in progress, many tourists on our shores, such business activity, and a generally healthy economy responding to the demands both of residents and the international businessmen and tourist visitor.

It is unfortunate that certain members of this House seem to have had a rather mixed up three dimensional Picasso picture instead of a clearly defined Rembrandt when going through this Budget Address. I can attribute this undue criticism to perhaps one of three possibilities: (1) they need to see a doctor to have their heads examined; (2) they are totally confused with the figures and statistics as presented; or (3) they are attempting to mislead the public at large. I hope that the first possibility is not the case. I doubt that the second possibility is the problem. So

I have decided that the third possibility applies. In my opinion, these Members are trying to mislead the public.

However, each of us should always remember that the average Guyanese is blessed with common sense, and that what has been reflected in the Budget Address, for the most part, is simply a reflection of what is clearly visible from day to day in our country, even by the average man on the street. Any attempt at this time to mislead the people of our country, Mr. President, is not only wasteful, it is futile.

Having witnessed an unhealthy political climate in this beloved country of ours in some recent years, I believe with all my heart that the majority of our people are grateful, and indeed relieved, to realize that the present Government consists of persons whose integrity, wisdom and dedication permit each citizen of this country to have a good feeling of security and peacefulness. I get the feeling of an almost serene calm when thinking of the changes which have taken place under Government's policies and priorities since the 1984 election.

To reflect for a short while on this country's political climate prior to the 1984 elections - which, if I may interject here, I am doing simply in an attempt to further clear the air regarding certain remarks and accusations made in this Honourable House over the last few days - I would take or touch briefly to the 1976 elections, in which I was a candidate, and on which subject I think I am capable of speaking.

The campaign during those elections revealed to me for the first time that within our country there were people seeking public office who had the capacity not just simply to try to manipulate the voting populace, but who would dare to go on public platforms and knowingly present facts and figures farthest from the truth. Mr. President, the one thing that bothered me most in listening to certain political platforms at that time was the fact that should such individuals be voted into office, it would be so difficult to trust them.

There were many things which happened during that election campaign which caused great concern. There were allegations of corruption which included, amongst other things ...

MR. PRESIDENT: I am sorry. I will have to interrupt you for a moment. I think that you are straying a bit beyond the bounds of the Budget. We have all heard a good deal of history in the last few days, and you are entirely entitled to cover the same ground, but I think we must try to control ourselves a bit.

MRS. LAVONNE L. CORRETT: I thank you, Mr. President. But if I may bring this to your attention, this is the last Budget Address in which I will be privileged to be involved before the 1988 elections. I have not here and I have heard a number of things - believe me, I do not want to fire anyone with what I have to say, but I do not wish the public of the Guyana Islands to forget what we just came out of.

MR. PRESIDENT: I think that is entirely fair - that is entirely proper. I think you have understood what I said about the bounds of the discussion. Thank you.

MRS. LAVONNE L. CORRETT: Thank you very much. I shall endeavour to stay within the limits to which I am permitted.

Mr. President, what I am saying here - although these were allegations (and I emphasise, allegations) - is that there is a lot of gossip, much of which is not true, but it was a very unhealthy political climate at that time.

During that election campaign there were allegations of big gifts, trucks and cars being given. There were serious telephone and letter threats. There were even allegations of secret meetings with persons from overseas who participated in witchcraft and obeah. Certain things took place at that time which perhaps would be better not repeated at this time because it would touch some people personally, and I would restrain myself in bringing these to the House.

The campaign was one thing. The results were not only surprising, they were shocking. The morning following that election in 1976 was as though a dark cloud hung over the country. Perhaps it was a premonition of things to come, because for the next four years this country saw some drastic changes, and not all, as should I say few, were for the better. In my opinion, we made loads of money and we spent loads of it; and blinded by this were many of our people who could not see beyond the money that was being made and the prosperity that was apparently existing in the country at the time. But there were others who feared the policies and practices of the Government of the day.

Some 1980, I, for one, decided that I did not want to stand as a candidate at that time, but I worked as hard as I possibly could to get in our district the gentleman who is now the Honourable First Elected Member of Executive Council and his team, elected. Although disappointed at the outcome, we were nevertheless deeply grateful that this gentleman was successful, albeit by the skin of his teeth. The citizens of West Bay were, however, grateful for this lone voice crying in the wilderness, and despite his not being elected to Executive Council, we were at least comforted by the fact that he was there to observe something of what was taking place in the Government.

Mr. President, I am still on the Budget Address. I want to clear the air regarding certain remarks which were made in this House.

I have no doubt that certain Members of that Government could, if they had been given the opportunity to do so, have done a better job in the running of this country than was done in 1980-1981, but we had a situation where one individual almost always called the shots. The Leader of Government was, it is allowed, not ever to be questioned in his decisions. Mr. President, in my opinion we were as close to dictatorship as I would ever want this country to come. In a country which hitherto had enjoyed democratic freedoms, not least of which was the freedom of speech, we found ourselves facing a situation whereby if one dared to express an opinion regarding Government or question an action taken by Government, especially if it took place in a certain portfolio, it was not unusual to find oneself without a job on returning to work the following morning.

In a country where we prided ourselves on honesty, there were continual allegations being made of corruption in high places. In a country where we prided ourselves on fairness, there were allegations of certain wealthy foreigners coming to this country who were allowed to obtain Caymanian status without complying with all the necessary requirements, while other applicants who were eligible for such status simply had their Caymanian Protection Board approvals filed away.

In a country where we pride ourselves in Cayman being first and foremost for Caymanians, there were allegations of key positions being offered to certain foreigners who had no greater experience in such professions than did certain Caymanians already within companies. But, Mr. President, with a work permit hanging over one's head, manipulation and dictatorial practices were less difficult to carry out. In a country where we prided ourselves on treating our neighbour as ourselves, we heard of nepotism running rampant, appointments with very responsible positions being given to persons not capable of filling them properly.

In a country which prides itself on keeping law and order, there were allegations regarding the close bonds of friendship which existed between alleged drug dealers and certain individuals in high places. Mr. President, in a country which prided itself on frugality and prudent spending, there were allegations of certain individuals in New York and elsewhere receiving exorbitant salaries and allowances, some allowances of which even included reimbursement for luxuries.

MR. PRESIDENT: I think I must interrupt you. I appreciate that you are responding to statements made by a Member who spoke earlier about dictatorship and oppression, and I think it is perfectly reasonable that you should so reply, but I think perhaps you have said enough on that subject.

MS. DAPHNE L. ORRENT: Thank you, Mr. President, enough said. In fact, I had just gotten to the end of it.

Thank God that such a dark period is in the past. However, we must never forget such a period. Should we dare to forget, history could repeat itself. Vigilance, fortitude and faith are necessary ingredients in preserving this beloved country and its glorious heritage for our children and grandchildren and those who may follow. I am not digging up dead bodies or skeletons, Mr. President, in fact it would be good if I could let bygones be bygones. But let us reflect, an ugly past must never be forgotten because it must never be repeated.

Mr. President, with a sense of gratitude and relief, I take you to the 1984 elections. The Caymanian people had determined within themselves that enough was enough. In fact, as my 86 year old grandfather tells me, too much of anything is good for nothing. And believe me when I tell you that as the sun arose that lovely morning on our shores in November 1984 we were still tallying votes in West Bay. Mr. President, I need you to bear with me now while I tell you the good side of the story. I still have to write a book on this subject, because I think it is only the birth of my children that gave me a greater sense of joy and satisfaction than the election in 1984. For rare reasons then one.

As I mentioned, when the sun rose that morning, we were still tallying votes in West Bay. This time we ensured that every 'X' was crossed and every '1' dotted on those ballot sheets. There had been far too many questions in prior elections. We knew our team had won, but we were pleased just to sit a little longer and savour the feeling of victory, so we did not rush those last few votes. However, that feeling was just a drop in the bucket compared to what was to be, for lingering just outside that town hall (and I am talking about West Bay, I did not have anything to do with the other districts), as peaceful and as quiet as could be after an all night vigil, was a group of people whose ears had been tuned to Radio Cayman all night. Thus they, too, were sharing the feelings which we were enjoying inside that town hall. As daylight broke, I dared to open the louvers and look outside. And I proudly gave a sign of victory. The cry that rose to the heavens that morning would have been sufficient for anyone to have rejoiced, even though that campaign was tough. But, Mr. President, we had teamwork.

Carrying on - and I thank you for your patience - our very faithful and efficient election officers joined us for breakfast. But few of us were hungry, some for one reason, of course, Mr. President, and some candidates for another. Shortly after we were through, the first of many snorts of victory permeated that compound, and as we looked out the windows, the first impression I got was that that solid mass of people made up of ages from one to 80 was moving toward us like a wave in the ocean. I recall saying to myself that those wonderful people, after having elated us, were going to squeeze us to death. Anyway, because everyone was trying to get to us at the

same time, after having saved one older member from being squeezed to death, I then had to convince our supporters not to raise me in the air, because I was not wearing the same attire as my two colleagues. But I promise you next election, I am going to be appropriately dressed.

Someone was asked where the Spex Lion and its supporters were. So someone shouted, 'They just joined in with us'. So there we were. We went to our campaign headquarters and celebrated there for a while. From there we went to Mr. Benson's home and we had a dinner of dinners. I saw newspapers dancing with 60 year olds and it was a holiday that was not supposed to be a holiday. It was a real celebration.

Just we forget that too, and more importantly, lest you think that I have totally forgotten the Budget Address, I shall carry on with some of the resultant positive effects of that election.

Trust and freedom, West Bay was once again ably represented, and especially we were pleased to have Mr. Benson Chack's elected to a seat in Executive Council. That representation stood good not only for West Bay, but for the entire Cayman Islands. The people of West Bay have not yet lost sight of the fact that this gentleman is one of the greatest statesmen these Islands have yet produced. He is dearly loved and highly respected in that District, and as far as this Member is concerned, he could stand for President of the United States or Prime Minister of Great Britain any day. But I am glad he is here.

Random re, Mr. President, if I am being slightly less modest than usual in the following remark, but I have to confess that I am so proud and thankful that both the Honourable First Official Member and the Honourable First Elected Member of Council are from West Bay, and let me again add that the people of West Bay are no less proud. Believe me when I say I am truly proud of every Member of Executive Council, both Official and Elected, and I want to take this opportunity to thank them for the course in which they are steering this Government. I thank you.

Believe it or not, I am leading up to the meat of the matter of my Budget contribution, and having said that, would like to move on to the financial sector, which, as all Members know, is one of the main pillars of our economy.

Following the Mutual Legal Assistance Treaty, I am pleased to see that despite strong competition from other countries, 1986 has proven to be another good year for the banking and trust industry, and that this trend has continued into 1987. It is noted that several of the 400 licences, at the end of 1981, were cancelled. However, it is heartening that no such cancellations were indicated as having been made due to any dissatisfaction with banking standards in the Cayman Islands.

Further, Mr. President, I am pleased that nevertheless there has been a healthy growth during the current year, having reached the milestone of 500 banks with current licences, with an anticipated increase to 615 banks by the year's end.

In spite of the Treaty, those 20 of the world's 25 largest banks which were with us last year are still with us. In addition, I note that we have attracted a number of the next 25 largest banks, bringing total of 42 of the world's largest banks, a record surpassed perhaps only by London and New York. It must be admitted by friend and foe alike that this Government must be doing something right. I note the Financial Secretary's comments that the key factors for this healthy growth are the high reputation the Islands have achieved, the stable atmosphere created by this Government, and the visible and vocal efforts of this Government to ensure that only the most reputable of business comes to our Islands.

Since teamwork is a key element in appealing to the worldwide banking fraternity, I wish too to congratulate those business sectors, which include resident banks, accountants, lawyers and the Bank Inspector's team for their valuable contribution in attracting licensed banks here from 46 countries of the world. This growth in the number of banks licensed is also evident in the volume of business carried on in the books of the banks which, at the end of 1986, showed an increase of 15.7 per cent over the 1985 figures for a total of some \$302.05 billion. As the Financial Secretary mentioned, whichever yardstick is used to measure such status, Forbes magazine considers that the Cayman Islands are likely to be the world's largest offshore financial centre. While enjoying such status, I am sure we shall ensure that the same high standards shall continue in the banking industry.

It bothers me that any Member could stand in this House and criticise - and more so, jeopardise - an industry which is so important and which carries on business in such a highly reputable manner. In a world of less settled conditions existing in other financial centres, which no doubt has attracted more business to our Islands, we cannot afford to become lethargical or complacent, especially when considering that in monetary terms this sector contributed some \$54.5 million to our economy in 1986 - much of this expenditure having been paid in salaries and wages to our local workforce of almost 1000 employees in the banking and trust sectors. 50 per cent of whom are Caymanian. I am pleased to see that a number of them are holding key positions.

I trust, Mr. President, that every opportunity of promoting qualified Caymanians will continually be evident. Although we cannot lose sight of the fact that only the best can be placed in key positions in the financial community, I trust that an opportunity, as I mentioned, will be overlooked as placing qualified Caymanians in these key positions.

Turning to insurance, I am so pleased that the word of caution expressed by the Honourable Financial Secretary last year in respect of recent

legislation in the United States has had no adverse effect on our insurance industry, and that a good number of licences are still being received. With the formation of the Life Underwriters' Association of Cayman and its adherence to high standards in the industry, I have no doubt that we should be able to attract our fair share of business in this area, both from the United States and from the rest of the world.

I wish also to take this time to congratulate those Caymanians who have recently qualified themselves in order to hold important positions in the insurance industry, and I wish them all successful careers.

I wish to congratulate the Cayman Islands Currency Board on the lovely \$50 note now in circulation, and I am sure it will be much more readily received than was the \$40 note, although I am glad to see that this has now become a collector's item. I note also with pleasure the healthy operating surplus which was transferred to Government's general reserve.

On the Company's registration section, Mr. President, the computerised system must be a welcome addition, and I am pleased that this is already now in use, especially in keeping abreast with those companies which need to be struck off, because as all of us here are aware that was quite a headache.

Back to the effects of the Treaty. I note that there has been no overall adverse effect on company registration and revenue derived therefrom, and that those companies now being registered in the Islands are of a better quality and of more sound financial standing than those we attracted in the past. At the same time we enjoyed a healthy increase over a comparable period in 1987 with revenues collected being some 10,047 of the \$6.5 million budgeted. We are now attracting only reputable companies to our shores; companies and individuals who have no problem in drawing funds on United States' banks. Those persons and companies who wish to do business in a questionable fashion have to look elsewhere to conduct their business.

I was pleased to note the list recently published by the Agricultural and Industrial Development Board detailing the areas of greatest manpower needs for the Islands. As medical and educational fields are being given priority in respect to scholarships granted, it is hoped that we might find more of our young people attracted to both these important fields. I feel that the Board has very wisely selected the most important areas of training for our country. Included are elementary and secondary education, computer sciences, accounting, nursing and construction engineering.

Mr. President, the legal profession has recently been enriched by the successful completion of five of our local young people who have been called to the Bar. While I take note that three of the five are female attorneys at law, two of whom graduated with distinction, I offer my sincere congratulations to all of them. I am sure that they will join with other members of the legal profession in continuing to provide the type of services so vital to a sound financial centre.

I am pleased to note the new criteria for admission to the Law School, and also to note that this does not preclude students who graduated in 1987, from being admitted if they so choose.

Standing alongside our legal firms are the accounting firms which have, as mentioned by the Honourable Financial Secretary, continued to add to our credibility as an international financial centre. I am pleased to offer my congratulations, again, to the number of young Caymanians who are now professionally qualified and working in the accounting firms. Any criticism or allegations of unscrupulous business practices on the part of the accounting firms in this country, in my opinion, is utterly ridiculous and unfounded.

Tourism, as all of us are aware, is one of the major pillars of our economy, and it is gratifying to note that significant growth has been experienced in this sector during 1987. I congratulate the Department of Tourism, Cayman Airways and those in the private sector, who, through effective marketing strategies, promotions and advertising campaigns, have contributed to this growth. I also wish to congratulate our local Caymanians, those who work in the taxi service, hotels and condominiums, restaurants, dive operations, freeport facilities, or within any other areas catering to the tourist industry; not least of which the men and women on the street who have shown their friendliness, honesty and dedication to the visitor to these Islands.

Mr. President, while we can never be complacent, I believe that all our Caymanian people fully recognise the vital importance of tourism to our country, and will seek always to maintain those unique qualities found only in the Cayman Islands and her people. Well, friendliness here is just our way of life so spread a smile today, as is so aptly put across in Radio Cayman by Mr. Alison Roberts, from time to time.

Having mentioned Radio Cayman, I note with relief that following a Private Member's Motion brought to this House, and passed, there are now no advertisements for liquor or cigarettes on the air. That airtime is now used in promoting our use of drugs and in other more worthwhile advertisement time. The dedicated Director of Broadcasting and his staff are to be congratulated for doing a fine job.

I want to turn now to Health, Education and Social Services.

Mr. President, I wish to congratulate the new students who graduated from our Cayman Islands High School this year and to those who achieved exceptionally high passes. I do not forget those who perhaps did not achieve high passes, but they did their best. I congratulate every child who did his or her best to achieve. I also wish to take this time to offer my congratulations to the students who

graduated from Triple C and Wesleyan Christian Academy. As many of us are aware, Triple C is a private Christian high school, but it has contributed to this country in no small way by some of the fine young men and women who are taking their place in our society today, many of whom have gone abroad to further their education in reputable educational facilities overseas. Joining them in the last two years is Wesleyan Christian Academy in West Bay, which started, not too many years ago with secondary education, moving on into the high school system, and of their graduates so far, two have been accepted in reputable educational facilities overseas. I wish to offer my congratulations to these students as well.

I wish to thank, not only the high schools, but the primary schools who contribute so much to a child's education in this country, even the pre-schools, where a child gets his first taste of education. There are very very dedicated persons in these fields Mr. President. One has to be dedicated because teaching is like nursing or working as a doctor. If you do not really love the job, and enjoy it, you should not be in it, because it takes a special something to work in either of these fields. So I sincerely wish to congratulate those teachers and all concerned for the fine job that has been done in the area of education, especially over this last year. I feel that the Member, the Department of Education and the Portfolio is doing its best to see that education in this country is not taken for granted.

We do have a situation where there is a lot of employment in our country, and there is a tendency amongst some of our young people to take education for granted - simply because they feel that by going out there they will find work. But for some reason, I get the feeling that that trend is now less strong than it was, and that young people are beginning to recognise that to achieve and to find the top positions in our country today requires a education and commitment to gaining an education of top quality. I believe that such an education to the High School level is available here, and, as well as going on to the Community College, I believe there is such that young people can go on to in furthering their education. I think the Community College is here in the right place at the right time, and that this country is ripe for such a facility. It caters to the individual who perhaps, for one reason or another, did not make those grades in High School which he or she should have, and even if one is a bit on in years, such past the teenage years, the opportunity is there to excel.

Coming up on the eve of another graduation ceremony, Mr. President, is the International College of the Cayman Islands. This is a very small college, and it has been here for some years. But I must confess that I have been impressed with a number of the students who have graduated from that institution. I would wish to congratulate the faculty and staff of that school for continuing to offer this educational opportunity to students who perhaps otherwise would not be able to go overseas and gain what they can gain from OCEL.

Having said that, there are a few areas - I will be extremely careful of what I am going to say here. We have sometimes overlooked certain educational facilities here, not least of which is the Lighthouse School and, more recently, the Sunrise Centre. Mr. President, I was grateful, and in fact, overjoyed, in looking at the newspaper this week to see that a number of the students from the Lighthouse School are now finding themselves in employment within our island, some in the tourism industry and some in other areas.

To bring you into the picture a little in what exactly was happening, I remember some years ago that the Honourable First Elected Member of Executive Council had this dream, or this vision. I should say, of seeing the handicapped people in our country with more readily accepted, and that they should be equipped to find their place within our society. Some years ago the handicapped of our country were the individuals who were left at home. Many of them hardly learned to speak well. They were not brought into society as being a part of it, but sort of pushed to the side. Many of them had parents and families who took extra good care of them, but there were many things lacking.

This dream of the Honourable First Elected Member who, together with certain other individuals, started the Lighthouse School in Bodden Bay. Something I think that will always stand to his credit as being one of the finest steps he has taken as an Elected Member in this country. Mr. President, we now have students who have finished in the Lighthouse School and, as I said, I was overjoyed to see the number of them who have now found their place in the working community in Cayman. I think that the Portfolio, the staff of both the school and the Sunrise Centre are to be congratulated. Those students are not only involved now in working, but we will find them at many of the social functions in the Islands, whether at the Marginal Theatre or other functions, and these students are made to feel that they are an integral part of our community. I want to wholeheartedly congratulate those persons involved in the day to day and overall equipping of these young people to fill their place within our society.

Having said that, I wish to bring to the attention of this House a few things that have bothered me from time to time within the school systems of our Islands. Mr. President, the Bible tells us that we should not spare the rod and spoil the child. It also says that we should train a child in the way to go. I would like to emphasise that word 'child'. In our school system, and I have given this particular subject not only thought, but prayer, and have discussed it with a number of individuals whom I thought could give me a fairly overall picture of what they felt would be correct in our society. But it is my firm opinion that a student who has reached his teenage years is not not a child.

A 15 year old is a young man or woman. The idea that a teenager of 16 years can be placed in a room and strapped with a belt bothers me. Not that they should not be disciplined, Mr. President, but the fact is that such mode of discipline is perhaps ineffective. Discipline is not what is done to a child, but what is done for the child. If a 15 or 16 year old young man or woman has, for whatever reason, committed an infraction in the school, been disobedient or rude, ill-mannered or missed school, there have to be ways of disciplining without strapping. I think that it is futile and do not think that it helps a child at that age.

When a young child is spanked, hurt or belted - and I am not talking now about child abuse, I am talking about severe enough punishment that he will not forget it. I can see that going on into perhaps even the Middle School. But when a child reaches High School age, it is difficult for me to comprehend that strapping is the type of discipline that that child should undergo.

Mr. President, it has bothered me for some time, but last year there (and I hope I can phrase this so that I do not ... because I am sure there is more than one individual) it was brought to my attention that there was an infraction against a young 16 year old man in the school. It was not anything serious, mind you, but when I see, serious I hear talking that would prove detrimental or that would be a threat to any particular individual in the school, but nevertheless it was an infraction. He had been disciplined once, twice, and then he was to be disciplined a third time. He not a hefty young man, rather slim, easy. But the young man continually denied that he should have been strapped the third time. He left the school and he went home. The mother called and discussed this with the teacher who said the young man would not return to school unless he was willing to take the strapping. The child said that he did not deserve the strapping, and so he did not go back. Well, the child was not permitted to graduate, because, of course, he did not go back for the strapping.

In addition to that, Mr. President, I mentioned a Judication and a commitment by teachers. I do not wish to bring out isolated cases, but in the school system, every single child is important. Everyone. The particular case I am using is only an example. I am not singling out one case above others, because it has happened time and again. But in this particular case, can you imagine a senior member of staff (recognising that he has the odds against the child) placing a hand on the shoulder of that child saying, 'You missed school again yesterday. I am going to see to it that you do not wear that cap and gown.' The child is disturbed and tells a friend. The second time it happens, the child is in the company of his friend. Because the child has missed another day, that same member of staff says, 'I am going to see to it that you do not wear that cap and gown because you are missing too many days.' Mr. President, this is not the type of dedication that I see in a teacher. He are to do everything possible to see that a child, especially one with the odds against him, gets the benefit of everything which that individual teacher can give him. Mr. President, the child was not permitted to graduate.

Mr. President, there is also a policy, a system in the school, whereby if a child commits an offence and is brought to the courts, he is, in addition, also punished by the school by not being permitted to graduate. Mind you, there are certain cases which are not necessarily overlooked, but which not considered to be serious enough, such as, say, riding a bicycle without a light. Unless that particular offence has been committed against someone, and injures him or threatens life, or is of a very serious nature, I feel that the system in that school that recognising the individual's right to get an education and to graduate so well. What I am saying is that after 15 years or 16 years, 14 years in some cases, a young person goes through a school system and in some cases commits an offence which sometimes is through no fault of his own or her own, and I think that school has to isolate that case and take it on the particular offence.

Mr. President, another system or policy of the school is that a child is not informed until a few weeks before examination time that he or she will not be participating in the graduation ceremonies. The parent is sent a letter, but the child is not made aware of this because it is felt that if he or she knew that they may not be permitted to be involved in the graduation ceremony, then he or she might not commit or dedicate themselves to their studies as they ought. That is a point to be borne in mind. But in addition to that, what happens to a child who goes through his or her school year thinking that he or she is going to participate in the graduation ceremony, and two weeks prior to those crucial final examinations, the parent receives a letter to say that they are not going to participate? To have this hanging over their head two weeks before those crucial final examinations, is that not sufficient reason for a child to be hindered in what otherwise might be a healthy examination result?

Mr. President, I believe that system must be looked into. Two hundred to three hundred children graduating is fine, but every single individual should be given equal opportunity. If there is not a pattern - and I repeat this - if there is not a pattern of rude behaviour in the child, then a child should not be precluded from being a part of a graduation ceremony. If a child continues to show that he or she is ignoring the school, its policies, its rules, or its regulations, then I can see where that child ought to be made aware so that he may recognise what is happening and know what is going on, and that he or she will be precluded from an examination. But when a child who has given no problem in school, no problem at home, or no problem in his or her community, commits an infraction for which he has to appear before the court, that school should look at that child in the light of his overall behaviour and his behavioural patterns year after year and his records from previous schools, and in that light consider

whether that child should or should not graduate.

Mr. President, I'm not finished, but if you would give me just a few minutes, I will close off this particular aspect of my debate.

Take a child, Mr. President, who for three years, attends school every single day - not three months, not a year, but three years - and for whatever reason that child has to leave school during the day (one half day in three years), he is precluded from enjoying a perfect attendance record. Mind you, that is even after the school determines that the young man was not guilty in the first place. It does not matter whose child he or she is - whether he belongs to a prominent member of the community or whether he or she belongs to somebody else - the child must be looked upon as a single individual, and his overall pattern of behaviour taken into account. For someone in that school who sees 200, 300, or 400 children graduate, it may not be anything serious. But for that one child who has only one opportunity to graduate from a high school, it poses a serious question mark in the mind of that individual. I mean, we are living in the Cayman Islands, and this has hitherto not been the case. I think that the policies of that school - and I am speaking of the Cayman Islands High School - must be looked into. It puzzles me for we have some dedicated people in that school whom I highly respect - the headmaster, and many of those teachers - but it puzzles me that there are teachers who come and go in that school who never even seem to get close to their students. I know of some who have been at that school for years, and every student who mentions certain individuals names, mention them with a respect and a closeness and a fondness for the teacher. You will hear anyone mentioning about Mr. Eastman - he is the greatest.

MR. PRESIDENT: I am sorry, you must not mention individual names.

MRS. DAPHNE L. ORRERTI: I am sorry. You will hear that mention certain names and I am talking about a number of individuals. These students are close to their teachers. But there are others who do not even go up to and around the students during a lunch break to get close to the children. This is a part of being a teacher.

Mr. President, I am thinking now of a certain child who is not getting along so well with a teacher - I am singling this out just as an example. I do not want to sound petty, but the child is not getting on well with the teacher. For some reason, they just do not tick. So the child wanders and asks the parent what she can do, because she cannot seem to get this teacher to like her. So they go on vacation and she decides to buy the teacher a gift. So she takes two gifts. She gives one to one teacher and one to the other. The one teacher opens it, Mr. President, and is ever so excited that that child remembered her on vacation and brought her a gift. The other teacher put it on her desk. It was there the next morning, and the next and the next, unopened. For three weeks that little gift remained in that desk, unopened, for whatever reason. Things like this bother a child. As a teacher it is second only to being a parent, and you have to be dedicated. In this country, the children of the Cayman Islands are used to a certain level of friendship and a keen, close relationship between teacher and student.

MR. PRESIDENT: Might we break there?

MRS. DAPHNE L. ORRERTI: That will be fine, thank you.

MR. PRESIDENT: We will suspend until 2:15 p.m.

AT 2:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT: Proceedings are resumed. The Third Elected Member for West Bay, please.

MRS. DAPHNE L. ORRERTI: Thank you, Mr. President.

Continuing with my debate, Sir, regarding certain policies within the school system, I would like to reiterate that it is not the preclusion from graduating from the school that I was basically speaking of, but rather it is the participation in the graduation ceremony, which, although not the most important factor to be considered, within every teenager's life it is an important occasion. This was the reason why I felt that what was mentioned earlier in my debate was of grave concern to me, because it involved the individual.

Mr. President, continuing with that particular subject, I am at times dismayed that the profession of teaching does not seem to attract as many Caymanians as I would hope to see. I have sometimes wondered about this, and in checking through salary scales one will find that teachers seem to be as well paid as other members of the Civil Service falling within that level of their profession. I would suggest that a second look needs to be given to the benefits that are paid to teachers, both local and expatriate.

Years ago when we had requisites (and certainly we were less affluent, less prosperous and so on), Government had to almost go out of the way to attract the type of teacher we wanted here. I think in many instances, what we see today is a continuation of those benefits which are meant to attract the expatriate teacher coming here. I do not for taking away from those benefits. I do not. The only thing I wish to point out is that whether it is an expatriate or a local living in this country today he is either paying rent or a mortgage, and the same cost of living expense applies to a local as much as it does an expatriate.

Being a non-Caymanian does not mean that you are spending more money to live here today than it does a local Caymanian. I feel that a serious look must be placed on the benefits paid to expatriates. When a local Caymanian teacher sees the difference between what an expatriate and himself can place in a bank account at the end of the month, does this in itself not prove to be a bit discouraging? This may be one of the factors why the particular field does not prove to be as attractive as it should.

I realize, Mr. President, that in looking at a particular sector of the Civil Service consideration would have to be given to all other areas of the Service as well. So to single out teachers from other areas of the Service may present a problem. However, I feel that somehow we can find a middle ground to solve what I consider a problem and something which discourages the local graduate from pursuing this particular profession.

In addition to that, I feel that continuity is very important in a school system. If locals can be encouraged and can see the benefits that would be derived by taking up a teaching profession, I feel that that continuity, of locals being within the system, will prove an additional benefit in that children are better overall while in school.

Mr. President, as I mentioned earlier, Caymanians are a unique people. It is not any and everyone who comes here who automatically fits in with the way we are. But I think over a period of time there should be seen to be that gradual fitting in to the Caymanian society; and not in trying to win over the Caymanian to the expatriate's way of life, but such the other way around that the expatriate fits in with the Caymanian's way of life. I think if we can do more of this within the school system, the rapport between student and teacher is going to improve. I certainly cannot see it having any adverse effect upon that particular association.

I want to emphasize that I have known of parents who have been told that their children, at a certain school, could not undertake the 'O' level examinations. The parents insisted that from what they knew of their child, the child should be allowed to take the examinations. Now at that same bit of coaxing and explaining for those who were in charge at the school to agree for this child to take the examinations. I know in one particular case where a child passed, I think, four 'O' levels even though the parents were advised that the child was not capable of passing 'O' level examinations and should therefore be slated for the CSE examinations.

Mr. President, no matter who a teacher is and no matter what the system may consist of, one must consider the parents. They should know the parents, their level of intelligence and what they can contribute or explain to a teacher about their child. Any parents with two pennies worth of sense would not want to know that their child took an examination and failed it when he could have taken another examination and perhaps have passed it. Stripping all these things together, not least of which is the level of intelligence of the parents who know what their child is capable of doing, I think this ought to be taken into consideration when children are slated for examinations. I am of the opinion that there are students at the High School who should be doing 'O' level examinations and they are not being permitted to do so.

I need to correct myself. I think, in saying rapport between student and teacher. (INAUDIBLE). Yes, thank you.

Mr. President, each child is an individual who will contribute to these Islands' future. Each child must be considered as an individual. I am pleased about the percentage of passes, as explained in the Headmaster's report recently, and I earlier on offered my congratulations. However, we need also to look overall - not at the percentages of passes of those students who took the 'O' level examinations, but the percentage in comparison to the total number of children in the school. And I am convinced that this is not going to be any outstanding percentage if it is taken in that context. I am convinced, as I mentioned, that a more careful look must be given to students who are permitted to take their 'O' level examinations. It cannot just be said out by saying that based on such and such one must take CSE examinations. I realize this plays an important part, but on the other hand when decisions as this are made I believe that often they are not gone into as thoroughly as they should.

Now, Mr. President, I will only touch upon this because it sort of relates to me in one way or another, but mention was made of the remarks of the Headmaster and the Cayman parents. I was at the graduation ceremony, Sir, and it is my distinct opinion that the Principal just probably had no intention of belittling our local dialect or accent or whatever. I think it was just an unfortunate situation. However, on the other hand, let me make it abundantly clear that I believe that the Caymanian's way of speaking, whether it is a bit of a sing-song, or whatever, should certainly not be discouraged in any way. In fact, Mr. President, I think it was here in this House, sometime in the 1970's, that there was a stage character who tried to reintroduce that particular way of speaking. We call it Cayman talk. But a Member of this

House actually said that he felt it was going to have a detrimental effect on the English language within the High School. I say now what I said when that it is in our bones and blood and every other part of us, and no one can come and say at this late stage in the game that we have to change it. That is why back in the 1970's, Mr. President, the stage role of 'Aunt Susie' came into prominence. It was accepted by the children and older people, and Caymanians have to stick to their identity. In fact I am a little surprised at times when I go on Cayman Airways and hear a totally foreign accent on our local airline. I think I would like to say at this time that the stewardesses and others on that plane do not need to forget that there are quite a number of Caymanians on there as well.

MR. PRESIDENT: I really do not think you should start to talk about other people's languages.

MRS. DAPHNE L. ORRITT: Thank you, Sir. Only to say that it is a sweet way of talking. There is nothing wrong with it, so I hope that the impression I got was the correct impression as far as the Headmaster's address that evening is concerned.

As I mentioned, I have the highest regard for the educational system. I think a great job has been done. I hear that the remarks I made and the points I tried to get across are taken on the vein in which I tried to deliver them. I feel that great emphasis is placed on education in this country, but I do not want it ever to be forgotten that each child is an individual unto himself, and each child must be looked upon in that light. I do not think it should be necessary for a parent to have to go up to the school and insist that a child be allowed to enter the Sixth Form if a child has the requisite number of 'O' levels. It does not matter how many seats are there, even if they have to build a second storey in which to place the children. We can vote money for other things; I think we can do that. And it is a good thing when you find you are running out of space in the 'A' level section, or the Sixth Form, for students. I do not think the idea that there are insufficient seats should ever be mentioned. I would hope that in this isolated incident, that that does not ever happen again.

In speaking on that subject, we were privileged some years ago to have a certain individual in the High School who brought to the forefront the performing arts, drama, choir, and you name it. There was very little activity in those areas and that particular gentleman worked very hard to see drama come of age in the High School. He later left the school and got into the performing arts locally, and it is a well known fact that through his efforts, dedication and determination, the Marquill Theatre is where it is today.

We continue to give our grateful thanks to the lady who so generously donated funds for that centre. That is in place and we cannot thank her enough. I am pleased that this Government and her Majesty the Queen saw fit to bestow upon her, only recently, the title of CBE, and I am grateful for that. But from this forum, I would like to say that, in addition to that lady's generosity, it was through the dedication of the artistic director that we are where we are today in the performing arts in the Cayman Islands. Not only was that gentleman interested in seeing it here, but many times he insisted that it was the local people who should be participating in whatever was performed at that theatre.

Of late, I have read in the paper of certain decisions which were taken, and I would hope that the Caymanian public does not ever forget that prior to the completion of the Marquill Centre, the dedication and work of this gentleman was very well known, and we heard nothing of a dismissal. The theatre is now in place and working well; props are there, lights are up and everything is functioning. And now the individual is seen to not be needed. I had some questions to ask about it and I was told he is not good on accounts. Mr. President, I never ever heard that the man was trained to be an accountant, but as an artistic director he is probably one of the best anywhere. He is tough and hard and straightforward, but any good producer has to be somebody who can get out of his seat everything that they have within themselves. Cecil B. DeMille, in Hollywood, is supposed to be one of the hardest directors ever. I think it was he who produced 'Gone with the Wind', and that is still going strong. So what I am saying is that I dislike the idea of people being used until it is found that the hard work is done, and somebody else comes in to reap the benefits. At that High School, and outside the High School, this gentleman put his best into the performing arts in this country, and the people of the Cayman Islands should not ever forget it.

Mr. President, I will go on to say that there are few people who come to this country who get involved in every way, shape and form to come to the public's attention so as to gain Caymanian status. There are those who will do just about anything to undermine a certain individual or individuals so that they can come to the forefront for the Caymanian people to welcome them as being one of us. But in my estimation, this gentleman should be recognised for his contribution to this country.

MR. PRESIDENT: I do think we are getting a little way away from the Budget, although I am sure the Financial Secretary will be pleased to have been quite closely, I think almost closely, compared with Cecil B. DeMille.

MRS. DAPHNE L. ORRITT: Thank you, Mr. President.

HON. THOMAS C. JEFFERSON: I am sorry, Mr. President, she was not comparing me to Cecil B. DeMille. But I was amused by the movie she quoted, 'Gone with the Wind'.

MR. PRESIDENT:

I was only trying to show that the substance was something to do with the Budget, which is quite a production, that was my point.

MRS. DAPHNE L. ORRETT:

Thank you.

Now, Mr. President, on a number of occasions I have heard reference made in this House or the Caymanian Protection Board. Each Member speaks his or her opinion or mind. I venture to say that the Caymanian Protection Board is a body that has, perhaps, one of the most difficult jobs and roles to play in this country. It is caught between a rock and a hard place, or as the old people would say, between the devil and the deep blue sea. On the one hand there are those who are saying that they cannot get enough work permits and that development is being stifled, and they have a lot to say because of them not being granted permits for expatriates. I can understand their concern. On the other hand there are those who are saying why on earth are all these work permits being granted, that Caymanians are being kept out of work, that business is going into the hands of one or two people, who are non-Caymanian, and that they are reaping the benefits.

The Caymanian Protection Board has been issued with certain directions, guidelines and policies. To isolate a case or two as to what a developer, or any other businessman in this country wants, has to be dealt with in the light of the overall picture and its effects on this country as a whole. Mr. President, I cannot stand here to criticise the Caymanian Protection Board. I believe the Board tries to do a fair job. I believe it tries to be fair to each individual. But we, as a people of just over 20,000, have to recognise that there are limits to the number of permits that the Board can grant.

I for one have no particular preference of nationality which I would like to see in here, however, we cannot afford to allow any one nationality to come to this country and swamp numbers which will not prove to be in the best interest of Caymanians. I believe that the Board recognises this, and whether or not it is a West Indian, or Irishman or an American, there are only as many we can absorb in this country.

We are facing right now a situation where one can hardly find an apartment to rent. The place is going to become swamped with foreign nationals. We have to develop this country at a pace and level which we can reasonably handle. The Protection Board cannot bow to every whim and fancy of a developer or any other Caymanian who feels that because they ask for the permits, they must be granted. It is a difficult situation, but one which the Caymanian people are going to have to work with. And although at times there may be decisions taken by the Board which one or two people may question, I believe that overall the Board is doing a good job and I congratulate it.

Since I am on the subject of voicing the few areas of concern - I am not sure I would say discontent, but certainly they are of concern to me - one of the things that bothers me is that on the Cayman Islands today there is virtually little prime property left in this country owned by Caymanians. Everything is sold freehold. I believe, and I do not know what effect this is going to have on us, but like I said, I need to speak my mind. Caymanians are going to find that almost every inch of prime property in this country will be owned by foreigners. I believe that serious consideration should be given to make changes so that property is held leasehold, for 70, 80, 90 years. But at the end of that period it reverts to this country.

In other countries in the world, especially those with limited land mass as we have here, there are certain restrictions and these ought to be in place so that the Caymanians do not going to find themselves, in 50 or 75 years from now, owning only that which is in the dead centre of the country. All along the sea coast you will find that much of the property is now owned by foreigners. There is very little which is owned by Caymanians any more. I can understand that they are looking at the money that can be derived from the sale of the property, as you cannot tell a man that he must not sell his land because it is on the seafront and because all the seafront property is being sold. I feel that legislation should be in place so that at least it can be held leasehold rather than freehold, and in that way it would revert to us at some later date.

Having said that, this is one of the main reasons why in this House of Assembly, during this meeting, I opposed a certain motion because I see no property on the waterfront for the storage of the petroleum facilities. I see only one alternative, and that is the development of the North Sound - to dredge it and make an island there for the storage. Before any such decision of that kind is made, however, the people of my constituency have to have an input. This is one of the reasons for my concern about property in this country and my reasoning behind not agreeing to certain portions of the motion which was recently moved. Caymanians have very little left to call their own as far as prime property in this country today is concerned. I hope that the Government bench might somehow see my reasoning behind this.

We have today banks, trust companies and tourists which are the pillars of our economy. But what you have probably already learned is that the mainstay of our country years ago were the seaman; the man who risked his life and left his family and went first to fish for turtle and then who went on large ocean vessels around all parts of the world in storms, hurricanes and everything else, to bring money to this country. Many times, I feel that they are not given the recognition they ought to be given when we debate budget addresses and so on. I do not want it ever to be forgotten that they have played an important part in this country.

Going to Public Works and the Master Ground Transportation Plan. If there are to be any major roadways in this country, I hope that this Government will see fit to remember and recognize our pioneer by naming a road Seaman's Highway or Seaman's Boulevard, or something which will assure our children growing up to be provided from where we came.

Going on to ground transportation. Mr. President, we have a serious situation with traffic. I am glad to see that there is a car park being planned, but I am sure that Members recognize that a car park will have no real effect on the traffic flow in and around the main highways of this country because we would still have to get into George Turn to get to the car park. Although the amount of money to put it in place will be tremendous, it is my sincere wish that Government will see fit to have in place something which will help alleviate traffic congestion, especially on the East Bay Road. I think that they are looking at this particular situation seriously, and one so being urgent.

Having said that, it is a pity that a plan, or even a similar plan, was not in place 10 or 15 years ago, or that gradually we would have worked towards completing it and today would not have found ourselves concerned with traffic congestion. With that in mind, I also hope it will be seen that another very important area of concern is the Government Hospital. It is continually being proved that the services need to be expanded with building additions here and there, and I hope that a plan will be in place for a new hospital facility as soon as possible.

I was somewhat disappointed not to see even a token vote for at least I did not see one for a plan of any kind for a hospital facility. I would rather that we do not find ourselves in ten years from today, in a situation as we are experiencing with the transportation system. This has now become a matter of urgency and money has to be found to alleviate the problem. Putting a plan in place for the new hospital at this time would seem to me to be sensible and timely, because it has to come. We cannot continually add here and renovate there and build on. The health services of this country are now moving at a pace that we will need a new hospital facility before long.

Mr. President, going on to the Customs area. I was pleased to see that some extra precautionary measures are envisaged with respect to clearing passengers at the airport. I have noticed, on several occasions, in going through the Miami airport that sniffer dogs are walking around sniffing baggage. I believe this saves a lot of time with passengers going through Customs because it is not necessary for luggage to be searched too often. I guess it depends, however, where one is travelling from and so forth. But, the number of times which I have come into the airport here in the Cayman Islands, it concerns me that luggage is often not searched as thoroughly as I would like to see. Mr. President, sometimes the least suspected can be the culprit. With the drug problem which we have, and in not being able to get to the source, it is very important that every measure be taken to thoroughly search luggage. We could have sniffer dogs so that at least we would have that added measure being taken to curtail the flow of traffic in and out of the Islands.

Mr. President, prosperity sometimes brings problems. We have cruise ship passengers coming in to the Island - some with baggage; some with other things. The crew members visit this Island, substance every week, and they come ashore with their bags. With so many passengers as we have, should there not be something in place whereby passengers might have their luggage checked? In this way they would at least be aware that they may be searched at random. If they may be involved in any scheme at least there would be something in the back of their minds telling them that they may be the ones to be searched next time. I believe that this ought to be in place because it has been rumored that drugs come in here through passenger ships.

Mr. President, I once again want to say that I congratulate the Criminal Investigation Department, and the Police Department as a whole, for their vigilance. They have got a job on their hands. I am most pleased about the promotions which have taken place. It is good to see that a local Caymanian is now head of the Criminal Investigation Department. I think he is going to do a good job as he has in the past. It is good to see that there is regular, intensive, enforced and specialist training overseas for selected officers, and to see that a strengthening of the Force, by increasing the number of officers, is in the planning. It is, however, not good to see that there is an increase in crime. But, on the other hand, I welcome the information about detection also being up.

As is well known, I believe that much of the problems in the Traffic Department stem from drinking and driving. Although certain motions have come to this House, I, at this time, would like to mention that there are still a few more motions which I hope to bring to this House concerning the problem of alcohol consumption in this country. I think there have to be stricter laws about the age limit, and I believe that we at least can go back to what we had. We had a 21 years of age limit, and it was reduced to 18 - a teenager still. We also had a law that prevented the sale of alcohol on Sundays. That was tapered with which we did not need. Alcohol is a hard drug, and this country is going to have to face up to the fact that it is one of our most serious problems at this stage. You only need walk out this door to look it straight in the face. It is a known fact that addiction to alcohol stems mainly from those persons who have started drinking at an early age. I hope that we can help to alleviate this problem by placing stricter laws in this country.

Mr. President, I trust the Members of this House

for allowing me this time to speak. There is quite a lot that could be said - my notations are quite lengthy. However, I would not want to sit this evening without saying how pleased I am with respect to the amount of money that has been budgeted for the youth rehabilitation centre for these Islands. I am pleased that we did not decide to get a bus by four erected just anywhere along the road to which to push our children, and that instead we are planning a facility where these children will have a home and staff to look after them properly, and that when they leave that home, as one common television advertisement says, they will not only be able to survive, but to succeed. I am so pleased to see that amount of money budgeted. Our children who are in approved schools overseas in Jamaica will no longer need to go there, but will be under our own supervision and care on this Island.

I am so pleased to see the improvements at the hospital. The Honourable Member of the Portfolio and the staff at that hospital are to be congratulated. I do not know of those who have many complaints about the service at the hospital - I do not. I think the morale of the staff is such now that they do not mind working too hard and putting in long hours. At this time I want to go on record as saying that I believe right now we have a good staff. There are a few whom can be singled out who sometimes look as though they have lead on their feet and can hardly move, but they are very few and far apart. But for the most part the hospital is functioning well, especially now that we have the counselling section for drug addicts and alcoholics and others who may need counselling.

Things have come a long way, Mr. President. There is no way that anyone can stand in this House and say that we have not gotten some things done. The areas that have been looked after are important, and are an integral part of our community from which to function well. We cannot do everything at one time, but this Government has done well. I want to go on record as saying that I do not think that such more could have been done with the resources which we had at hand. Although there are many areas of need, we tried to concentrate on those which were more urgent. I believe the Honourable Member of this Portfolio has looked after this quite well.

Mr. President, I think it is just about time to break, I will wind up.

MR. PRESIDENT:

We have four or five minutes to go. Do you want to go on after the break? I did not quite follow you.

MRS. BARRNE L. ORRUTTI:

Now within four or five minutes.

MR. PRESIDENT:

I misunderstood you, thank you.

MRS. BARRNE L. ORRUTTI:

Thank you, Sir.

Mr. President, in closing this debate, I suppose I have left out some important things which I otherwise would liked to have spoken on. However, I am sure that somebody else will cover it well.

I have, however, been made to wonder, after having read and studied the Budget Address before us, how it has been possible for the criticisms that were levied to be have been made. I did not expect that any bouquets would have been thrown, but I think that the criticisms which were leveled were almost a vicious attack, not only on the Government but on the country as a whole - especially so these Members know better and that they know the fragile, ticklish pillars of our economy. If they understood the Budget before us there had to be some gap between their brains and mouths because it just did not come over well.

Mr. President, it is often said that for one to save face, it is better to keep the lower half shut. I believe this would have been well in order for the criticisms which were levied here. It would do well for those who have so vehemently tried to discredit this Government to have remembered that.

Mr. President, I congratulate you for the manner in which you have handled this Assembly, and the way in which you try need to be as fair with one Member as you would with another. I certainly do not now, nor at any time, hope to present you with a problem. I wish you well, and I thank you for your patience with me. I might be a little drawn out at times, but I hope I have gotten my points across. It is only in the interest of the people of this country that I have made some of the suggestions or recommendations, or perhaps voiced some of the complaints. I think that Honourable Members recognise they have my support, but I would hope that these particular areas might be looked after, that they might be discussed, and that we will see a good year ahead for the Cayman Islands, based not only on this budget but on the partners of this Government continuing to do everything possible to show the world, the people of this country, and even the Opposition, that the Cayman Islands are blessed with a good Government.

I thank you, Mr. President.

MR. PRESIDENT:

Thank you. Proceedings are suspended for fifteen minutes.

HOUSE RESOLVED AT 3:32 P.M.

MR. PRESIDENT:
Council.

The Honourable Third Official Member of Executive

HON. J. LEMUEL HURLSTON:

Yes, President, I would like to make my contribution to the Second Reading debate of the Appropriation (1988) Bill, 1987, and to add my own feelings of congratulations to my colleague, the Honourable First Official Member for the content and style of the Budget Address which was presented to this Honourable House two weeks ago.

I too, Sir, would like to use the opportunity to speak on a few topics in response to points and concerns that were raised during the course of previous Members' contributions.

The Budget Address, consisting of 61 letter sized pages, was divided into six general sections with eleven sub-sections and covered 25 departments, or topics, or statutory boards and corporations ranging along each of the seven Portfolios of Government.

I am very conscious indeed of my areas of responsibility, and far be it from me to attempt to delve into areas that I have no responsibility for. Perhaps I should say now, too, Sir, just for the record, that I have no political ambitions, because if I did have political ambitions I would have to take a cut in salary if I wanted to do so. And I do not want to take any cut in salary, Sir, I can assure you.

I think, too, Sir, it is important for the listening public to recognise that, despite some of the arguments and points of view expressed in these chambers, at the end of the day there is a tremendous amount of national pride among the Members of this Honourable House in that we are all striving for the same objective - that is, for a better community for all to share. So despite the apparent grumbling and arguments, we are all here for the same basic objective.

It is also said, Sir, and this is a get phrase of mine that I use whenever I get the opportunity, that we cannot all be heroes, because if we were all heroes, there would be no one to stand on the sidewalk and clap. I believe, Sir, that in this context the twelve Elected Members of this House are the heroes and the three Official Members are those of us standing on the sidewalk, clapping.

The 1988 Budget proposals as contained in the draft statement of revenue and expenditure are, in my view, well presented. It is an achievable Budget, it is a rational Budget, and it is one that is not outside the parameters of the country's long term goals and aspirations for growth and development. The level of growth of the Budget this year alone has been many folds the level of growth experienced in the early days when Guyana was trying to acquire a reputation as a tourist destination and a tax haven.

I joined the Civil Service nineteen and a half years ago, and I recall one of the earliest Development Plans written for the country had as its stated objective the maintenance of a balanced economy consisting of not more than 40 per cent non-Guyanians. Put another way, Sir, from that time, in the early 1970s, it was felt that Guyanians should try to remain in the majority to steer the good ship Guyana in the direction that the majority so chose.

Now the statistics we have heard quoted in this debate, and from the word of caution contained in the Budget Address relating to the potential overheating of the economy, one could almost successfully argue that in certain areas the economy is already overheating. If we analyse the current ratio of non-Guyanians to Guyanians in our working society, we will find that we are already approaching that boiling point where more than 40 per cent of our workforce are non-Guyanians. As we have heard, too, from the presentation of the Five Year Economic Development Plan, of which this Budget forms a part, that we can expect, based on current rates of growth, that the non-Guyanians working population will equate to that of the Guyanians working population by as early as 1992, that is in five years time, at current rates.

What I would like to do, Mr. President, is to touch on three areas that I am paid to be responsible for. One area was not even mentioned in the Budget Speech, but came in for a good bit of contribution - that is the area of the Guyanians Protection Board and the immigration policies. The second area is the Royal Guyana Islands Police. The third area is the Government Information Services.

Starting firstly with the immigration policies and the Guyanians Protection Board, it is said that there is not much to be seen in a little time, but what you hear makes up for it. I believe that the amount of people and money associated with current immigration policies and the Guyanians Protection Board can be likened unto that expression.

The Guyanians Protection Board is now celebrating its sixteenth birthday, and when it was conceived there were clearly defined aims and objectives for the organisation. I would just like to quote from the Memorandum of Objects and Reasons of the birth certificate of this piece of legislation, so that persons who were not here sixteen years ago can refresh their memories as to what the birth certificate stated. The Memorandum of Objects and Reasons reads as follows:

'By reason of the tax advantages afforded to many people by taking up residence in the Cayman Islands, and the unprecedented prosperity of the tourist industry, there has arisen a grave risk that the social character of the Islands, as well as the way of life of the population, may be adversely affected by the influx of private and business settlers, and other consequential factors.

It is sought to enact legislation calculated to control this situation by affording means of protecting the traditional way of life of the Islanders by cushioning the impact of the establishment of international business interests and of settlement here by people who formerly had no interest in the public and private affairs of these Islands.

It is also sought to take advantage of the opportunity to consolidate and bring up to date the Law affecting immigration and deportation."

That was the principal objective of the Caymanian Protection Law at the time of its birth.

As we know, Sir, the Caymanian Protection Board consists of a Chairman, a Deputy Chairman and nine other members, all of whom serve at the pleasure of the Governor in Council. All members are Caymanians. Their task is to carry out the provisions of the Law, its regulations, and the directives issued thereunder. The Law and the regulations are public documents, and so are now directives. There are currently five sets of directives issued, and they are numbered one through five. They are all available as supplements to the Gazette and they may be purchased here at the Legislative Assembly, as you may purchase any other piece of legislation.

For anyone who may need to have reference to these pieces of information, I would encourage them to obtain their own personal copies for their own handy reference. Because, Sir, if one takes the time to look carefully at the directives issued to the Caymanian Protection Board, one will find that the Board is trying to carry out a very rigidly laid down set of guidelines. For example (and I will just quote one example, Sir), directive number eight contains under directive number one states that the grounds for refusing renewal or grants of licences include:

- a) that the number of accompanying dependents including illegitimate children are more than permitted;
- b) that there is refusal or inability on the part of the applicant to support dependents properly;
- c) that there are reasonable grounds for suspecting that the applicant uses or is involved in illegal drugs;
- d) that the applicant has a background of subversive political activity, racialism, or any other illegal activity;
- e) that the applicant has been involved in financial problems, including bankruptcy or liquidation of companies or entities where creditors have not been paid the whole of their debts;
- f) that the applicant has been convicted of a crime, including minor offences;
- g) the protection or re-designation of the licence holder by his employer without the prior approval of the Board;
- h) that the applicant is in the Islands as a visitor.

These are just some of the grounds for refusing the renewal or grant of what we commonly refer to as 'work permits'.

Because of the rapid growth and pressure on development over the years, it is perhaps true to say that small businesses have suffered the most because small businesses have the least experience of all businesses. And I believe that the Protection Board, being comprised of men and women of some degree of compassion, are not unkindful of this fact, and would indeed ever be conscious of the need to pay special attention to the needs of the small businessman.

At the end of September I was privileged to have been invited by the Chamber of Commerce to address them at their monthly luncheon meeting. I took the opportunity, while speaking to them, to make reference to a quotation about communication. What I said was that when communication in both directions is open, honest and accurate, those in authority are able to correct where improvement is needed, and to check numbers before they accept parole. The Caymanian Protection Board has been attempting to be honest and accurate with its communications, but they have been handicapped by rumors; they have been handicapped by behind allegations levelled at them by persons who are disgruntled and displeased for a variety of reasons, primarily disgruntled and displeased because they were unable to whitewash the Caymanian Protection Board into accepting their applications.

It has been said that this Government, through the Caymanian Protection Board and its immigration policy, are discriminating against certain nationalities. It has also been said that we are exchanging Jamaicans for Irish people.

Well, Sir, I would elaborate a little bit on this Irish problem.

Those of us who read the local press recently will have noted that there are a number of persons recruited by the Cayman Islands Hotel Association shortly to be arriving to take up employment at a number of local hotel and tourist establishments. It has to be clearly understood, Sir, that it is not the Cayman Islands Government that either initiated or executed the decision to recruit from Ireland or indeed to employ Irish people. My understanding is that in consultation with Government, the Cayman Islands Hotel Association were exploring ways and means of overcoming a labour problem and looked to the Irish Federation as one possible alternative of alleviating their problem, by bringing in qualified hotel workers on a seasonal basis to fill a need, at the end of which the workers would return to their country.

I am not denying that the Government gave approval in principle to the scheme before it was implemented, but it is not true to make anybody believe that the idea was conceived by Government to bring in people from Ireland. It was a decision made by private enterprise, and it is a matter being carried out by private enterprise. This Government does not dictate more than deciding that the world is divided into five geographical areas. This Government does not dictate which geographical area you must recruit from in particular. What we have dictated is that there is one particular geographical area of the five that are currently over-supplied to this country, and if we do not do something about the imbalance, either we, or successive generations of Caymanians, will have to regret it. Having divided the world up into five geographical areas, Sir, there is no need to think that the Government is going to take countries out of that region and dictate from which private sector it must or must not recruit.

It has also been said that there is a tremendous shortage of labour in the farming and construction sectors. I am uncertain where that labour might be coming from. Perhaps the absence of information to the contrary was sufficient to start yet another rumour. Now, Mr. President, I quoted the little saying about open communication in both directions needing to be honest and accurate. It was only yesterday morning that I received from the Immigration Department the painful occupation licence statistics as at 30th September this year, and I am now using the opportunity to say a word about my understanding of the implications of these statistics.

Let us also say now, Sir, that a press release will be issued tonight on this subject, and should be available for public consumption in the media on Monday. But the statistics reveal that as at 30th September this year there were a total of 4,552 persons holding painful occupation licences. The last total, as at 30th June, three months earlier, was 4,186. The increase for the quarter is therefore 366 permit holders, an increase of 8.7 per cent.

Not taking the 8.7 per cent increase for one quarter and annualising it, assuming that all other quarters are going to represent the same average rate of growth, that percentage increase for one quarter represents an annualised increase of almost 35 per cent. It averages out that, for every working day of the year, six new work permits are being approved - an average of a half a dozen new permits every day. This is in addition to renewals, Sir. If we are growing, with permits, at the rate of 30 per cent to 35 per cent a year, we will be doubling our outside working population every three years. So we can readily understand the concern of the projection which tells us that, in the next five years or so, Caymanians are going to be outnumbered

by Jamaicans. We have heard about discrimination against Jamaicans. During the last three months, 28 per cent of the permits granted were granted to Jamaicans - 105 additional permits were granted to Jamaicans in just the past three months. As at 30th September there were 1906 persons of Jamaican origin holding Painful Occupation Licences - an increase ...

MR. A. McKEENA WOOD:

Could the Honourable Member give that number again, please?

HON. J. LEMUEL WURLESTON:

Certainly, Sir, as at 30th September there were 1906 persons of Jamaican origin holding Painful Occupation Licences, compared to 1801 as at 30th June - an increase of 5.8 per cent.

Now what I need to explain, Sir, is that this quarter I am dealing with is the second quarter, in that in the middle of it, on 17th August this year, the Government issued a new set of directives which changes the rules considerably. So it is perhaps not fair to dwell too heavily on the third quarter's statistics. But I think it is significant enough to deal with the bottom line, without singling out the individual nationalities. It is sufficient to deal with the rate of growth and to demonstrate firstly that the economy is not being stagnated by the refusal of permits, and that indeed we are growing at a rate that will double our non-Caymanian population every three years.

Going back, Sir, to the claim that the agricultural sector and the construction industry are the hardest hit - that is what we were told. In the agricultural sector we have experienced a 47 per cent increase in the number of work permits just granted in the last quarter alone. There are now 147 persons engaged on permits in the agricultural sector. The construction industry, Sir, is benefiting from a growth, an increase in the number of permits being granted, by an annual rate of 30 per cent. In the last quarter alone the construction industry increased, in the number of permits granted, by 10 per cent - from 605 at the end of June to 710 work permits in the industry at the end of September.

As I said at the beginning, Sir, I do not blame the Members for having responded to the rumour that these sectors were suffering, because until we get facts, figures and statistics to prove the contrary, sometimes the best thing to hold onto in the interim is a good juicy piece of gossip.

I am satisfied, Sir, that the Caymanian Protection Board is fulfilling its role quite effectively. In fact it runs in for a number of bouquets from a number of areas in the community that we would like to keep anonymous. But we believe Sir, by and large, although it is an unpopular job, it is being well done by a dedicated group of Caymanians.

We heard about the need for an alternative means of offering security of tenure in lieu of Caymanian status. That is fine in theory, Sir, but when you get down to the practicalities of it, if you offer security of tenure you have to offer it in some form. We cannot any longer continue to believe that we can have our cake and eat it. When we open our doors to foreigners as we need to do, we must understand that the consequence of our needs have to be watched with their needs as well - their need to plan their own futures.

The whole question of Caymanian status is a very touchy one, Sir, and I do not want to get into it because as a highly politician, I will do my best as the Civil Service Head of the Portfolio, to carry out the wishes of the majority of the elected Government. That is not to say that I do not have my personal views, and there are times when I show my personal views known. I believe I expressed too many of my personal views when I spoke to the Chamber of Commerce. Nevertheless, I have no apologies for that, and any time I am not allowed to express a personal view I think an amendment to the Constitution will be needed.

Turning next to the Police, I am going to deal rather generally with this topic because every time Parliament meets these days there is something on the agenda about the police. On this occasion we heard parliamentary questions about the method used in investigating certain drug cases. We heard about allegations of accounting files being seeded by police informants, and so on and so forth. I am not a believer in opening up old wounds, and in September we put to rest, I thought, some of the allegations that had been laid at the feet of the Royal Cayman Islands Police Force. At that time I thought we had managed to come to some understanding that the police in a community can only be as effective as the community will allow them to be. At that time I thought I had also made it abundantly clear that the Commissioner of Police and his senior officers are notaverse to receiving members of the public, and indeed Members of the Legislative Assembly for that matter, who have valuable information or who have concerns they would just like to discuss with them.

I think that the Police Force can stand proud on its own record. Although 45 per cent of its young officers have less than five years experience in police work, they have benefited from a comprehensive in-service training programme which has put them in good stead to carry out their duties and responsibilities without any fear of partiality or favouritism, notwithstanding that some of the officers whom they are policing are, very naturally, going to be closely connected to them as relatives. It is not a very easy thing, Sir, to be a good police officer in a small town, when every Tom, Dick and Harry is a first cousin or a great aunt. It is not easy, Sir,

What I would like to do on this occasion, to make myself a little plainer, Sir, is to say that I am contemplating setting up a meeting at which members of the Legislative Assembly will be invited to attend, to sit down informally and to talk with senior police officials to discuss policing generally. Drugs in particular is something of tremendous concern to us at this time. We can talk about crime, drugs and so forth to see if we can break down what appears to be a potential barrier of communication which currently exists. The hesitation of certain Members of the Legislative Assembly to speak with and talk to senior police officers is a matter that I think has to be attended to. We have to carry out our duties and responsibilities diligently and completely, and if we are not prepared to speak our minds, and to speak it to the proper people, then we are not doing what we are supposed to be doing.

The police have a very wide range of responsibilities, and they carry out their duties with a tremendous amount of dedication. They are not paid any overtime. Many of them cannot get time off in lieu of the extra hours because of shortage of manpower. Many of them perform their duties after, at great personal risk. And indeed, last night, one such officer returned from medical treatment abroad for injuries he sustained in a drug incident.

I will therefore accept, on behalf of the Police Force, the compliments that have been extended to it by persons who have spoken before me, and say that no one is going to be allowed to tear down the morale and the good conduct and discipline that has been built up. The police will cross as regards.

Turning on to the Government Information Service, another subject for which I am responsible. In today's press there is a response by the Senior Information Officer to an editorial written in the local paper on Friday 20th November last. This editorial talked about too much red tape, Portfolios wanting to get releases before agreeing to them, and about such procedures as opening the door to censorship, or at least the appearance of censorship, and restriction of the freedom of speech. It goes on to talk about events that may have been long overtaken and concerns may have well taken good hold. This was one of the justifications for putting together the editorial. I believe that certainly I can speak for myself and my own Portfolio, that I have had the opportunity of having a very good relationship with the local press. I have

responded to their enquiries, I have answered their telephone calls, I have returned telephone calls when I have gotten messages, and so on. So I have no axe to grind with anybody. I was looking up a little quotation that I thought might be relevant to the occasion, and I found a quotation written by Charles Scott, published in the Manchester Guardian on 3th May, 1926. With your permission, Mr. President, I would like to share it with the House:

"The newspaper is of necessity a creature of a monopoly, and its first duty is to shun the temptations of monopoly. Its primary office is the gathering of news. At the peril of its soul, it must see that the supply is not stinted, neither in what it gives nor in what it does not give, and in the mode of presentation must the unclouded face of truth suffer wrong. Comment is free but facts are sacred."

You see, Sir, we live in a small community, and there is another saying that there are two things to aim at in life. First, to get what you want. The second is to enjoy it. But only the wisest of mankind achieves the second. We have a golden opportunity in this Christian community to exhibit good courage, not be afraid, neither need we be dismayed because the good book tells us that the Lord, thy God is with thee whithersoever thou goest.

I feel, Sir, that I have made my little contribution to the Second Reading Debate on the Appropriation (1988) Bill, 1987. I will end by saying that I hope that the offer that I indicated, that I am contemplating setting up a meeting for Members of this Honourable House to meet with senior police officials, will be accepted in the same spirit with which I offer it, because our confidence is dependent upon it.

Thank you, Sir.

MR. SPEAKER:

The Honourable Senior Official Member of Executive Council.

HON. RICHARD W. GROUND:

Mr. President, I too would like to rise in support of the Budget Address presented to this House by the Honourable Financial Secretary. Mr. President, I do not think I need say much more in support than that. He is big chap and I am sure he can look after himself.

What I would like to do, in speaking to the Budget Debate, is just review one or two matters which fall particularly within my area, as the Member responsible for Legal Administration. Then, when I have reviewed those matters, to move on and answer some points that have been made during the debate; points which I consider important and which call for an answer.

But before I get to that, I would like to review the legal profession in this Island, and just say a few words to it. The Honourable Financial Secretary, in his Address, very properly, if I may say so, noted that the legal profession continues to provide the services so essential in a sound financial centre's operation. Mr. President, that is something that I feel is important for me to succeed. I think it goes without saying that when investors and members of the financial community come from overseas, one of the things of value they find in this Island is a sound legal profession, a profession that is properly trained, a profession which is experienced and a profession that can deal with all of their problems - and when I say their problems, I mean the problems of that financial community which come here.

The Financial Secretary, when he addressed that issue, referred to the Law School, and the fact that five new lay-justice members have joined that profession from the Law School. That is a source of great pleasure to me, I would like to say it was a source of great pride, but I have had very little to do with that. The Law School was established before my time in the time of my predecessor, and so perhaps though personal pride is not something I can claim, pleasure it certainly is. It is also a great pleasure that two of those qualifying attorneys at law had been articled in the Attorney General's chambers and will, I hope, continue at least for some time, in Government service.

During the debate certain remarks were briefly addressed about proposals to increase the qualifications for entrance to the Law School. These remarks were made by the First Elected Member for Radden Town. I had hoped that during Question Time I would have put his mind at rest in answering a question which he raised on this issue. Obviously I had not. I am pleased to note that some other Members of the House appear to have been more reassured. Mr. President, I consider this an important issue, and I am going to leave the House's indulgence while I just go back and touch upon it very briefly.

First of all, Mr. President, the First Elected Member for Radden Town seemed, in his address, to be imputing responsibility for this to the Honourable First Elected Member of Executive Council responsible for Health, Education and Social Services. I am sorry he did that, it may have been a misapprehension or his part. But the Law School falls under my portfolio, for want of a better word, and there has recently been published a new chart showing the responsibilities of the various departments in Government. Anyone either in Government, in this House or in the public, looking at that chart, will realise that the Law School is firmly my responsibility.

It follows, Mr. President, that any proposals that

come forward for the alteration of the entrance requirements are also my responsibility. I do not claim responsibility for thinking of them, or indeed for initiating them, but I do regard it as my responsibility to advocate them, stand by them, and I hope, see them through.

As I told the First Elected Member for Bodden Town in answering his questions, these proposals originated in the Legal Advisory Council, which represents both the Judiciary in the form of the Chief Justice and also the profession in the form of the President of the Law Society. Both those people were present when this decision was taken. It was also taken with input from the Director of Legal Studies at the Law School.

Mr. President, I cannot stress too much to this House and to the listening public that it is not the intention of these changes to exclude Caymanians from the Law School. The only purpose of the Law School is to provide a good, proper, sound and broad legal education for young Caymanians who want to be attorneys at law in their Island. And, Mr. President, to suggest that anything would be done to exclude them from the Law School is indeed a concern. It goes further than that, because to suggest that Caymanians are going to be excluded by this uplift in the entry requirements is to disparage those young Caymanians hoping to come to the Bar in the Cayman Islands, and hoping to qualify at the Law School. It implies that they are not going to make that grade. Mr. President, I have every hope and every opinion that they will, or at least those of them who are suited for a profession in law will make the grade.

Having said that, I would also like to reiterate to the House, and through the House to the listening public, a point which I had hoped I had made during answers to supplementary questions. It is that, in my view, it is wrong to encourage people who will not make the grade at the end of the day, and who will not pass the final examinations, to embark upon a career which they may not be suited for, either because their personal academic talents lie elsewhere, or because their natural personality is not suited to the five years of study and hard work that is required to achieve a qualification at the Law School. Nothing can be more cruel to a young person embarking on their career in life than to encourage them to take false steps down a long road which they may not finish and which they may have to leave disheartened and disappointed some way down that road. It is to avoid that happening that the proposal has been brought forward that two 'A' levels should be part of the requirements for entry to the Law School.

Now, Mr. President, I know, and I am sure Members of the House know that there are going to be people who, although they do not get those two 'A' levels, are nevertheless at some stage going to be suited to a career at the Law. Mr. President there is a safety net for those people. That is that mature students (those persons who are over 21) in their year of entry will still be able to qualify for the Law School, even after these new changes, under the old qualifications. And, what is more, a new way of entering will be introduced that again will allow mature students, people over 21 (even if they do not have the formal academic qualification of five 'C' levels), to achieve entry to the Law School by writing two essays and passing an interview to ascertain whether they are, to put it frankly, the right sort of material. That is intended to embody what I have always understood to be one of the original concepts of the Law School, which is that it would permit people who had gone out into the community, perhaps embarked upon other careers, who had matured, who had grown up and achieved during that maturing process the ability to stand the long hours of study and dedication that the Law degree and the Law qualification requires. It would allow those people to come back later in their life, if they can prove themselves, by writing an essay and by passing an interview, and that those people should then be able to embark upon that five years of study leading to the qualification of Attorney at Law in the Cayman Islands. So, Mr. President, in some ways the new qualifications under the scope of Caymanians who can come to the Law School; widens the scope among mature students.

There is one point that I want to clarify, because I was unable when being asked questions by the First Elected Member for Bodden Town to give him a clear answer on this, but I can give it now. The proposal is that even after the new qualifications have come in, somebody who, when they leave the High School or Triple C or wherever they have been educated, does not at that stage have the necessary academic requirements, such a person, will, by writing until they are 21, by going out, working and proving themselves in the community, then be eligible to come back and apply to the Law School either on the basis that they had the old qualifications, the five 'C' levels, or on the basis that they can get by the new essay comprehension test and interview. So nobody is going to be excluded; more people might be allowed to come in. But what might be done is that those young people who do not, when the new provisions come in, have the basic academic requirements will not be encouraged to take a false step down a purposeless path until they have achieved such maturity that they are personally sure that they can take that step, and also that they have sufficient maturity to take that step without wasting their time and everybody else's.

So, Mr. President, I hope that those words will make clear to everybody that these proposed changes in the Law School are not intended to exclude young Caymanians from what I can only describe as their Law School.

Mr. President, I note that it is now 4:30 p.m. I do have more to say, but if it is convenient, I would break there.

CEREMONIAL SPENDING

SENTENCES TO SIR JOHN AND LADY SUMMERFIELD

MR. PRESIDENT:

Before we adjourn I would like to take the opportunity to say a few words on the imminent departure of the Chief Justice, Sir John Summerfield and Lady Summerfield.

They will leave Guyana on Monday morning next, and Honourable Members of this Assembly and their spouses are invited to join the Members of Executive Council and the Members of the Court of Appeal and the Judiciary to say their farewells to Sir John and Lady Summerfield at 10:25 a.m. at the U.T.F. lounge.

Sir John came to Guyana just ten years ago bringing a wealth of judicial and legal experience in a succession of high offices under the Crown in other Territories. His term as our Chief Justice has been a substantial expansion in the volume of work and the complexity of cases in the Grand Court. His wisdom, his courtesy, his total dedication to his judicial duty and his unswerving and over-heralded application of the rule of law are his lasting monument in Guyana. As an expression of especial gratitude to him, the Government has recently granted to him Cavendish status. I am sure that I speak for us all and for the community at large in wishing Sir John and Lady Summerfield a long and happy retirement.

The Honourable First Elected Member of Executive Council.

HON. DENSON O. BANKS:

Mr. President, on behalf of the Elected Members of Executive Council, and indeed of the House, I would like to say on the eve of the departure of Sir John and Lady Summerfield that we wish for them a long, happy and healthy retirement. We will miss Sir John at the festive openings of Parliament each year, and on other state occasions. We have indeed been blessed to have had the services of so able a Chief Justice over the last ten years, and we thank him for all that he has done.

We particularly are appreciative, Mr. President, of his keen understanding of the workings of the offshore financial centre, and his keen understanding in this area has been extremely helpful and beneficial. He has assisted in no small way in restoring the quality and image which that centre bears today, and for this we, in this House, and indeed throughout the community owe him a debt of gratitude. I would like to again say that we wish him and his good wife every good speed, and a long and happy and healthy retirement. And we hope that they will be able to come back and visit us sometime.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. E. MCKEENA BUSH:

Mr. President, I will not be at the airport to see two Honourable gentlemen off, but I would wish him well. I am sure, as has been said, he made many good decisions - I am sure he made some terrible mistakes. But I do wish both him and his wife well.

HON. THOMAS C. JEFFERSON:

Mr. President, before I give the adjournment, perhaps it is also appropriate for me, on this public occasion, to speak on behalf of the civil service and perhaps also the Official Members, my colleagues here.

Sir John and I arrived one month apart in 1977, I think, and we have come to know each other under many different occasions. I have always had a great respect for him, and I believe he has done a job in this country that is going to be difficult to do in the next ten years. He has, I believe, Mr. President, held this country together judicially, not only on the local scene, but also the confidence that the offshore international market and financial business has in this country's judicial system. And I believe we owe him and Lady Summerfield a great debt. I hope that he and Lady Summerfield will not be away from us too long, and that they will visit on every opportunity they may have. God bless them.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

With those words, Mr. President, I give the adjournment of this Honourable House until 11:00 o'clock Monday morning, 30th November, 1987.

MR. PRESIDENT:

The question is that the House do stand adjourned until 11:00 o'clock on Monday 30th November.

QUESTION PUT: AGREED.

AT 4:57 P.M. THE HOUSE STOOD ADJOURNED UNTIL 11:00 A.M. MONDAY, 30TH NOVEMBER, 1987.

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

MONDAY, 30TH NOVEMBER, 1987
(TWELFTH DAY)

11:35 A.M.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS (P.M. ONLY)
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
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CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY

MONDAY, 30TH NOVEMBER, 1987
(TWELFTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. QUESTIONS TO HONOURABLE MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 117: WOULD THE HONOURABLE MEMBER STATE WHETHER ANY ELECTRONIC BUGGING DEVICE WAS RECENTLY FOUND IN THE AIRPORT V.I.P. LOUNGE?

NO. 118: WOULD THE HONOURABLE MEMBER STATE WHETHER NUMEROUS TELEPHONES IN GOVERNMENT AND THE PRIVATE SECTOR ARE TAPPED?

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

NO. 119: WOULD THE HONOURABLE MEMBER GIVE DETAILS OF THE SAND REMOVED FROM THE PIECE OF LAND PURCHASED BY GOVERNMENT FROM CAYMAN KAI DEVELOPMENT AT RUM POINT FOR THE PERIOD 1ST JANUARY, 1985 TO 30TH JUNE, 1987, GIVING AMOUNTS REMOVED, BY WHOM AND THE COST?

3. GOVERNMENT BUSINESS

BILLS:-

THE APPROPRIATION (1988) BILL, 1987

SECOND READING

CONTINUATION OF DEBATE:

(ON BEING READ A SECOND TIME, THE BILL SHALL STAND REFERRED TO FINANCE COMMITTEE - STANDING ORDER 63(3))

4. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

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MONDAY

30TH NOVEMBER, 1987

11:35 A.M.

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 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, who 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.

ANNOUNCEMENTS BY THE PRESIDENT

OBITUARY

MR. PRESIDENT:

Proceedings are resumed, but before we do immediately resume, I would like on behalf of the House to express and to extend our sympathy and condolences to Mrs. Sybil McLaughlin, our long time former Clerk, and to her family on the loss of Mr. Delworth McLaughlin. I am sure that those condolences come not only from us as Members of the Assembly today, but from all previous Members and the Commonwealth Parliamentary Association.

HON. THOMAS C. JEFFERSON:

Mr. President, I was thinking before I attempt to move Standing Orders in order to take the questions, whether the First Elected Member for Bedden Town has deputed any Member to ask the questions for him.

APOLOGIES

MR. PRESIDENT:

I should add he has sent a note that he is not well and unable to attend. I think, therefore, there is no need to move that Standing Orders be suspended.

We then go to Item 3, Government Business, Bills. The resumption of the Second Reading of the Appropriation (1988) Bill, 1987. The Honourable Attorney General.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1988) BILL, 1987

CONTINUATION OF SECOND READING DEBATE

HON. RICHARD W. GROUND:

Thank you, Mr. President.

Mr. President, when I was speaking on Friday evening, I had taken as my starting point that passage in the Financial Secretary's Budget Address where he dealt with the role of the lawyers in the private sector, and particularly their role in relation to the reputation of the Islands as a sound financial centre.

I would like now to note another important function

of the legal profession in these Islands; that it that it is a free and independent legal profession, and that that freedom and independence is an essential part of the rule of law in these Islands. There are two other essential parts of the rule of law in these Islands. First of all, the Judiciary - and we have had the sorrow this morning to say good-bye to Sir John Summerfield who has served as Chief Justice so well for the last ten years, and has so powerfully exemplified the independence of the Judiciary. But there is another element, and that is the independence of the Police Force, and their ability, freely, to investigate allegations of crimes and offences made to them.

Mr. President, I hope this introduction does not seem off the point. The point of it is that in the contribution to the Budget Debate made by the First Elected Member for Bodden Town, a severe attack was made upon that basic principle of the independence of the Police Force, and, through that, upon the rule of law in these Islands. I cannot stand here and let that go unanswered. I am only sorry that he is not here today to hear me answer it. I hope that he will have the opportunity to tune in tonight on the radio and listen to me answer it.

What he said was that (and I am reading from the newspaper report, but I hope that I have it accurately) is that a team of detectives from Scotland Yard had been brought to Cayman to smear the reputation of politicians. He went on to say that a political vendetta to ruin his name and ruin him politically had begun by the Elected Members of Executive Council. He also went on to say that thousands of dollars a day were being spent to smear the reputation of politicians.

Mr. President, nothing could be further from the truth. Nothing gives me greater sorrow than the fact that he should have used this Assembly to raise this allegation, and put me in a position where I feel obliged to reply to it.

It is true that there is presently in the Islands a small team of officers from Scotland Yard. They number not six, as the Second Elected Member for Bodden Town had mentioned in his debate, but three. I would have hoped in any event that the fact that this team came from Scotland Yard, the highest, the best known Police Force in the United Kingdom, would have provided some guarantee that they were not here merely as a political tool, and not here merely to smear somebody's reputation. I would have hoped that it was self evident that that Police Force would not have lent its hard worked officers to come over here on such a fool's errand.

Mr. President, they are here for two reasons. They are here because a complaint was made to the Commercial Crimes Branch of the Police Force here, and they are here because certain matters were referred to the police by the court. Both the complaint and the court referral concern companies. They concern companies in which the First Elected Member for Bodden Town has, or has at some time, had an interest or indeed a controlling role. The complaint, which was made in a signed statement by a Canadian investor is that he invested in the region of a quarter of a million dollars in a company with which the First Elected Member for Bodden Town was associated. That company traded and made a profit, that he the investor never got paid any dividends, never saw a return on his money, and indeed never got it back.

Mr. President, it is not for me now to express any view as to whether any truth lies in that or not. But the point of fact was a signed complaint was made, it was made by somebody who comes from an area of the world from which much investment pours into these Islands, and it is a complaint which an independent police force has no choice but to take absolutely seriously and investigate. It is also a complaint which, when it was looked at, turned out to involve a large and complicated investigation. For that reason, as I understand it, outside assistance was sought.

The second matter I mentioned, a referral by the court, concerns the liquidation of another company with which, at one time at least, the First Elected Member for Bodden Town was associated. The liquidator, as is his duty, presented a report to the court, and the court, on reading that report, ordered that the papers in the matter be referred to the Royal Cayman Islands Police Force for them to investigate the affairs of the company. The court did this because the liquidator's report, on the face of it, disclosed a number of serious irregularities. Again, it is not for me to say here whether there was any truth in that - whether they were real irregularities or apparent ones. The point again is that a referral was made to the police, and they had no alternative but to investigate. That investigation, again, was a complex and difficult one and again outside help was sought, and it was sought from a source which I would hope all Members would recognise is impeccable and above being influenced politically by any political factor in these Islands.

Now, Mr. President, it has been alleged that this investigation is a campaign to smear politicians, and that it has been started by the Elected Members of the Executive Council. Again, nothing could be further from the truth. I can give this House my word that they had no knowledge of it, and were not consulted on it; and the Elected Members would not be consulted on matters of day-to-day police operational investigations precisely because of that element of the rule of law that I mentioned in the beginning of my speech, namely the independence of the police. If it could ever be seen that the police could be used as a tool by Elected Members to start an investigation, or to stop an investigation once started, then that rule of law would be threatened in its most fundamental element. So, Mr. President, the Elected Members of Executive Council were not consulted, they were not asked, and they certainly did not initiate this investigation.

Now I would like to give a further assurance to the

House and that is that when this investigation has been completed, the investigating officers will make a report to me, the Attorney General. They will do this in the normal course of their duties. That is done in every case. It will then be for me to decide whether that report discloses evidence of criminal offences committed either by the companies or by anybody associated with them. I assure the House and the public in the Cayman Islands that, when the time comes to take that decision, it will be taken by me and not by Executive Council, and not in consultation with Executive Council. I hope that that is listened to, and I hope that it sets this unfortunate allegation at rest.

I said at the beginning that I was sorry that the First Elected Member for Bodden Town raised this in the House. He has been to see me personally twice and made the same allegations to me that the matter was politically motivated, and I personally assured him that it was not. I used words to him very similar to those that I am using to the House today. I told him why the investigation was started, and I gave him exactly the same amount of detail as to why it was started as I have told the House today. And I told him that if he wanted more detail he could go and ask the investigating officers. So far they have not been able to interview him.

Mr. President, I now move from that, but I have again, and again I am sorry to have to do this, I move to other allegations made in his debate on the Budget Address by the First Elected Member for Bodden Town. I am sorry that everything that I have said in my contribution to this Budget debate should concern points that he has raised. I do hope that he will appreciate that there is nothing personal in this, and that I am dealing with these points because they are important, and because they fall directly within my sphere of responsibility.

The second point that I want to raise is the allegation that the secrecy laws of the Cayman Islands have been violated in a systematic way. The First Elected Member for Bodden Town (and again I rely upon a press report, but it is accurate according to my memory) accused Government of complying with the United States authorities as if the Mutual Legal Assistance Treaty existed. He alleged that large worldwide accounting firms were seeded with police informants. He went on to challenge me personally, which is why I am addressing this matter, and which is why I am going to address it in the detail in which I do address it. He went on to challenge me personally, the Attorney General, to take an oath that evidence has not been supplied to the United States authorities as if the Treaty was in force. I am not going to take any oaths, but I am going to give an assurance to this House that that allegation is incorrect, I am going to give an assurance to this House that evidence is not being supplied to the United States authorities as if the Treaty was in force, and now I am going to trespass upon the House's patience to go on and explain what the situation is, explain what may have given rise to that suggestion by the Member, and explain why it was so wrong for him to make it.

Mr. President, in October 1982 the then Government entered into an executive agreement - constituted by a letter written by the Acting Governor, Mr. Dennis Foster as he then was, the Chief Secretary, but acting on the advice of Council - with the United States Government for the provision of information in cases where the Department of Justice in the United States could show that a criminal offence (that was a criminal offence in the United States) had been committed, and that that was also a criminal offence in the Cayman Islands. I should say in passing that I do not in any way deprecate such an agreement. I think it is fundamental to the proper and decent operation of the Cayman Islands as an offshore financial centre in that it should not be used to shelter true criminals operating from other jurisdictions. So this agreement that was entered into in 1982 is something which now has my support, and had I then been in Government, I would have supported it.

The agreement was constituted by a letter dated 5th October. I am going to summarise some of it, but briefly it was in these terms: that all requests for information from the United States, and all requests for evidence which would normally fall within the Cayman Islands' Confidential Relationships Preservation Law would be made in the first place by the Department of Justice through their Senior Attorney in the Office of International Affairs; and that that request would be made to the Commissioner of Police here in the Cayman Islands. Upon receipt of such a request, and now I am reading:

"if a prima facie case appears evident, the Commissioner of Police will forthwith forward the documentation to a committee consisting of the Attorney General or his representative, the Financial Secretary or his representative, a senior member of the Police Force, and an Elected Member of the Cayman Islands Executive Council. That committee would, after speedy examination, forward its recommendations to the Governor in Council for consideration at the next weekly meeting of the Council. Upon confirmation of the recommendation, the Governor in Council would authorise, under the provisions of section 3(2)(b)(iii) and (iv) the seeking and obtaining by the Financial Secretary, the Inspector of Banks or the appropriate Police Officer, of such otherwise confidential information conditioned upon such information as is obtained being referred back to the Governor in Council.". The Governor in Council would, after perusing the information referred back, authorise it to be

forwarded through the Commissioner of Police, directly to the Senior Attorney of the Office of International Affairs of the United States of America.

Now, Mr. President, that operational agreement was entered into, as I say, in 1982. The First Elected Member for Bodden Town would have been aware of it. He would have been aware of it not just because he sat on Executive Council - he would have been aware of it because he helped negotiate it. The circumstances of its negotiation are set out in some public documents that were filed in 1983 by the then Government in a court case in the United States. It was a court case in which the United States Government was seeking by subpoena to get documents from a bank in these Islands. The then Member of Executive Council for Health, Education and Social Services swore a long affidavit explaining the background to this agreement. Again, and I hope I am not trespassing upon the patience of Members, I would like to read a few select passages from that affidavit that he swore, on oath, in those proceedings. Members might see that I am holding a huge bound bundle of documents in my hand. That huge bundle of documents is the court record, or at least part of it, from those proceedings. The then (this is in 1983) Elected Member of Executive Council for Health, Education and Social Services swore as follows:

"I was the Chairman of the Cayman delegation for a meeting with the representatives of the United States of America held on 27th September, 1982, in Miami, Florida. The Cayman delegation at the meeting was composed of myself, Michael J. Bradley, the Attorney General of the Cayman Islands, the Financial Secretary of the Cayman Islands ..." - and then he names the present Elected Member for Bodden Town who was then described as an Elected Member of the Cayman Executive Council - that is the First Elected Member for Bodden Town, whom he names - "... and the Cayman Commissioner of Police."

He goes on to depose:

"It was my understanding that the meeting between delegations was held in order..."

...and I would like to stress this next paragraph:

"... to arrive at a binding agreement as to what procedures would be used to allow the United States to obtain evidence for criminal prosecution for acts illegal both in the United States and the Cayman Islands, when such evidence would otherwise be protected from disclosure by the Cayman Confidential Relationships (Preservation) Law of 1976, as amended in 1979. It is my understanding that an agreement was reached at the meeting for such a procedure as was subsequently reduced to writing in the Cayman-United States Agreement."

And he then exhibits that Agreement to his affidavit, and it is the letter I read out a short while ago. The then Member goes on to swear:

"The sort of arrangement that the Cayman delegation could discuss ..." (in other words he is now talking about what his instructions were when he attended at this meeting) "... would be a formal, binding agreement as to procedure, and in particular as to (a) the channelling of all United States requests for information located in Cayman through one agency, and (b) a uniform form for the presentation of such requests."

He goes on again:

"It was the clear understanding, at least of the Cayman members of the delegation, that the agreed procedures were to have been the primary and first means by which the United States would attempt to obtain evidence or information."

He goes on:

"It may well not have been agreed that the procedures should be the exclusive method of obtaining information, but it was to have been the primary one, i.e. the first one resorted to. Only if the United States tried diligently and in good faith to obtain information under the Agreement and failed would it resort to other methods. In order to make the Agreement work it was up to the United States to show a prima facie case. This was a fundamental requirement of cooperation. If they did not they would not have used their best endeavours to make the system work."

Now, Mr. President, Members of the Assembly will note that that Agreement was limited to offences that were offences both in Cayman and in the United States of America. But also, though it was binding, it did not bind the Americans not to use other procedures, such as subpoenas.

I had mentioned that the present First Elected

Member for Bodden Town was a member of the delegation that attended in the United States. He also swore an affidavit, a public document, in those proceedings. What he said, and I am going to read that affidavit, is this - and this is an affidavit that was sworn by him in March 1984:

"I have been absent from the Islands for several weeks, and therefore have not had an opportunity to review certain affidavits elsewhere discussed, save for the final form of the affidavit of Truman Bodden, dated 23rd March, 1984."

(That is the affidavit, parts of which I have just read out). The present First Elected Member for Bodden Town goes on, on his oath:

"I expressly concur with the statements made by Truman Bodden in his affidavit and state that my fellow Elected Members' ..." (and I take that to mean his fellow Elected Members of Executive Council) "... views reflect my own understanding and recollection to the best of my knowledge and belief. On two separate occasions in face-to-face meetings between Michael Carpenter..." (who was then the United States' Consul General in Jamaica) "... and me ..." (that is the present First Elected Member for Bodden Town) "... in early 1982 in Cayman I reviewed with Carpenter Cayman's proposals for processing all United States requests for information in law enforcement matters. It was disclosed by Carpenter that the Governor had discussed with him, prior to our meeting, the proposal. On each occasion, Carpenter expressed complete agreement with Cayman's proposal, and termed this proposal an excellent solution. The terms of this proposal were identical to those brought by the Cayman delegation, of which this Member was a member, to the meeting held on 27th September 1982 in Miami."

As I say, that was sworn to on 24th March, 1984.

Now I had explained that those affidavits were sworn as part of the court proceedings in the United States, and they were sworn for the overt intention of persuading the court in the United States that there was a procedure in the Cayman Islands whereby, in appropriate cases, the United States Government could come to the Cayman Islands Government and obtain otherwise confidential information. I should reiterate that in my respectful submission to this House, where one is talking about 'true crime', not tax matters, but true crime, there is nothing wrong with that. I offer no criticism of anything so far that I have read out from those affidavits, indeed I endorse it and was pleased to see that the then Government was making steps to assist in the case of true crime.

The case was something of a cause celebre, and the then Government very properly put out a press statement about it in November of 1983. I just want to read one passage from that press statement because I hope it reflects the attitude of the then government. It certainly reflects an attitude I could wholeheartedly endorse, and which I am sure I can say the present Government wholeheartedly endorses. It is this:

"The attitude of the Cayman Islands Government as regards the preservation of bank secrecy principles and other confidential information, remains unchanged."

I may say it remains unchanged to this day.

"It has always been made quite clear that whilst it will enforce in the highest degree secrecy requirements contained in our laws, it ..." (that is the Government) "... will not tolerate use of the Cayman Islands as a venue where the proceeds of criminal activities in other jurisdictions can be safely stored. Accordingly, it has cooperated and will continue to cooperate with the law enforcement agencies and governments of other countries when it can be satisfactorily shown that criminality is involved."

Hear, hear, I say. But that statement is made in 1983.

Now, Mr. President, against the background of that agreement, entered into in 1982, and that public endorsement of that agreement set out in that press statement in 1983, I want to turn again to the charges levied against this Government by the First Elected Member for Bodden Town. He accuses this Government of supplying information to the United States authorities as if the Mutual Legal Assistance Treaty had been ratified, and Members and the public will be aware that it has not been ratified by the United States' Senate.

Mr. President, no information has been supplied under the Mutual Legal Assistance Treaty, but that binding agreement entered into in 1982 has continued into operation and, until the Mutual Legal Assistance Treaty has been ratified, there has been no way in which Cayman can properly withdraw from that binding agreement. I do not just want to say that. I want to give the House some figures as to the extent of this cooperation, because I do not want my words to be spoken in a vacuum to become just airy words about what we are or are not doing. I would like to give some hard

figures.

The agreement referred to was negotiated in October 1982. In 1982 the Americans made five requests for assistance underneath it. Of those, three were granted. Two were not dealt with in 1982, they were carried forward to the next year. In the next year, 1983, ten further requests for assistance were made, seven were granted (when I say they were granted, that means the Governor in Council issued an authorisation permitting the Cayman Islands Police Force to research and obtain information that would otherwise be confidential, but which related to the serious and genuine criminal offences disclosed in the request from the United States). Seven, as I say, were granted in 1983, and one was refused, and very properly refused, because it had not been passed through the proper channels.

In 1984, ten requests were received. Eleven were granted (and that includes, of course, some of these brought forward from the previous year). Two were refused and two were carried forward. Of the eleven that were granted in 1984 - I am sorry to politicise this, but I feel I ought to because charges have been levied against this present Government - ten were granted before the Elections and one was granted after the Elections.

In 1985, fifteen requests were received from the United States Government, thirteen were granted (and that includes two that were carried forward from the previous year), three were refused (one because it was not through the proper channels, others because they did not disclose sufficient information to show a case of criminality in the United States) and one was carried forward to the next year.

In 1986, nine requests for assistance were received. Five were granted, one was refused, four were carried forward to the next year - and because we are talking about the Mutual Legal Assistance Treaty, three of those that were granted were granted after the Treaty was signed. And Members will recall that it was signed on 3rd July, 1986, so that was three granted in the second half of 1986.

In 1987, this year, to date, seven requests have been received, seven have been granted, and four have been refused. It is eleven, because four had been carried forward from the previous year. Of those that were refused, three were refused because of insufficient information supplied from the United States. One was refused - this is significant, at least in my submission to the House it is significant - because it was a request for information relating to an offence which, although it was an offence in the United States, was not an offence in the Cayman Islands. In refusing it, the Royal Cayman Islands Police Force wrote to the United States authorities explaining why it had been refused, and I just want to read to the House the relevant parts of the letter. The letter begins:

"I refer to your request for assistance from the appropriate authorities in the Cayman Islands, dated 31st March ...".

It names the people, and I am obviously not going to go into that sort of confidential detail. The letter goes on:

"The substantive offence alleged in your request was a violation of the United States' Foreign Corrupt Practices Act of 1987."

Then it goes on in some detail to explain why that is not an offence here. The letter continues:

"As you will be aware, the provisions of the Confidential Relationships (Preservation) Law, under which the Executive Council of the Cayman Islands has previously issued authorisations to assist prosecuting authorities in the United States, stipulate that the offence committed or alleged to have been committed outside the Islands must be an offence which, if committed in the Islands, would be an offence against the laws of the Islands (see section 3(2)(b)(iii) of that Law).

In these circumstances the Executive Council of the Cayman Islands does not feel able to assist in this matter at this time. However, they have asked me to point out to you that under the recently negotiated Mutual Legal Assistance Treaty, foreign corrupt practices are expressly included under the definition of 'criminal offence'. It follows, therefore, that a request of this sort might be entertained if made under that Treaty, and you may wish to consider resubmitting this request when the United States has ratified the Treaty."

Now, as I said earlier, that is one of the four requests that have been refused so far this year. In the light of that letter, may I remind Members and the public of the charge that was made by the First Elected Member for Bodden Town. It was that this Government had been supplying evidence to the United States as if the Treaty was in force. I hope that that letter firmly lays that unfortunate charge

at rest.

Before I leave this subject, and indeed before I finish my contribution to this debate, there is one other related matter that I want to deal with. The same First Elected Member for Bodden Town also alleged that this Government was letting down investors from the United States who had come here and invested money, trusting in the shield of the Confidential Relationships Laws. And he used words to the effect that they had been tricked and betrayed. I want just to remind, or perhaps inform the House, if the House is not already aware of it, of two important steps that have been taken by this Government to protect, actively, North American investors who have been harassed by matters in that country relating to what we might regard as tax offences; in other words offences that would neither fall under the Mutual Legal Assistance Treaty nor under that earlier cooperation, the spirit of which was so well summed up in that press release that I read from of 1983.

The two acts of this Government are well documented in the Cayman Islands Law Reports. I am holding up a volume of that so that Members can see it. It is something of which we are very proud. It is a formal, bound volume of law reports for the Cayman Islands. It represents a new departure in these Islands where important judgements of the courts are reported and published - not just for posterity, but also so that the lawyers, the accountants, the bankers, the professionals in the Islands, have a ready reference book to which they can turn when they are construing the Statute Law of the Islands.

I am digressing, and I know I am digressing, but provision is made for these in the Budget, so if I might just digress a moment so that Members can see what some of their money is buying. It is a handsome volume. It is also an important contribution to the infrastructure of the Islands and to the reputation worldwide of the Cayman Islands as a financial centre, because it means advisers anywhere can open this book and see what the law of the Islands is and be reassured particularly as to the stance that we take on confidential relations. There are two cases published in this book which have particular bearing upon the Member's allegation that this Government has betrayed North American investors by exposing them to investigation from the United States.

The first case is called in the matter of ABC Limited. It is given the name "ABC" to hide the true nature of the company that was the applicant, because to reveal confidential information would be to defeat the whole purpose of the exercise. It was a decision of Sir John Summerfield decided on 24th July 1984. I notice immediately that the date precedes the Elections, but I am going to read it anyway because it is important, and it is important that investors and the public be reminded of this case. It then leads on to the next, and in some ways, more important decision.

The decision of Sir John in this case was that what are called "enforced consents" are not lawful in the Cayman Islands and do not work here. I just have to explain what an enforced consent is. It is a technique by which the prosecutors in the United States get a court to compel somebody who is under investigation, (usually for tax matters) to sign a document which says, "I consent to any information held by any banks in (let us say) the Cayman Islands which relates to any companies over which I have signatory authority and to reveal that information to the prosecutors or to the Inland Revenue Service. Then the prosecutors come along with that piece of paper signed by the investor, present it to the bank, tell them he has consented, and demand that the information be given.

It is obvious that if that was allowed to continue, it would be very damaging for the structure of the confidential relationships in these Islands. So a private company, in 1984, brought an action for a declaration to the court to declare that that method of going about things was unlawful and that such consents were not good consents for the purposes of the Confidential Relationships Law. And Sir John Summerfield very sensibly, you may think, rightly held that such consents are not consents at all and that it is nonsense to call such a paper signed under a court order backed up with criminal contempt sanctions, a consent. He rightly held that a bank or financial institution, when presented with such a piece of paper, was not entitled to divulge the information relating to the client.

Now as I say, that case was decided on the application of a private firm. It laid down a very important principle. Principles of law, of course, are no good unless they are enforced, and in 1985 the chance came to enforce that principle. The United States prosecutors, in a tax matter, got an order from one of their courts that an investor in the Cayman Islands should sign one of these pieces of paper - an enforced consent. The investor in fact had not signed, but nevertheless there was a very real risk that under the threat of criminal sanctions he would feel obliged to sign it.

In civil cases the Attorney General acts after consulting Executive Council because he is spending Government's money. In civil matters he acts as the legal advisor and the legal arm of Government. The Attorney General, as the legal arm of Government, commenced proceedings against the bank concerned (the bank that held the documents here) for an injunction commanding them, under penalty of criminal sanctions for contempt of court here, not to release the information if presented with one of these enforced consents - one of these lying little pieces of paper - from the United States of America. And that proceeding was heard in chambers, but the Chief Justice subsequently gave his judgement in open court because it was again a landmark decision.

He granted the injunction ordering the bank not to

release the information. This is significant and made new law, and I may say this order was made in November 1985 and the proceedings were commenced during 1985. The Chief Justice also ordered that the bank hand over its documents, at least pending the outcome of the case, to the Financial Secretary for safe keeping and they have been locked away in the vaults ever since.

Members will readily appreciate that that is an important protection for the bank, because the American courts may not recognise the order of our courts. They may commence contempt proceedings against the bank in America notwithstanding the order of our court, but if the bank truly cannot comply with it, it is going to be protected from those proceedings.

So that landmark decision, in November 1985, was a classic case where Government actively intervened, spent some money (because we hired a senior lawyer from the United Kingdom to represent Government, we wanted nothing to go wrong) to protect the interests of one of those friends of the Cayman Islands - 'one of those'. And I borrow the First Elected Member for Bodden Town's terms - one of those investors who had come here relying upon our Law and our courts to protect him. So relying upon that case, I again refute and publicly refute his assertion that this Government has let down or betrayed the interests of such investors.

Before sitting down, and I will do so very shortly, I should like again to say that I am sorry that this contribution to the debate has first of all appeared to be pitched so much at the First Elected Member for Bodden Town. It is only because he made these important assertions that it was so vital for the interests of the Islands at large that they be rebutted and rebutted firmly. And so I am sorry to him that I have had to call him so often during the debate. And I am also sorry, to some extent, that I have had to politicise this by referring to this Government and the last Government. It is not something I would normally like to do. But, again, these were charges levelled against the present administration, and again, if they were not refuted, the public at large and investors in the Island would go around thinking that this administration had abandoned confidentiality and had abandoned the rule of law. I regret that I could not sit quietly in this House and let that go by without answering it.

Thank you, Mr. President.

MR. PRESIDENCY:

The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, I rise to make my contribution to the Second Reading of the Appropriation (1988) Bill, 1987.

Like other Members before me, I wish to offer my sincere congratulations to the Honourable Financial Secretary, the First Official Member of Government, for his usual frank, fair and forthright Budget Address in which he has honestly given an overview of the state of our country's economy for the current year, and charted the course for 1988, pointing to the pitfalls and placing the facts before this honourable House and the people of these Islands.

A balanced Budget of \$84.1 million for a country our size, in this day and age, is a success story by any man's measure. Having a cash surplus of \$3.2 million in 1986 and a projected cash surplus of \$3.7 million to the end of 1987 makes a total of \$6.9 million. After putting away \$2 million in general reserves, a balance of \$4.9 million is left with which to start the year 1988. This, surely, is not only the biggest, but it has to be the best our country has ever had in its entire history, from a financial point of view, that is.

Nevertheless, Mr. President, we must recognise and accept that a price is paid for progress and we, as representatives of the people, must ensure that the price is not too great. In so doing we must find a way to preserve and protect the quality of life for our people in these Islands. We cannot stop or discourage development, but we must gauge it. We must encourage a rate of growth that will maximise benefits for our people on a long term basis. And in the final analysis, we must pause and answer the question for whom are we developing this country of ours? The answer, Mr. President, may not be popular, but it is certainly important and vital if we are to continue on a sound and steady course and provide the kind of future our children and their children expect and which we would like them to enjoy.

When we speak of what we have done and what they or others have done, none of us must forget from whence we came and what we have today. Nor must we ever forget that we are only holding these Islands in trust for future generations who will one day rise up and call us blessed, or either curse us for mishandling this trust.

During the delivery of the Financial Secretary's Budget Address, he spoke of the troubled economy of the world. I was once again vividly reminded of just how fortunate we, in these Cayman Islands, are. At the same time it was once again forcibly brought home to me just how vulnerable we are, as the two main industries of tourism and finance on which we depend are subject to and so strongly affected by outside forces over which we have practically no control. These are two of the most productive industries in the world which a country such as ours with no natural resource needs to nurture and care. They are fragile and must never be taken for granted, for we would certainly kill the goose that lays the golden egg.

Banking and tourism complement each other. They go hand in hand and one would not be the tremendous success without the other, at least not in

our particular case. It is a fact that many of our visitors combine business with pleasure and so, as it were, we are lucky to have and enjoy the best of both worlds. Therefore, unnecessary and irresponsible remarks made at this level in Government should be avoided because they cannot be recalled and certainly will not contribute to nor enhance the continuation of the relationship which has brought us success thus far - a relationship which accounts for the high lifestyle we all enjoy and of which we are often prone to boast.

What we do have control over and what we must constantly strive to improve is the quality of service we provide in the banking and tourism sectors. What we do have control over is the political stability which we have and which is so vital and necessary in order for these industries to continue to thrive and develop.

The day the people of these Islands allow over-ambitious, power-thirsty and self-appointed leaders to have their own selfish ambitions fulfilled will indeed be a sad day in our history for all of us. Then and only then, the depth to which we sink will be as comparatively low as the heights to which we have soared. The future of these Islands can so easily be placed in serious jeopardy that the majority of our innocent people would hardly realise how or when it all happened. When things are so good it is so easy to forget what brought us success and prosperity.

So I sincerely trust, Mr. President, that the public will not allow themselves to be misled or become confused by the rhetoric that is so often on display, but that they will cautiously and carefully weigh to whom they entrust the future of this land we all call home. But I do believe that the good commonsense which our people possess and have always exercised, will prevail. I am certain that the majority of good thinking Caymanians and residents understand very well that the role of the opposition is to criticise. That is their job. Of course, many people oppose simply for opposition's sake. But it is my view that claims and criticisms must be supported by fact, not by distortions of truth and ridiculous allegations.

I am very much aware that some opposition Members, (and without fear or favour I would like to clarify the point that when I refer to the Unity Team Members or to the opposition, I am not including the Member for East End, because I have found him to be a good representative for his district, and that he votes his conscience) would have a tough time debating this Budget. I believed that they would find it difficult to explain to themselves and their prophets of doom, why this country today is enjoying and experiencing such a vibrant and healthy economy. Understandably it is difficult to argue against success, but they say this is not success and that it is not like the boom years of 1976 to 1984 when they did it all. Of course, anything good that happens during the new Government's administration of 1984 to 1988 must still be attributable to them. Anything bad must rest on the shoulders of the present Government. But I have to ask how can this be? And here I am reminded of the Caymanian who spent the majority of his life in the United States. One day he returned home and was boasting to another fellow Caymanian that he was a civil engineer and had worked on the Empire State Building. To pull his leg, his Caymanian friend said, "But I recently read where the Empire State Building is crumbling from the foundation of the tenth floor." "Ah", he said, "but I only worked on the Empire State Building from the eleventh floor up."

Mr. President, it is my humble opinion and belief that had the downturn in the economy (which started during their administration early in 1984, and which carried over into 1985) and this unfavourable situation continued today, they would be standing up and shouting "I told you so, I told you not to elect that new Executive Council." But today the economy is strong and sound, and while there are some clouds on the horizon as far as world economy is concerned, investor confidence, which breathes the breath of economic life for these Islands, has never been stronger. A confidence that has been built because of trust in Government and the continuing faith in the future stability of Cayman. And God help us the day that this is ever destroyed.

One only has to look around at the large number of Caymanian owned businesses which have been established (and I am not talking about fronting either); one only has to check the high volume of sales in the shops and supermarkets; one only has to drive around the Islands and see the large number of family homes, apartment complexes, condominiums - even a new hotel is being built with others in the pipeline; and one only has to review the number of real estate transactions. I ask, Mr. President, how much to we really need to convince some people?

Mr. President, I do not wish to belabour the point but I knew full well that when the opposition Members spoke about plaques at the airport terminal, second baptisms and toilets, they had nothing to say and were only groping for something to criticise. I highly respect the dignity of this House. I respect the Chair and all Honourable Members because to my mind to do otherwise would be a serious reflection on our country and our people.

Many incorrect and uncomplimentary remarks have been made about various subjects of my Portfolio to which I must respond. Some Members of the opposition claimed that Caymanians are not sharing in the prosperity of the country; that Caymanians are not being trained; that the new hotels are being operated mainly with imported staff; that tourism policies are wrong; that Cayman Airways Ltd's accounts are wrong; and they even had the nerve to lay claims of victimisation amongst other far fetched and unsubstantiated claims. Yet in the same breath they attempt to take credit for the two new hotels. This was during their administration. They are responsible for the two new hotels, but yet they want to pass the buck for the needs and demands that development

brings with it and which Government must address and meet. I am sure, Sir, that they do not want to take blame for the increasing traffic problem on the West Bay Road. I am sure that they do not want the blame for the labour that must be imported. They even criticise Government's efforts to find money for necessary capital projects such as sewerage and water, the fire stations and the other necessary airport developments.

Mr. President, the Hyatt Regency and the Treasure Island Resort have brought 525 new hotel rooms onto the market within the past year. Let me first say that these two fine, deluxe and first class hotel properties are an asset to our country. They have added a dimension and class to our tourism facilities which have enabled the Cayman Islands to attract new vacation and convention type business. The fact remains, however, that within the hotel industry there is a ratio of at least one to one. In other words, it is calculated that one employee is needed for each hotel room. Therefore, it is fair to say that approximately 525 hotel workers are needed to provide the quality service which we expect these hotels to provide. We already have an over-employment market in an industry where there is a 70 per cent to 30 per cent ratio - that is 70 per cent Caymanian staff and 30 per cent foreign staff. Where, may I ask, is the extra necessary manpower to come from if not from the outside?

The point I am making, Mr. President, is that when we improve and encourage new buildings to be built, we must also bear in mind that these buildings must be serviced and staffed, and a portion of that staff will have to come from outside these Islands if no one is available to fill the positions locally. This is a fact that cannot be ignored and this is where the Caymanian Protection Board comes in.

Mr. President, I know that this is a delicate subject, and I know that there are always two sides to the coin. The labour needs in households as well as in businesses are many and varied, but like everybody else I realise that. But let me say here that any Caymanian who wants to work today can find a job. This is indisputable and is common knowledge to all. But what we all may not know or what may have been overlooked is that many Caymanians are holding prominent jobs today and continue to be trained to hold top jobs in many companies of the private sector. And this is simply because the Caymanian Protection Board policies have made it clear that Caymanians must be given priority.

What also may not be known, Mr. President, is that there were employers in our country who were providing working conditions for imported staff which bordered on slave labour, and to provide the necessary housing further expanded our depressed areas. Is this the kind of country we want to build? Are these the Cayman Islands that we want to leave for our children? These are some of the reasons for certain Caymanian Protection Board policies that might have been understood. It is my own personal view that we must continue to be selective with regard to whom we admit to reside and work in our country and this selection must be based on justified need. A proper geographical balance must be maintained and this should be decided upon the circumstance of each case, based on the category to be filled and the means of the employer concerned.

Be that as it may, Mr. President, once workers are brought into our country, they must be treated fairly and equally, and not be taken advantage of simply because they are employed in these Islands. Now I know that this does not ring true across the board. This is not true about all employers, but there are and have been cases of labour exploitation - those who have enriched themselves through the use of cheap labour and at the expense of others; or those who did not want Caymanians even if they were available, simply because they could not threaten to cancel their work permits and force them to work unusually long hours. It is time that these realities are bluntly faced, and that these things are said without fear or favour.

Mr. President, the Budget Address tells us that we have a total workforce of over 10,000, with Caymanians representing 74 per cent. Naturally, and this must be accepted and known to all, a small country like ours produces professionals at a rather slow rate, but we are certainly getting there, maybe slowly, but surely because today we find outstanding Caymanians filling cross sections of important positions in our busy community. Bankers, doctors, lawyers, accountants, insurance managers, condominium managers and other Caymanians are currently in training to become hotel managers too.

The hospitality industry employs 2,295 workers, 20 per cent of our working population, 70 per cent of whom are Caymanians. In this industry, 454 persons are employed in managerial or supervisory positions, and of that number, 269 or 59 per cent, are Caymanian. I only comment to make the point that Caymanians are benefiting from the development and growth in this country, so do not tell me otherwise.

MR. PRESIDENT:

Could I perhaps interrupt you, or how do you feel?

HON. W. NORMAN BODDEN:

I would just like to say that it is not true that Caymanians are only filling menial jobs in the hospitality industry. My facts and figures do not support this argument and I refute it totally.

I can take a break now, Sir.

MR. PRESIDENT:

Proceedings are suspended until 2:15 p.m.

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT:

Proceedings of the House are resumed. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, when we took the break, I was getting to the subject of tourism.

When I came to the Portfolio of Tourism, Aviation and Trade three years ago, I found certain sound policies and programmes which we have continued, built upon and improved. Others were changed and some have been replaced, and time has proven those decisions to be right. This is no different from when the self-styled Unity Team came to power in 1976. I am sure that they found in place a good foundation on which to build, and this is how all countries and governments have developed. Not one government can lay claim to doing all the good, with another doing all the bad.

The substantial increases in tourism and its tremendous success is attributable to a combined team effort between Government and the private sector. Our national airline, the Cayman Islands Hotel and Condominium Association, the Cayman Brac Tourism and Hotel Association and the Water Sports' operators have all put their dollar in a plan to promote these Islands. Added to that, our tour operators, ground transportation companies and, of course, the two new hotels, have also played an important role and made a contribution. This is a result of close cooperation and team work, which has worked well for us and which I continue to encourage. And I would certainly like to see this continue because there are real benefits to be gained.

Today our country, the Cayman Islands, has an exceptionally high profile, good image and reputation in the market place of which Government, our people and all tourism related businesses can be justly proud. It is rated as the 'number two' dive destination in the Caribbean. It is listed in highly reputable magazines as the new hot destination in the Caribbean. And it is my view that if we keep our country free from political strife; if we continue to provide good services for a fair price; and if we preserve the Caymanian qualities of honesty, integrity and friendliness which attracted visitors to our shores in the first place; then we will continue to be an attractive vacation destination. This might be easier said than done. Some unpopular but necessary decisions might have to be taken, but it is my view that if we want a secure future in this business, steps as these will have to be taken because competition for the tourist dollar is strong and getting stronger each day. One travel writer recently said that we must not let success spoil our country. To this cause we will have to control that monster called greed. It is no simple task, for in any society there are always those who want to become instant millionaires.

Mr. President, the First Elected Member for Bodden Town (I too am sorry he is not here today because I, like many others, like to look a man in the eyes when I say my piece) in his debate tossed around tourism statistics, claiming that the type of tourist visiting Cayman are of poor means, that they are not spending, and that the Department of Tourism is only concentrating on bringing in large numbers. He went on to accuse the Portfolio of indiscriminate spending.

Firstly, let me say that Government's funds are used to promote our country as a vacation destination. It is, however, the responsibility of each individual property owner to advertise and promote his or her own hotel or other tourist related business. Government has consistently targeted the middle to upper income bracket of tourist through the high quality magazines and newspapers in which our advertisements are placed. This is a policy I found in place. It has worked well for the Cayman Islands. It has consistently been applied and will continue to be applied. To say that all we are getting now is a larger number of tourists of lesser means is pure political propaganda. Common sense tells you that our tourism product is now, and has always, been geared to cater to a well balanced mix of tourists. This is dictated by the wide selection and variety of hotel and condominium facilities our Islands have to offer. Some people can afford \$250 a day for a room, perhaps others only \$25. But if our balance is maintained, then I insist that we are on the right course. Our visitors have a choice. The property selected is obviously based on price and the quality of service provided. Government's only insistence is that the service match the price. In fact, Mr. President, with the Hyatt Regency and Treasure Island hotels coming on stream, we have this year, more than ever before, been able to attract a far higher quality of visitor, be it for business or vacation. This year, tourism is expected to contribute some \$105 million to our economy, which is 41.5 per cent higher than the contribution of \$74 million made in 1984, using the same formula.

In 1984 the Department of Tourism's budget was \$3,434,437. For that year, there were 148,485 air arrivals, which means if we deal with air arrivals in isolation, each one cost \$23.13. This year, 1987, with estimated air arrivals of 210,000 and a tourism budget of \$5,699,783, means that each tourist costs \$27.14, or 17 per cent higher than in 1984. But let us face it, whose costs have not increased since 1984, be it householder or businessman? Part of this increased cost, Mr. President, is also due to the fact that we are now advertising the Cayman Islands and Cayman Airways on television in the United States for the first time - that is in the years 1986 and this year, 1987. This has proven to be most effective and productive and we intend to continue this subject, of course, to availability of funds because, let there be no doubt about it, there are many other Caribbean countries with bigger budgets and this

country must strive to preserve its enviable position in Caribbean tourism, and simply because 20 per cent of our working population is directly dependent upon this industry for a living.

There are a few other statistics which might be of interest. Hotel room occupancy averaged 66 per cent up to August this year, and one hotel in Cayman Brac averaged 80 per cent. The length of stay for hotels was five days - an increase. Condominiums had an occupancy of 59 per cent, and the average length of stay was 7.5 days. Mention was also made with regard to mass as opposed to class; in other words that we were attracting too many charter tourists, and that they should all travel Cayman Airways. Tourists arriving by charter flights for July 1986 through June 1987 totalled 22,273. Eighty per cent of these travelled by Cayman Airways. Additionally, Government has set a policy whereby an average of 15 to 18 per cent of available rooms will be allowed for charter business. This is very rigidly controlled through the Air Transport Licensing Authority, of which I am Chairman.

The First Elected Member for Bodden Town talked about mass tourism, which we really do not have. That point cannot be proven or substantiated by him. But yet in the same breath, he complains of low hotel occupancy. If our hotel rooms increase, how can occupancy be increased without tourist arrival increases? In my mind he is blatantly opposing merely for opposition's sake, and this does not hold one ounce of water.

Mr. President, I now come to Cayman Airways, what I call the perennial political football. I honestly believe that if Cayman Airways was to one day be privatised, I would dare to say that the proceedings of this honourable House would become rather dull and with all due respect, I am sure that some Members would find little to talk about.

The accounts of Cayman Airways for the financial year ended June 1987 were tabled during this meeting. I am not attempting to reopen the debate on Private Member's Motion No. 20/87 which followed, but the company's accounts are a true and accurate financial position of the airline. Unrealistic comparisons of one year with the other cannot change that fact. And incidentally, it might be of interest to note that in November 1984 when the accounts payable were \$8 million, accounts receivable stood at \$3 million. I have no more to say on that particular subject, Sir. I mean, that particular area because I am still on the subject of Cayman Airways.

Mr. President, it is an established fact that the airline business is one that has always been and one that will continue to be plagued by increasingly high operating costs and fluctuating passenger revenues. But let me say here quite clearly that if our national airline has ever had a fighting chance in its turbulent 20 year history to survive, it is now, under the able guidance of its dedicated, hard-working Chairman and Board of Directors. I must also add here that management and some, not all, of Cayman Airways' loyal staff, have responded well to the challenge of increased competition. The airline so far has managed to maintain a fair market share and survive with the strong support, financial and otherwise, from our Government and my Portfolio.

It is an indisputable fact that, by comparison, the losses in Cayman Airways have been brought down to a manageable and reasonable figure. And I maintain that if a \$1 million per year subsidy is all that our Government is being called upon to pay (and if it can be kept at that level), then (and these things cost good money to provide) the high quality, safe, dependable service that Cayman Airways gives our country; the jobs that it provides for Caymanians; the value and importance of its inter-Island service; the support which it provides for the orderly development and promotion of tourism by way of opening up new direct services and new access points from United States' cities to the Cayman Islands; then I maintain that, by any man's standards, even the most severe critics of Cayman Airways must accept that this is a good investment in the future of our country. They must agree that this is a worthy, essential service, of which our people can be proud. The cost to the country is now only a small fraction of what some other Caribbean countries are having to pay to maintain their own national airlines.

It has been said publicly this year, last year and the year before, in every forum and in Throne and Budget Speeches, that Cayman Airways would have to brace itself for the inevitable competition that it would eventually have to face from major United States' carriers. With the increase of 525 new hotel rooms and the growth in the market that this would produce, United States' carriers would naturally become more interested in routes to the Cayman Islands, because prior to that we were considered to be too small a destination. So even though United States' carriers held the rights under Bermuda II to serve the Cayman Islands from any point in the United States since 1977, they were partly kept out by their own decisions on economic grounds.

Of course, I am well aware of the moratorium which was placed on the Miami-Cayman route for two years; because shortly after we were elected in 1984 the moratorium was about to expire and this Government renegotiated an extension for an additional two years, which would have otherwise come to an end in April of 1987. It could not be expected that we should continue to receive extensions of this moratorium on the Miami route indefinitely, and it was highly unlikely that with the new hotel rooms coming on line in 1987 that any further extensions - which incidentally would have been the third extension - should be considered.

Mr. President, with the help of Mr. John Weekling of the Department of Transport in London we started negotiations with the United States

Department of Transportation in Washington. And I would like publicly to record my thanks to Mr. Weekling for his assistance. He understood our problem and went to the United States and fought a battle to see that Cayman Airways or that a British carrier, designated by the British, got their rights. I, and this country, are indebted to him. The outcome of these talks resulted that in exchange of an early termination of the moratorium by four months, Cayman Airways would be granted route rights to three unnamed points in the United States, in addition to Miami and Houston which we held previously. Any of the two points selected by Cayman Airways can be changed to any others of its choice merely by giving the United States' Authorities 90 days notice. This gives Cayman Airways almost unlimited access to the United States.

Mr. President, the United States' Government did not have to sit around a table and negotiate with Cayman on this matter. They could have let the moratorium run its course and come to an end on 1st April, 1987. The American carriers that were designated could have then started service and we would have ended up, still, with only Miami and Houston. So regardless of what is said, I think that that was a tremendous deal for Cayman Airways and this country. Additionally, as part of that package, Cayman Airways obtained standing charter rights from any United States' point to any British point in the Caribbean without having to request permission from the United States' Authorities.

Mr. President, as is well known by all concerned, air service agreements between countries are based on reciprocity and fair and equal opportunity for the carriers of both countries. This is an exchange of rights which must be recognised and respected. I see this new arrangement as a golden opportunity for Cayman Airways to eventually come into its own. It reduces Cayman Airways' dependence on interline traffic fed by United States' carriers to Miami and Houston for the first time in its history. It gives the airline a chance to develop and expand and to become a competitor to be reckoned with, and it opens up tourism through new direct services from key United States' cities to the Cayman Islands. This has been a most significant development for Cayman Airways and the Cayman Islands, and I refuse to allow political rhetoric and campaign chants to downplay its importance.

Any airline's worth is measured by the routes to which it holds rights, regardless of what kind of equipment it has to operate. And I dare say that if a monetary value were to be placed on these new routes which Cayman Airways obtained this year and put on the asset side of its balance sheet, it would be the most valuable and impressive balance sheet ever produced by the airline. The opposition claim, however, that it is as simple as sending Eastern Airlines to Cayman Brac instead of allowing them into Owen Roberts.

Mr. President, believe me, it would serve no useful purpose if Cayman were to jeopardise a good and long standing relationship, especially with a country like the United States which supplies 83 per cent of our tourists. If we were to attempt to resort to trickery, do not think for one minute that the United States' Authorities would not see through this. And if it could be proven that we ever denied fair and equal opportunity to United States' carriers which have been designated to serve the Cayman Islands, then I believe that Cayman Airways' rights to serve key United States' cities, and the air service agreement in existence between the United Kingdom and the United States, would be jeopardized.

What if the United States were to one day say that Eastern Airlines will fly into Cayman Brac and that Cayman Airways will no longer fly into Miami, but instead into Fort Lauderdale? Can you imagine what an upheaval and inconvenience this would cause to the travelling public? These arrangements are based on rights and must be recognised and respected. It is not something of a politician's dream or something that can be invented by a self-proclaimed expert.

The story of Cayman Airways has been told and retold a thousand times. I can only hope and trust that the airline and its operations will be left alone for a while now, at least so that its Board of Directors and management can concentrate on expansion and the development of a route system that will open up new avenues never before available to the airline and our country; a growth pattern that can, with the right help, make Cayman Airways the strong, high quality carrier we all want it to be so that when all is said and done, when the clouds disappear, the storm passes, and the sun shines the airline can look to a brighter tomorrow.

It is a fact that in 1977 Government, as the sole shareholder, assumed financial responsibility for the national airline, and as a result the public lays claim to 'a right to know' - as it is then our airline. However, we must realise that with that right comes a responsibility and so I trust that the travelling public, especially the local market, will continue to give Cayman Airways the strong support it has always given, and which the airline will continue to stand in need of if it is to survive.

Mr. President, I now turn to Civil Aviation. The First Elected Member for Bodden Town claimed that the creation, or establishment, of a Civil Aviation Authority was also a Unity Team idea and project. I do not know about that, Sir. What I found was that a Civil Aviation Authority, to handle the airport affairs, was a condition laid down by Caribbean Development Bank when they approved the loan for the terminal for Government. In any event, let me say that the Authority is in place and is functioning well so far. I believe that we have a capable Director of Civil Aviation who makes and spends wisely a dollar for the Authority. I believe that he, together with the newly organised Civil Aviation Authority Board, will direct the operations of our airports

in the best possible manner. However, I should point out, and it must be borne in mind, that the cost of operating the Cayman Brac terminal will eventually have to be taken into consideration, but I am convinced that, where a profit can be made, every effort will be made to do so.

There is also the claim that the fire station at Owen Roberts Airport should have been ready long ago, and that we are dragging our feet in this respect because the Unity Team left behind the building plans. My understanding is that their Government threw this fire station out of the Airport Development Plan and said absolutely no more about it. So who was going to start it? It was put in the 1986 Budget at the request of the Chief Fire Officer, and after seeing the deplorable conditions under which he and his men were working, I could not help but agree with him that something had to be done, and done urgently. Incidentally, Mr. President, this fire station is to be completed in 1988, and it really does not matter to me whose name is put on the plaque. That does not bother me in the least. I feel, however, that whatever is done for this country, the deciding factor must be whether it is good or bad. I believe that this is a good project, and I support it. The firemen are worthy of it and I look forward to its completion.

The fire station for West Bay, a high density area, is also a much needed facility for the safety of our tourists and locals alike. The past Government certainly cannot lay claim to this.

Mr. President, our Department of Labour continues to do a good job, and it is not costing the country much. The recent appointment of a Director of Trade and Labour will further strengthen this Department and prepare it to administer the Labour law when it is passed. And I am not anticipating that either, Sir for I hope the Bill will be passed. It should also make this Department more efficient, that is the Director. The additional costs are reasonable for the services which are being provided. The new Director will also concentrate more on the subject of trade and diversification of the economy to the extent possible. This possibility has been talked about by all Governments. And while diversification of the economy is certainly desirable, its limitations, due to over-employment and high labour costs, must be recognised. Because these are realities.

Mr. President, the Second Elected Member for Bodden Town referred to victimisation. He said that the poor people of Cayman Brac are suffering in silence because they are afraid of being victimised. And the other Bodden Town Member, too, referred to political victimisation. It must have really taken them much nerve to utter that word. At best it could only be taken as a poor joke.

The people in Cayman Brac are today receiving the best air service that they have ever received in their history; that is, five jet flights a week and two, three or four flights a day by the lovely Shorts aircraft. They have a service for 1,200 or 1,400 people. The Cayman Brac people are wise though, they know who will stand up for them and be counted. They know who will protect their interests. I have been associated with the Cayman Brac people and their needs for an air service since June of 1955. They remember well, when the mosquitoes were out by the thousands at the airport and when there were no night lights, who went out and lit kerosene flare pots to let aircraft in and out with sick patients aboard when there was no hospital in the Brac; and they remember who performed those duties to get their seamen in and out to their jobs. The Cayman Brac people have a long memory, and one thing I like about the Brackers is that you do not have to worry where you stand with them because they will tell you from the beginning. So they are not being misled, and I am sure that they know who will stand up for them.

Coming back to victimisation, Mr. President. To prevent them from bringing up this subject, one only has to remember the innocent Caymanians who lost their jobs with Cayman Airways just before the 1984 elections. Furthermore, Mr. President, let me say this. Had this Government practised victimisation policies, many of the Cayman Airways staff, who are Unity Team supporters and sympathisers and who are today taking information out of the company, would have been fired long ago. But we said in the beginning that from 1984 the decisions made concerning Cayman Airways must be made on economic rather than political grounds, and I maintain that. If an employee is a good employee who performs his duty, then his political views must be his business. However, it is not their business to take information out of the company and on to the streets. If they were loyal employees they would not do so, and if we were a Government that practised victimisation, they would have been fired.

Mr. President, in the three years of this Government, it is true that we have had to make some unpopular decisions. But this does not mean for one minute that they were wrong decisions. Take for example the Marine Parks. I knew people whom I took as friends, but today they would knock me down in the streets of George Town and not speak to me because I stood for those Marine Parks. There are, however, always two sides to the coin, Sir. There are those who come back and say they are glad that Mr. Johnson brought that to the House, and that they are glad that I supported it and that this Government made it a reality. The conchs and lobsters are now coming back and we are seeing fish again. So we will see them jumping on the bandwagon saying that the Marine Parks was their idea and that today they think it is a good thing.

The Mutual Legal Assistance Treaty was another matter that this Government had to take. But let me say, however, that the cleaning up of the image of these Islands, internationally, accounts in great deal and measure to our success today. Tax increases were controversial perhaps, but were necessary and important

to the future of our country to meet our people's needs.

Turning now, Mr. President, to the future. Using the Financial Secretary's own words, there is no doubt that the great architect who created this world watches over us. To my mind, truer words have never been spoken, and with God's help and proper planning on our part, we can keep the good ship Cayman off the reefs and on an even keel. Without being emotional we, as representatives, owe this much to those who have passed through this honourable House before us, to those who will come after us and to all who reside in these peaceful and beautiful Cayman Islands.

Thank you, Mr. President, and I support the Appropriation Bill.

MR. PRESIDENT:

The Honourable First Elected Member of Executive Council.

HON. BENSON D. FRANKS:

Mr. President, I too wish to associate myself with the congratulations that have been given to the Honourable Financial Secretary on his well thought out and well delivered Budget Address.

I support the Appropriation (1988) Bill, 1987, Mr. President. This Bill, if passed into Law, will provide the funds to service the 1988 Budget. I can support this Bill with confidence, because it is a good Budget, it is a sensible Budget, and it is a sustainable Budget - and all without additional taxation.

The 1988 Budget estimates recurrent revenue of \$70,998,278 - an increase of 5.31 per cent over the 1987 revised figures. Of course, as the Honourable Financial Secretary said, it is approximately 9 per cent over the 1987 approved figures. But this is a nice easy increase. No overheating, just a nice comfortable, easy increase. Revenue to be raised from loans is \$8,363,902, and when taken together with \$4,950,049 brought forward as surplus from 1987, we have a total receipt of \$84,312,229 for the year. It is proposed that this amount of \$84.3 million will be used as follows: recurrent expenditure, \$62,354,482; statutory expenses including repayment of loans, pensions and the like, \$3,843,593; capital development, \$15,956,783; and new services including both personnel and equipment, \$2,010,949. Together, the expenses mentioned above will total \$84,165,807, and it is estimated that \$146,422 will be carried forward as a surplus to 1989.

I wish to point out at this time that it is from the amount of \$15,956,783, the capital development provisions, that new roads, new buildings, boat ramps and all such development, are built. So it is to that amount that Members must refer when they are talking about how much their respective districts are getting, and not the \$84.3 million which they keep referring to.

The recurrent expenditure of some \$64.3 million, when new services are combined, go to pay for services which are common to all of the districts in the Island. For example, it is from this sum that the cost of running the two schools in the Bodden Town district, the cost of operating the clinic in the Bodden Town district, and the police station in the Bodden Town district, is paid. And so is the case with East End. The cost of running the school, the clinic, the Sunrise Cottage, the police station and the rest in East End are taken from that amount. Additionally, it is from that vote that the cost of bussing children from East End and Bodden Town, West Bay and, in fact, all of the districts to the High School and Middle School in George Town, is paid. And it is also from that vote that the cost of operating those two schools is paid.

Further, Mr. President, all districts benefit from other common services such as the hospital, the central police service, the road system, the courts and, in fact, all of the common services of Government. So when the Members from East End and Bodden Town talk about what they have or what they get from the total Budget, they get a lot more than they have admitted. And we must make it plain that the figures they were talking about was only development money.

The Members from East End and Bodden Town - the remnants of the Unity Team Government - have given all sorts of figures regarding the financial position of the country at the end of 1984. They have given all sorts of figures for the reserves and the public debt, and I want to give the true figures for those two items as well as for the cost of servicing the public debt, then and now. And some other relevant figures as well, Mr. President.

At the end of December 1984, the general reserve account was \$7,783,008.59, not some \$11 million, as they claim. I believe they reversed figures. The loans at that same date, that is 31st December, 1984, were \$11,607,784.59. But even those figures do not give the true picture of the country's financial position as at 31st December, 1984 (that is at the end of the Unity Team's stewardship) because in addition to the general reserve being only \$7,783,008.59, instead of the \$11 million they claim it to be, there was an overdraft at the bank amounting to \$3,591,096.91. And of the general reserve of \$7.78 million, \$4,583,333.33 was hypothecated to the bank to secure the Tower loan. So if we add the overdraft of \$3,591,096.91 to the hypothecated sum of \$4,583,333.33, we will get a total of \$8,174,430.24 - or a total deficit of \$391,421.65.

Put another way, Mr. President, if we had taken all of the money from the reserve account over, or in excess of, the amount which had to be left there to secure the Tower loan, we would have been able to withdraw \$3,199,675.26 to apply or to pay towards an overdraft of \$3,591,096.91. When those figures are computed, it can readily be seen that even if that payment had been made, the overdraft would still have been \$391,421.65 - the same as the figure that I have stated the total deficit above to be.

Unless the figures that I have taken from the budgets are erroneous, that is the financial position - the liquidity position of Government at 31st December, 1984. Except to say that, in addition to that, the revenue and deficit account was also in debit to the tune of \$590,747.58. And, at the same time, Mr. President, Cayman Airways was overdrawn at the bank to the tune of over \$2 million. So it takes a lot of gall to come here and talk about a healthy financial position of this country at the end of 1984. Only the Unity Team Members of this House would have that gall.

With your permission I would like to take a few moments to show the financial position of the country three years later; that is today, or at least what it will be at as at 31st December this year.

MR. PRESIDENT: Would that be a convenient point at which to break?

HON. BENSON O. FRANKS: Yes, Sir.

MR. PRESIDENT: We will suspend for fifteen minutes.

AT 3:13 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:32 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. The Honourable First Elected Member of Executive Council.

HON. BENSON O. FRANKS: Mr. President, I was saying that I wished to take a few moments to show the financial position of the country three years later, or what it will be as at the end of December this year.

We have general reserves of \$10,314,467.35, of which only \$2,619,047.63 is hypothecated for the Tower loan - leaving a free general reserve of \$7,695,419.72. We estimate a current account surplus of \$4,950,049, making a total free reserve and surplus accounts of \$12,645,468.72.

Mr. President, let me hasten to add that that is what the liquidity position will be at 31st December this year. We have, of course, already carried forward in our Budget a \$4.9 million surplus that is factored into next year's spending. Surely that does not look like a Government that is incompetent or irresponsible, as the remnants of the Unity Team would have this House believe. No, that is far from the case.

Let us go to the loans or the public debt situation which those same Unity Team Members have been making so much fuss about, saying that we are over our heads. Let us look at the position going back to 1984.

In 1984 it took \$1,348,247, or 2.51 per cent, of the current revenue to service the public debt. In 1985 it took \$2,921,292, or 5.186 per cent, of recurrent revenue to service the public debt. And here I would like to pause and emphasise that it took \$2,921,292, or 5.186 per cent, of the recurrent revenue to service the public debt in 1985, because that is loans left by the Unity Team Government. This Government borrowed no money in 1985 other than about \$100,000 that was left from the airport loan as retention money which had to be taken to pay the contractor so no loan repayments were imposed on the revenues of the country by this Government up to 1985.

In 1986 it took \$2,686,033, or 4.33 per cent, of the recurrent revenue to service the loan. In 1987 it took only \$1,904,116, or 2.82 per cent. That is because during 1986 some of the loans were paid off. And now in 1988, it will take, again, \$2,797,026, or 3.94 per cent, of recurrent revenue to service the public debt. That figure is lower than the figure in 1985.

So it is a healthy position, Mr. President. Any country which can keep the amount for servicing the public borrowings at 3.94 per cent of recurrent revenue is in a comfortable, sound position. And let us see exactly what it represents.

The cost of servicing the public debt in 1988 will not even be equal to the increase anticipated in revenue from the sale of revenue stamps, which amounts to \$2,321,000, plus the interest which will be received on bank balances of \$0.5 million. Together they total \$2,821,000, and a debt repayment obligation, as I said, is \$2,797,026. For emphasis, again, let me point out that we are talking about the increase in revenue on these two items, not the total revenue which is more like \$8.471 million.

So, Mr. President, the repayment obligation is a pittance compared to total revenue. I hope that the two Members for Bodden Town now understand the true position of the country at the end of 1984 - a disaster. That is the disaster the Second Elected Member for Bodden Town was speaking about. That is the condition in which his Government left the country - that was the disaster. And, as I said, at the end of 1987 we are now in a solid position and looking better for 1988. Even Cayman Airways Limited had credit balances at the bank for the 1986 and 1987 financial years.

The electorate of this country, Mr. President, is solid and sensible. They knew what they were doing in 1984. Can Members imagine the blow

to us poor people that would have been imposed by the Unity Team's taxation, had they returned to power in 1984, in an endeavour to recoup from the disaster they were in - and on top of that, to fill the shopping list that the Elected Member for East End claimed he had in the 1984 budget? Again, I repeat, the people of this country knew what they were doing in 1984. They still know what they are doing and what they are going to do in 1988. Do not let those two Members for Bodden Town think any differently. People who operate small businesses in this country, the small men, know now, if they did not know before, that the small tax increases which we had to make in 1986 were necessary. They were necessary to bring us out of the position that the Unity Team had left us in. They were a pittance compared to what the Unity Team would have done if they were left in power. Further, Mr. President, they know that their money is well spent.

We have been accused of undertaking projects in 1988 that we should have started in 1985, immediately after taking office. How in the world can a Government start projects from positions such as the one at the beginning of 1985 as I have shown? That is the same reason why the Elected Member for East End did not get his cattle dip and other items which he had in the 1984 estimates. The money was not there.

Mr. President, the Second Elected Member for Bodden Town had the audacity to say that the people of this country expected the sewerage work scheme to have started in early 1985. This is a project that will cost nearly \$10 million, and they never left one cent in the Treasury with which to start it. We started as soon as we could, and I am sure much sooner than they would have been able to do, because they would have had to reorganise Cayman Airways four times, just for the sake of doing it.

The Second Elected Member for Bodden Town said that it was morally wrong for this Government to use the profits from the Currency Board. The Currency Law stipulates what revenue, or amount of money, is necessary for the Currency Board to hold in reserve. The Honourable Financial Secretary at page 10 of his Budget Speech was able to announce that for the second year in succession it was unnecessary to transfer anything from the operating surplus to the general reserve, as the general reserve was in excess of the 15 per cent of demand liabilities required under the Law. And in fact, if my figures are right, it was at 20.5 per cent. So no one need worry about the value of the Cayman Islands dollar. It is as solid as gold.

The same Member, the Second Elected Member for Bodden Town said that he was alarmed by the heavy reserve investments of the Currency Board being in United States dollars. He thought the reserves should be invested in other currencies. Mr. President, if that advice was followed the country would be in a disaster. Our currency is pegged to the United States' dollar. Therefore, all our reserves should be held in United States' dollars. We then have no exchange risk. The country took the decision long ago to peg our currency to the United States' dollar, and we will have to stick with it now regardless of what happens to the United States' dollar. I believe that the United States' dollar is still a good currency, but as I said, Mr. President, we have to, in any event, keep the reserves in United States' currency because we would otherwise be taking an exchange risk. If we were to take the advice of the Second Elected Member for Bodden Town and if the markets were to move against a foreign currency of which we were in, the reserves of the Board would be wiped out. So we must keep the reserves in United States' dollars, and as long as we do that we have no fear of our reserves being wiped out.

Mr. President, the Second Elected Member for Bodden Town, again, challenged us to show him anything that had happened since 1984 as a result of the actions of this elected Government. There is an old saying, actions speak louder than words. I intend to answer him, but I am sure that his colleague, the First Elected Member for Bodden Town, answered him far more eloquently by his actions in his speech that followed than I ever can.

The truth is that we restored confidence in the Government of this country. Investors were and are impressed by the honesty and integrity of this Government. It is true that the old Paradise Manor, now the Treasure Island Resort, was there during their time and that some interest had been shown in it before 1984. But the truth is that either the investors or the bankers lacked confidence and that is why things started to move after the elections in 1984. The same is true about the Hyatt Regency. It was there dying on the vine, and once this Government took over in November 1984 the funding became available. That is the case with many more developments in the country. Mr. President, one thing they cannot agree with is success, and we have that to show. We are not promising it, it is here.

The actions of the First Elected Member for Bodden Town, to which I referred, were of course his incredible tirades about the banks breaking the country's confidentiality laws and, in particular, his charges of personal political victimisation by the Elected Executive Council. These are serious charges and could only be made by someone who, in my opinion, lacks an interest in the well being of this territory or its people as a whole. He once said that when there is nothing in Cayman for him there will be nothing for anyone else. I do not know if that stage has been reached.

The same Member charged that the negotiating, signing and subsequent ratification of the Mutual Legal Assistance Treaty by this country and the United Kingdom has destroyed our confidentiality. Nothing could be further from the truth. If our business climate has been destroyed, how can the Honourable Financial Secretary report substantial increases in the numbers of banks, companies and insurance companies registered during the last year? And I want to emphatically deny that the Government is complying with the Treaty as if it were in full force. The Treaty is a

mutual one and will not be implemented until the United States ratifies it. No one has any authority to give information under that Treaty. I believe that the attempt made, by the Member, to smear the Government, including our Attorney General, with that remark is cheap and irresponsible.

Mr. President, I would have been more worried by the accusations of the Member if he had not attempted to get down to specifics, that is, his complaint that the banks were settling withdrawals, by American entities, in drafts on United States' banks instead of paying locally in United States' currency. The Member should know by now that things have changed. The country has cleaned up its act. Large amounts of cash are no longer accepted by the banks, therefore it is no longer available to pay withdrawals.

That custom of banks accepting large amounts of cash (cash from unknown entities) prevailed before 1984 when that type of money came into the country by the plane load, and very few questions were asked. Anyone who has clean, legitimate money in Cayman will not object to receiving repayment of that money in the form of a draft on an American bank when they are returning it to the United States or anywhere else they may be taking it. They have nothing to fear. The only people who have anything to fear are those with illegal funds. And, as I said, that is another thing we did to bring the economy back. We finished the job of cleaning up the image and workings of the tax haven business.

I have been told that those people, who have been vacationing here for years, who tear off their baggage tags before they get home so that their neighbours do not see they have been to Cayman, are now displaying those tags with pride. Some of them have even bought condominiums here because Cayman is no longer looked upon as a place for crooks and drug barons to visit or keep their dirty money.

Mr. President, with regard to the charge that the Elected Executive Council is persecuting the First Elected Member for Bodden Town, the Member knew about the investigation before we did, and so we do not need to do anything so politically drastic to him. We can do that without the help of Scotland Yard. The electorate of Cayman will take care of him in the coming elections; as they did in 1984, and all we need to do is the same thing that we did then, which is tell the people the truth and expose the facts. The public will do the rest.

For a little while, I want to deal with the areas which fall directly under my Portfolio.

The First Elected Member For Bodden Town said it was ridiculous that it takes three days to get a blood test taken at the hospital. The Member was not talking about a normal blood test because the results of these are usually available the same day. The Member was referring to a special procedure, involving the culture of bacteria, which takes three days. And for his information, and for that of the House, I would point out that results of this special procedure takes three days in any other country - be it the United States, Canada or Europe.

The Member also said that it takes three weeks advance booking to have an ordinary x-ray taken. This is not so. If there is a special procedure, such as a barium meal x-ray, it is usually done every two weeks when the radiologist visits. It could be taken and sent off for reading, but it is better done on site when the radiologist is here. It is common knowledge that we do not have a radiologist at the hospital, and that it takes a radiologist to read that type of x-ray properly. This is the reason for the delay. To correct this unsatisfactory situation, it is important to note that provision is made under new services, in our 1988 estimates, for the employment of a full-time radiologist. And what do we find the Elected Members for Bodden Town saying? They say that all the new posts should be cut out of the Budget. This would include the radiologist. Does this sound like anyone interested in improving, for our people, the services at the hospital? No, Mr. President. They come here only to criticise. And yet they make the people believe that they would like conditions improved for them.

Any service, Mr. President, is capable of being improved, but our hospital does not render a bad service for a facility of its size. Now that the recommendations from the Ground Transportation Study are forthcoming, I trust that we will soon be able to determine whether our new hospital should be on the present site or whether it should be relocated. Mr. President, we should have had the Study by now, but it was considered that, before we had the hospital study undertaken, it would be best to see whether there would be any significant changes to our road system. Otherwise we could have ended up with a recommendation siting it in the wrong place. The country, Mr. President, can rest assured that this will be this Government's next major undertaking.

Both Members for Bodden Town said that this Government had erred, and that it set a bad example when it lessened the penalties under the Misuse of Drugs Law. We removed the mandatory prison sentence and put the discretion back in the courts where it should be. That is all we did. We did this because we often read, in the press, that judges did not want to send particular offenders to prison, but that they had no alternative because their hands were tied by the Law. We have now placed the discretion back in the hands of the judges so that they can use their knowledge and training to do justice. Each case has its own particular set of circumstances, and it is my opinion that any judge must be free to take special circumstances into consideration. I want to make it quite clear, however, that we did not reduce in any way the maximum penalties which could be applied under the Law. They remain and are still in effect. Mr. President, the two Elected Members for Bodden Town and the Unity Team Members appear to be

joyed in having our prison filled with young, first time offenders, and they never miss an opportunity of telling us how sorry they are to see that we changed that law.

Mr. President, I know that we have a long way to go in providing all of the services necessary to meet, head on, the scourge of alcohol and drug abuse in our society. But we have come a long way. On page 31 of the Budget Address, the reference under "Prisons" states, to the effect, that all the available resources are being committed to meeting the immediate demands rather than to the planning and implementation of strategies to address, effectively, issues related to the rehabilitation of offenders. Mr. President, I took this to mean manpower resources within the Prison Service, and not generally, as the Second Elected Member for Bodden Town implied. But here again, the provisions under new services seek to address the severe shortage of staff at the prison by providing nine new posts for the Prison Service. Here again, the Members who opposed the new services would deny the Prison Service the officers it needs to provide an adequate service. And yet they come here crying about the lack of services when they are not prepared to back what they say in the estimates.

I would like to point out that in addition to the Prison Service, the Social Services Department is working generally with inmates at the prison and their families at home, while the newly appointed Drugs' Counsellor is working with those inmates who happen to be there because of drug and alcohol abuse. It should also be noted that the courts can now make use of suspended sentences and community service orders which it could not use before. Release of prisoners on licence is another tool which is now being used to good effect. And of course, we should not overlook the excellent work being done at the prison by the Prison Ministry.

Speaking generally on drug and alcohol abuse, we should not forget that simultaneously with the work being done with the misusers, we have, in many instances, on-going programmes in cooperation with service clubs, schools and youth groups which, hopefully, will prevent the misuse of drugs before it starts. Mr. President, I am of the opinion that it is much wiser, and more easily done, to prevent the abuse taking place than in trying to cure people once they are hooked. We have the Quest programme going. We have drug education in the school as part of Social Education studies. We now have the Drugs Counsellor on the staff. We anticipate a full-time psychiatrist in January, and all this is in addition to the programmes that are now being put in place. So, quite a lot is being done and, in any event, it is in my opinion a lot more than when we came to office.

The First Elected Member for Bodden Town asked how many people were employed in the Education Department and, of that amount, how many are Caymanian. My best information is that in the entire Education Department, both in administration and in the schools, 263 people are employed and that 91 are Caymanian. In the administration section, 20 are employed, of whom 13 are Caymanians. In all schools, 243 are employed, of whom 78 are Caymanian. I too wish that there were more Caymanians in the teaching profession, and I can assure this House that everything possible is being done to encourage that.

The fact that we have a large expatriate teaching staff is no recent phenomena. This existed from the earliest days of education in Cayman. It has become more pronounced in the last decade or so, because the number of teachers has increased so much in that period. I believe that, with the passage of time, more Caymanians will go into the teaching profession. In fact, we are told in the Budget speech that six newly qualified teachers joined the Department during the last academic year, and that of the 50 students abroad, 19 are in teacher training.

In addition to this there are three student aides in post who will hopefully go on for further training this year. The student aides programme, in spite of what the First Elected Member for Bodden Town said, is a rational programme. Young people who express an interest in teaching are taken on as aides for a year or two to give them an opportunity to get a hands-on, first-hand experience of what the job will be like. It is a time for them to decide whether teaching is really what they want to do for the rest of their lives. Simultaneously it gives the Department an opportunity to evaluate the proposed teacher and to determine whether the Department is satisfied that they will make a satisfactory teacher. To the best of my knowledge, no aide who has been considered suitable for further training, or who has the necessary qualifications, has been refused or denied a scholarship. The odd ones who failed to acquire the required qualifications, or who the Department thought were not ideally suited as teachers, have been denied. But it is better to decide that before the person takes their training and for it is discovered later. To do otherwise could only bring disappointment to the student, the Department and to the country generally.

In addition to all of this, 32 teachers, studying at the University of Miami to upgrade their qualifications and skills, will complete their degree course in the spring of 1988. So, Mr. President, it is futile for people to come here and tell the country nothing is being done to improve the situation.

With regard to scholarships, I would like to make it abundantly clear that I, at no time, said that free scholarships have not been given during the past year. What I said was that all scholarships, now, have an element of loan to them. That means that some portion of the financing of the course of education is by way of loan and is not an outright gift. At no time did I say that free money was not given. This could mean that a student may get as much as nine-tenths of the cost of his course financed by way of scholarship, and the remaining one-tenth by way of a loan. This was seen by the Education Council as a means of causing each person to appreciate the

scholarship more, and to defuse the attitude which was beginning to take root in the country; that is that Government must provide everything free and that they may come home and say they do not now want to work for Government. We believe that in doing this the responsibility is put upon the students' shoulders.

But I want to make it clear that the student receives the same amount of funds as he would if the scholarship was totally free. He has the money to finance his education from an outright grant or a loan, or a combination of the two. So the question of anyone not being able to go off to university on this account does not arise. And for the information of the Member for Bodden Town who talked about the bond, he should know that the bond is signed whether the financing is by way of grant or loan. The bond is to come back and serve in the country, and the person is bonded for the amount of the scholarship.

So the question of loan does not change the matter or the method of bonding. And I wish, Mr. President, to comment on the example given by the Second Elected Member of Bodden Town which he cited as being unreasonable. Far from being unreasonable, it is most reasonable. The scholarship criteria at the moment requires that an applicant, among other things, must have four "O" level passes, or an equivalent if he comes from the American system of education. The young man, in question, does not have the required four "O" levels, but he has obtained acceptance at an American university. So the Education Council, acknowledging that there are late bloomers, said to the young man (as we have done for others similarly placed) that if he or his family could finance the first year of his course of study at the university, and if he obtained such stated satisfactory grades, we would consider, and in all probability, grant him a scholarship for the balance of his course. So far from being unreasonable, this gives the young man an opportunity he otherwise would not have had. He is being given a second chance at the scholarship. The alternative to that is that he can go to the Community College and get the required "O" levels for the scholarship and then reapply.

Mr. President, I also wish to state emphatically that no person, having the qualifications for a scholarship, who has applied for one is walking the streets of Cayman under the influence of drugs or otherwise. Any person who has applied to Government for financing and who has met the criteria as laid down has received his or her scholarship. It might be that there are people in that condition out there, but such persons would be those who had been disillusioned under the policies of the last Government, such as being trained as seamen for jobs that did not exist, or by being misled into believing that they could qualify as chefs after six week courses.

This is perhaps a good time to respond to the point made by the Second Elected Member for West Bay about the catch-22 situation with a student having to gain acceptance to a university before he gets the scholarship, and by having to produce proof of financing before being accepted. But the position is as follows. The Scholarship Regulations state, among other things, that an applicant must have been accepted by an institution approved by the Education Council, or that the applicant must have received conditional acceptance to such an institution.

Most applications are put forward by March of each year from students sitting their examinations in June of that year. In the case of students not sitting overseas examinations, for example students from Triple C School, it would be from students who are graduating in June of that year. These applicants will usually have applied to universities explaining that the final examination results will not be known until late August, and they usually get a conditional acceptance or an acceptance conditioned by the fact that a place is available to them providing that they achieve satisfactory passes and grades.

The Education Council, likewise, will process the application and advise the applicant that the scholarship has been granted providing that the minimum number of passes and grades are achieved. So usually no problem is experienced in that.

Some difficulty can be experienced, I understand, in the case of more mature students who, having been out of school for a year or more, attempt at the last minute to make arrangements to go overseas. However, the Education Department does give applicants a letter when requested confirming that the applicant will in all likelihood receive a scholarship if all the criteria are met. So I cannot see how, and I am advised, that no problems arise when applications are made in good time. I too, Mr. President, have had similar representations made to me as has been made to the Second Elected Member for West Bay. But my enquiries indicate that while there might be something wrong in the timing and the processing of the applications, that it is not in fact due to any of the requirements of the Council at the moment. Nevertheless, the Education Council is presently reviewing the scholarship criteria, and I give the Honourable House my assurance that this matter will be looked at again when that is being done.

The Education Council, the Education Department and myself are concerned that all Caymanians who qualify get an opportunity to go abroad to obtain a university education. And, as I said earlier, we have done everything in our power to see that people who are qualified get that opportunity.

Mr. President, in the case of the Community College, Members will have noted the half million dollars requested in the Budget estimates for the building of the first phase of that college. The Community College has never been so much in demand as it is now. Unless we get the additional space, we are going to be cramped in the style and in the manner we would like to expand the college. Also, the areas being used for hotel, cookery classes, and the arts and crafts in the old Public

Works Department compound are not able to be expanded because of the planned use of that area for the new post office, and of course the facilities, as they are now, are inadequate. When we get the new facility we will be able to cope and cover these areas very adequately.

It should be of interest to know, for example, that students in the hotel trade are at the moment sitting the examinations of the American Hotel and Motel Association - a qualification that is recognised in the trade, and it can only help those Caymanians who aspire to top positions in that industry. It is regretted that the cookery class at the moment is suspended, but to be honest, what happened in that case is that the lecturer (that is the teacher there) was found to be - I think the First Elected Member for Bodden Town called them peach puffs. We had to terminate his employment. We could not allow that kind of teacher to operate in the school. And he was inherited, Mr. President, from the last administration.

MR. PRESIDENT: We are quite close to 4:30 p.m. If you would like a few more minutes, we are amenable.

HON. BENSON O. EDANKS: No, Mr. President, I am going to need much more than a few minutes.

MR. PRESIDENT: I meant on this particular subject.

HON. BENSON O. EDANKS: No, I will still be going on, Mr. President.

MR. PRESIDENT: Shall we adjourn then?

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The question is that the House do now adjourn until 10:00 a.m. tomorrow morning.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE STOOD ADJOURNES UNTIL 10:00 A.M. TUESDAY, 1ST DECEMBER, 1987.

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

TUESDAY, 1ST DECEMBER, 1987
(Thirteenth Day)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
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
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1987 SESSION OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 1ST DECEMBER, 1987
(Thirteenth Day)

1. PRAYERS

To be read by the First Elected Member for Bodden Town.

2. QUESTIONS TO HONOURABLE MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

- NO. 117: Would the Honourable Member state whether any electronic bugging device was recently found in the Airport V.I.P. Lounge?
- NO. 118: Would the Honourable Member state whether numerous telephones in Government and the Private Sector are tapped?

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

- NO. 119: Would the Honourable Member give details of the sand removed from the piece of land purchased by Government from Cayman Kai Development at Rum Point for the period 1st January, 1985 to 30th June, 1987, giving amounts removed, by whom and the cost?

3. GOVERNMENT BUSINESS

BILLS:-

THE APPROPRIATION (1988) BILL, 1987

SECOND READING

CONTINUATION OF DEBATE:

(On being read a Second Time, the Bill shall stand referred to Finance Committee - Standing Order 63(3))

4. ADJOURNMENT

To be moved by the Honourable First Official Member, Financial Secretary and Leader of Government Business.

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TUESDAY

1ST DECEMBER, 1987

10.02 A.M.

PRAYERS

HON. VASSEL B. 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 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, who 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:

Proceedings of the House are resumed.

We have three questions on the Order Paper from the First Elected Member for Bodden Town. Has he deputed any Member to ask them in his absence through illness? It appears not.

In that case we will go to Item 3, Government Business. The resumption of the Second Reading of the Appropriation (1988) Bill. The Honourable First Elected Member of Executive Council.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1988) BILL, 1987

SECOND READING

(Continuation of Debate)

HON. BENSON D. FRANKS:

Mr. President, when the adjournment was taken last night, I was dealing with Education. I would like to pick up from there and deal with the charge made by the First Elected Member for Bodden Town that I had signed an agreement, when I held this Portfolio the first time, which would have caused our children to have been taught all about communism and black power, and that my successor in office had cancelled it and saved the country.

Mr. President, the facts surrounding that issue are that sometime in the early 1970's the Caricom countries made an agreement to establish the Caribbean Examinations Council for the purpose of introducing examinations to replace the 'O' level examinations.

As a contributing country to the University of the West Indies we were invited to join the Council without any strings attached. No timetable was set as to when, if ever, we would have to introduce the examinations in the schools. At that time we could not receive any confirmation from the United Kingdom Examination Boards that they would continue to set the 'O' levels for us if we became the only territory in the Caribbean to use the 'O' level examinations.

We consulted the Education Advisor in the British Overseas Development Headquarters in Barbados. He concurred with our view that since there was no timetable by which we had to introduce the examinations, and since we could not receive any guarantees from the Boards in the United Kingdom about continuance of the 'O' levels should we be the only country in the region wishing to sit them, we had nothing to

lose and everything to gain by becoming a member and by watching developments from the inside. We therefore became a member of the Examinations Council with the necessary proviso, of course, to withdraw from the Council after giving the required notice.

Up until 1976 no syllabus had been produced for the examinations, and in fact the Headmaster of our own Cayman Islands High School at the time, Mr. Stokes, was very closely connected and very much associated with the preparation of the West Indian history syllabus.

Shortly after my successor, Mr. Truman Boddin, took office, he received a letter from the Examinations Council stamped by the Caricom Headquarters in Guyana, since they were photocopying the materials. Mr. Boddin got the shakes and declared that any institution sending mail from Guyana had to be communist and black power orientated. He did not know that the headquarters of the Caribbean Examinations Council was in Barbados and not Guyana.

Mr. President, in passing I would just like to point out that when the West Indian history examination of the Caribbean Examination Council was introduced, students sat the 'O' level from the Cambridge and Oxford Boards at the same time. The syllabus must have basically been the same since they used the same books and sat alternative or the same examinations. I did not see the syllabus then, and I have not seen it now. But I do know that students who sat the Caribbean Examination Council on West Indian history sat the 'O' level West Indian history exams at the same time. What is even more telling is that the format of the examinations of the Caribbean Examinations Council were and are the same as that being followed in the new examination of the General Certificate of Secondary Education now being introduced in the United Kingdom and consequently in the Cayman Islands. So that examination could not have been that bad.

I do not have any fear of the charge, Mr. President, that is old hat by now. It did not work in the past, and it will not work in the future to discredit me.

Mr. President, if there is a capitalist in the Cayman Islands, it is I. That is well known, and it is also well known that I do not seek power, be it black or white. That is more than can be said for the First Elected Member for Boddin Town.

The First Elected Member for Boddin Town said that he is of the opinion that we should be planning a second Middle School and a new High School in the Boddin Town area. I wonder where that gentleman has been all of these years? Those schools are included in our Five Year Economic Development Plan, so he is not telling anybody any news.

Both the Second Elected Member for George Town and the Third Elected Member for West Bay lamented the fact that regulations at the High School prevented some children from taking part in the graduation exercises. I wish to point out early, lest it be misunderstood, that what they and I are talking about is the children not being able to take part in the graduation exercises, and not that they were not allowed to take their final examinations or to have the opportunity of receiving their certificates and diplomas.

I wish to make it clear that the graduation criteria are not some subjective set of rules to be interpreted by the school at graduation time - as the impression might have been given. The Pastoral Committee of the school set the criteria and it was then approved by the Chief Education Officer and myself. It was discussed with the PTA of the school and parents and children were and are advised at the beginning of their fourth year in High School. So it is not something that is sprung upon them suddenly. The criteria should be known to parents and students alike during the last two years of the child's high school education. I am assured that children are constantly reminded of the criteria in assemblies throughout the period, so it should be known to both parents and students well in advance of graduation.

It is regrettable, that in an isolated instance some parent or child may fail to have the criteria brought to their attention. It follows that since the criteria are made known in advance, when the child enters his fourth year of high school, it is hardly a case of his being punished twice if he happens to be excluded on the basis of a Court conviction, because he knows in advance what the penalty will be if he is involved in the Courts.

It is also interesting to note that when the criteria were first made known at a graduation ceremony they received favourable comments in the local press. Additionally, it is the opinion of the staff that the criteria have done much to improve the discipline at the school and to improve attendance and study habits. In my opinion, anything which improves attendance, study habits and discipline at the school cannot be all bad.

Having said that, I realise that there was a hiccup or two during the last year, and the Department, the school and the Portfolio will be reviewing the criteria and application shortly, because we do not want anyone to suffer as a result of any action that might be taken with a view to improving the quality of education and the quality of students coming out of the High School.

The Second Elected Member for George Town also offered the opinion that the High School is operating like a Grammar School, and not catering to the bottom 80 per cent of the school. This is not the case. The school is always seeking ways and means of improving the teaching and examination possibilities for the lower ability groups of the school. The new Certificate of Education examination to be sat for the first time this year is designed to cater for just that group of students. It

should also be noted that additional craft and home economic classrooms are being built at the school this year and all this help towards a more full and rounded education for the lower academic group, as much, of course, as it helps those who are more academically inclined.

It is regrettable that Social Services, because of the difficulty in obtaining labour during the early part of the year, was unable to do as much work on repairs to indigent housing as had been hoped. However, as I told the House in September, an arrangement has now been worked out where the Environmental Health Department is providing the labour and Social Services the funds, and much more was being achieved in the latter part of the year. It is hoped that this can continue.

The main capital item under Social Services to be undertaken during 1988 is the building of the rehabilitation facility for juveniles. Once this facility is operational it will close several gaps in our service for juveniles that have existed for years. More glaringly and more readily understood by everyone, it will ensure that children will no longer be sent to Jamaica to Approved Schools. I would hasten to add that this has not come about as a result of the Motion, brought in September, by the Second Elected Member for George Town, and which, as he suggested in his contribution, was so. The Member was told in September that this was included in the Five Year Development Plan, and that even then the money was in the draft Estimates for next year. Anyway, as I told the Member in September, we appreciate his support of this service and I hope that it will continue until the facility is totally completed and staffed.

Mr. President, the Elected Member for East End tried to make a case that his district has been badly treated by this Government. The facts, however, do not support that statement. The Member admitted that the channels have recently been cleared and lighted, or are being done even now. The Civic Centre was built by this Government. It was only a foundation when we assumed office. Roads have been built and repaired. Most of the money spent on road reconstruction in the last couple of years has been spent on improving the road between George Town and Bodden Town, and Bodden Town, North Side and East End; and he must learn that all of that service his district. In addition he got a hard court at the school as well as other work done on the school.

I would like to give the facts surrounding the playing field in East End, and why it was not fenced. It is simply because the field is unsuitable for the purpose for which it is being used. To the best of my knowledge the Member has been kept up to date on the decisions that have been made in respect of that field. He might not have agreed with those decisions but, as I said, to the best of my knowledge he was told of them. The fact is that the present playing field in East End is too small for a football field. Government considered buying an adjoining property which had a house on it. We would have done this but that land still rendered the field too small. In addition to this it is a salt area. Salt settles on the surface and therefore grass cannot properly grow upon it.

The members of the community in East End, that is members of a very active football club in the district, put forward a proposal whereby they would assist with the making of a new and better field on the land adjoining the Civic Centre. The Portfolio decided to back that project as it appeared to be the best solution to the problem. So the district of East End will, in the end, have a good playing field.

Regarding the purchase of an ambulance for the Eastern districts to be stationed at the Frank Sound Fire Station, the recruitment of at least six staff trained in emergency care would be required for the operations. It would be nice if we could do that, but priorities have to be set.

I have found no record of anyone losing a life because of an ambulance taking too long to get from George Town to the Eastern districts. I doubt that in any developed society an ambulance could answer a call more quickly as one can from the George Town Hospital to East End - or any of the other districts at that end of the Island.

The truth of the matter is that the ambulances in use at the George Town Hospital are in an advanced state of deterioration, and one has to be replaced very early in the new year. This cannot be avoided if we are going to continue a reasonable service throughout the Island. As I have said, we have to get our priorities right.

The Member for East End also made a statement which I am somewhat unable to comprehend. He suggested that the Civil Service salary increase should have been given years ago, and not left for an election year.

I do not know what he is talking about. The last increase or revision, as far as I know, took place in 1984 - an election year. It was agreed that all future revisions would take place every four years which would be election years. So this Government did not bring this about. I can only wonder if the Unity Team thought that they would be in office forever.

What we did in this year's Budget was to include a cost of living increase for Civil Servants which was not due according to the formula worked out with them. That formula being that apart from the review, every four years they would get an increase if and when the Consumer Price Index (CPI) rose by four per cent in any one year.

Mr. President, that had not happened but we were aware that the accumulative increase in the CPI was becoming quite large, and, in order to soften the impact of the increase which we would have to give when the revision was done for 1988, we gave a five per cent increase effective 1987. So I do not know how anyone can

suggest that we have been playing politics with Civil Servants' salaries.

That Member, like his leader from Bodden Town, was also upset at the fact that the two surveyors being recruited to work in the new Ships' Registry were coming from the United Kingdom. Of course, they applauded the fact that Government was in fact seeking to upgrade the register which they said they had been pushing since 1972. It is no wonder they did not succeed if they were not prepared to put the right people in the right places.

If the United Kingdom is going to allow the Cayman Islands to set up a Ships' Registry with all of the applicable conventions, then they will have to be assured that the proper surveys and inspections are being carried out by properly qualified people. What I would hope is that a suitable Caymanian will be attracted to work in that department and, when the time comes that he has gained the qualifications and experience, that he can take over from the surveyors now being put in place.

There is no time now to send anybody away for training. The matter is urgent and, as I said, there is no short cut in getting a proper Registry. We have to have the qualified and experienced people in place. People who satisfy the requirements of the United Kingdom. After all, that is their responsibility. They are only extending a privilege to enable us to do a proper Registry.

Mr. President, I could go on indefinitely answering the little petty and sometimes silly criticisms that have been levelled at Government but I feel that I would be imposing upon the time of the House to do so.

I would just like in closing to say that the new image which the First Elected Member for Bodden Town is trying to adopt is very interesting indeed. He now seems to be adopting the philosophy that development in Cayman should be controlled and directed at such a rate to that where Caymanians will benefit from that development.

If anyone in the past had suggested that they would have been communist, anti-development and barnacles to progress I would not believe my ears, but I do not believe that that image will go much further than the seat he was sitting in. We all know that he and his Unity Team require confusion in which to do their work. That is when they are best.

Anyway, I hope that Members and the listening public have been careful to hear him say that he now embraces the philosophy that we should pace our development, wherever possible, at a rate that Caymanians will benefit.

I would like to invite the Honourable Member to consider whether the time has not arrived when perhaps Caymanians should be selling long term leaseholds on property rather than freehold. Maybe then future generations of Caymanians will be able to buy land on which to live or it might even be left to them by their families.

Mr. President, the Member even suggested that in employment Caymanians should be given the first break; that charity begins at home. I wonder whether the Member would care to tell us how many Caymanians he employs in his real estate and other businesses? I am sure that that record of employing Caymanians is not so good. Not even in the construction field as far as he is concerned.

I hope too, that the First Elected Member for Bodden Town will reflect on how many Caymanian jobs he is jeopardising when he comes into this House and makes his wild and unsubstantiated charges about our tax haven business and wild and unfounded statements about political vendettas being carried out against him by the Elected Members of Executive Council.

As I said yesterday, we do not need Scotland Yard to deal with him politically. We can do that quite well with the help of the Caymanian electorate. I believe that when he gets up in here and makes those wild statements, he is giving us a lot of help because the average Caymanian understands the importance of the financial industry, both to them and to this country.

Mr. President, I would also like to acknowledge the Honourable Financial Secretary's announcement that it is the intention to establish an Economic Development Unit in the Portfolio of Finance and Development. I believe that that statement should be welcomed by everyone. Such a Unit will have a most useful role to play in the future development of this country.

Before I sit down I would like to say that in checking my figures it appears that when I gave the general reserve figure that will be effective at the end of December this year, I gave \$10.314 million. It should have been \$8.314 million. I did say that was without interest, but I must have added a handsome bit of interest to it, Mr. President. So I would like to correct that, and of course that corrects the figures down the road.

But that does not alter substantially the fact that the economy of the country will be in good shape come 31st December this year, and that it looks good for 1988. However, as the Honourable Financial Secretary cautioned, we have to be conscious that the world economy, particularly in the stock market, is in an uncertain state of affairs. We hear all sorts of pronouncements. All I can say is that it is difficult to see how (I think one trillion dollars was lost on the stock market) one trillion dollars' wealth can be taken out of any economy where someone will not suffer. So I think it behoves us to move confidently but cautiously in 1988 until things become much more clear as to what the true position will be further down the road toward the end of 1988.

Mr. President, I support the Appropriation (1988) Bill, 1987. I thank you.

MR. PRESIDENT: I invite the Honourable First Official Member to reply to the debate.

HON. THOMAS C. JEFFERSON: Mr. President, obviously this Government is not a superstitious one, because I thought that in putting forward a Budget on the 13th day of November, being Friday, was kind of bold, but here I am today, the thirteenth day of business, trying my best to wind it up.

During the course of these thirteen days, I heard Members say this may be my last Budget Address. It is also possible this may be mine. But I will wind it up for you.

It pleases me immensely when I listen, as I have done since Wednesday the 18th November, to Members' appreciation of the job being done by the Civil Service. Many members of the Civil Service have made many sacrifices. The mention of departments is also encouraging and, I am sure, appreciated by all Civil Servants.

Mr. President, we have some wonderful people in this Civil Service of ours. I often thank God for my having made the decision in 1971 to return home from New York. It was not an easy decision to make because in 1971 I was earning US\$12,600, and I returned home to work for \$5,000 Jamaican dollars.

My sister was so upset with me taking that cut in salary that one day she said to me, "Tom, I have always looked up to you and respected your decisions, but tell me, is this the kind of decision that you learned at university?" All I could say in reply was, "There is more to life than money." I believe from that moment, and it lasted for a few years, she doubted a bit, my ability to make sensible decisions. But bless her, she is as dear to me now as she was then, in character and as a sister who cares.

But back to the Civil Service. I have a little tribute, and I mean it as a tribute. It is in the form of a rhyme and I would like to share it with you and Honourable Members. And this is how it goes:

"Perhaps it sometimes slipped a bit - well, so have you!
Perhaps some things they ought to quit - well, so should you!
Perhaps they might have faltered - Why?
Why all men do, and so have I.
You must admit unless you lie that you have too.
Perhaps we should stop and think
when painting someone black as ink as some folks do.
Perhaps if we would recollect perfection we would not expect;
But just people half way correct like me and you."

But, Mr. President, I also believe in perseverance, and here is how an unknown author describes it:

"There is only one method of meeting life's test
Just keep on striving and hope for the best.
Don't give up the ship and quit in dismay
'Cause hammers are thrown when you would like a bouquet.

This world would be tiresome, we'd all get the blues
If all the folks in it just held the same views.
So finish your work, show the test of your skill,
Some folks won't like it, but other folks will."

Mr. President, we are within a few weeks of celebrating God's gift, that is, He sent His son Jesus, so that we may have an opportunity to gain His forgiveness and to repent of our sins. I am not giving a sermon, Mr. President.

I remember myself as a boy at the tender age of five or six taking part in the Christmas programme at the family church, and from that age to age 17 I constantly appeared in Christmas and Easter plays. At age 17 I left this blessed Island of ours to earn a living as a seaman. It is not often you hear Tom Jefferson talking about himself, but there is a reason for it and you will understand as I go on.

By that introduction I draw an illustration of a little boy playing the role of Joseph with his coat of many colours and also that little boy playing the part of many biblical, well known spiritual leaders. My father and mother, with the help of Almighty God, molded that little boy into the man Tom Jefferson today believes he is. And I say this with the deepest humility. During those early years, I was taught right from wrong, and to seek God's guidance in life.

I believe in God and I believe in respect for others, particularly senior citizens, or in a Caymanian respectful expression, "old people". I also believe in justice and that no man, including Tom Jefferson, is above the Law. If I am alleged to have done something wrong, I expect the police to carry out an investigation and either prove the case or have it dismissed by the Court. But that little boy I referred to earlier is now in his forties, and he has not practised victimization in his life. I am not about to start at

this age or in years to come if the Good Lord allows.

I thought I should say these few words on the subject of political victimization because in recent times funny expressions have been directed at Tom Jefferson. I wish to remind all the people of this country that my life has not been one of misleading people or of taking advantage of anyone. But I believe I can be described as a human being who believes in justice for all.

A Member also made the point that the banks are making a joke of our secrecy laws, and that the accounting firms are riddled, I believe he said, with police informants. Now, I respect the Member, but surely he does not believe that I can respect those words? While I may be able to appreciate his anger, I think we have to be very careful with statements of this kind, because somebody might just believe them. With all respect to the Member, I do not believe that I have heard, in my short term in this House, a more damaging statement than, in his words, "the banks are making a joke of our secrecy laws and the accounting firms are riddled with police informants".

If we know this to be true let us get the investigation going right now and leave no stones unturned, for we are talking about the main pillar of our economy which employs 1,200 to 1,400 Caymanians. For God's sake let us not stand around, if there is some truth in the Member's words, and allow the confidence of the Islands to fall apart. If any Member has information of this damaging kind, I would have expected that he would have asked for an adjournment of this House so that we can call for a police investigation forthwith.

I am a little gullible, but those words are too much for me to swallow. I believe, with respect to the Member, that it is rubbish. What does the Member mean? Is he talking about the Narcotics Agreement? I do not believe he means that, because there is a Law, passed by this Honourable House, which allows information to be given when a person is alleged to be connected with narcotics, and that Agreement is now about three and a half years old.

In the last twelve months, November 1986 to November 1987, we have only received six requests for assistance under the Narcotics' Agreement; one less than received in the month of September 1984.

The Mutual Legal Assistance Treaty has not been ratified and some say there are no benefits from it as yet. But if we want to forget everything else one matter stands out as clear as the beautiful days in Cayman. It is this, did you notice the people who work in the offshore financial centre? Do they not look relaxed to you? I believe your response would be that they do. Well, let me tell you what it is. They are not now on pins and needles when they travel to Miami or Houston, or any other city they may enter the United States of America through. And I hope that Almighty God will continue to guide our thinking in future negotiations as he did in this case.

The economic policy of this Government was criticised by some Members. In all simplicity, what is economic policy? The simple answer is, it is a method of bringing together external and local factors to achieve the greatest good for the people of the Cayman Islands. Do we not have a good standard of living? Are we fully employed? Are Caymanians generally getting preference in employment? I say the answer to all these questions is yes. We only have to listen to the feedback from the public on employment to realise that there are more jobs in the labour market than the Caymanian labour force can supply.

There are hiccups in this area, but with diligence and determination of the private and public sectors, they can be overcome. It is an historical proven fact that investment in human resources is an integral part of any future economic growth, for it is with improved skills that countries move forward.

If the economic policy of the Cayman Islands is wrong, maybe I should ask some questions to let us all think. The first one I would ask is which country in this world has its economic policy right? Which country in this world has a higher standard of living? Which country has a more harmonious and cordial social community?

Mr. President, when we make these statements, that is, that the economic policy of the Cayman Islands is wrong, we, in my view, have not, and I stress, not examined the economy of the Cayman Islands closely. When you are on the outside of Government looking in, running a country seems so simple. Then if you are fortunate enough to get on the inside, and you get all the facts about running the Government, you realise the complexities of balancing budgets, maintaining social harmony, ensuring justice for all and looking after the less fortunate - to name just a few objectives of Government. I believe that the man and woman who thinks he or she has all the answers and never seems to be at a loss for what he or she believes are solutions, should be invited by me to join the Civil Service and make their contribution to the Cayman Islands Government and its people.

Mr. President, let no one misunderstand me, I am not attacking anyone. I am making a general statement, because sometimes the marl road has some distressing gossip on it.

I am going to pass on from this subject by asking another question, and it is like the lyrics, "there are more questions than answers" but can anyone tell me and produce the facts to support his or her argument, which country in the world, and I include the United States of America and the United Kingdom, has a better financial record of running their country than the Cayman Islands? I want them to show it to me and prove it to me. I believe they will be looking for a long time.

This question is not meant to be pompous, because I have a distaste for persons behaving in a pompous manner. Life is so beautiful when we are all humble and kind.

One Member said the Stamp Duty Law should be tightened.

and I agree with his comment. The legislation is fourteen years old and will require much study. I have not forgotten that next year is an election year but we will begin to study it next year, and hopefully bring amendments of it to this honourable House in early 1989.

A Member asked why did we have to remint our coins. Reminting becomes necessary when the old stock of coins are almost finished. And, while replenishing the stock, we took the opportunity of updating the effigy of Her Majesty the Queen on those coins. The last time we requested the Royal Mint to produce more coins for us was in 1982 when we estimated a quantity that would last for five years. The coins in circulation have grown significantly as well as tourists taking many of them for souvenirs. The collectors circulating set utilizes circulating coins, that is to say 25, 10, 5 and 1 cent. I am sure Honourable Members have seen this circulating set package. These are extremely attractive to tourists, and sell for a modest \$5.00. Since we began marketing it in 1986 the Currency Board has utilized 5,000 pieces of each of the circulating coins, that is the 25, 10, 5 and 1 cent. Income from sales so far is a modest \$14,000.

Mr. President, it is not correct to say that Government is bleeding the Currency Board dry. The Currency Board is required, under the Currency Law (Revised) to transfer each year profits after the general reserve is topped up, to 15 per cent of the demand liabilities, that is, the currency in circulation. For the last two years, the general reserves did not need any topping up, as the reserve at the end of December 1986 was 20.5 per cent of demand liability, although the Law calls for 15 per cent. So there was no need to put any more money into general reserves, it was already above the 15 per cent, and therefore the entire profit was transferred to General Revenue.

One Member, while making his point on the inadequacy and unrealisticness of the Budget said that the salaries and wages are \$30 million. Another Member said it was \$36 million. Therefore the allocation for salary review was grossly insufficient. Well, according to my calculations, neither one of those figures are correct. Personal emoluments as seen on page 22, or in some later productions of the Budget it may be page 23 or 20, which has on it the summary of sub-head expenditure for personal emoluments as \$36 million. But personal emoluments include more than salaries and wages. For example, it includes \$2.5 million for housing allowances; \$1.1 million for salary review - he has already included it in his figure; \$100,000 to pay for special prosecutors, etc. My calculation of basic salaries and wages is \$31.9 million.

I regard my role in this House as being bound by collective responsibility, but at the same time I feel I should utilise what little knowledge I have on financial matters, and help to guide all Members of this House if they wish to accept my advice. I believe the Member was correct when he said the provision of \$1.1 million was insufficient, and if we recall what I said in the Budget Address, and I will quote it:

"Included in the 1988 Budget is a token allocation for a salary increase of \$1.1 million pending the report of the 1988 quadrennial salary review."

Nobody said it was adequate and that is the point I am trying to make.

The Member also said that the Budget was unrealistic because no provisions are made in the 1988 Budget for hospital, school and office furniture. But one of the things that he did not do is to read page 2 of the Budget. It reads as follows:

"The objective of the Financial Stores Regulations introduced in 1987 is to implement measures which will reflect improvement in Government's financial management. To this end, the budget system has been upgraded by the addition of: ..."

and it lists named controlling officers, a description of the ambit of each department, and the removal of recurrent votes in Head 40 of the annual Estimates. The latter are now grouped as special expenditure under sub-head 27 in the recurrent section of the annual estimates. Had he read that he would not have made the point that he did. So the Budget is not so unrealistic after all, it is included under the 35 departments which have requested it.

This Member also continued with his point by saying the Government could not have balanced the Budget without the \$880,000 from the sale of water and the \$1.2 million from sewerage. Later he said, I believe, that the expenditure of portfolios has risen dramatically, and pointed to the Portfolio for Development and Natural Resources, which he said increased (and he was right) over the approved 1987 figure by over \$600,000.

Mr. President, \$455,000 of that figure is for the purchase of water from the company owned by CUC. When we take the \$880,000 for the sale of water into account, we have a gross profit on water distribution by the Water Authority of \$424,615. The Water Authority will get its sewerage, I am sure, free of cost, so that the \$1.2 million mentioned earlier will also be gross profit. I am stressing the word "gross", not "net".

I believe this Budget is becoming, if it is not already, more realistic as I proceed to deal with the points made in the contribution to the Budget Debate.

Another Member said the surplus is balanced by borrowings, or is produced by the borrowings. Borrowings in the Budget are similar to a lady who goes to the bank and borrows \$14,000 to buy a \$14,000 car. She purchases the car, but she does not have any surplus cash left. If anything, she probably needs to spend another \$800 which she had not borrowed, to cover insurance and registration of the vehicle. The same principle is true for the 1988 Budget.

We will get our Post Office and multi-storey car park, our Gerrard Smith Airport Terminal building, the Fire Station to go along with that, and we will also get the Fire Station in George Town. We will not have any cash left from the borrowings to balance any 1988 Budget. You know, the old timers of Cayman had a saying that I believe explains the borrowings and that is, "in one hand and out the other" - nothing left in your pocket to call a surplus.

It would, in my view, be unrealistic to suggest that we can fund these projects from local revenue. There are too many projects to fund from revenue and they are too costly and may I add, we cannot wait. The infrastructure is crying out to be improved or put in place, but, I do not want to take this point any further. I will leave it by saying last November I heard the same sentiments. The 1987 Budget was unrealistic and we would not achieve the surplus of \$108,237.

Mr. President, and Honourable Members, the revised budgetary position for 1987 which is before us indicates that the surplus is estimated to be \$4,950,049. So we have not achieved the \$108,000, but we have achieved a great deal more than that. Good luck to us.

MR. PRESIDENT: We will suspend proceedings for fifteen minutes.

AT 11:14 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:36 A.M.

MR. PRESIDENT: Proceedings are resumed. The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Thank you, Mr. President. You know, some Members cannot leave well enough alone. One Member, I understand, said that when he left the Financial Secretary's Chair, he left \$21 million of general reserves in the kitty. That, I believe, is true. But what is also true, and I hope he made this point as well that when he left Government he left behind a \$14 million commitment against that \$21 million to assist Cayman Airways. When I came along to assume the duties of Financial Secretary on 1st April, 1982, which also happens to be All Fools' Day, the realistic position was that I only had \$7 million of general reserves to deal with unforeseen Government expenditure.

I am going to just state a few facts, because I feel in some way that my stewardship has been touched on. We used \$1 million of that \$7 million which I talked about earlier, of general reserves to rip and resurface Gerrard Smith Airport runway; \$1.8 million to pay off Cayman Airways' debts in December 1984; and \$7.13 million to balance budgets over the last five years. And at the end of 1986 we still had \$8,314,467. We brought into the 1988 Budget \$1,250,604 to balance the 1987 Budget. At the end of 1987 we estimate that the surplus, which includes the \$1,250,604, will be \$4,950,049. So, total general reserves and surplus should be \$12,013,912. This figure does not include interest on these fixed deposits, so it is likely to increase, maybe by \$500,000 or \$600,000.

Mr. President, I do not propose to extend this debate by arguing over what the position was in 1984. I can simply leave that for the able Elected Members of this honourable House to come to some agreement on.

Public debt. Mr. President, I cannot separate public debt from general reserves, because the Tower Building loan, in my view, holds them together. If you are going to reduce general reserves by the balance of the Tower Building loan, which is estimated to be \$2.6 million at the end of 1987, it is proper, in my view, to also reduce the public debt by \$2.6 million and treat the Tower Building loan as a special loan in the liability side of the Balance Sheet, and the deposit to be treated separately in the asset side.

I have reported in a Budget Address that general reserves at 1st January, 1987 was \$8,314,467, which includes, and I said so, the deposits on which the Tower loan is hypothecated. Public debt was reported in the Budget Address as \$14.1 million at the end of 1986, and \$17.1 million at the end of 1987. I did not mention the self-financing loans of \$3.3 million at the end of 1986, and I say so now to clarify the position for those who may think that the self-financing loans are part of the \$14.1 million or the \$17.1 million.

Mr. President, public debt, in my view, is not only borrowings from banks, it is also Pensions, Gratuities and other things that this Government is committed to and is liable for. My 5.4 per cent includes all public debt. I will not say anything further on that.

The 1988 Budget Session, if I can use that terminology, although controversial, brought a lot of Members' thoughts and feelings to the forefront. I pray to the great God above that some of those words spoken will not be repeated. We, the people of the Cayman Islands, have achieved more in the last twenty years than perhaps any other 22,000 people in any part of the world. In my view, we have achieved it by ensuring that political stability is maintained.

Candidates for election should keep this firmly in their minds when campaigning in the coming year. This is not a lecture, but a request from me to all who may choose to run in the 1988 elections. Everyone who qualifies must be given an opportunity to run if he or she so chooses. That is the spirit of democracy, or at least my

definition of it. And democracy, for it to work to the advantage of our people, must bring with it responsibility by potential leaders of this country to guard our system well and to know clearly the pitfalls that can destroy what we have worked so hard to achieve.

In closing, may I wish you, Sir, Mrs. Scott and all Honourable Members and their families, a joyous and festive season.

May I also take the time to say thanks to my staff, whose support is always forthcoming, and whose loyalty is so appreciated. God bless them, and my wonderful wife who puts up with these impossible working hours of mine. She supports me in anything I have ever pursued, since I have known her.

Mr. President, I cannot claim this last bit that I am about to say, but as some of the Members said, I started out sounding like a preacher and they begged me to say this at the end, so that I end up, perhaps, sounding like a preacher. Their words to me were this: "As at the wedding in Canaan of Galilee, they have left the best wine for the last."

I am not sure about this, Sir, this is what they asked me to say. But many thanks to Members for all their kindness to me, and to the staff of the Legislature - they sincerely deserve your appreciation.

Thank you.

MR. PRESIDENT: Thank you. I shall now put the question on the Second Reading of the Appropriation (1988) Bill.

QUESTION PUT: AGREED

MR. PRESIDENT: Under Standing Order 63(3) the Bill is now referred to Finance Committee.
Now I invite the First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this honourable House so that Finance Committee can study the Appropriation Bill and the 1988 Budget and for us, that is the Members of Finance Committee, to call another meeting when we have finished that exercise.

QUESTION PUT: AGREED. AT 11:49 A.M. THE HOUSE STOOD ADJOURNED UNTIL A DATE TO BE DETERMINED

**FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**FRIDAY, 4TH DECEMBER, 1987
(Fourteenth Day)**

12:00 NOON

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 FOR 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
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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CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1987 SESSION OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 4TH DECEMBER, 1987
(Fourteenth Day)

1. PRAYERS

To be read by the Second Elected Member for Bodden Town.

2. PRESENTATION OF PAPERS AND REPORTS

1. Report of the Finance Committee on the Draft Estimates of Revenue and Expenditure of the Cayman Islands Government for the year 1988 and the Appropriation (1988) Bill, 1987

To be laid on the Table by the Honourable First Official Member, Financial Secretary.

2. Report of the Select Committee of the whole House on Labour Legislation

To be laid on the Table by the Honourable Second Official Member .

3. QUESTIONS TO HONOURABLE MEMBERS

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

NO. 120: Would the Honourable Member state what payments have been made to date on the Sewerage Project and what is the basis for retention of payments, if any?

NO. 121: Would the Honourable Member state who is responsible for payments for road repairs resulting from work on the Sewerage Project?

NO. 122: Would the Honourable Member state how many Caymanians are employed on the Sewerage Project; how many Expatriates are employed and where do they come from?

4. GOVERNMENT BUSINESS

BILLS:-

FIRST READING

- (1) The Labour Bill, 1987

SECOND READINGS

- (2) The Merchant Shipping (Applicable Conventions)(Amendment) Bill, 1987
- (3) The Customs (Amendment) Bill, 1987
- (4) The Labour Bill, 1987

COMMITTEE ON BILLS

- (5) The Merchant Shipping (Applicable Conventions)(Amendment) Bill, 1987
- (6) The Customs (Amendment) Bill, 1987
- (7) The Labour Bill, 1987

REPORTS THEREON

- (8) The Merchant Shipping (Applicable Conventions)(Amendment) Bill, 1987
- (9) The Customs (Amendment) Bill, 1987
- (10) The Labour Bill, 1987

THIRD READINGS

- (11) The Merchant Shipping (Applicable Conventions)(Amendment) Bill, 1987
- (12) The Customs (Amendment) Bill, 1987.

5. ADJOURNMENT

To be moved by the First Official Member, Leader of Government Business.

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FRIDAY
4 DECEMBER 1987
12:00 NOON

PRAYERS

MR. G. HAIG 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 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, who 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:

Proceedings of the House are resumed.

Papers. For reasons which I am sure Members will be fully aware, we shall take the Report of the Select Committee of the whole House on Labour Legislation before the Report of the Standing Finance Committee.

The Honourable the Second Official Member.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE SELECT COMMITTEE OF THE WHOLE HOUSE ON LABOUR LEGISLATION

HON. RICHARD W. GROUND:

Mr. President, I beg to lay on the Table of the House a copy of the Report of the Select Committee of the whole House on Labour Legislation.

MR. PRESIDENT:

So ordered.

HON. RICHARD W. GROUND:

Mr. President, I would like to exercise my right to make a very brief explanation of the Report. I will keep it very brief because I note that on the Order Paper for today the Labour Bill is set down for First and Second Reading. I do not want to anticipate the debate on that.

The Select Committee of the whole House on Labour Legislation was established by Private Member's Motion No. 2/85, which was passed on 5th March, 1985. That resolved that a Committee of the whole House be appointed to study the labour position and make recommendations for suitable labour legislation to be introduced to this Legislative Assembly at the earliest opportunity.

The Committee sat from then onwards holding a total of 37 meetings. Originally it was under the chairmanship of the former Attorney General, the Honourable Michael Bradley, Q.C., and then I took over at the beginning of the 1987 Session. I do not think I need to go through the minutes which are appended to the Report.

In those minutes the attendance of Members is set out - but I would like to recognise the hard work that those Members who did attend put in. I say hard work, because the preparation of this Bill was an exercise in broad public consultation, and there is recorded in the Report the representations that were received from various bodies at various times on the different stages of this legislation as it proceeded towards its final form.

Just very briefly, at the beginning, before it did anything, the Committee received representations from five bodies, including the Young Caymanian Businessmen's Association, the Contractors' Association, the Chamber of Commerce, the Hotel Association and the Restaurant Association. The Committee then prepared and published, in July, 1986, a first draft discussion Bill, and they invited representations from interested bodies on that Bill. Representations in writing were received from a broad cross section of interested persons and bodies.

I am not going to go through all of those who made representations in writing at this stage, but the Committee, after having received those representations in writing, invited any persons who had made such representations and who wished to attend the Committee to address it in person, to do so. Before that invitation went out, the Committee painstakingly went through every single written representation it received, reviewed and voted on every single point that was put forward, and embodied the results of that process in a second draft Bill. That second draft discussion Bill was then sent out to everybody who had made representations. Those people were then invited, if they wanted, to come along and address the Committee. The following people did come and address the Committee on the second draft Bill:

The Chamber of Commerce;
The Canadian Imperial Bank of Commerce;
The Young Caymanian Businessmen's Association;
The Hotel Association;
The Restaurant Association; and
The Bank of Nova Scotia.

The Committee is very grateful to everybody who, at any stage, participated in this consultation process, whether by writing in or by coming along and talking to the

Committee. That gratitude is recorded in the Report.

As a result of that process of consultation, the final form of the Bill, as recommended by the Committee was arrived at and that was gazetted as Supplement No. 1 to the Extraordinary Gazette of 26th October, 1987.

I am not going to go through the various changes that occurred between the first discussion Bill that was published last year and the Bill which has now been published. They are, however, set out in the Report, and they have also been canvassed in the Press. I would like therefore to go straightaway to the recommendation of the Committee which is contained in paragraph 10 of the Report.

The Committee recommended that the Bill, as published in October, is suitable labour legislation and that it be introduced to the Legislative Assembly forthwith. That recommendation has been acted upon and that Bill, as I have said, is on the Order Paper today.

There is one subsidiary recommendation which the Committee made which I would just like to draw Members' attention to and that is contained in paragraph 8 of the Report. The Committee recommended that the Law should come into force on a day to be appointed. However, they recommended that that day be the 1st of January, 1988 and further recommended that the penal provisions not be enforced for a period of six months thereafter. The Bill is down as a Government Bill, it will be presented by the Honourable Member responsible for Tourism, Aviation and Trade, and I understand he will canvas that point further when he presents the Bill, so I will not go into it.

One loose end that was left after the Committee's considerations and which is dealt with in paragraph 7 of the Report, is the Workmen's Compensation Law. The Committee looked at that but considered it was too large and broad a subject to be incorporated in the present Labour Bill, but the Committee was of the view that it should be reviewed as a separate exercise.

The Committee has already represented that exercise, and proposes to report further, making concise recommendations for amendments to that Law at the next meeting of this Honourable House. So, that part of the exercise is separate and not yet completed.

However, that, in my submission, does not detract from the comprehensive nature of the Bill which is now before the House.

Thank you, Mr. President.

MR. PRESIDENT: The Report of the Finance Committee on the draft Estimates of Revenue and Expenditure for 1988. The Honourable the First Official Member.

**REPORT OF THE STANDING FINANCE COMMITTEE
ON THE DRAFT ESTIMATES OF REVENUE
AND EXPENDITURE FOR 1988**

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Finance Committee's meetings for Wednesday, 2 December and that of today.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, I will proceed to explain some of the details of the meetings.

We began with the consideration of the amounts set out in the Appropriation Bill for:

Head 01: His Excellency the Governor	-	\$ 220,836;
Head 35: Public service Commission	-	\$ 204,610,
Head 02: Administration - Internal and External Affairs	-	\$ 383,649;
Head 03: Broadcasting	-	\$ 484,146;
Head 04: Immigration	-	\$1,031,864; and
Head 07: Police Department	-	\$4,527,107.

All these sums were agreed.

The Chairman undertook to look into the efficiency of the Lima II following a request by the Member for North Side.

Head 08: Prison Department	-	\$2,008,059,
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This sum was agreed.

There was a Motion moved by the Member for North Side in respect of Head 5: Legislative Assembly. This Motion, Motion No. 1, proposed that salaries for Members of the Legislative Assembly be increased as follows:

Elected Members from C4 to SS1; and Elected Councillors to SS15.

That Motion was amended by a Motion from the Second Elected Member for George Town; that the Elected Members' salary be increased to SS2 and Executive Councillors to SS12. Discussion ensued, and the Chairman brought the Committee's attention to Standing Order 65(1) which reads:

"... the Finance Committee shall not proceed upon any amendment which in the opinion of the Chairman increases the sum allotted to any head of expenditure ..."

and also section 37(2)(a) of the Constitution. It was therefore agreed that consideration of Head 5 be deferred.

The sums for the following Heads were all agreed:

Head 06: Personnel and Office Services	-	\$3,036,595;
Head 10: Finance and Development Administration	-	\$8,610,423;
Head 11: Customs Department	-	\$1,157,511;
Head 31: Treasury	-	\$ 348,616;

Head 32: Registry of Companies	-	\$ 288,817;
Head 33: Banking Inspectorate	-	\$ 191,500;
Head 34: Insurance Department	-	\$ 156,726;
Head 12: Judicial Department	-	\$ 887,503;
Head 13: Legal Department	-	\$ 728,439;
Head 14: Administration of Health, Education and Social Services	-	\$ 988,414; and
Head 15: Education Department	-	\$8,191,101.

It was then agreed that all these stand part of the Schedule.

The Committee suspended its work at 12:30 P.M. for lunch, and resumed at 1:20 P.M. The Second Elected Member for Bodden Town was absent at that particular time.

Head 16: Personal Health Services Department	-	\$6,948,039;
Head 17: Social Services Department:	-	\$1,594,503;
Head 18: Development and Natural Resources Administration	-	\$1,368,813;

were also agreed.

Pursuant to a request from the Member for North Side, the Chairman undertook to determine the possibility of placing navigational matters under the Port Authority.

Head 19: Department of Agriculture	-	\$ 812,151;
Head 20: Lands and Survey Department	-	\$ 712,158;
Head 21: Mosquito Research and Control	-	\$1,568,401;

were agreed and that they would stand part of the Schedule.

The Honourable Fourth Elected Member of Executive Council undertook to look at the possibility of replacing the two propeller planes at MRCU for a helicopter, and the type of helicopter is a 206 jet ranger, pursuant to a request by the Member for North Side.

Head 22: Planning Department	-	\$ 486,986;
Head 23: Administration of Tourism, Aviation and Trade	-	\$ 257,040;
Head 25: Department of Tourism	-	\$6,249,927;
Head 26: Fire Service Department	-	\$1,792,597;
Head 9: District Administration	-	\$2,392,606;
Head 27: Administration Communication, Works and District Administration	-	\$ 114,796;
Head 28: Postal Department	-	\$ 686,931; and
Head 29: Public Works Department	-	\$3,157,218.

It was agreed that all of those do stand part of the Schedule to the Appropriation Bill.

Following a recommendation by the Honourable Third Elected Member of Executive Council, the Committee agreed to invite the Chief Engineer of the Public Works Department to address it on the Roads Programme for 1988, that is the Construction of Roads.

We moved on to consider;

Head 30: Audit Department	-	\$ 234,312.
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The Committee again considered Motion No. 1 on Head 5: Legislative Assembly which was previously deferred. It was agreed by both the Member for North Side and the Second Elected Member for George Town to amend Motion No. 1 as follows:

"...that the salary for Elected Members be increased to SS2, that the total salary for Executive Councillors be equivalent to SS12 and that the increase be subject to Standing Order 65(1).

That was agreed.

Moving on to Motion No. 2. Captain Mabry S. Kirkconnell, the First Elected Member for the Sister Islands, moved that Members of the Legislative Assembly travelling on official Commonwealth Parliamentary Association's business, shall travel on Club fare if such travel time exceeds three hours. That Motion was passed unanimously, that Head 5 be increased as proposed subject to Standing Order 65(1) and that the proposed increased sum for Head 5 stand part of the Schedule - Both motions were agreed.

The Committee considered New Services Head by Head, and agreed the sums under:

Head 2: Internal and External Affairs	-	\$ 685
Head 4: Immigration	-	\$ 10
Head 5: Legislative Department	-	\$ 4,144
Head 5: Personnel and Office Services	-	\$ 25,000
Head 7: Police Department	-	\$ 59,556;
Head 8: Prison Services	-	\$ 154,575;
Head 9: District Administration.	-	

The Third Elected Member of Executive Council noted that the sum of \$80,000 under sub-head 40-008 had unfortunately been duplicated.

At 2:35 P.M. - I am being very specific, but I want to make it clear - the Committee suspended, and the Committee resumed its work at 3:00 P.M.. When it resumed, the Second Elected Member for Bodden Town was then with us.

At 3:00 P.M. the Chief Engineer and the Roads Engineer of Public Works Department were in attendance. The Committee proceeded to consider Head 41, Capital sub-head 006 - Construction of Roads. The Chief Engineer addressed the Committee on the Construction of Roads Programme for 1988, and prior to leaving he accordingly requested Honourable Members to advise him of the priority order for the Programme.

At 3:30 P.M. the Chief Engineer and his able assistant left the meeting.

The Committee agreed that the sum of \$300,010 was too significant an amount of the total \$1 million for the entire Grand Cayman Road Programmes and that the sum of \$200,000 under sub-head (b) New Construction for Roads, should be deleted, allocating the \$100,000 for the completion of the Seven Mile Beach sidewalks to be extended to Government House. It was also agreed that with Government having had sufficient time to study the Master Ground Transportation Project Report, and having decided which recommendation would be implemented in 1988, that Government would request the necessary costings from the Public Works Department, and ultimately seek the approval of Finance Committee.

To make it more specific, the \$300,010 was categorised as a national item which embodied all necessary work as seen by Public Works Department in dealing with the Master Ground Transportation Study recommendations. The Committee thought that there were many roads and sidewalks along Seven Mile Beach which needed attention in 1988, and therefore did the allocation as I have read out. The Committee deleted \$200,000 for the Master Ground Transportation Study and left \$50,000 for the Master Ground Transportation Study to deal with the aerial photography that is needed for design work.

Next came Motion No. 3. The Second Elected Member for West Bay moved that the sum of \$100,000 be divided equally amongst the five districts of Grand Cayman. We had the Ayes and we had the Noes and we were unable to determine who was the winner, so a Division was requested. The Division took place, and the Motion was defeated by majority.

We then moved on to Motion No. 4. I might add, it was a lot of work to allocate this \$100,000.

The Third Elected Member for West Bay moved that the sum of \$100,000 be divided as follows: \$50,000 for West Bay, \$25,000 for North Side and another \$25,000 for East End, making a total of \$100,000. Here again, the decision was uncertain and a Division had to be called. That Motion was also defeated.

Then came along Motion No. 5, moved by the Member for North Side that the sum of \$100,000 be divided equally amongst the districts of East End, North Side and Bodden Town. I am not sure how to deal with that extra one cent, because when you divide \$100,000 by three, there is one cent that has to be given to some district! That Motion was passed by majority.

Having finished with the Construction of Roads allocation and the witnesses, that is, the Chief Engineer and his able assistants taking their leave, and Motions, having been completed, the Committee moved back to consider the remaining Heads under New Services. Although the minutes call the individual Member's name, I prefer, in reporting, to say the Second Elected Member for Bodden Town stated that his vote for all the Heads under New Services would be "No".

Head 9, District Administration: Having found a duplication of \$80,000, New Services Head 9 was reduced by \$80,000. That caused the total to be reduced from \$122,500 to \$42,500.

Moving on to:

Head 10: Finance and Development	-	\$ 144,082;
Head 11: Customs	-	\$ 77,000;
Head 12: Judicial Department	-	\$ 43,822;
Head 14: Portfolio of Health, Education and Social Services	-	\$ 46,190;
Head 15: Education Department	-	\$ 92,496.

The sums for those departments named were agreed.

Then came Motion No. 6. The Member for East End moved that a \$10 token vote be provided from the sum under Head 16 for New Services for the introduction of an Ambulance Service for the eastern districts to be placed at Frank Sound Fire Station. The Motion was passed unanimously and it was agreed that Head 16, as amended, be passed.

The sums for:

Head 16: Personal Health Services	-	\$ 203,002;
Head 17: Department of Social Services	-	\$ 161,839; and
Head 18: Development and Natural Resources Administration	-	\$ 67,932;

were all agreed.

Then we came on to Motion No. 7 from the Member for East End who moved that a \$10 token vote from the funds provided under sub-head 41-009, Farm Development, be allocated for a cattle dip in East End. That Motion was passed.

Head 19: Department of Agriculture, as amended,	-	\$ 11,538;
Head 20: Lands and Survey Department	-	\$ 44,098;
Head 21: Mosquito Research and Control	-	\$ 155,048;
Head 22: Planning Department	-	\$ 85,740; and
Head 25: Department of Tourism	-	\$ 220,477;

were all agreed.

Then came Motion No. 8. The Second Elected Member of Executive Council moved that a post of Higher Executive Officer be established for an administrative assistant for the Chief Fire Officer. That Motion was passed. The Committee agreed that this post be provided administratively by the Chief Fire Officer by eliminating one or two recurrent posts.

It was agreed that Head 26: Fire Service, as amended, be passed, and that the sum of \$112,284 for Head 26 be agreed.

Head 27: Administration, Communication, Works and District Administration	-	\$ 5,000;
Head 28: Postal Department	-	\$ 7,356;
Head 29: Public Works Department	-	\$ 104,231;

were also agreed.

The Chairman agreed to look into the provision of wooden chairs for the East End Civic Centre and Town Halls in West Bay, North Side and George Town. The sum of \$3,000 was provided in the New Services.

The Members requested that consideration be given to

providing wooden chairs rather than metal chairs which sometimes, from lack of use and from lack of oil, seized up and became non-functional in the early days.

Head 31: Treasury Department

- \$ 40,224 agreed.

Then came Motion No. 9. The Member for North Side moved that a token vote of \$10 from the sum of \$7,356 provided for sub-head 001 which is Basic Salary, be provided to establish the post of Principal Surveyor at SS1 for a Caymanian to be recruited in 1988 to work along with the Marine Surveyors who are being recruited from the United Kingdom for the Registry of Shipping. That Motion was passed.

Head 32, as amended, was passed, and the sum of \$7,356 for Head 32 was then agreed.

Head 33: Banking Inspectorate

- \$ 6,768;

Head 34: Insurance Department

- \$ 6,500; and

Head 35: Public Service Commission

- \$ 1,500.

All these were agreed.

The Question was put that the New Service's sum, as provided in the Schedule, be reduced by \$80,000 and that the decreased sum of \$1,930,949 and not \$2,010,949 for New Services stand part of the Schedule for the Appropriation Bill. This too was agreed.

The minutes of the meeting for this morning is quite short, and with the agreement of the Members of the House, the presentation of the Report will be finished in about five minutes or less, unless you wish to suspend for lunch.

MR. PRESIDENT:

It is very selfish of me, but I have a speaking engagement, and I am already late for it. But I am quite happy - it is with the Society of Professional Accountants of whom one Member is here present. He may be relieved if I do not turn up.

MR. W. McKEEVA BUSH:

Mr. Chairman, so as to finish, because I have to leave and I would like to be here, I wonder if the Honourable Second Official Member could take the Chair.

MR. PRESIDENT:

No, I am sorry, we will continue.

HON. THOMAS C. JEFFERSON:

Mr. President, Finance Committee was resumed this morning and the Committee met to recommit Motion No. 1 of the Finance Committee's first meeting held on 2nd December, 1987, dealing with Head 5, Legislative Department.

MR. PRESIDENT:

If I may interrupt you. I am puzzled because the Minutes of the Committee, as I have them, go on for another three and a half or four pages before coming to the record of the minutes today. This was why I wondered how you were going to finish in a matter of three or four minutes. I am sorry, maybe I have an incorrect set of papers.

HON. THOMAS C. JEFFERSON:

I think I have, Mr. President, not you! In that case, it might be better if we break for lunch.

MR. PRESIDENT:

Proceedings are suspended, then, until 2:15 P.M.

AT 12:55 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT:

Proceedings are resumed. The Honourable the First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, before we took the break for lunch I thought I had finished the meeting of Wednesday. It so happened that my copy of the minutes was short of a few pages. Now that I have the correct one, I will continue.

Development; dealing with Vehicles, Furniture and

The Committee's proceedings then moved on to Head 40 Equipment which is funded by local revenue. A sum of \$869,056 was approved.

amendments to:

The Committee, in considering the following made

Sub-head 41-012 pursuant to the passing of Motion No. 12 recorded hereunder, which provided for sub-head 41-023 to be increased by \$70,000 for the West Bay Civic project. It was agreed that 41-012 be reduced by a similar amount. That sub-head 41-012 being reduced was agreed, and that the reduced sum of \$618,000 instead of \$688,000 for sub-head 41-012 should stand part of Head 41 and that was also agreed.

Member for North Side moved that \$10,000 of the \$96,000 provided for sub-head 41-013 be allocated to complete the launching ramp and dock at Old Man Bay and that Motion was passed.

Then that the sum of \$25,000, being part of the \$80,000 allocated under New Services Head 9 be added to sub-head 41-013 for the West Bay North Sound Government wharf or jetty. That sub-head 41-013, as amended and increased by \$25,000, was agreed. Then following, it was agreed that the increased sum of \$121,125 for sub-head 41-013 do stand part of Head 41.

The Committee then amended sub-head 41-014, that the sum of \$49,000 being a part of the \$80,000 duplicated under New Services Head 9 be added to sub-head 41-014 for the Faith Hospital in Cayman Brac. The increase of \$49,000 was agreed and it was further agreed that the increased sum of \$183,880, and not \$134,880 should be the sum under sub-head 41-014, and should stand part of Head 41.

Motion No. 11, dealing with Head 41 sub-head 022, moved by the Second Elected Member for George Town that the explanatory note should include a token vote of \$10 under sub-head 41-022, which is School Buildings, for the construction of a pedestrian overpass at the Cayman Islands High School. That Motion was passed.

The Committee proceeded to agree to the amendment to sub-head 41-022; that the sum of \$500,000 for sub-head 41-022 stand part of the overall Head 41 of the Schedule.

Motion No. 12, dealing with sub-head 41-023. The Second Elected Member for West Bay moved that the sum of \$70,000 be allocated for the West Bay civic

project. That Motion was passed by a majority, and it was agreed that Head 41-012 be increased by \$70,000.

Motion No. 13. The First Elected Member for the Sister Islands moved that a sum be provided for the Cayman Brac Primary School Swimming Project. That Motion was passed. The Committee moved on to allocate a sum of \$6,000, being a part of the \$80,000 duplicated under New Services Head 9, be allocated for the swimming pool project in Cayman Brac. Then 41-023 was increased by \$6,000 and that was agreed. Sub-head 41-023 as twice increased for the sum of \$76,000 which was passed. The increased sum of \$324,500, and not \$248,500 for sub-head 41-023 to stand part of Head 41, was agreed.

Then Head 41 was amended and increased by \$80,000, and that the increased sum of \$6,803,825 and not \$6,723,825 for Head 41 to stand part of the Schedule to the Appropriation Bill was then agreed.

Dealing with Head 42, Loans - General; that the sum of \$8,017,694 stand part of the Schedule was agreed, and also for Head 43 which is the European Development Fund, the borrowings from that organization which is \$346,208 was also agreed.

The Committee then proceeded in accordance with Standing Order 64(4) and (5) and the Questions put that clauses 1 and 2 stand part of the Bill which was agreed. The Question that the Schedule as amended and standing in the sum of \$80,322,214 to stand part of the Bill was also agreed, with the Second Elected Member for Bodden Town voting against.

The title of the Appropriation Bill was also agreed.

The Committee then moved on to Motion No. 14 dealing with the Sewerage System Loan; that the Standing Finance Committee of the Cayman Islands Legislative Assembly give its approval and authorisation for obtaining from Barclays Bank PLC, Grand Cayman, a loan in respect of the Sewerage System in a sum not to exceed in total at any one time, the amount of CI\$3,300,000. That Motion was passed, with the Second Elected Member for Bodden Town voting against.

Motion No. 15 was also moved by the Chairman, that the Standing Finance Committee of the Cayman Islands Legislative Assembly give its approval and authorisation for obtaining from Morgan Grenfell (Cayman) Ltd, Grand Cayman, a loan in respect of the Post Office and multi-storey car park, in a sum not to exceed in total at any one time, the amount of CI\$6,500,000. That Motion was passed and the Committee's proceedings were then adjourned at 5:11 P.M.

This morning, the Committee reconvened to recommit Motion No. 1 of the Finance Committee's first meeting held on 2 December 1987, dealing with Head 5, Legislative Department, and I now move on to that.

Head 5, Legislative Department. Discussion ensued with regard to Motion No. 1 as set out on page 5 of the Committee's minutes of the meeting held on the 2 December 1987. That Motion, for clarity, is:

"It was agreed by both the Member for North Side and the Second Elected Member for George Town, to amend Motion No. 1 as follows, and that the salary for Elected Members be increased to SS2, that the total salary for Executive Councillors be equivalent to SS12 and that the increase be subject to Standing Order 65(1):".

That is what was being reconsidered.

The Member for North Side moved that Motion No. 1 be withdrawn. The Second Elected Member for George Town, having moved an amendment to the Motion, concurred. Motion No. 1 was therefore unanimously withdrawn.

A second Motion was moved by the Member for East End, that Head 10 be recommitted to amend the explanatory note to include a sum of CI\$219,596 to cover salary increases for Elected Members of the Legislative Assembly to SS2 and Executive Councillors to the equivalent of SS12. That Motion was unanimously agreed to.

The Committee's work adjourned at 11:55 A.M. this morning.

Thank you, Mr. President.

MR. PRESIDENT: Thank you. I would only make one small comment. I think that in the final version of that Motion, it should refer to Elected Executive Councillors.

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

MR. PRESIDENT: Thank you.
In that case, the Appropriation Bill (1988) is set down for Third Reading.

We can proceed to the next item on our Order Paper, which would be Questions. But before we ask for the suspension of Standing Orders, did the First Elected Member for Bodden Town depute any other Member to ask his three questions? No? In that case we may proceed.

DEFERRAL OF QUESTIONS

(IN THE ABSENCE OF THE FIRST ELECTED MEMBER FOR BODDEN TOWN WHO HAD DEPUTED NO OTHER MEMBER TO ASK HIS QUESTIONS, QUESTION NUMBERS 120, 121 AND 122 WERE NOT TAKEN)

MR. PRESIDENT: Government Business. Bills. First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE LABOUR BILL, 1987

CLERK: THE LABOUR BILL, 1987.

MR. PRESIDENT: A Bill entitled the Labour Bill, 1987 is deemed to have been read a First Time and is set down for Second Reading.

Bills, Second Reading.

SECOND READING

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1987

CLERK: The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987.

MR. PRESIDENT: The Honourable First Official Member of Executive Council.

HON. THOMAS C. JEFFERSON: Mr. President, I hope the Members and the listening public are not getting too tired of hearing me today.

Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Merchant Shipping (Applicable Conventions) Law, 1987.

Mr. President, Honourable Members will recall that in moving the substantial legislation in September last called the Merchant Shipping (Applicable Conventions) Law, 1987, we agreed that all amendments should be taken at one Sitting, not committing ourselves at that time to November, and that all Honourable Members did withhold any amendments to the Bill which was then before the House for consideration.

Since that time we have requested all Honourable Members, if they had any amendments, to let either myself or the Honourable Second Official Member know of them so that they could be incorporated into the amending Bill presently before the House.

I can recall that one Member in particular forwarded some amendments. I am unaware of any other Member - but I am not going to commit myself to it, I am not going to say that no other one did, I am just saying what I am aware of.

The clauses in this amending Bill seem to indicate that there is a substantial amount of work being done in this Bill in its effort to amend the Bill passed in September. But on close examination, you will find that there are many clauses of this Bill which only seek to substitute the word "ship" for "steamer". It is in clause 2, 3, 5, 6, 9, 15 and 16, and I could go on and on and on. So that is really minor amendments to the Bill to bring it into modern day language in the marine shipping world.

Members also had the opportunity and agreed to the adjournment of this Honourable House on Friday 20th November, adjourning at lunch time so that all Members could have an opportunity to be briefed by our helpful and learned U.K. Counsellor dealing with this Merchant Shipping Bill. I am sure that all of us in this Honourable House are pleased to have the legislation on the books, and pleased to have the amendments before the House at this present time.

The major amendments, I believe, deals with the repeal of section 26 and also the amending of section 59, 71 and also 72 of the Law, which really gives powers to the inspector appointed in pursuance of section 71.

It is a technical piece of legislation and all Members have been briefed on the subject. I do not propose that I am able to brief them today in the way they were on Friday 20 November, but all the amendments are a direct result of the Bill which was sent to the Department of Transport in the United Kingdom for their legal people to vet, and amendments before us, most of them not all, have been put forward in order for them to be in a position to agree to the amended Law and to extend to us the international conventions such as SOLAS, Load Line, and MARPOLE dealing with pollution.

There were two major issues that Cayman were obligated to at the negotiating table. One is the effort we making in trying to complete this amending Bill to put the legislation on the books. The second is that we were required to recruit two experienced surveyors. That second part is presently in hand.

For the information of the Members, two surveyors have been selected by an interviewing panel recommended to the Public Service Commission. The Governor agreed with the advice of the Public Service Commission, and those two gentlemen are now being offered a contract to work in the Cayman Islands in the Registry of Shipping offices. So I believe, we are well on the way to completing our obligation as agreed around the negotiating table.

I would ask that Honourable Members support this amending Bill and let us get on with having the conventions extended to us so that our Shipping Register would be something that all of us can be proud of.

Thank you.

MR. PRESIDENT: The question is that a Bill entitled the Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987 be given a Second Reading.

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

MR. PRESIDENT: That Bill accordingly stands put down for Third Reading.

Bills. Second Reading, continued.

SECOND READING

THE CUSTOMS (AMENDMENT) BILL, 1987

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1987.

MR. PRESIDENT: The Honourable First Official Member.

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

In the Budget Address I spoke, I think in sufficient detail, on this Bill, to allow Members to have an understanding of why we were doing it. But that was quite some time ago, so I would just like to do a summary of what I said at that time.

We have been asked on a few occasions to change the duty in respect of alcohol and spirits in particular, which are set down in the Customs Law (Second Revision) as duty per gallon. We know that the majority of bottles coming into this Island, and with the metric system being in place around the world for many years, it is now beginning to affect us in that the bottles are now coming in litre size. That is basically the reason why we tried to help the importers, as well as making the conversion of Customs Duties a little bit simpler for the Department.

But, going on a little further to item 9:01 dealing with aerated waters including flavoured aerated waters - there is no change in that, 25 per cent remains. All we have done is added to it "non-alcoholic beers and wines" so that it is clear to the importer as well as the

Customs Officer that non-alcoholic beers and wines fall under the 25 per cent duty and not some other duty that I may talk about a little later.

We know that any analysis done of the present duty in respect of dollars per gallon - if we convert that to litres - beers are being imported at 60 cents per litre. As we were spending a lot of time working on this exercise, we thought that Government should get a little bit of something out of it, in particular the fact that they had not been increased for quite a number of years and we moved the duty to 66 cents per litre - a 6 cents increase. So when you hear them talking around Cayman when you go into - I will not call any names - the bar rooms that the duty has caused the operation to charge \$3.00 for a beer, that is absolutely ridiculous, it is nonsense.

Moving on to 9:03, dealing with spirits. Spirits presently being imported fall under just one category called "spirits". We have sought to break them apart because of an attempt to give equitable treatment to people who are importing different kinds of spirits, with different alcoholic contents.

Spirits at the moment are coming in at \$5.00 a litre. Now in item 9:03 which is in the proposed Bill, spirits, unsweetened, containing not less than 50 per cent by volume of alcohol, we have increased it by 28 cents a litre. I do not think we could do it any more cheaply.

Going on to 9:04, spirits, unsweetened, containing not less than 50 per cent - I am sorry, I think there is a typographical error here - I apologise for being so busy that I did not check it before I began to read it - but I have the original data in front of me, and 9:04 is spirits, unsweetened, containing 50 per cent or more by volume of alcohol: \$7.50 per litre.

Now, Mr. President, if you have a litre of alcohol of 150 per cent proof, you can take that 150 proof and probably make three bottles of the 50 proof, which is being imported for \$5.28 per bottle, so that a person who is doing this business is actually getting two more bottles for \$2.50. If anybody squeals, it is not my problem, and it is not my fault - he or she may have been hoping to make a profit from Government. I am sorry it could not have been avoided. I had to increase it a little bit.

Item 9:05, spirits, sweetened and flavoured, including liquors, \$6.00 per litre.

Item 9:06, table wines, red, white or rose, \$1.20 per litre.

Item 9:07, dessert wines, including Port, Sherry, Vermouth, and any other fortified or flavoured wines under 30 per cent: \$1.80 per litre.

9:08, sparkling wines - Here is one that really stood out in my mind when we began to look at it. Wine was being imported at \$1.00 a litre. Wine, in our interpretation, also included champagne. Now I know there is one called Dom Perignon, or something like that, you import that and pay \$30.00 or \$40.00, and the importer pays \$1.00 for importing it. The little chap who comes along and buys a bottle of wine for \$12.00, also has to pay \$1.00 on his \$12.00 bottle of wine. That is not fair, so that is the reason why I said, champagne \$2.50 per litre, and other sparkling wines \$1.50 per litre.

Now we get to the giveaway, 9:09, purified, desalinated and natural waters, other than aerated waters, all free - thank God we got it done - all free.

I am going to leave it here, because the "marl roads" sometimes cause me to get excited, and it is not fair to the public to hear me being excited. But I say that anybody who complains about \$7.50 per litre, I am sorry, I just had to do it.

MR. PRESIDENT: The question is that a Bill entitled the Customs (Amendment) Bill, 1987 be given a Second Reading, and the motion is accordingly open for debate.

HON. THOMAS C. JEFFERSON: Mr. President, I know I am not supposed to speak twice unless other Members have spoken, but I just want to mention, which I failed to do, that the error in the printing of 9:04, we hope that your permission would be given to correct it during the Committee stage.

MR. PRESIDENT: I think we will treat that as a printer's typographical error in the way we do in the Committee stage, if that is all right.

No Member appears willing to speak on this highly exciting Bill - in which case I shall put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. Bills. Second Reading.

SECOND READING

THE LABOUR BILL, 1987

CLERK: THE LABOUR BILL, 1987.

MR. PRESIDENT: The Honourable the Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I beg to move the Second Reading of a Bill for a Law to govern terms and conditions of employment; to provide for the health, safety and welfare of employees; and for related matters.

Before proceeding, I would like to draw Members' attention to three printing errors in words which could make a difference to the meaning of the particular sections that they relate to. I realise that typographical or printing errors will be handled in the usual manner at Committee stage, but I would like to call Members' attention to the fact that in section 2, where the definition of "employee" is given, on the fourth line after the word "implied;" that word should be "and" instead of "have".

In section 17(4) in the third line, the word should be "therefor" and not "therefore", so the "e" should be disregarded. In section 28(3)(b) the second line after the word "the", that word should be "employee" and not "employer".

MR. PRESIDENT: Thank you. May I at that point interrupt the Honourable Member as I should have earlier said I have to inform the House that in the terms of Standing Order 44(3) the Governor has signified his recommendation on the Bill.

HON. W. NORMAN BODDEN: Thank you very much, Mr. President. Furthermore, before proceeding, I would like to say that earlier in the week I did circulate a notice of my intention to move certain amendments at the Committee stage of this Bill. There has also been proposed amendments circulated by the Second Elected Member for George Town, which will be dealt with at the same time.

As regards those amendments, which I will be putting forward, I would like to review that in the Memorandum of Objects and Reasons, it is my intention to move that

the words "Trade and" from the second line of the eighth paragraph be deleted and that in clause 2 the words "Trade and" from the definition of "Director" will be deleted. My reason for that is that it seems more appropriate and for ease of reference for the purposes of this particular Bill for the Director to be referred to as the Director of Labour.

In clause 11(1)(b) it is also my intention to move at Committee stage that the words "subject in either case to a maximum of thirty days" be deleted. This section deals with notice to be given by an employee to an employer. It seems that this would serve no useful purpose and could create extreme difficulty for some employers if employees were only obliged to give a maximum of thirty days. There seemed to be no reason why a maximum should be placed on that, because in some instances if an employer had to replace the services of a qualified accountant or somebody at a higher level, it might take more than thirty days. We feel that this is something that should be worked out, and that no maximum should be placed on it.

In clause 28(2)(d) by adding after the word "work" the following: "other than the deduction for any shortfall in a cash float provided to the employee". This deals with deductions which can be made from an employee's salary by an employer and it is felt that an employee who is responsible for a cash float related to the operation of a business and connected with his particular job, that they should be responsible for any shortfall whenever that employee's employment is being terminated.

MR. PRESIDENT: I wonder, for the convenience of the House, could you give us the text of that amendment again, please?

HON. W. NORMAN BODDEN: It is in clause 28(2)(d). By adding after the word "work" the following: "other than a deduction for any shortfall in a cash float provided to the employee."

I also should have mentioned earlier in dealing with the deletion of the words "Trade and" that these two words would also be deleted in clause 65(1) which is really a consequential change.

In the year 1842, 145 years ago, a piece of legislation known as the Masters and Servants Law was passed in Jamaica. This Law also applied to the Cayman Islands being then a dependency of or administered by Jamaica at that time.

The Masters and Servants Law set out; (1) the rights of masters and servants; (2) made special provisions for agricultural contracts and labour; (3) dealt with the jurisdiction of Justices of the Peace; and (4) the falsification of certificates covering the character of servants and the enforcement of Court Orders. Other labour legislation followed much later.

In 1944, a Law known as the Truck Law was passed which made basic provisions for workers to be paid wages in money and in kind, based on the agreement reached between the employer and employee.

In 1946, another Law known as the Minimum Wage Law came into force, which gave the Administrator of the day the power to fix a minimum wage where he is satisfied that the wages paid to employees in any particular occupation are unreasonably low. This Law dealt with:

- (1) the appointment of an Advisory Board;
- (2) the burden of proof on an employer;
- (3) record keeping by an employer, and the penalty for failing to do so; and
- (4) the appointment of officers with power to enter premises and inspect such records.

So after all, Mr. President, certain provisions of this Labour Bill are not so strange, novel nor horrifying, as was claimed by a few organizations because these have been around since 1946. It will also be of interest to note that an order was in fact made under this Minimum Wage Law in 1967, where a labourer could not be paid less than six shillings an hour.

Other labour related laws on our books are the Trade Union Law passed in 1942, and the Workman's Compensation Law passed in 1964. In reading these Laws which have been lying dormant or in limbo, one of them for more than a century, one cannot help but conclude that for a developing country that enjoys the growth, prosperity and progress of these Islands, that there was a genuine need to review, revise and replace what labour legislation we have on our books with something more comprehensive and more representative of the times in which we live; some form of legislation that is better equipped to meet the immediate and future needs of a modern and materialistic society.

It cannot be conscientiously denied that the working class as well as employers in our country, deserve some legal framework better than what we presently have in place. The very language used in the antiquated labour legislation we have, the terminology and the conditions they were designed to deal with, tell of a bygone era in these Islands and today make some of the very expressions unpalatable. I refer here to the Masters and Servants Law, Sir.

Let me say here that with due respect to these Laws, which have no doubt served the country well in the days for which they were intended to serve, we have embodied in the new proposed legislation certain sections of the old laws which were found to be useful, thus the reason provision is being made for three of these laws to be repealed, which is covered in the last section of this Bill. Those three laws are: the Masters and Servants Law, the Minimum Wage Law and the Truck Law.

As was pointed out by the Second Official Member when he tabled the Committee's Report, it is intended for the Workman's Compensation and the Trade Union Law to be reviewed and revised early next year. But the fact remains that the need to bring labour legislation up to date can no longer be ignored or brushed aside. It has to be brought more in line with what has taken place in other areas of legislation that is periodically being studied and updated in this country. It has to be put in place to deal with the needs of a developing country.

It is my considered opinion that for Government to continue to ignore this need would be presumptuous, to say the least. Therefore, as a result of Private Member's Motion No. 2/85 brought by the Second Elected Member for West Bay and seconded by the Elected Member for North Side, a Select Committee of the whole House was established on 5th March, 1985, to study and make recommendations for suitable labour legislation to be introduced to this Legislative Assembly at the earliest opportunity. Government supported and accepted this motion because it considered that the time had come for comprehensive labour legislation to be put in place in these Cayman Islands. The rate of growth and development we are experiencing today, which supports a labour force of over 10,000 persons, dictates that some action must be taken to at least set minimum employment standards, which is what this legislation is intended to do.

I know, of course, that there have been strong objections to labour legislation from certain sectors of our business community. But like it or not society often creates the conditions it condemns. It is my considered opinion that to further continue to ignore and neglect this area of labour relations will only encourage the development of a far greater evil in our society - an evil force that none of us want or need - I refer here specifically to Labour Unions.

The Select Committee on Labour held its first meeting on 24 April 1985, and its final meeting on 21 October 1987, when the Committee's Report to this House was considered. During those two and a half years, a total of 37 meetings were held and let me say here that there

were five meetings at which no business could be transacted due to the lack of a quorum. Each Member of this Honourable House was given every opportunity and encouragement during the past two and a half years, to make their input into this important piece of legislation, but unfortunately several Members elected not to attend the Committee meetings. There was an obvious lack of interest which was appalling. Nevertheless, if during the debate of this Bill proposals or recommendations that would improve the proposed Law are made, these can be dealt with at the Committee stage.

A total of 42 letters and professionally prepared documents were received from a cross section of our community, such as the:

Young Caymanian Businessmen's Association;
Cayman Contractors' Association;
Cayman Islands Chamber of Commerce;
Cayman Islands Hotel and Condominium Association;
Cayman Islands Watersports Operators;
Cayman Islands Restaurant Association;
Heavy Equipment Operators' Association;
Six Banks and Trust Companies; and
Several other outstanding citizens of our community who had an interest and concern.

Each and every organization and person who made written representations were offered an opportunity to meet with the Committee to discuss their views. Six organizations accepted, and four of the six actually met on two occasions with the Committee.

The Committee also took the opportunity, in 1986, to seek advice and assistance from the Labour Adviser, Mr. Adrian Smith, of United Kingdom's Foreign and Commonwealth Office who was visiting the Islands at the time. Additionally, the public was kept fully informed of the Committee's progress through various press releases. Discussion drafts of the proposed Labour Law were given wide circulation. I can truthfully tell this Honourable House, that the Committee gave careful consideration and deep thought to the detail of every representation received or discussion held.

Here, I would like to take the opportunity to publicly thank all organizations and persons for the time they took from their busy schedules to meet with the Committee, and the invaluable assistance which they gave. I must also record my thanks to the former Attorney General of these Islands, the Honourable Michael Bradley, who chaired the Committee during 1985, and 1986. But having said that, there can be no doubt that without the dedication and able assistance of the Second Official Member, the Honourable Attorney General, who chaired the Committee this year, the Committee would not have completed its deliberations on time to enable the presentation of this Bill at this meeting. He really laboured with that Committee to get this Labour Bill to this stage.

MR. PRESIDENT: Would that perhaps be a convenient to take the afternoon break?

HON. W. NORMAN BODDEN: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:32 P.M.

MR. PRESIDENT: Proceedings are resumed. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, just as is the case with any other legislation, this Law cannot be expected to cover every eventuality. Working within its provisions on a daily basis is bound to produce the need for amendments in due course. But it is the Committee's view that this Bill will provide fair, reasonable and acceptable labour legislation for our country. The objects of this Bill are:

- (1) to establish a code governing terms and conditions of employment. An employee should clearly understand from the very beginning the terms of his employment, and this will certainly eliminate or at least reduce chances of any misunderstandings developing later on.
- (2) to put in place the procedure for dealing with unfair dismissals. An effective means needs to be found to resolve small and perhaps petty grievances, especially at the lower end of the scale for those workers who cannot afford to seek satisfaction from, nor even afford to wait for, any claim they may make to be settled through the lengthy and sometimes expensive process of the Court's system. So this legislation is intended to provide an inexpensive and expeditious means of settling small claims through the involvement of the Director of Labour.
- (3) the Bill seeks to make provisions for the Health, Safety and Welfare of employees within a workplace.

The Bill is divided into eight parts.

Part 1: deals with the definition of terms, statement of working conditions and other preliminary matters;
Part 2: deals with leave;
Part 3: remuneration and hours of work;
Part 4: deals with severance pay;
Part 5: with unfair dismissal;
Part 6: with health, safety and welfare at work;
Part 7: with administration of the Law; and
Part 8: covers general penalties and miscellaneous.

Section 1, Mr. President, deals with the commencement date of the Law, which reads:

"This Law may be cited as the Labour Law and shall come into operation on a

day to be appointed by the Governor by notice published in the Gazette."

As was pointed out by the Honourable Second Official Member when he tabled the Committee's Report, it is anticipated or expected that this effective date would be 1 January 1988, and after consultation with him, it is intended that the penal provisions would not be enforced until at least six months after the effective date of the Law. This would be a period of grace, if you can call it that, or a settling in period whereby the Director of Labour would have some time to work closely with employers so that a clear understanding of the Law and its implications are arrived at.

Section 2 deals with the interpretation of the terms used in the Law.

In section 3 of Part 1 it will be noted that the provisions of this Law will not apply to the public service, to charitable organizations, or to churches. These are all exempt. While the Law will not apply to the public service, provision is made so that Government's conditions of service as it relates to leave entitlements, work week and so on cannot be less favourable than what is required by this Law. This is also true for all businesses.

It must be borne in mind at all times that this Law merely sets a minimum standard for an employer' and employee's working relationship which must at least be met by both parties. I should also point out here for the sake of clarity that those establishments which now provide and have always provided better benefits, better conditions of employment than the minimum standards prescribed in this Law cannot now turn around and use this Law to provide less favourable conditions to their staff.

In any case, at least in my opinion, were this to be attempted, it could in fact be considered a breach of the contract under which staff were originally hired. It is clearly stated in the Bill that nothing in the Law shall be construed as prohibiting an employer from establishing conditions of service more advantageous to any employee than those minimum employment standards established in this Law.

In section 4 the Governor in Council may exempt any employer or employee, if satisfied, that such exemptions are necessary. It is the view that this will provide some flexibility and enable Government to meet unforeseen situations which may arise from time to time. It can be a useful provision, and while strong concerns have been voiced about this section, I do not really believe that there has ever been any abuse of similar powers given to Executive Council under other laws.

As I mentioned earlier, the Second Elected Member for George Town has circulated various amendments that he will be proposing at Committee stage. He has one dealing with section 4, which I am sure he will put forward when this Bill reaches Committee stage, and we will deal with his proposed amendment at that time.

In section 7 it shall be a requirement for every employer to provide a written statement of working conditions within ten days to all employees except in the case of a casual worker or domestic. The Committee considered that this requirement was unnecessary for the casual worker or domestic because it was felt that the nature of household work is commonly accepted and covered in general terms which are all readily understood. The casual worker, on the other hand, is someone who is employed on an irregular or intermittent basis and there would obviously be no need to formalise the terms of employment for such short periods.

A statement of working conditions should serve the interests of both employer and employee, and avoid or reduce, future misunderstandings. The statement shall cover the job title; general responsibilities and duties; regular hours of work; rate of pay or the way it is calculated, whether hourly or commission rates; pay periods, whether it is daily, weekly or monthly; term of employment; probationary period, if any; holiday and sick leave entitlement; length of notice which the employee must give or must receive whenever employment is terminated by one party or the other. With the coming into effect of this Law, employers will be given 30 days to provide their employees with the written statement of terms and conditions of employment unless a contract setting out the same particulars has already been provided.

In section 8, employees may, by mutual agreement, be employed for an initial probationary period of six months, and by mutual agreement, this may be extended for a further six months maximum. This extension must be provided in writing and signed by both parties. At any time during probation, an employee's employment may be terminated, but the employer must give the employee the reason for so doing. However, once employment has been confirmed and the person taken on on a permanent basis, then the employee is entitled to all earned benefits as provided for by the Law as from the first date of employment. This relates to vacation and other leave entitlements.

I am now dealing with sections 9 and 10. Under clause 9, if the contract of employment is for a fixed term, then the terms and provisions of that contract strictly apply. Under clause 10, except when an employee is dismissed for good cause, as will be explained later, an employer must give an employee advance notice, in writing, of his intention to terminate his employment. Those who are still on probation must be given at least 24 hours. Other employees must receive notice that is equal to the time period between pay days. For example, if they are daily paid, 24 hours; weekly paid, one week's notice; fortnightly, two week's notice; or if paid monthly, they must have 30 days. However, an employer's notice need not exceed 30 days unless this is so specified by the contract.

In dealing with termination of employment by notice, provision is made to protect both the employer and the employee. Whenever an employer has issued a termination of employment notice, he then has the option to terminate the employee's employment prior to the effective notice date, providing the employee is paid the same amount that he would normally have received had he worked until the effective date of his termination. In other words, pay in lieu of notice is allowed. On the other hand, if the employer decides not to exercise this option, the employee is required to remain on the job until the effective termination date is reached. But if the employee walks off the job voluntarily before the notice date of termination is up, then the employer is under no obligation to pay the employee's regular wage for the period of time in question.

Section 11 provides for the employee to likewise give advance notice to his employer of his intention to quit his job. during the probation period, he must give at least 24 hours notice. In other cases, notice must be equal to the time period between pay days or as provided for by contract.

Mr. President, as I pointed out, it is my intention to move a Committee stage amendment to section 11(1)(b) by placing a "full stop" after the word "period" and deleting the words "subject in either case to a maximum of thirty days." As I explained in the first part of my presentation, it does not seem to serve any useful purpose to place a maximum of thirty days on the notice that an employee must give an employer, because this could present extreme difficulty and create hardships for positions at higher levels that have to be filled.

Any employee who fails to give sufficient advance notice may be dismissed prior to the date that he intended to quit voluntarily, and he may forfeit all accrued vacation leave. Once an employee has served his probationary period, and the employer decides to terminate employment at that time, the employee may make a request within fourteen days to the employer, and the employer must furnish, within a fourteen day time period, a statement as to the reason for dismissal, and send a copy to the Director of Labour if requested by the dismissed employee to do so.

In other cases, where employment has been terminated, the employee concerned may request this from his former employer at any time within one year. The former employer must comply within fourteen days of the receipt of such a request, and provide a certificate detailing the dates of engagement and termination and the type of work in which the person was engaged. The employer is charged with responsibility for the accuracy of the information provided. The employer commits an offence if he fails to furnish the information so requested. The employer is prohibited from later on introducing any facts which could have been in the statement, had he issued one, later on introduced as evidence in any proceedings if he fails to supply the certificate. However, once the employer issues a statement or notice in the first instance, then he is discharged of his responsibility in this regard.

PART 11

Mr. President, I now turn to Part 11, dealing with leave entitlement, that is; vacation leave, sick leave and maternity leave. These all apply to full time or part-time permanent staff, but not to casual employees, nor employees who are still on probation, unless the employee, having served his probationary period satisfactorily, has been taken on as permanent staff, then benefits are retroactive, as I stated earlier. Under this section an employee is entitled to two weeks earned vacation with pay per year. He is entitled to public holiday leave, sick leave and normal days off are not to be included. The dates for taking vacations are fixed by agreement between employer and employee. Earned vacation is not cumulative and shall be taken annually unless the employer and employee agree otherwise. The employer cannot force an employee to forego taking his earned vacation leave even though he offers him additional pay for the period. A person whose employment has been terminated is entitled to receive pro rated vacation pay in money, unless it has been forfeited due to the situation where the employee decided to leave his job and did not provide his employer with the required advance notice.

In section 15, part-time employees are entitled to pro rated vacation leave for actual hours worked in relation to the standard work week. Whenever the employee works on a public holiday, he shall be paid double time for the number of hours worked, but by mutual agreement between the employer and employee, an employee may be given time off in lieu of pay for working on public holidays. However, if an employee does not work on a public holiday, he shall be paid the basic wage he normally would have received for work performed on that day. Additionally, managerial and professional staff may agree, through contractual arrangements, that they will not be paid double for working on a public holiday. This is an arrangement which can be left to the employer and employee and the terms of contract.

An employee is entitled to ten days sick leave, with pay, per year, proof of which must be provided in the form of a doctor's certificate on the third day if so requested by the employer. However, if the employer has reason to believe that the employee is using sickness as an excuse to be absent from work, then the employer may request the employee to furnish a doctor's certificate no matter how short a period the employee claims to be sick. Furthermore, the employee has a responsibility under subsection (5) of 17 to notify his employer as soon as possible when he is unable to report for duty due to illness. If an employee's illness reaches the stage where the employer finds it necessary to terminate employment, then the fairness of this action will be determined by the provisions of the Law in Part 5 which deals with unfair dismissal, which the Director of Labour must follow if the employee complains that he has been unfairly dismissed.

A total of 12 weeks maternity leave is allowed, three weeks of which will be on pay. At any time during the twelve weeks, an employer may request the employee to furnish a doctor's certificate, verifying that leave is being taken on account of maternity. The employee may arrange to take this leave in the proportion she so desires before and after childbirth.

The leave entitlements set out in Part 11 of the Law and the means by which they can be arranged, encourages a close working relationship between employers and employees, and takes the needs of both sides into consideration from a timing and convenience point of view, so that no hardships are suffered.

PART 111

I now turn to Part 111 dealing with remuneration and work hours.

Section 20 makes provision for a National Minimum Basic Wage, if considered necessary to be set by an Executive Council Order. In sections 20, 21 and 22, for this to be accomplished, the Governor in Council would first have to appoint an Advisory Committee of at least eight members comprised of an equal number of employers and employees, and any other representative of interests considered necessary. The function of this Committee would be to investigate and recommend to the Member with Portfolio responsibility for Labour as to the minimum rate of wages which would be payable.

In any event, where a National Minimum Basic Wage is to be set, this would not apply to school children who sometimes work at supermarkets after school hours or during holidays for small pay which could be below the minimum, but they have other benefits which they receive from the customary tips system. It shall of course be an offence to pay less than an established minimum wage except as provided for in the case of school children. This is in the event that a minimum wage is set. Where an employer has been found guilty of paying less than the minimum wage, he can be ordered by the Court, in addition to any fine, to pay to the employee back-pay representing the pay differential for the past two years, plus interest at 10 per cent per annum.

An employer under section 23 shall permit each employee at least one day off per week. Section 24 sets 45 hours as the standard work week. It states, and uses the words "shall not exceed" which indicates the maximum, but does not deal with a minimum. However, this may be revised by an Executive Council's Order for specific businesses if ever considered necessary to do so.

Time worked in excess of 45 hours will normally attract overtime pay at one and a half times the basic hourly rate. This does not, of course, preclude or should be taken as discouraging any arrangement whereby overtime is paid after a stated work period. Here again, let me reemphasise, the Law only sets minimum standards, and does not prohibit more generous terms. Agreement may be reached for an employer to give time off in lieu of pay, and professional and managerial staff may agree in their contract of employment that overtime is not payable to them.

Of course, it is otherwise an offence not to pay overtime and the Court, in addition to any fine imposed, may order that the overtime payments due be paid to the employee concerned.

In sections 26 and 27, an employee may be paid money or in kind. However, at least 50 per cent must be in money, and any payment in kind such as food, accommodation or any other allowances must be fairly evaluated. Payment must be made in cash, but can also be made by cheque or direct deposit with the employee's consent, which consent can only be withdrawn with a valid reason by the employee giving one month's notice to his employer. No deduction may be made from an employee's salary for the cost of anything which this Law or Regulations require the employer to do. No deduction can be made from an employee's salary for obtaining employment, or any fine imposed by the

employer. No deduction can be made for bad or negligent work, and here in subsection (d) of section 28 was where I mentioned earlier my proposal to bring a Committee stage amendment so that deductions can be made from an employee's salary where a sum of money for the purpose of carrying on business for the employer is involved. So that subsection (d) would read: "for bad or negligent work other than when an employee is given control of a sum of money for the purpose of carrying on business for the employer.". No deduction may also be made for any damage to material or property unless caused by wilful misconduct of the employee.

However, deductions can be made for any amount imposed by Law, any advance that the employer has made on an employee's salary as agreed between them, the cost of material, tools and equipment which the employer is not obliged to provide but has supplied at the employee's request. Deductions can also be made for any payment into any welfare, insurance or similar fund which the employee has authorised, and also any amount which an employee has authorised in writing, except that any deduction shall not exceed one third of the employee's earnings for that period. But this provision shall not apply to interest on and repayments of loans or advances as per any agreement reached with the employee at the time that the advance or loan was made. In other words, deductions can be made from an employee's salary under certain conditions, but an employer is not authorised to take it all because a man has to live too.

Under section 29, wages must be paid on a regular basis, and at least once a month, and must be made on ordinary working days and hours. Failure to do so is an offence.

An employee may take action in the Courts to recover any sums due to him plus 10 per cent which may have been unlawfully deducted by his employer. Provision is made for employers who have ten or more persons employed to keep accurate work records of each employee, showing the time worked, leave taken and wages paid. In this regard, small businesses, that is, businesses with fewer than ten employees, are therefore exempt from keeping these work records. An employee can demand to inspect his employment record. These records are to be kept for at least two years.

Under section 32, an employee may request from his employer, within one week of payment, a statement of his wages setting out how the payment was made as well as showing how any deductions were arrived at.

Section 33 deals with gratuities. If an establishment collects gratuities, the employer and employees are generally free to agree how the amounts collected will be distributed. If there should be a dispute or difficulty with any employer or any area of employment, the Director can intervene, and if he arrives at a solution, he can, with the agreement of the employer or group of employees concerned, register a scheme affecting them which they must then follow in distributing gratuities. Additionally, Government may at any time make regulations prescribing schemes for any given employer, or class of employees. In which case they will be obliged to abide by that scheme. For example, this could happen where the Director is unable to resolve a problem and therefore was unable to register a scheme. Any gratuities collected must be distributed within three weeks after the month ends, and a record kept of how the amount was distributed. These records can be inspected by the Director on demand and any employer who fails to keep proper records or refuses to allow the Director to inspect them is guilty of an offence.

PART IV

I now turn to Part IV dealing with severance pay.

Severance pay applies to full-time or part-time staff that have completed one year or more of employment. Casual workers are not entitled to severance pay. An employee is entitled to one week's pay in money for each completed year up to a maximum of 12 weeks, when his employment has been terminated by his employer, except that an employee is not entitled to severance pay if dismissed, as claimed by his employer, for any of the following reasons:

- Misconduct - in those cases where an employee has conducted himself so poorly that the employment relationship cannot reasonably be expected to continue, and this includes absenteeism;
- Where he has committed a criminal offence,
- Without the employer's consent;
- Where he has behaved immorally;
- Or where he is under the influence of a controlled drug other than one which is prescribed, or alcohol, while on duty;
- Or continues further misconduct within 12 months after having been given a written warning.

In other words the employee must continue to be of good conduct at least for a year. If after a written warning regarding unsatisfactory performance of duties the employee still does not improve performance within one month, the employee may be terminated without any further notice and without receiving any severance pay. An employee who leaves his job of his own choice and decision is not entitled to severance pay, and if he does not give sufficient advance notice to his employer of his intention to quit, neither is he entitled to vacation pay. However, if an employee has been made redundant for whatever reason, he is entitled to receive severance pay calculated at the rate provided for in this Law.

All this must be complied with by employees, yet there are those organizations which claim and still maintain that this Bill has a severe anti-employer bias. I do not accept this claim.

In the case of bankruptcy or winding up of an employer, severance pay shall take and have priority over other debts. In the case of part-time employees, severance pay shall be paid proportionately to the standard work week.

In section 38(1) any employee whose employment has been terminated and who is legally entitled to severance pay shall receive their severance pay at the time they are being terminated. In other words, it cannot be promised that they will get it later on. If the termination is claimed by the employer to be only temporary, and the employee will be recalled within six months, then no severance pay will be paid. However, if the date of recall is more than six months, then severance pay shall be paid to the employee on the date that the employee is laid off. In a situation where the employee has not been given a recall date, and six months have passed and the employee still has not been re-employed, then at that time, severance pay plus interest at 10 per cent on the amount due must be paid to the employee as from the date of termination. If at some later date after severance pay has been paid, the employee is once again hired by the same employer, this shall be considered as a new term of employment, and severance pay will be calculated as from the new date.

In section 39, whenever a business changes ownership and a person remains in the employ of the new owner of that ongoing business, then the employee will retain full benefits and rights to severance pay as from his original date of employment. However, the employee is not entitled to receive any severance pay at the time that the business changes hands. Should an employee who has been kept on for a period of time under the new ownership eventually be made redundant, then the

new owner is responsible for payment of severance pay covering the combined period of employment with the former as well as the present owner. In a situation whereby an employee has been temporarily laid off and the business changes hands during that time without the employee being recalled within six months, then both the former and new owners are jointly responsible for payment of the severance pay, plus interest.

Too many times, this happens, and workers are left going from one person to the other, being sent from here to there, the new owners washing their hands and telling him he did not start off working with him and that he is not responsible. So this section is intended to prevent the occurrence and reoccurrence of those difficult situations that sometimes develop.

Under section 41, every employer must maintain an accurate record of an employee's dates of employment and termination which must be made available to an employee upon request for which failure to comply with this is an offence. Where in the past employees' employment records were not kept, the employer and employee shall agree on the hiring date and failing an agreement being reached, then either the employee or the employer may seek assistance from the Director of Labour in establishing a service commencement date. The Director has power to determine disputes concerning severance pay. Provision is made that in the event there are the same or similar disputes raised around the same time, then the Director may consolidate the proceedings if he so wishes. Similarly, a group of employees with the same problem may make a joint complaint to the Director.

PART V

I now turn to Part V which deals with unfair dismissal.

This part is naturally closely related to Part 11 which deals with severance pay entitlement and applies only to those employees who have completed their probationary period, or those though not employed on probation, who have completed at least six months of continuous employment. Employees who do not fall in either of these categories have no grounds on which to claim unfair dismissal.

In any case, no employee can claim to be unfairly dismissed if one's employment is terminated at the end of a fixed term, as originally agreed by the employer and employee; or whenever the employee is dismissed due to serious misconduct following receipt of a written warning as provided for under section 46(3), or failure to perform duties satisfactorily after a written warning is received under section 47(2). They cannot claim to be unfairly dismissed in the case of serious misconduct as defined in section 46(1). An employee can be dismissed immediately and will lose all severance pay benefits if the employer claims that his misconduct is serious enough. In these circumstances, if it is determined by the Director of Labour that the employer's action was reasonable, then such dismissal is not considered to be unfair.

Sections 46 and 47 set out misconduct for which an employee can be immediately dismissed. But these are not limited to the situation wherein an employee has conducted himself so poorly that the relationship could not possibly be expected to continue; committing a criminal offence, behaving immorally or being under the influence of alcohol or other drugs not prescribed by a medical practitioner while the employee is on duty and of course, being habitually absent from work. If the employer considers that the misconduct is not serious enough to warrant immediate dismissal and decides to give the employee a chance, then he issues a written warning and places the employee on good behavior probation for at least a year. Furthermore, if an employee is not performing his duties in a satisfactory manner, his employer can give him thirty days to improve. If he does not comply, the employee can then be terminated. In none of these instances can an employee claim to be unfairly dismissed. However, the employer must consider the circumstances carefully, and act reasonably.

It will be noted, Mr. President, that the word "reasonable" is used often in this section, and naturally the smooth operation of this Part will lean very heavily on the level of reasonableness applied both by employer and employee. Here the involvement of the Director of Labour comes into play in deciding whether a course of conduct was reasonable so that the settlement of disputes is done according to objective interests, and is not left to the employer and employee to resolve in an ad hoc fashion. Therefore, as provided for, if a dispute arises as to whether or not an employee has been unfairly dismissed, the employee may file a complaint with the Director within 90 days of the dismissal date. Should the complaint involve a group of employees with similar complaints, then they may file jointly and should a number of similar cases arise at the same time, the Director may consolidate the proceedings.

Upon examining a complaint, the Director, if he concludes that the dismissal was unfair, may order the employer to pay a sum of money to the employee as compensation, which sum shall not exceed one week's salary for each completed year of service up to a total of twelve weeks. However, before reaching any decision, the Director must take into consideration:

- (a) the length of service of the employee;
- (b) the likelihood of the person finding another similar job;
- (c) the salary the dismissed person was earning;
- (d) the financial circumstances of the person;
- (e) the degree of unfairness of the dismissal; plus any other matters as may be prescribed by regulation.

Should any Court action be brought regarding the dismissal, the Court, in making an award of damages, must deduct any amount that was awarded by the Director.

MR. PRESIDENT:
of that Part. Would that suit you?

Perhaps we should consider adjourning there, at the end

HON. W. NORMAN BODDEN:

Yes, Sir, it would, because I will then move on to Part 6.

MR. PRESIDENT:

The Honourable First Official Member.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, perhaps before moving the adjournment I should say that on Monday morning, the ceremony for swearing in of the new Chief Justice will take place, and therefore we will need to have a bit more time in the morning for that purpose.

I subsequently move the adjournment of this honourable House until 11:30 A.M. Monday, 7 December 1987.

QUESTION PUT: AGREED.

AT 4:28 P.M. THE HOUSE STOOD ADJOURNED UNTIL 11:30 A.M. MONDAY, 7 DECEMBER 1987.

FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

MONDAY, 7TH DECEMBER, 1987

(Fifteenth Day)

11:30 A.M.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

**FOURTH (BUDGET) MEETING OF THE 1987 MEETING
OF THE LEGISLATIVE ASSEMBLY**

**MONDAY, 7TH DECEMBER, 1987
(Fifteenth Day)**

1. PRAYERS

To be read by the Second Elected Member for West Bay.

2. QUESTIONS TO HONOURABLE MEMBERS

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

- NO. 120: Would the Honourable Member state what payments have been made to date on the Sewerage Project and what is the basis for retention of payments, if any?
- NO. 121: Would the Honourable Member state who is responsible for payments for road repairs resulting from work on the Sewerage Project.
- NO. 122: Would the Honourable Member state how many Caymanians are employed on the Sewerage Project; how many Expatriates are employed and where do they come from?

3. GOVERNMENT BUSINESS

BILLS:-

SECOND READINGS

- (1) The Labour Bill, 1987 (continued)

COMMITTEE ON BILLS

- (2) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987
- (3) The Customs (Amendment) Bill, 1987
- (4) The Labour Bill, 1987

REPORTS THERETO

- (5) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987
- (6) The Customs (Amendment) Bill, 1987
- (7) The Labour Bill, 1987

THIRD READINGS

- (8) The Appropriation (1988) Bill, 1987
- (9) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987
- (10) The Customs (Amendment) Bill, 1987
- (11) The Labour Bill, 1987

4. PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE

To the Report of the Standing Public Accounts Committee on the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 1986.

To be laid on the Table by the Honourable First Official Member, leader of Government Business.

5. ADJOURNMENT

To be moved by the Honourable First Official Member, Financial Secretary and Leader of Government Business.

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MONDAY
7TH DECEMBER, 1987

11.30 A.M.

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 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, who 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:

Proceedings of this House are resumed.

Perhaps the First Official Member would care to move the suspension of Standing Orders so that we may take questions. I believe that is necessary.

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

HON. THOMAS C. JEFFERSON:

Mr. President, in accordance with Standing Order

83, I move the suspension of Standing Order 23(7) and (8) to allow the questions set down on the Order Paper to be taken this morning.

MR. PRESIDENT:

The question is that Standing Order 83 be

suspended to permit that questions listed in Item 2 of this morning's Order Paper to be taken.

QUESTION PUT: AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED

QUESTIONS TO HONOURABLE MEMBERS

MR. PRESIDENT:

Member for Bodden Town.

We move then to Questions. The First Elected

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

NO.120: Would the Honourable Member state what payments have been made to date on the Sewerage project and what is the basis for retention of payments, if any?

ANSWER: The West Bay sewerage project is made up of the following three contracts:

1. Preliminary filling of the Sewage Treatment Works' site, carried out by Hawk Enterprises, which was completed in November 1986 for a value of CI\$605,720.86. The contractor has received full payment for these works.
2. Supply of plant and materials was let to Ramsen Engineering. This contract was let for a value of CI\$958,000 and was completed in January 1987. The contractor has been paid in full, but an eighteen month bond to the value of five per cent of the \$47,900 contract price is held by the Government to cover any remedial works which may be necessary.
3. Civil engineering contract was let to Hadsphaltic International Limited. To date, CI\$4,097,030.68 of work has been carried out and of this amount the contractor has been paid CI\$3,752,087.42. The difference, CI\$344,943.26, is held by Government as a seven per cent retention.

The contract allows the Government to retain 10 per cent of the value of the work done until such time as this value reaches 50 per cent of the contract value. After that time, the contractor is entitled to receive five per cent of this retention held, provided that the engineer is satisfied that progress is satisfactory and that there is no specific cause for greater retention.

The value of work carried out by the contractor has exceeded 50 per cent of the contract value, but the retention has only been reduced to seven per cent because the engineer is not satisfied entirely with progress.

After reducing the retention to less than 10 per cent, the engineer is entitled to increase it back up to 10 per cent if he considers progress is not satisfactory or there is specific cause to do so.

The contract allows for a maximum upper limit of retention of 10 per cent.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member say what areas of the work have not been completed to the satisfaction of the engineer?

HON. VASSEL G. JOHNSON: Mr. President, it is the laying of the pipes in certain areas where the contractor complained of excess work and blamed this on the condition of the area in which they work. There has been some discussion between the contractors and the Water Authority over this because of the excess claim being made by the contractor.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member say if this is the reason why they seem to have been digging up pipes in the area of Whitehall? That is the first road going towards West Bay after you pass the Merrens Supermarket - one of those roads into Whitehall.

HON. VASSEL G. JOHNSON: Mr. President, that is all a part of the piped area for the sewage. It starts from Watlers Road area right on down to the Public Beach.

MR. G. HAIG BODDEN: What I am asking, Mr. President, is that these seem to have been the first pipes laid, and it is my understanding that they have had to dig them up because there was something wrong. Can the Honourable Member say if this is correct?

HON. VASSEL G. JOHNSON: Yes, Mr. President. Wherever there is any digging up of pipes and relaying, that signifies that the work was not satisfactory and it had to be done over.

MR. G. HAIG BODDEN: Can the Honourable Member say, Mr. President, if we will have to pay extra money for this mistake of the contractor's?

HON. VASSEL G. JOHNSON: Mr. President, we are denying the claim.

MR. G. HAIG BODDEN: Can I ask, Mr. President if Government has actually been billed for this additional work?

HON. VASSEL G. JOHNSON: Mr. President, this will eventually be subject to arbitration if the contractors so wish to pursue that course, but as far as this Government is concerned we have denied their claim and that is it.

MR. JAMES M. BODDEN: A further supplementary. What is the percentage of the contract work that has been done?

HON. VASSEL G. JOHNSON: Mr. President, I am not sure of the exact percentage, but it is over 50 per cent.

MR. JAMES M. BODDEN: What is the percentage of the contract price that has been paid to date?

HON. VASSEL G. JOHNSON: Mr. President, the contract price that has been paid is \$3,752,087.42. That is in number (3) of the answer to the question.

MR. JAMES M. BODDEN: Mr. President, I know what the answer was, and I know what my question was but that was not the answer to my question. My question was, what percentage of the contract price has been paid to date?

HON. VASSEL G. JOHNSON: Mr. President, I have not got the contract with me, neither have I got the details of the sums of the contract. If the Member wishes, I can send that to him.

MR. JAMES M. BODDEN: What is the total price payable to Hadsphaltic International under this contract?

HON. VASSEL G. JOHNSON: Mr. President, I can only say that we have paid Hadsphaltic up to this stage the sum that is named in the answer to the question. I have not got the details of the contract.

MR. JAMES M. BODDEN: Mr. President, certainly the Honourable Member must know what the contracted price is for a contract of this size. Could he advise the House what is the contract price?

HON. VASSEL G. JOHNSON: The contract price, Mr. President, is approximately C\$8 million or US\$10 million.

MR. G. HAIG BODDEN: Mr. President, may I ask if that amount of C\$8 million is the cost of the labour or if that includes the machinery as well?

HON. VASSEL G. JOHNSON: Well, Mr. President, a contract price includes labour, materials and all the other things that go to complete the project.

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if the engineers identified any other area with a major problem, besides this road that I mentioned at Whitehall?

HON. VASSEL G. JOHNSON: Not to my knowledge, Mr. President. Other than the enormous problem they had when they started to dig up along the West Bay Road and the large volume of water they encountered in the trenches.

MR. PRESIDENT: I think we might move to the next question, we seem to have excavated that one quite well. Question No. 121, please.

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

NO. 121: Would the Honourable Member state who is responsible for payments for road repairs resulting from work on the Sewerage project?

ANSWER: The West Bay Beach Sewerage contract with Hadsphaltic International requires that they reinstate those parts of the roads which have been affected by their pipe laying operation. It is reasonable to expect that in pricing the contract, Hadsphaltic allowed for this cost in their rates. It is therefore reasonable to expect that in paying for the contract, the employer is meeting the cost of road reinstatement. However, if the contractor, through his own fault, damages more road than is necessary, then any repair costs will be his responsibility and will be to his account.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Could you state whether any parts of the road have been repaired as a result of damage done by Hadsphaltic?

HON. VASSEL G. JOHNSON: Not final repairs Mr. President, because as the pipes are laid they cover the trenches, and then it has to be treated and repaired in accordance with Public Works Department's specifications. That will be done before the project is finally completed.

MR. JAMES M. BODDEN: Before the work is finally completed, will the road be repaired in a manner similar to what existed before, or is it going to be like what has been done in the past few months, where it is just simply patched, and the road is in much worse shape now than it ever was? Is that what we can expect in the future, or will we have a road that will be laid out and done up to the specifications of the Public Works Department?

HON. VASSEL G. JOHNSON: Mr. President, that is what I meant by saying that it will be done up to Public Works' specification. It has to be done back to the standard where it was before the digging of the trenches started.

MR. PRESIDENT: Next question, No. 122, please.

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

NO.122: Would the Honourable Member state how many Caymanians are employed on the Sewerage project; how many expatriates are employed and where do they come from?

ANSWER: Hadsphaltic International employs 120 personnel on the Sewerage project, made up of the following nationals:

Caymanians	59
British	27
United States	1
Jamaicans	29
Hondurans	2
Nicaraguans	2

MR. PRESIDENT: There appear to be no supplementaries. We move on to item 3 on the Order Paper, Government Business, Bills, Second Reading. Continuation of the moving of the Second Reading of the Labour Bill, 1987. The Honourable the Second Elected Member of Executive Council.

GOVERNMENT BUSINESS

BILLS

SECOND READING

**THE LABOUR BILL, 1987
(Continued)**

HON. W. NORMAN BODDEN: Mr. President, when the House adjourned on Friday last I had completed my presentation on Part 5, dealing with unfair dismissal.

I now move on to Part 6 of the Bill, which covers the health, safety and welfare of employees at work.

This part applies to all workplaces as defined, and the definition of a workplace as defined means, any premises in which an employee is employed to work and without prejudice to the generality of the foregoing, includes any shop, office, licensed premises or factory. The Governor in Council may extend it to any operations to which it appears reasonable. It should also be noted that provisions made in this Part are in addition to, and not in substitution for, provisions of any other Law.

In section 51, all workplaces operated after the Law comes into effect and any new businesses which commence after that date must, within one month, file with the Director of Labour a notice providing the name, address, brief description of the business, kinds of machines, if any, total number of employees, and, if shift work is involved, the total employees on duty at any one time. Additionally, the Director must be informed, within one month, of any material change to this information. Employers are responsible for assuring the health, safety and welfare of their employees while on duty as far as is reasonable and practicable.

In the area of health safeguards, an employer must ensure that the workplace is kept clean; that it is not overcrowded; that it is maintained at a reasonable temperature; of course dependent on the type of work involved, the workplace must have adequate ventilation and lighting; floor drains as necessary; and suitable and sufficient sanitary conveniences.

In the area of safety, an employer must ensure that adequate fire prevention measures are taken; that there is adequate means of exit; safety steps taken in respect of

any machinery operated and buildings must be of sound construction and must be properly maintained.

For the purpose of contributing to the welfare of employees, a workplace must have an adequate supply of wholesome drinking water, and dependent on circumstances, such reasonable facilities that would allow the employee to sit, if necessary, during the course of their work. What immediately comes to mind in this regard is in the case of cashiers, for example, in certain businesses.

Thirdly, first aid equipment and other facilities such as canteens, mess rooms and rest rooms as are reasonable under the circumstances must be available.

I do not want to bring specific cases to this House, Mr. President, but in this regard I know of some properties that have large numbers of employees. I have visited those properties from time to time and seen the employees sitting in the alleyways or the passageways eating their lunch. I do not believe that this is an unreasonable requirement.

Section 56 provides for special protective measures such as appropriate dining areas, eye protection, protective clothing and equipment to be provided for work around different types of machinery, and for working with certain substances.

The operators of workplaces must notify the Director immediately of any serious industrial accident which occurs within the work place or to any person in his employment.

Employees must make use of the appliances and conveniences provided in the workplace for his health, safety and welfare in accordance with this Law to the extent that their employment necessitates such use. But, an employee shall not wilfully nor intentionally interfere or misuse these facilities, nor wilfully endanger himself or others.

Section 59 deals with remedial notices.

If the Director of Labour is of the opinion that steps are required to be taken in order for an operator to comply with the requirements of this part of the Law, he may issue to the operator a remedial notice calling his or her attention to the following:

- (a) to the requirements which must be met;
- (b) the steps to be taken to meet those requirements; and
- (c) the time by which the requirements must be complied with.

Any person served with such a notice may appeal to the Appeals Tribunal, and this shall operate as a stay of the requirements set out in the remedial notice until the appeal has been dealt with.

If the notice from the Director of Labour is upheld by the Tribunal, then the Tribunal will fix a time by which the Director's notice must be complied with. Where the Director, after consultation with the Environmental Health Officer, is of the opinion that there exists a situation dangerous to employees' health or safety, he may so state in the remedial notice, in which case an appeal would not automatically operate as a stay. But a person proposing to appeal against this type of notice may immediately apply to the Grand Court for a stay of effect of the notice pending the outcome of the appeal. The Grand Court may then grant such a stay subject to the conditions it considers just, including directing that the necessary work be carried out, or that any appeal be lodged within a specific time limit.

A remedial notice may require that any activity, operation or process in a workplace be stopped immediately or within a specific time. A remedial notice may require that the premises be vacated immediately or otherwise; that the premises or plant be altered; or that temporary corrective measures pending completion of permanent measures, be taken. But, the Director shall not serve a remedial notice requiring the closure of any workplace without the written consent of the Member responsible for Labour.

Where an act or default is due to some other person other than the employer or operator, then that person is also guilty of an offence and liable to the same penalty as if he were the employer or operator. This provision is seen as being necessary to prevent what is commonly called "passing the buck", having someone to say that the owner or the operator is away from the premises and he cannot do anything about the situation. The Committee saw this as very important and necessary, although I know that it has been objected to from some sectors of our business community.

The Director is charged with the responsibility to investigate and make routine checks of employers' compliance with these requirements for workplaces. If, as a result of any accident in a workplace, a report is made by an authority holding a formal investigation or a coroner's inquest, which claims that any provisions of this Part, or any regulations were not met at or before the time of the accident, proceedings may be instituted against the person liable at any time within six months of the report or conclusion of the inquest.

Section 63 gives the Grand Court power to modify agreements and apportion expenses where an agreement between the owner and operator prevents one or the other from making alterations in the premises which are necessary to conform with the requirement of this Law or regulations. It should be noted here that in this section either party, either the owner or the operator, may apply to the Court to have such an order issued.

Section 64 gives the Governor in Council power to make regulations prescribing the standards to be achieved and methods to attain them; special conditions to be applied to particular substances or materials; safety measures to be taken in respect of machinery; any process, activity or operation; and for prohibited substances.

I now turn to Part 7, dealing with Administration.

This part deals firstly with the establishment of the Labour Office, the appointment of a Director and inspectors, the Director's responsibilities and powers, and it lays down the procedure to be followed in exercise thereof.

In section 67 the Director, as well as any inspectors, will have power to: enter any work place during normal working hours without previous notice; power to conduct any examination, test or inquiry to ensure that this Law is being complied with; to question any employer or employee concerning the application of this Law; to examine and copy any records required to be maintained by this Law; and lastly, power to institute legal proceedings for offences committed under this Law.

In regards to the power to examine and copy any records, I should point out here that this power extends solely to those records which are required under this Law. It does not empower any Director of Labour or inspector to examine any company's accounts or any other matters of a confidential nature, but records that are required to be kept by this Law can be inspected by those persons.

When the Director (and here I am dealing with sections 68 and 69) receives a complaint in writing which is the formal method for initiating proceedings before the Director concerning unfair dismissal or severance pay. Whenever such a complaint is received and, as I have pointed out, it must be in writing, you do not call up on the telephone and list a long string of complaints and expect action. If you have a complaint, put it clearly in writing and then there is no room for misunderstanding. Once that complaint is received by the Director of Labour, a time frame is then set for processing such a complaint.

The Director must notify the employer within seven days, supplying all details and requesting a written reply to the complaint which has been lodged with him. Twenty-one days from the date the complaint is received, the Director will then set a date for a hearing. This must

be done within a one to three month period of time. Both employer and employee must immediately be notified and invited to attend the hearing.

Within 28 days of the hearing, the Director must then provide a reasoned decision, in writing, to the employer and employee concerned. It should be pointed out here that the Director's decision is final and binding on both parties and refusal to comply with his decision is an offence. However, in the event that either an employer or employee is dissatisfied with the Director's decision, provisions are made for appeals to be filed with an Appeals Tribunal and thence to the Grand Court, if necessary.

Any person dissatisfied with the Director's decision in cases where the award is over \$500, or in the case of an employee, where the employee was awarded less than \$500 but claims that it should have been more; or any person dissatisfied with the service of a remedial notice, can, within 14 days, appeal to the Chairman of the Appeals Tribunal, in writing, with a copy to the Director of Labour and the other parties concerned. Such notice of appeal to the Appeals Tribunal will act as a stay upon any award that is made by the Director.

Now we have the procedure that the Appeals Tribunal must follow. In sections 70 and 71, on receipt of the appeal, the Chairman of the Appeals Tribunal must set a date for a hearing within a one to three month period from the date the appeal is received and immediately notifying the appellant and all other parties who are entitled to receive notices. The Appeals Tribunal within 28 days after the hearing is concluded must then notify its decision with written reasons therefor to all persons who were present at the hearing. I should also point out here, Mr. President, that the Tribunal's decision is final and binding on all parties, except that an appeal may be made to the Grand Court on a point of law only. Any appeal to the Grand Court shall not act as a stay of any award granted by the Director or the Tribunal unless this is so ordered by the Court.

For me as a layman, this section dealing with points of law and items of that nature is a bit technical, but upon enquiry, my understanding is that appeals on a point of law will include those cases where a person believes that natural justice has been denied him or her or that they have been dealt with unreasonably. It must also be pointed out here that apart from the statutory right of appeal on a point of law only, the decisions of the Director of Labour or the decisions of the Appeals Tribunal are not subject to judicial review because logically, this would defeat the whole purpose of putting in place the machinery for inexpensive and expeditious settlement of claims and the determination of complaints. As a layman I can see the logic in this, although some people felt it was horrendous and horrifying. It is reasonable, Mr. President, that is my view.

I now turn to the last part, Part 8, which deals with General Penalties and Miscellaneous. Section 73 provides that no person shall be discriminated against because of race, colour, creed, sex, age or political beliefs - a very important section. However, this part must not be interpreted to mean that personnel action genuinely relating to a person's ability to perform his duties cannot be taken. In other words, if you have a case, prove it. But, do not try to hide behind this or use this as an excuse for a person's inability to perform his duties in a satisfactory manner. There is of course, a fine of \$1,000 or twelve months imprisonment or both if a person is convicted of practising discrimination.

In section 74, a general penalty of \$500 or six months, or both, is also provided where specific penalties for any convictions are not stated.

In section 75, any person who makes a false entry in any records kept in accordance with this Law, or makes any false declaration, or knowingly makes use of such false information is guilty of an offence and can be fined up to \$2,000 or twelve months imprisonment, or both. Also, any person who obstructs the Director of Labour or inspector, in the carrying out of their duties in accordance with this Law, or who refuses to answer or answers falsely, fails to produce documents, prevents or attempts to prevent any person from appearing before the Director or inspector in connection with the requirements of this Law shall be guilty of an offence, and upon conviction fined a maximum of \$1,000 or six months or both for the first offence, and, in the case of a second offence which is committed within two years from the last conviction for a previous offence, then they can be fined a maximum of \$2,000 or twelve months imprisonment, or both.

Special provisions have been made for the entries made in the records by an employer or operator to be admissible as evidence in any proceedings.

Section 77 sets out the procedure to be followed in the service and sending of notices or documents which can be done by post or by hand delivery.

Section 78 gives what I consider the general regulation making powers to the Governor in Council, for prescribing forms or other documents required under this Law and for varying any time periods established or required by this Law.

Section 79 deals with the repeal of three Laws which I mentioned earlier in my presentation, the repeal of the Masters and Servants Law; the Minimum Wage Law; and the Truck Law.

Mr. President, this brings me to the end of my dealing with the various sections of the Bill. I would like to repeat and reemphasize that this Bill, when it becomes Law, sets a minimum standard for terms and conditions of employment. Nothing in it precludes or prevents an employer from providing more favourable conditions or more generous terms.

As I said earlier in my presentation, no legislation, no matter how carefully drafted, can deal with every detail or cover every eventuality. Much is left to management and the conditions of the contract reached between employer and employee. And, Mr. President, much naturally depends on interpretation, application, and, of course, enforcement.

I see the Labour Law operating as a two way street. It places certain reasonable obligations on employers, but it also makes it clear that workers must also meet their responsibilities or suffer the consequences. In other words, a reasonable employer would have no difficulties with a well behaved responsible employee. For all those who fall outside those categories, there is or will be the Law.

It is true that employers will be required to do a little bit more record keeping, but actually what the Law calls for in many instances are only normal and good business practices. The employer must provide some normal and ordinary employee benefits but most of these are already in practice and are generally accepted. To be quite frank, in the past three years in dealing with labour complaints that have come to my attention, I have far too often seen the words drafted by legal minds in response to labour complaints, and I quote: "Whilst under no legal obligation to do so, we will consider ..." doing so and so. To my mind, this is not good enough. Government must ensure that at least minimum employment standards are maintained, that no attempt is made to remove benefits or reduce responsibilities, that what has been agreed or is ordinarily in practice cannot be treated in an arbitrary or ad hoc fashion, but that these things are actually substantiated by law - something with teeth, and something that bites.

I see this Labour legislation as providing some order and protection to both employer and employee alike. I hate to be repetitious, but once again in my view employers will have a good guide to rely on for their responsibilities to employees, and an employee will have a clear indication of their rights, benefits and, of course, their obligations to their employers. There are too many grey areas out there that need to be identified as black or white.

Mr. President, as the Elected Member of Government responsible for Labour, it has been my responsibility to present this Bill. But I must make the point before taking my seat that this Bill is the product of the Select Committee of the whole House which was appointed to deal with this important matter for this country. I want it to be clearly understood that I do not of course say this apologetically, but I say so to remind all Honourable Members that this is their handy work too, and therefore their

strong and sincere support is expected and will be appreciated. I would humbly ask all Members to view this Bill in that light.

The Bill is fair, it is reasonable, it is equitable, and it gives me much pleasure to recommend to this Honourable House what I call the Labour Bill, the formal and correct title being, A Bill for a Law to Govern Terms and Conditions of Employment; to Provide for the Health, Safety and Welfare of Employees; and for Related Matters.

I recommend the Bill to the Members of this Honourable House. Thank you.

QUESTION PROPOSED:-

MR. PRESIDENT: The question is that a Bill entitled the Labour Bill, 1987 be given a Second Reading. The motion is open for debate.

Member appears to wish to speak. In that case I shall put the question.

The motion is that a Bill entitled the Labour Bill, 1987, be given its Second Reading ...

MR. G. HAIG BODDEN: Mr. President, I was standing up. I was going to suggest that since it is so close to the adjournment, it is only about five or seven minutes ...

MR. PRESIDENT: No, I am sorry, I think we had fifteen minutes when I asked did any Member wish to speak. I am quite happy if you wish to speak. You did not catch my eye then, but please go ahead if you wish to.

MR. G. HAIG BODDEN: I will speak then.
Mr. President, the Bill before the House seems to me to be somewhat like the address on the Budget. Members became speechless because they felt so guilty of what they had done and are doing to the economy of this country. I will give you an unconditional guarantee that when I am finished speaking tomorrow on this Bill every Member will rise to speak with the usual reluctance on their faces but with alacrity in their hearts.

The Bill before the House is sadistic, and when I say sadistic, I do not mean in the sexual sense but sadistic in that it derives pleasure from inflicting cruelty upon the employer. If this Bill would do anything for the employee or the worker I would gladly support it. But this Bill has in it the slave mentality that has pervaded it from beginning to end.

MR. PRESIDENT: Could I interrupt you? Could you just repeat that word - did I hear "slave mentality"?

MR. G. HAIG BODDEN: Yes, Sir.

MR. PRESIDENT: In that case you are verging on being offensive to the House as a whole. I would ask you to be careful.

MR. G. HAIG BODDEN: I said the Bill, Sir.

MR. PRESIDENT: The Bill, as you know, has been endorsed by a Committee of the whole House. I repeat, you are on the verge of being offensive to the House.

MR. G. HAIG BODDEN: Well perhaps you are right, Sir, but I think ...

MR. PRESIDENT: Please do not tell me perhaps I am right, the Chair is ruling.

MR. G. HAIG BODDEN: Well, it is my opinion, Sir, that this Bill is offensive to the entire population of these Islands. Offensive in every respect and offensive to me if not to other Members. Whether they produced, endorsed or manufactured it, it is still an ugly Bill. I may say that many times during my debate and I will be on the verge of being out of order but will stay close enough to finish what I have to say. I cannot be antagonised into having to be thrown out, I am going to have my say.

MR. PRESIDENT: Would you be seated for a moment, I want a word of explanation.

There is no question of the Chair seeking to antagonise you. The Chair has a duty under Standing Orders. I intend to carry that out. If you verge on repetition - you have used the word "offensive" now six or seven times - I shall rule you out for being repetitious. Please proceed.

MR. G. HAIG BODDEN: Mr. President, I have many adjectives that I shall use.

The Bill is one-sided and it is all in favour of the worker with no returns for the employer. The reason why the Bill is like this is because the Members did not seek or I should say, did not seek to find a Bill that was suitable for these Islands. This is brought out clearly in the Report which has been tabled in this House and I would like to quote from that Report. It reads:

"We decided to start from the Antigua Labour Code for this purpose, in view of the fact that the original Chairman was familiar with the legislation, having worked several months on it."

Perhaps I had better read the full paragraph, in case I am accused of only reading the part that suits me.

"We, the Committee, in our undertaking to study terms and conditions of employment in the Cayman Islands with particular reference to the construction and tourist related industries, and to make recommendations for suitable labour legislation to be introduced in this Honourable Legislative Assembly thought it prudent to begin with other jurisdictions as a guideline in laying the groundwork for the proposed legislation. We decided to start from the Antigua Labour Code for this purpose, in view of the fact that the original Chairman was familiar with the legislation, having worked several months on it. We were aware that the Code was developed for a different jurisdiction, but hope that in building upon it, we have omitted material such as matters relating to trade unions that do not apply to Cayman, while adapting it to make it specifically

relevant to the Cayman situation."

The important point here is the decision of the Committee to use the Antigua Labour Code simply because the original Chairman was familiar with the legislation.

So, the Antigua Labour Code was not selected because it was suitable to Cayman; it was not selected because the conditions were similar in both countries; it was selected simply because the Attorney General at that time had worked under, or had knowledge of, the Antigua Labour Code. This is what the Committee's Report says. On page 4, in the second paragraph, it states that the reason why this was selected was because the Attorney General, to use the exact words, "was familiar with the legislation, having worked several months on it".

There could be no similarity. Antigua is a country with a population of 80,000, not 20,000. At the time of the original Labour Law, Antigua was a country with an economy altogether different from ours. At that time - I am talking about the time when the first Labour Law was put in - their only industry was agriculture, primarily cotton and sugar cane, and it was to regulate these industries that they passed the original Labour Law. Everybody knows the history of the Caribbean. The history of sugar cane and cotton was a history that brought with it the slave mentality. The original workers in the sugar canes and cotton fields were slaves. We cannot deny it.

It is only in modern times that Antigua has a tourist industry. The original Labour Law was not intended to regulate a tourist industry which did not exist at the time. It is true that while they have been getting probably as many tourists as we have in numbers, they do not have the amount of tourists in proportion to their population that we have. It is my contention that the Antigua Labour Code was a bad model to use. Whether the Bill was endorsed by the Members of this House or not, you cannot have a good Bill if you start off with the wrong model. So from day one they were in trouble on this Bill.

MR. PRESIDENT:

Is that a convenient moment to break?

MR. G. HAIG BODDEN:

Well, it certainly is not for me, Sir, but I will ...

MR. PRESIDENT:
are on.

No, go ahead by all means and finish the piece you

MR. G. HAIG BODDEN:

I would like to continue.

This Bill will do nothing to enhance the relationship between employer and employee. The relationship which now exists is probably the best employer/employee relationship in the Caribbean, and this Bill will not improve upon our position, it will probably make it worse.

This Bill will widen the rift between employer and employee at a time when we cannot afford it. If the Bill did anything to encourage workers to stay on the job or workers to appreciate what their employers do I could support it, but it does nothing of the kind.

MR. PRESIDENT:
me.

I think perhaps we might break for lunch. Do excuse

Proceedings are suspended until 2:15 P.M..

AT 12:49 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT:
Member for Bodden Town.

Proceedings are resumed. The Second Elected

MR. G. HAIG BODDEN:

Mr. President, my concern about this Bill is that it will hurt the employee. In order to qualify this statement, one must look at the effects the Bill will have on the employer and subsequently on his business and finally the results to the employee.

By its onerous administrative burdens that will be placed on the employer, such as record-keeping and so on, the employer must have his costs go up. Anytime the employer has an increase in costs, the worker is bound to suffer because money which is spent on the business cannot be given as fringe benefits to the employee. I will of course, be dealing with this in greater detail as I come to the relevant sections of the Bill.

I believe this Bill will take this country back fifty years. The only good to come of this is that it will provide plenty of employment for lawyers and accountants. These will be the chief beneficiaries of this Law. For the worker, it will create frustration and it will create frustration for the employer as well.

The Member introducing the Bill mentioned that he wanted a Law that bites, and a Law with teeth. He has created a bull dog of the fiercest nature. The Bill is an administrative nightmare. All the small businesses will now need a personnel manager, they will need people to do the book-keeping and the record keeping. I will deal with these as I come to the relevant sections of the Bill.

The Member mentioned the long gestation period of the Bill. It took something like two and a half years to produce it. He mentioned that some 37 Committee meetings were held and that there were five meetings called when there was no quorum. I must reply to this, because I know many Members will get up and say that certain Members did not attend these meetings and that was why there was no quorum, and furthermore, that the Members could have no input in the Bill. Since he has mentioned it, I think I have a right to reply.

As for the matter of having a quorum, I think it is the responsibility of the Government in power to provide its own quorum. I was a Member of Government for eight years, and I cannot recall a single meeting that was cancelled for lack of a quorum because whatever the subject was, the Member responsible made certain that he invited his supporters to be present in order that there would be a quorum.

Furthermore, I attended only one or two meetings. The reason for this was that I found out at my first meeting that the Chairman of the Committee and the Members were bent on presenting to this House the Bill that we have. I found out, and I will just mention one instance on that first day, that they would not accept any recommendations from the minority. I found out that all of the problems they had when they presented the draft Bill may have been avoided if they would have listened to reasoning in the initial stages of the Bill in the Committee meetings. They came prepared to put forward this Bill and they have put it forward.

There were a few modifications to the Antigua Labour Code, modifications which came about simply because of pressure from the business sections. Yet many of the principles which were objected to still remain in the Bill, and certainly all of the difficult ones are still in the Bill.

I remember raising the point that if we make it a criminal offence for an employer to pay less than the basic wage which is fixed without any proviso, it would be

impossible for any bargaining. I remember citing the example that a person could not paint his brother's house for less money than the fixed wage if a wage is fixed under the Law for painters because it would be a criminal offence for his brother to pay him less, even if the person would accept. What this Bill is doing is to do away with free trade as we know it, to do away with the free enterprise systems, and to take the bargaining power out of certain situations.

I am wondering why we cannot learn from the mistakes of other countries, especially other Caribbean countries, rather than attempting to copy their laws? Why are we so bent on following them? The Member has not adduced a single bit of evidence to show that Antigua, whose Law we used as a model, is any better off labour wise than the Cayman Islands. I suspect that even if a minute investigation was carried out, we would not find any evidence that would justify our copying this Law.

The Member introducing the Bill made it clear that he expects the strong, sincere support of the House on this Bill, and he says that their sincere support is expected and will be appreciated. Here I must touch on the root cause of all the troubles we have had with this Bill and with other similar matters.

We have seen the Government, time after time, get into problems because they too readily accept motions which are brought by their staunch supporters. Not only the motion to have this Bill, but the motion to have the Social Security Scheme, the motion to increase the salaries of Legislative Assembly Members out of all proportion, the motion to have the Five Year Economic Plan - and I could go on and on and on. But as one Member said in the House about three years ago, it appears that the tail is wagging the dog.

This Bill will introduce a regimented system into our labour force, a system to which we have not been accustomed and must cause, as a result, frustrations for employer and employee. I would like to give just one example.

When the businessman writes out in detail what a clerk is supposed to do on Monday morning, such as stacking the shelves, or pricing the goods, and then finds out at 10:00 o'clock that his cashier is sick, he may have the worker tell him that it is not his job, it is not in his written instructions, he is a pricer of goods, and therefore cannot carry out the businessman's bidding.

This is what we are introducing. We are bringing a type of socialist legislation which dictates terms of employment, removes the bargaining power which has been the corner stone of our free enterprise system. In addition to this, although I do not want to anticipate the Bill but it is directly related to this - we will soon be introducing income tax to support the social security system for the workers. This is the Bill that the Member calls, in his own words, fair, reasonable and equitable. I am wondering, fair to whom, reasonable to whom, and equitable to whom?

This Bill does not fulfill the terms of the motion from which it sprang. A Private Member's Motion had been introduced in the House in March of 1985, asking that we introduce legislation that would deal with the construction and tourist related industries (that is reading from the preamble) and other related industries. If the Bill had set out to comply with the terms of the Motion, it might be said that we were dealing with the problem because, I dare say, this Motion came to the House in good faith, simply because the Member had received so many complaints from the tourist industry, complaints about gratuities, conditions of work, complaints from the construction industry, and perhaps a few other areas. But we have gone out to do all things to all the people at one time.

There is no doubt that Members may have laboured hard in the production of this Bill but if you do not start with the right model, it does not matter how hard you labour there is such a thing as wasted labour. Of course, 37 meetings over a three year period cannot really be called hard labour. If I remember correctly, the last Government had that many meetings in six months, dealing with Cayman Airways and the purchase of jets and so on. So they really have not laboured that hard. They have drawn it out over a long period and perhaps given the public time to digest this meal which must be totally unpalatable.

In the examination of the Bill by the Committee, they did invite witnesses to come in. But I am wondering what was the good of inviting them, because they only listened to them on minor areas, as will be reflected in the Bill. I see from reading these Reports that they even passed a resolution one time allowing 45 minutes for certain persons to discuss the Bill with them. The Bill which is before us is not much different from its original draft. It does not differ in the areas that are onerous to the employer, and is not substantially different from the Bill which served as a model.

In dealing with this Bill, the Chamber of Commerce had initially made a suggestion that they and the public be given a six month period to review the draft Bill. We find out that although the Bill which is before us took more than two years to complete its gestation, the Committee thought that the six months requested by the Chamber of Commerce was too long a period. This is on page 2 of the minutes of the third meeting - that the Chairman's request for a six month period to review the draft discussion Bill, once it was available, was too long a period, and that it was the intention of the Select Committee that after a discussion draft has been prepared, it would be published in the Gazette with adequate time for a review. I am mentioning this just to show that despite what we heard in the introduction of this Bill before the weekend, those people who objected strenuously were put into a closed circle in order to make their objections.

I know I may appear to be deliberating a little on the minutes, but these are the foundations to the Bill, and some of the points which I raise are so relevant to the Bill that we cannot understand the Bill without this but I will not be much longer on this.

MR. PRESIDENT:

long as you stick to the general merits and principles of the Bill.

If I may interrupt you, that is perfectly in order so

MR. G. HAIG BODDEN:

We had an opportunity in this Bill to receive advice from Mr. Adrian Smith, who was the Labour Advisor of the Foreign and Commonwealth Office in London. If one looks throughout this Bill, one will find certain passages in the minutes which have made me believe that the Committee rejected the important points raised by Mr. Smith. For example, on page 2 of the minutes of the sixteenth meeting, I read:

"Although Mr. Smith stated that it was unusual or difficult to exclude the Civil Service, it was expressed that the various requirements and entitlements of the Civil Service Regulations had been taken into consideration, and it was the general consensus that the Civil Service remain independent from the private sector."

Here we find that the Civil Service has been excluded. My question is, if this is such a good Bill, why does it not apply to the largest single group of workers?

There were other areas that the discussion with Mr. Smith seemed to produce a different result from what he had in mind. If we look at the section on gratuities, page 3, it says, "Mr. Smith was of the opinion that gratuities were best left to individual arrangements as this too, was a cause for greater bureaucracy." I am wondering if gratuities are left to individuals, because I think in the Bill, the Director can work out certain arrangements. On the same page, "Mr. Smith noted that the United Kingdom has abolished minimum wages as such legislation and regulations served to do away with low paid jobs." Yet we find that this Bill legislates for certain minimum wages, or makes provision for the Governor in Council, to set certain minimum wages because it is important. I would like to quote the full paragraph. Mr. Smith noted that:

"The United Kingdom has abolished minimum wages as such legislation and regulations served to do away with low paid jobs. In view of particular problems within the Cayman Islands, it is necessary to have a minimum wage. Wages in the Islands are high in relation to the high cost of living. It was recommended that legislation provide a minimum wage for adults and not part time workers or school children. It is difficult to set rates for school children who go out to work and who are untrained as this leads to an inflationary spiral which forces up other wages. It was further recommended not to provide rates for various occupations and/or industries, as this can lead to serious disputes."

But the Bill has been left wide open with the Governor in Council being given the authority to set certain wages, so that despite what is in the minutes, and despite what is in the Law, the avenue will be open for the Governor in Council to set certain minimum wages. What is really a beauty is that the Labour Officer, Mr. Smith said, "it was recommended to keep legislation simple throughout". I could go on and on but there is so much to be dealt with in the Bill which the Member went through in great detail, I cannot spend too much time.

I would just like to call Members' attention to show that the Chamber of Commerce did not agree with the powers given to the Labour Officer, and to show that the Committee, while they were polite to the Chamber, totally disregarded the important points which they raised. This is on page 6 of the minutes of the meeting for 3rd June, 1987. It says:

"The Committee notes that it has already agreed that whether there exists employment documentation describing the job, an employee should nevertheless be given a separate statement."

I am sorry, I am reading the wrong page, by turning it over. On page 6 regarding the powers of the Labour Officer:

"The Committee considered the expressed concern relating to settlement of small disputes between employers and employees where the dollar figure involved did not justify the expense of hiring legal counsel. The Chamber is of the opinion that years of judicial precedent and covenant have been wiped out and replaced with the whim of a civil servant, and further, that the Caymanian Protection Board has been ignored in the present draft Bill."

So what the Chamber is dealing with is the part stressed by the Honourable Member in introducing the Bill, that the Director can do certain things under the Law and there is no appeal except through a tribunal in certain instances and to the Court in a matter of law.

It was not only the Chamber that was ignored. The banks were also ignored on matters of great concern which they raised although, in fairness to the Committee, it did make small amendments. For example, on page 8, with vacation leave, "The Committee noted that representation of the clause suggested entitlement to vacation leave is cumulative. The Committee noted that it had already adequately dealt with this section, and considered the amendments made thereto satisfactory". Throughout the Report you will find this, that the Committee said they had already dealt with it adequately.

In clause 49, the same thing. The Committee noted that it had considered adequately these subsections, and considered no amendment necessary, despite the recommendations. Section 31(4) with deductions, the Committee noted that it had already adequately considered and amended the clause satisfactorily. So the point I am making, and I do not want to be repetitious, nor do I want to go into trivia, but the Banks, the Chamber of Commerce and minority Members were all treated the same - totally ignored. Good ideas were rejected.

On page 2 of the minutes of the 35th meeting, we find in dealing with clause 21(9) - Minimum Wage Advisory Committee, the question that was put and agreed to was that the Committee rejected the Chamber's proposed amendment to substitute the words "to the Assembly" for the words "to the Member". Totally rejected! This is a point I will be hammering in dealing with many aspects of the Bill which the Director has been given authority, where I feel it should have been done only through Law by the Legislative Assembly. There are areas in the Bill where Executive Council has been given certain authority which I feel should only have been given to the Legislative Assembly. Here, coming from a body that represents the business community, we find that the Committee rejects the Chamber's proposed amendment on a very important matter.

Now I do not need a lecture on Select Committees, I know the power of a Select Committee. Here we were dealing in uncharted waters, in areas that we know nothing about. We had so many opportunities to receive advice and we neglected to take advantage of this. This is perhaps the last one dealing in this vein, on page 5 of the minutes of the meeting of 19th August, dealing with the Director of Trade and Labour.

"The Committee considered a letter received from the Director of Trade and Labour, and agrees in principle to his recommendation in relation to clause 33(1), but does not deem it necessary for specific provisions to be incorporated in the legislation."

So even here the person who is to be all things under this Law is ignored, because when they say they agree but do not deem it necessary, it simply means that it will be left to chance.

Other senior members of Government were treated the same. The Principal Secretary for Personnel made certain good recommendations. On page 6 of these minutes, that is the minutes for the meeting of 19th August, the Committee considered the comments made by the Principal Secretary of Personnel which is a post or a body which has dealt with all the labour matters in the Civil Service for all the years in the past.

MR. PRESIDENT:
locate it?

Sorry, could I have that reference again, I cannot

MR. G. HAIG BODDEN:

Yes, it is page 6 of the minutes of the meeting of 19th August, 1987. It is about the middle of the page, paragraph 10.

"The Committee considered the comments made by the Principal Secretary of Personnel. Question was put and agreed upon that no changes be made to the Bill arising out of the comments made by the Principal Secretary for Personnel."

So, here again, he was totally rejected.

What is also more amazing, is that in section 12 on the same page verbal representation had been made by Mr. Thomas Russell who was a former Governor of the islands, and who is now in charge of Cayman's affairs in London. He was rejected in the same manner. The statement reads:

"The Committee notes that in light of the Caymanian Protection Law and present practices within the Island, it is not necessary to include such provisions in the legislation."

He had made certain recommendations with regard to the provision for businesses to provide accommodation and repatriation for foreigners.

MR. PRESIDENT: May I interrupt you one moment. At the risk of entering into a debate with you, I think I should point out to the House that you were not present at that meeting, as you yourself have said - you did not attend certain meetings. These are only minutes, they are not a full record of discussion. It seems to me, therefore, that if somebody rises on a point of explanation I shall be inclined to allow the opportunity to make the point of explanation. Otherwise I am afraid that this discussion is not a genuinely balanced discussion.

MR. G. HAIG BODDEN: I am very happy for the interruption, because I have so much to deal with in the Bill that I shall be ...

MR. PRESIDENT: I should tell you that any interruption I make comes off your four hours, do not worry.

MR. G. HAIG BODDEN: That is all right, Sir. The Bill before the House is a bad Bill. This is made clear because it is my understanding that when the Bill goes into effect, no penalties will be imposed for about six months. This shows that the Member is cognizant of the fact that the small businesses in Cayman cannot comply with this Law. Does he believe that they can comply with it six months from today, or six months from 1st January any better than they can comply with it now?

This Bill contains such strange wording, for example, the definition of "employee" is a person who, amongst other things, stands ready to enter into or work under a contract. For the life of me I cannot fathom precisely what they mean by "stands ready". The employer has the same definition; he also "stands ready". I do not know if they are getting ready to do battle with each other, or what, but I will just throw that out.

The matter of casual employees, definition has been given to them which, up until this time, was totally unknown. A casual employee had been, in my opinion, a person who worked at certain jobs, usually hired on a daily basis. Now a casual employee means a person who is employed upon an irregular or intermittent basis. So this definition has changed the meaning from the nature of the work done by the person to the regularity of his work. There are bound to be problems with that.

This Bill discriminates against certain groups of workers, and is biased in the favour of some. Under section 3 it says the Law shall not apply to the public service. Is there any wonder that we have what we have before us, when a Law which is to deal specifically with labour excludes the biggest group of labourers in the country? I am not ascribing any motives ...

MR. D. EZZARD MILLER: Mr. President, on a Point of Explanation, Sir. The Member is inadvertently misleading the House in saying that the Public Service is excluded from the Law. He does not read the proviso which governs conditions of the civil service in that it says the Civil Service Regulations must at all times provide conditions which are better than the minimums that are provided in this Law.

MR. PRESIDENT: I think - this is a point of elucidation - if you had put it. Does the Member realise that he is not quoting the piece of the Bill in full and therefore misleading the House?" then you could put it as a point of explanation to which he may or may not reply. Sorry, but this is the way round it should be done. You may then, if you wish, elucidate or decline to. It is up to you. That is the method and the point of that particular Standing Order. I am sorry to interrupt you.

MR. G. HAIG BODDEN: Mr. President, the Member was so confused with his interruption, or his interference, that it is not necessary to reply. However, if he wants me to read section 3 I will read it:

"This Law shall not apply to:

- (a) the public service provided that the regulations and General Orders from time to time applying to the public service shall not prescribe or permit conditions of service which are less favourable to the employee than those required by this Law;"

So it says specifically that the Law shall not apply, and the Law does not apply. Because when this Law goes into effect, the Government will not have to do the many onerous things which a small businessman will have to do - that is clear.

MR. PRESIDENT: If I may ... one of the Honourable Members is trying to catch my eye. If I may try to explain procedurally, the Honourable Member who is speaking is entitled to state his interpretation at a later stage, a following Member may dispute that, but a point of explanation is not a point of dispute.

I am sorry, I seem to be holding the floor far too much. Maybe it is time to take the afternoon break. Suspended for fifteen minutes.

AT 3:10 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:30 P.M.

MR. PRESIDENT: Proceedings are resumed. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, section 3 of the Bill says that, "the Law, when it comes into effect, shall not apply to charitable organisations or churches". I wonder if it means what it says, or if we will get one of those erudite explanations to say that it does not mean what it says? When it says the Law shall not apply to the public service, or the church, or charitable organisations, I think it means exactly what it says. That is the way laws are written.

The Member who butted in a while ago really missed the point I was making. I do not think this great concern is with the fringe benefits such as vacation leave and so on, which now exists in many businesses, probably in more generous terms than this Bill prescribes. What the business people are concerned with is the amount of administrative work that this Law will bring upon their businesses.

It is my contention that these sections of the Law will not be applied to the Government. When it says that the Law shall not apply to the public service, it simply means that. The proviso which follows in no way affects anything that already exists because the fringe benefits provided by Government are already much more generous, or in probably 90 per cent of cases, much more generous than anything existing in this Bill. So, when section 3 says the Law shall not apply, it means that it shall not apply.

The adding of this proviso does not change one thing. It does not compel the Government to comply with all the bureaucracy of the Law. Anybody who tries to argue away the words written in the Law will have undertaken a task that he will never complete. If it is intended that the Law apply to the public service, then section 3 will have to be amended to read the Law shall apply. So when it says it shall not apply, it means it shall not apply, although there is a proviso which states that the General Orders cannot be less favourable than the provisions of the Law.

The Law does discriminate. There is another reason why it would not have been good to have the Law applying to the public service and that is, that we might be faced with an angry civil service if this Law applied. The Law shall not apply, and it means shall not apply to the public service, despite the proviso, it shall not apply to charitable organisations, and it shall not apply to churches.

Moving on to section 4:

"The Governor may, by Order, exempt from the provisions of this Law, or any of them, any employee or employer in any occupation in respect of which it appears to him that the nature of that occupation makes such exemption necessary."

Here again this is discretionary. It can, in the future, discriminate and it can be used as a political tool. The Governor in Council should not have the power to exempt certain businesses from this Law. If there are to be exemptions, they should be contained in the Law. As I mentioned earlier, there are exemptions for the public service, for charitable organisations and for churches. If the Committee felt that other businesses should have been exempted, they should have been spelt out in the Law.

But what is more alarming than the exemptions created by section 4(1) is the provision of section 4(2), which gives the Governor, or the Executive Council, the power to vary the Law. Section 4(2) reads:

"In any case to which subsection (1) applies the Governor may prescribe different conditions as regards the conditions of service of any category of employees employed therein or vary any rights and obligations laid down in this Law in relation to them."

Have you ever heard of such nonsense? Giving Executive Council the power to vary the Law. If there is a need for a variation in the Law, a Bill should be brought to the House to vary the Law. This is totally wrong and puts too much discretion in the hands of Executive Council.

Section 5 says:

"Nothing in this Law shall be construed as prohibiting an employer from establishing conditions of service more advantageous to any employee than those minimum employment standards established by this Law."

That is a provision I can find no fault with but it will not work in practice. It is only a hope a dream of the Committee. Once we start to regulate labour and the labourer is accepting or is exacting his pound of flesh, you will get retaliation from the employer also toeing the line. You will find that employers who had been more generous in the past will now seek to be less generous and simply comply with the Law. Regardless of how generous the employer may have been in a specific area of fringe benefits, he is now compelled by law to meet the statutory requirements set out for the other areas. I think we are going to regret this Law, and the worker will be much worse off.

Section 5 says that the worker can receive more benefits from the employer but it does not give any protection at all to the employer. This is very important. If a person is expected to pay good wages, if he is expected (and I believe every man is worthy of his hire) to provide certain benefits in order to do this, he must receive an honest days work from the employee. So section 5, while it makes provision for the employee to receive more than the minimum standards established by the Law, does not provide a reciprocal right to the employer.

Section 7 reads:

"Every employer who enters into a contract of employment with an employee other than a casual employee or a person employed as a household domestic shall, within ten working days of entering into such contract, furnish the employee with a written statement of his conditions of employment in accordance with subsection (2)."

This section will put an unnecessary burden on those small businesses, those small people who have little businesses. I do not see the necessity for it. These businesses shall, within ten days of employing a person, furnish that employee with a written statement. The written statement is so detailed that it will cause hardship to the employer, especially in cases where there is a high turnover of workers.

There are businesses where the employees do not stay long on the jobs and for those businesses that do not already have a personnel officer to deal with these matters, they will now have to employ one. In fact, it appears to me that anyone who runs a business, if they employ any amount of workers to speak of, will need help to take care of all this additional book work. They will need computers to keep track of all the record keeping which follows in other sections. So the cost of doing business will rise considerably if this Law goes into effect.

Though we may delay the penalties under the Law for six months, it will not lessen the load of the work. This section requires that within ten working days of entering into a contract of employment the employer must give the worker a written statement which shows the job title, it must have in it a brief statement of the general responsibilities and duties of the employee, and of any special requirements or conditions the job.

For employers who have never had this burden before, this can be an onerous job. We have many small business that employ ten, fifteen people that are a one man operation. Some of the construction companies are like this, where they employ ten, twelve, fifteen people, depending on the job. It is going to be very difficult because they must have this statement which must also set out the regular hours of work, together with any particular terms or conditions relating to the hours of work.

MR. PRESIDENT:

May I interrupt the Honourable Member for a moment. You are making your point perfectly clearly on a matter of principle, and of the merit. The principle is that you maintain that this particular requirement will be onerous on the employer, you have made that perfectly clear. But I think that when you start going into each particular bit of it you are looking forward to what you should be raising at the Committee stage. I am inviting you, in other words, to put your force into the general principles and merits of the Bill.

MR. G. HAIG BODDEN:

Mr. President, I am endeavouring to do that. The

only trouble is that the Honourable Member who introduced the Bill seemed to have gone into all these minute details, particularly in the sections where he thought the Bill was good.

However, this section requires, in addition to the two items mentioned by me, eight other specific matters which I will not enumerate, but which I can assure the employer are even more onerous to set out in writing and more difficult to describe than the two mentioned above. I am wondering, Sir, if I cannot go into these details, how will the public know what they are up against? But that is all right, they will find out soon enough.

If these requirements, which are set out in section 7 only applied, or if these were the only descriptions that had to be supplied, the small businessman might survive. Not only is he asked to supply this information within ten days to all new people who come to work for him but he is compelled by Law to supply this information to all those who presently work with him. That information shall be given within thirty days. That means that if the person has on his payroll 500 people or 300 people, he has to write this statement out within thirty days.

Of course, again, they have added a proviso which is pure nonsense. It says he will not have to do it, if he has previously given to an employee a copy of his contract of service which sets out the particulars referred to in subsection (2). That is a physical impossibility. There can be no existing contract which complies in every respect with what is required under this Bill which is now coming into force. So it means that if the existing contracts in the Banks or the Trust Companies or any other kind of company, differs in any detail from the requirements of this Law, the employer is bound to submit a new statement which sets out the requirements of this Law. As the statement sets out ten specific requirements, it follows that if a business had already given a contract to a worker which covered nine of these requirements and did not cover the tenth one, the business would still have to write out the statement. Even if the statement of employment, that is the contract which is in existence, covered 15 or 20 different matters but left out one of these, it would still be necessary to supply a new statement in order to comply with the Law.

It says that every employer shall, within thirty days after the effective date of the Law, furnish each employee with a written statement which shall set forth like particulars to those required under subsection (2). But, the proviso says that if the employer has previously given to an employee a copy of his contract of service which sets out the particulars referred to in subsection (2), the provisions will not apply. I am saying it is physically impossible for these contracts in existence to cover every point that the Committee thought about when they were setting up this Law which, in my opinion, punishes the employer. No contract can agree in every detail with section 7(2). And so the end result will be that 90 per cent or more of all the established workers who now hold written contracts will have to be issued with new statements embodying the requirements of this Law.

For businesses like supermarkets, where we find the clerks tend to have a high turnover, there is going to be a constant repetition of issuing these statements, and it is going to put an additional burden on the employer. I can see no benefit accruing to the worker because the time and money that will be spent to produce these statements could have been used to increase the pay to the worker, to provide some other benefit or to enlarge the business which, in the end, would be more profitable to both employer and employee.

As if it were not enough to compel the businessman to supply all these minute details, if there is any change, the employer will have to furnish forthwith - not within thirty days but forthwith on that particular hour - the employee with an amended statement which embodies the change. So, it comes to this: that if, say in a supermarket or an employer had received a statement that described the general responsibilities and duties of the employee, and it was found that this person would adapt better to some other job, there would have to be an amendment in order to comply with the Law. For example, if the person had been hired to stack the shelves and it was found necessary to ask that person to run the cash register or to price the goods, it would be necessary, if there was any change in the responsibilities and duties of the employee according to this Law, to issue this new amended statement.

Now when they say "forthwith" they mean that word in the literal sense. They mean instantly, they mean right away because subsection (5) of section 7 goes on to say:

"An employer who fails to furnish a statement pursuant to the preceding provisions of this section within seven days of being requested in writing by the employee to whom it relates to do so is guilty of an offence."

We can therefore see how ridiculous it is. When the new person comes to work from now on, the employer, regardless of his duties or whatever the pressures of his business are, somebody has to give a statement in ten days. For those who are already in employment, if they have no written contract or no contract at all, although they may have worked for twenty years, they are now to get this statement in thirty days. If the worker calls for it he must have it forthwith, and if he does not have it forthwith, he must have it within seven days, or the employer is guilty of an offence.

Now, I tried to find out how much punishment they were putting on the employer with this tight time-frame that they have put him into. I found out that for old workers, where the description of the job would be easiest, because you know what the person can do, you know what the requirements of the job are, the employer is given thirty days. For new people coming in, the employer is given, not ten days, but ten working days. If we look at the definition of "working days" in the Law - I do not know if "working days" is defined - it does not seem to be - but working days, somewhere in the Law, I believe, would exclude Saturday and Sunday and public holidays. So ten working days, in certain instances, could be as much as a total of nineteen days, because of time off for public holidays, Sundays and so on, if it happened to fall around Easter or maybe Christmas. But when the worker requests this information it must be handed to him in seven days - not working days - this is section 7(5).

"An employer who fails to furnish a statement pursuant to the preceding provisions of this section within seven days of being requested in writing by the employee to whom it relates to do so is guilty of an offence."

Now what will happen if this Law applies, as one Member seems to think, to the Government, if every worker demands this statement in seven days, or if big employers like Cable & Wireless find their workers demanding to have it forthwith, if they cannot supply it, they will be guilty of an offence under the Law. So unless the aim of the Law is to punish the businessman, these time-frames are too small. To make believe that the existing businesses will not be caught up in this is not, to use the word used by the Member, reasonable, but unreasonable. For example, a worker as a commissioned agent would probably, even if he has a written contract, not be in any manner remotely close or similar to this.

The whole truth of the matter is that this Bill needs to go back to the drawing board. We need to get a model which is more suitable for us because it is impossible for the businesses to comply.

The objections raised by the business people, because they are the ones that will pay, and eventually the consumer will pay, are objections against the difficult provisions, the unreasonable provisions, which they are asked to keep.

Now I am wondering how many store rooms these

people are going to need to keep all the files that have to be kept in order to store all of this information. I am wondering if each small business is going to be required to get a computer to store this information, because as we go along we will see that certain other records have to be kept for two years, even after the person is dead and gone. Two years after he has left the job.

Under section 10:

"Subject to sections 9, 45, 46 and 47 an employer must give advance notice in writing to the affected employee of an intention to terminate that person's employment ...".

This is where the termination date is not fixed in the contract. I am wondering how many of these business people are going to have to employ lawyers to interpret this Law and to tell them precisely what they have to do because any time they do anything that is contrary to the Law, they are subject to the penalties under it.

It is my belief that the public is really not up in arms about this Law, because they have no idea of its requirements.

It seems to me that under this Law, once you employ a person you will be bound by that person for a long time to come. Even when the person's contract has terminated, the employer has to fulfil certain obligations of the Law, such as in 12(2):

"In all cases of termination of a contract of employment the employer shall, upon a request made by the employee concerned at any time within one year of the expiry of the period specified in the notice, furnish within fourteen days of such request a certificate specifying the dates of his engagement and termination and the type of work on which he was employed."

Which means that the person's record, even after he is gone from the job, never to be hired again, must be maintained in the filing cabinet or on the computer in the hope that the employee will come back one day and request a written statement for his termination or whatever the case may be.

The point I am making is that this Bill has gone to great lengths to require a lot of record keeping. It will be impossible to keep these records without a specific person to do so, if it is a business where the turnover is high. But it is not enough for the employer to have to keep these records long after the person has gone. It is not enough that he will have to supply this certificate. But the serious part is that, in section 12(3):

"An employer who furnishes a statement or certificate pursuant to subsection (1) or (2) respectively shall be conclusively bound by the contents thereof in any proceeding under this Law concerning the fairness of the dismissal or the employer's liability for severance pay."

This section usurps the authority of the Courts. It takes away the discretion of the Courts. Whatever is put in that statement conclusively binds the employer, which means that at a later date, if the matter ended up before a Court of Law, the employer would have no defence and could give no explanation acceptable to the Courts of any matter contained in the certificate. It has always been my understanding that a person who goes to Court has the right to give evidence, has a right to have a lawyer to present his case, and has a right to make explanations to the Court. But here, there is no provision for the employer to make an explanation to influence the Court in any way. He would be conclusively bound by the contents in any proceeding under this Law.

These are very serious principles that are being eroded. One wonders how the worker can be helped by punishing the employer, and taking away his right to a reasonable explanation. Not only is he bound by this statement if the matter reaches the Court but he is also bound to give the statement because if he does not he would be guilty of an offence. If he does give the statement, section 12, subsection (4):

"An employer who fails to furnish either a statement or a certificate pursuant to subsection (1) or (2) respectively, shall be prohibited from introducing evidence as to any facts which might have been recited in the said statement or certificate in any proceedings under this Law concerning the fairness of the dismissal or the employer's liability for severance pay."

This has to be a serious section. When the employer, in his defence, is prohibited from introducing evidence as to any facts which might have been contained in the said statement - if he forgot to put in a fact that might help his case, this Law prohibits him from introducing this new evidence. Here again it usurps the authority of the Court, because I would think the Judge should decide at the trial whether he would allow the employer's evidence to be admissible. But no, it is precluded under this punishment law.

Business people are human beings. While there are some who are unkind to their employees, most of them want to do what is right. Here we have a Bill which, if it goes into Law, will certainly put a chasm between the worker and the employer. This Bill, if it goes into effect, which I know it will, is going to create labour problems the like of which we have never had before.

The amazing part of the Bill is that somehow or other the Members seem to have worked into it a few little provisions that can be good for the employee, and I find no fault with some of it. The matters which the Bill have taken care of that I consider good for the workers, already exist. Provisions for overtime pay and so on already exist.

I find fault with section 20, which gives the Governor in Council the right to prescribe a national minimum basic wage. That should be prescribed by the Legislative Assembly. That is the way it has always been. We have had a Minimum Wage Law, and if I remember correctly, that Law fixed certain minimum wages and perhaps it is time that that should have been revised - the wages could have been increased. What I find fault with is giving the power to Executive Council to set the national minimum basic wage. I think that should be fixed by law by the Legislative Assembly.

MR. PRESIDENT:
are around 4:30 P.M.

You seem to have come to a particular point. We

suspend Standing Orders and go on, or to adjourn? (Pause)

What is the wish of the House, would you wish to

Adjournment please.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
President.

I believe Members are willing to adjourn, Mr.

I move the adjournment of this Honourable House

until 10:00 o'clock tomorrow morning.

MR. PRESIDENT:
until 10:00 A.M. tomorrow morning.

The motion is that the House do stand adjourned

QUESTION PUT: AGREED.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.
TUESDAY, 8TH DECEMBER, 1987.

**FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**TUESDAY, 8TH DECEMBER, 1987
(Sixteenth Day)**

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 FOR GEORGE TOWN
CAPT. MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR. G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR. D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

**FOURTH MEETING AND BUDGET OF THE (1987) SESSION
OF THE LEGISLATIVE ASSEMBLY**

**TUESDAY, 8TH DECEMBER, 1987
(Sixteenth Day)**

1. PRAYERS

To be read by the Honourable First Official Member.

2. PRESENTATION OF PAPERS AND REPORTS

**REPORT OF THE SELECT COMMITTEE OF ALL ELECTED MEMBERS OF THE
LEGISLATIVE ASSEMBLY ON LOW-COST HOUSING**
(Meeting held 7th December, 1987)

To be laid on the Table by the Chairman, the Honourable First Official Member, Financial Secretary.

3. QUESTIONS TO HONOURABLE MEMBERS

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE
HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL
RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS**

NO. 117: Would the Honourable Member state whether any electronic bugging device was recently found in the Airport V.I.P. Lounge?

NO. 118: Would the Honourable Member state whether numerous telephones in Government and the private sector are tapped?

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

NO. 119: Would the Honourable Member give details of the sand removed from the piece of land purchased by Government from Cayman Kai Development at Rum Point for the period 1st January, 1985 to 30th June, 1987, giving amounts removed, by whom and the cost?

4. GOVERNMENT BUSINESS

BILLS:-

SECOND READING

- (1) The Labour Bill, 1987 - (Continuation of Debate)

COMMITTEE ON BILLS

- (2) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987
(3) The Customs (Amendment) Bill, 1987
(4) The Labour Bill, 1987

REPORTS THERETO

- (5) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987
- (6) The Customs (Amendment) Bill, 1987
- (7) The Labour Bill, 1987

THIRD READINGS

- (8) The Appropriation (1988) Bill, 1987
- (9) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987
- (10) The Customs (Amendment) Bill, 1987
- (11) The Labour Bill, 1987

4. PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE TO THE REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT OF THE ACCOUNTS OF THE CAYMAN ISLANDS' GOVERNMENT FOR THE YEAR ENDED 1986.

To be laid on the Table by the Honourable First Official Member, Financial Secretary and Leader of Government Business.

5. ADJOURNMENT

To be moved by the Honourable First Official Member, Financial Secretary and Leader of Government Business.

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TUESDAY

8TH DECEMBER, 1987

10:14 A.M.

PRAYERS

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 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, who 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:

Proceedings of the House are resumed. Presentation of

Papers. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

**REPORT OF THE SELECT COMMITTEE OF ALL ELECTED MEMBERS OF THE
LEGISLATIVE ASSEMBLY ON LOW-COST HOUSING**

(Meeting held 7th December, 1987)

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to lay on the table of this Honourable House the report of the Select Committee on low cost housing.

I think the report speaks for itself, Mr. President, so I do not

propose to say many words about it.

MR. PRESIDENT:

So ordered.

QUESTIONS TO HONOURABLE MEMBERS

MR. PRESIDENT:

Questions. Three questions are down for the First Elected Member for Bodden Town who is not here. Has he deputed any Member to ask the questions in his place?

In that case we go to Item 4, Government Business, and continue the Second Reading of the Labour Bill. The Second Elected Member for Bodden Town.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE LABOUR BILL, 1987

(Continuation of debate thereon)

MR. G. HAIG BODDEN:

Mr. President, at the close of business yesterday I had been discussing the matter of a National Minimum Basic Wage. I had said that this minimum wage should not be fixed by Executive Council but should be fixed by Law, as had been done under the Minimum Wage Law which we will repeal with the passage of this Bill.

I am further alarmed that when an Order is made under this section, that it can only be made, varied, amended or revoked after consideration of recommendations made to the Member by a Minimum Wage Advisory Committee established under section 21. Although I do not like the idea of Executive Council fixing the minimum wage, I feel that if they are the ones to fix it, they should have a free hand. They will not have this, because under section 20(2):

"An Order under subsection (1) may only be made, varied, amended or revoked after consideration of recommendations made to the Member by a Minimum Wage Advisory Committee ...".

So Executive Council is not free to fix the minimum wage unless they receive recommendations from the Committee.

The Committee itself, under section 21, will be established by Executive Council. So we have a family affair going on where the Executive Council sets up the Committee, the Committee makes the decisions, the Committee makes a recommendation to Executive Council who then makes the Order. A system like this is open to political abuse, and it is disgusting to say the very least. These sections, 20 and 21, should be deleted from the Law and replaced with sections setting the minimum wage, and not leaving it in the fashion in which it is set out in this Bill.

Another alarming principle that is endangered by this Bill is the section 21(8), where:

"The Committee shall have power to take evidence from witnesses, to require the production of relevant documents, and to take evidence on oath."

My concern here is that our confidentiality Laws may be eroded by section 21(8). I know it is true that under our Standing Orders, and in keeping with the Constitution, Select Committees and Standing Committees of this House are allowed to require witnesses and are required to produce documents. That is the way, I think, it has always been.

We are extending this power not to a Select Committee of the Legislative Assembly, and not to a Standing Committee, but to a committee which is appointed by Executive Council. I think we are taking it too far. In my opinion this is ultra vires the Standing Orders and the intentions of the Constitution. No committee appointed by Executive Council should have the power in this sensitive area to call for the production of documents of this nature. Now, I know I will hear that the only documents they will need will be documents relating to wages and attendance at work, and all those matters but I want to ask the House, how can we separate these documents in small businesses from the rest of the business, when most of these small businesses will have their payroll and wages and all that in probably just one account?

We are opening up our confidentiality Laws to abuse. In large businesses with proper accounting systems they will undoubtedly have separate accounts for wages and perhaps these accounts can be given to the Committee without any risk of confidential matters in the business being revealed to the committee.

In small businesses which are typical of these Islands, I maintain that it will not be possible for the Committee to receive the relevant documents which they can require under this section without interfering with the confidentiality of the business.

As we go into this Bill, we find that section by section the Bill establishes certain principles which are foreign to us. Although my debate may seem to be dealing with minute details more suitable for committee work, it is a fact that nearly every section changes important principles and systems of business which had been the established norm. Such a section is section 22:

"Where a minimum basic wage has been fixed under section 20 it shall be an offence for an employer to employ or to pay any employee at a basic wage less than the minimum wage prescribed by the Order."

While I know certain regulations or sections of the existing Minimum Wage Law may have said the same thing, I want Members to realise that the Bill before the House takes this entire matter of labour far away from the Minimum Wage Law and into the whole area of industry. Under the Law the Executive Council can prescribe those minimum wages more or less for any business they feel like doing. It boils down to this that, when an employer commits an offence, if he pays less than the minimum wage for anything prescribed by the Order, that we have taken away the right to bargain. By this I mean that if a person got his own brother to paint his house or to fix his motor car, if those jobs had been prescribed by Council as minimum wage it would be a criminal offence for one brother to pay the other one less than the minimum wage, regardless of the good relationship between the brothers. Exemption is made for payment to juveniles, but does not seem to make any exemption for payment to relatives.

I am worried about the overall effect that this erosion of a free enterprise system, the right to bargain, will have. We are destroying and shaking certain principles which, so far, have been the reasons for the good life we enjoy here.

I started my debate by talking about this Bill being specifically put forward to punish the employer. I would ask Members to turn with me to section 22(3) and they may begin to understand what I am talking about. If an employer is convicted of an offence under subsection (1), it goes on to say: "... then, if notice of an intention so to do had been served upon him with the summons or warrant, evidence may be given before sentence of any failure on the part of the employer to pay wages at the minimum rate to the employee concerned during the two years immediately preceding the date on which the information was laid and, on proof or admission of the failure, the Court upon sentencing the employer may order him to pay to the employee in addition to any fine or other penalty such sum as in the opinion of the Court represents the difference between the amount which should have been paid during those years and that which was actually paid, plus interest at the rate of ten per cent per annum from the date any wage was due until it is paid."

Here we are actually punishing the employer, not only for the offence with which he is charged and the offence which is before the Court and the offence for which he is convicted but the Court can go back, if evidence is produced, and punish the employer for any acts done two years prior to the offence for which the person is in Court. This could never be the justice system that the Court convicts a person and then goes back to deal with other acts of the convicted person, committed up to two years prior to the conviction. It seems odd, unless the desire is really to punish the employer.

Then it appears to me that if the employer had committed an offence two years prior, that offence should be brought to the Court and the Court should deal with it. They should not wait until they get a conviction and simply say, now that they have a conviction they will deal with the person's other errors or indiscretions, whatever they may have been.

The Bill sets out certain standards for rest periods. But, as usual, does not stop there, because it goes on in section 24(2) that, "The Governor may by Order revise this standard for any industry or enterprise specified in the Order."

Here again we are passing the Law which sets out the rest periods and giving the Executive Council the power to change the Law, because that is what would actually happen. Members will recall that I raised the same point earlier on in the Bill where, under section 4(2), Executive Council is given the right to vary any rights and obligations laid down in the Law. It is most unusual for Executive Council to vary to the Law, to change the Law. What we have had mostly in the past is that Executive Council is allowed to make regulations under the Law but throughout this Bill it seems that the Executive Council can change and vary the Law and can vary the provisions and the standards set out in the Law.

I dealt earlier on with a section that I felt would be very onerous, section 7, which requires a tremendous amount of paperwork. I would also like to touch on section 31, which adds to that burden for the small business. Now section 31 only applies to employers with ten or more persons. But still a business with ten or more persons could be a small business.

Here we are setting out and making compulsory certain amounts of book work which may be difficult for the small business to comply with. I am thinking about a one man

ownership where probably his wife, children and a few other people are on the payroll. You may find that there are many of them around, although I do not want to identify any specific business, where the employees number ten or more but still, it is a very small operation. It is an operation that probably has never been properly funded; they may never have had sufficient capital; they just started out with the earnings of the man who put it into the little business and who, through hard work and probably with the help of a few dedicated employees, brought the business up to where it now employs ten or more people. But this business may not have a good cash flow that would allow the person to put in a computer or to hire a separate individual as a bookkeeper or a personnel manager to deal with all of these requirements.

We know, it is no secret, that the local businessman, if he is having a cash flow problem, has difficulty getting funds from the banks here. We know it is very difficult. The hardship which this Law will put on this person will make it very difficult for these small employers with ten and fifteen workers to continue.

The work records have to be kept for two years and this is bound to put hardships on the small businesses. You go to some of these little businesses and they have a very small office, one little cubbyhole and there is not space in it for the filing cabinets that would be required to keep these records for two years after the person has left. This is no idle talk, we are putting a burden on the small business.

Some of these small businesses have no office at all. The person may sit down in his gas station or his little supermarket, his little construction shed or whatever it is, and do his book work. He does not have the facilities, he does not have a secretary to do his filing, he does not have the space to carry data files for people that left two years ago.

This is what we are doing with this Law, because we have taken a model that did not suit this country, and brought it here. I dealt with the reasons why we did that, but now I am dealing with the results and the work that will flow from this. It is not a matter now whether he keeps these records, he is compelled to keep them by section 31.

Under section 31(1), "Every employer who employs ten or more persons shall keep an accurate work account in respect of each employee, which shall record his time worked (by pay periods), his leave taken (by type), and the basic and other wages paid to him for each pay period." And under subsection (2), "In the case of an employee paid on a piece-work basis the work account shall show the work done instead of the time worked."

Under subsection (3), "An employer to whom subsection (1) applies shall preserve each work account with respect to each entry therein for at least two years."

Why should this burden be put on the business person particularly in businesses where the turnover is high? The person may have fifteen people on the payroll and may find that during a two year period a half or more of these workers may have been replaced in each year. This is common in certain businesses. Yet the person is required to keep these records in the hope that the employee will bring a suit against him sometime during the next two years.

Subsection (4), "Upon demand by any employee, an employer required to maintain a work account under subsection (1) in respect of that employee shall make it available to him for inspection." If the employer fails to do so, he is guilty of an offence.

If the Director of Labour or the employee wants to know, either for statistical purposes or for litigation or for any other reason, about the work accounts of the employer, why not collect this information on the day the person leaves, and do not subject the business to keep these date files in his locker for two years.

I am taking a lot of time with this because this is a principle which is introduced into this Bill, a principle we knew nothing about heretofore.

Under section 32 there is an additional requirement for the employer to provide a statement in writing showing how "the said payment was made up". It is not clear to me what they mean by that. Whether they mean if he must show that the person worked "X" amount of days at "X" amount of dollars, or whether he was paid in dollar bills which have the signature of the First Official Member, or the old ones that had the signature of the Fourth Elected Member of Council. It is not clear what is intended here. Under subsection (2) he must furnish a statement including showing the deductions.

Now, section 33 deals with gratuities. I mentioned in my opening that I think one of the reasons why the Member brought his motion which resulted in this Bill, was that he had received complaints about the gratuities. I too, over the years, received several complaints. Some workers feel that they are treated all right with regard to their gratuities, but there were some workers who said that they believed their employers were not treating them right, and they were not receiving the gratuities which they felt should have come to them. This is a matter which the present Government should have addressed. But instead of dealing with specific matters which they may have been able to cure, they have gone out in this Bill to do all things for all people. The end result has been that the looseness of this section dealing with gratuities will not cure the ills that exist.

Under section 33(1) the employer may register with Government a scheme dealing with the distribution of gratuities, and if the employer fails to do this the Governor may prescribe a formula to be used by all employers, or all employers of a certain class, for determining the distribution of gratuities among employees. Here again, I feel that the formula should have been set out in the Law, not left to Executive Council. Executive Council should not be left to prescribe the formula for employers of a certain class or for all employers. Then, what is even worse, where Executive Council fails to make the regulations, we find that the Director may, by agreement with that employer or class of employers, register a formula to be used by that employer or class of employers for determining the distribution of gratuities, among employees.

Another serious defect in this Bill is the section dealing with severance pay. This has been made retrospective and could well result in the bankruptcy of many small businesses, even big businesses. I will explain what I am talking about.

Severance pay is retrospective, which means that if he is leaving, he can claim his severance pay today or when the Law goes into effect for all the years that he has served. Even a big business like, and I hope he does not mind, but like the Kirkconnell Brothers' business at Kirkconnell Home Centre, if every employee of that Company decided to take his severance pay tomorrow, I am certain the Company would be bankrupt. They can claim it, and you may get this sometimes. This section makes it retrospective that every current employee, if he feels like leaving, can demand the severance pay. I will read the section in its entirety because I know we are going to hear that this Law does not mean what it says.

I was rudely interrupted yesterday, telling me that the Law applies to the civil service when the Law says it does not apply. I do not want anybody saying that this could not be retrospective.

"Every employee whose term of continuous employment with an employer and any predecessor-employer has in aggregate exceeded one year is entitled to receive upon termination of his employment by his employer for any reason, other than a dismissal which is within paragraphs (a), (b), or (c) of section 45, severance pay, being payment in money calculated in accordance with the provisions of this Part."

So it is quite clear that it is retrospective. Not only may the employer be called upon to pay severance pay for the workers which he has employed, but if they are workers which had been employed by a predecessor-employer, he

is liable to pay that as well. In other words, if you buy out a business it would appear to me that you are liable for severance pay not only for the services which you have received, but also for the services rendered to your predecessor. So it follows that if this severance pay was demanded in bulk, the retrospective effect could bankrupt many small businesses and perhaps even big ones too.

These are serious implications for businesses, particularly small businesses, family operations or one man businesses. These are very serious implications. When I say one man businesses, I am not talking about one worker but one owner.

Subsection (2) is also very disturbing. "In the case of the bankruptcy or winding up of an employer any liability for severance pay shall be paid in priority to all other debts, and shall be paid in full unless the property available is insufficient to meet them."

In other words, no matter who the preferred creditors of the business were, they have now been replaced by this Bill and put further down the line.

Section 37(1) sets out that, "Severance pay shall consist of one week's wages, at the employee's latest basic wage, for each completed twelve month period of his employment with his employer and any predecessor-employer, subject to a maximum of 12 weeks' pay."

But still, with limiting the severance pay, the worker could be called upon to pay for work done for a predecessor up to a maximum of 12 weeks. If this had to be paid out of a small business to a large number of workers at one time, the result could be bankruptcy.

This section is retrospective, and does not apply to anybody who comes to work after the Bill goes into effect. In order to get 12 weeks' pay, the person would have worked for 12 years. So how can you tell me that the Bill is not retrospective? This is a serious defect in the Bill.

I still maintain that this Bill has an anti-employer bias. I perhaps expressed that sentiment in other terms before but it is so obvious that I think it needs to be said, even if I come near to repeating myself.

There is, here, a very complicated formula and I am stressing this because an injustice is being done to the employer in this Bill. There is no way that a small businessman can comply with this Bill. I have heard that they will be given six months' grace when no penalties will be imposed. But, even if they were given six years, they will never be able to comply with this Law. So, the principle I am dealing with is that we are forcing upon the business community an outrageous Bill which will harm not only the employer, but the employee. If the employer goes to jail because he is unable to comply with this Law, his employees will suffer.

If we look at section 38(2)(b) and read the formula there for severance pay where there is no recall, one will easily see what I called in the beginning an administrative nightmare. Let me read section 38(2)(a) and (b).

"If the termination be stated as temporary, no severance pay need be paid to the employee at the time of such temporary termination save in the following circumstance:

- (a) where the date of recall, if one is given at the time of termination, be six months or more in the future, severance pay shall be payable on the date of termination;
- (b) if no date of recall is given at the time of termination severance pay shall be payable six months from the termination if the employee shall not then have been recalled; in which case, interest at ten per cent per annum on the amount of severance pay due shall be payable for the interval between the original termination date and the date of actual payment."

MR. PRESIDENT:
break. Suspended for fifteen minutes.

If I may interrupt you, perhaps we should take our morning

AT 11:14 THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:38 A.M.

MR. PRESIDENT:
Bodden Town.

Proceedings are resumed. The Second Elected Member for

MR. G. HAIG BODDEN:

Mr. President, in concluding the last lap of my debate, I would like to make it abundantly clear that I am not against any benefits provided for the worker.

My contention with this Bill is against the punishment meted out to the employer. We cannot help the worker by damaging the employer.

The Bill before us in many instances that I have mentioned and a few more which I will touch upon, contains provisions that it is not practicable to carry out. I have heard Members say, off the record, that to understand this Bill one should have been in the Committee's meetings. But I have bad news for them on this Bill, because whatever is written within the Law will be the Law. The Courts who will administer this Law or the Director of Labour two years from now would not have been a member of the Committee. Even if the present Director attended some of the meetings, there will be future Directors who will not have the benefit of any sweet talk that was made to the Members in Committee. What we will be dealing with will be the cold hard facts of the Law, the precise terminology, the precise words. If Members are dissatisfied with the provisions of any section, the time to correct it will be when we go to committee stage. We cannot say this was not what we meant. If Members feel that the Law should apply to the public service, the Members must change the wording of the Law so that it will read that it shall apply, rather than the present wording, which says it shall not apply, with a few exceptions.

As dismal as my debate may have been, the worst parts of this Bill are yet to come. It would appear that the Director has been given unusual, abnormal powers under this Law. In some instances, he will be the complainant, the prosecutor, the judge and the hangman, since he is charged with the enforcement of the Law. I will be dealing with that in greater detail as I come to the relevant sections.

The Director can order the payment by the employer of a sum of money by way of compensation for unfair dismissal. This seems to me that we have gone back into the distant past and made the Director the judge and ruler of every employer. I think this is far too much discretion to put in the hands of one person. A person over whom there is no control. His word will be the law of the land.

Although section 6 of the Law follows what I have been saying, I would like to skip over that and continue with section 7 which deals with the administration, the responsibilities and powers of the Director because I may not have time to deal in detail with all the remainder of the Bill. And, as I can see from the tone of the House I do not have a chance of getting an extension of my time.

A great concern of mine is the high cost of administration of this Law not only to the employer, but to the Government itself. There shall be established under section 65, a Labour Office comprising the Director of Trade and Labour (I think there is going to be an amendment to remove the word "Trade", but a rose by any name will smell the same) and such number of inspectors as may be necessary for the

due administration of this Law. Government has decided that the Law will be enforced and they are gearing up by making provisions for the appointment of inspectors.

Under section 66, the Director is charged with securing the proper observance of the provisions of this Law. The Director has been made the enforcement officer for this Law. In other words, his position under section 66 is equivalent to that of the Commissioner of Police.

We heard the Second Official Member say here a few days ago that we should have independence in Government; that the police, the executive, the judicial systems, should all be separate. But this Law will make the Director not only the Commissioner of Police, but a judge in certain matters, because he will take decisions, he can impose fines, he can order that payments be made with regards to severance pay. When I say impose fines, I know the technical difference with the Court, and when I say impose fines, I mean he tells somebody to pay money which is equivalent to a fine and they have to pay it. He has the authority, under this Law, to order a person to pay monies. He has the position where he can compel the employer to pay out monies which is very similar in a Court of Law.

The Bill is not keeping the judicial and the executive apart. They are making this man, who under this Bill, becomes second only to God, because he can do certain things which the Governor of these Islands cannot do - I will be dealing with that - like closing down a business. I do not think that our Governor has the authority to shut down Caribbean Utilities, or any other business except if there was a riot or something. This man can walk in and shut down a business and I will be dealing with that.

We have made him the second highest person in the Island. We have God, then the Director, then the Governor because his powers supersede, in many respects, those of the Governor. Not only have we given those powers to the Director, who will normally be a senior civil servant, but we have given the same powers, or some of the powers, to the inspectors who will probably be new recruits in the service.

If the Honourable Second Official Member wants to reply I would ask him to refer to section 67(1) of the Bill which says, "The Director and any inspector shall for the performance of their functions under this Law have power:

- (a) to enter any workplace without previous notice at any time during the working hours of that particular workplace;"

When the original Bill was drafted I think this section was even wider. They were giving to the Director the powers to enter any place at any time. But because of certain objections, that section was modified. The Director can now enter any workplace without previous notice at any time during the working hours of that particular workplace. My concern with this section is that "workplace" is not only the simple definition given in the interpretation section of this Bill:

"'Workplace' means any premises in which any employee is employed to work and, without prejudice to the generality of the foregoing, includes any shop, office, licensed premises or factory."

But there is a section in the Bill which allows the Executive Council, I believe it is, to declare other places as workplaces which means that a person's private home could be declared as a workplace for the purposes of this Law, if it suited the whims and fancies of certain people.

Under section 67(1)(b), not only the Director, but any inspector is allowed:

- "(b) to carry out any examination, test, or inquiry which he may consider necessary to satisfy himself that the provisions of this Law are being observed;"

This section is so wide in its application that if it were not for a previous section which I mentioned, we would see confidentiality gone to the winds again. When it says "carry out any examination" that can well include the examination of the person's business accounts. This is the difficulty, Sir. Members probably discussed this in the Committee, but what they discussed in the Committee has nothing to do with what the Law says. They may have thought in the Committee that under this Law, you could not get into the accounts of the business other than wages or work records but the Bill says something altogether different but the Bill says that the Director and his inspectors can carry out any examination, which means their confidentiality is again threatened, regardless of what the Honourable Second Official Member may tell them, or any other person in the Committee may have thought. Under this section it is wide open to abuse.

The Director or his inspectors are allowed to question alone, or in the presence of witnesses, any employer or employee on matters concerning the application of this Law. This is one of those grey areas where we do not know what the Committee meant. When they say 'question alone' do they mean that the Director will decide that the person must be questioned alone without consultation with a lawyer or without any witnesses present? Is this what is meant by "question alone"?

Under subsection (d) the Director or his inspectors are allowed:

- "(d) to require the production of any records or documents required to be maintained by the provisions of this Law and to copy or make abstracts of any such records or documents."

I think this is going a bit far into the privacy and the confidentiality which we boast about. This is wide open and can be used as a fishing expedition, it can be used like a witch's hunt like the one now being conducted to get information other than the information for which the search is purported to be meant. And, the Director, after he has investigated the case, can institute criminal proceedings and may appear before the Summary Court to conduct the prosecution.

It is apparent that the Director can investigate a case like the police, he can institute criminal proceedings like the Attorney General, he can conduct the prosecution like the Crown Counsel, and we have seen, in other sections that he can demand that the employer pay out certain amounts of cash. So, at one time or another, during the administration of this Bill when it comes into Law, the Director will find himself in a role playing these important functions which the Second Official Member mentioned a few days ago should be kept separate and distinct.

These are the areas that concern me, where there has been a complete breakdown of all the systems which we have cherished. In certain hearings under section 68(4):

"The Governor may make regulations prescribing the procedure to be followed at any hearing to be held in accordance with subsection (2)..."

Another bad section, because these hearings will, in effect, be like a Court of Law because the employer is being tried, he may be convicted, and if so, will be punished. The Governor, that is, the Executive Council, is going to prescribe the procedure to be followed. In other words, this is just the same as making the Court's rules, which has never been done in the past by the Executive. The Court's rules have been made by a Rules Committee of the

Court, with, probably, the Chief Justice as the Chairman.

Here, in this sensitive matter, we have the Executive Council given the power to make the rules for these hearings which will actually take the place of a Court hearing. Where is the independence with the Honourable Second Official Member spoke about a few days ago?

When there is a hearing under this section, we are told, in 68(7):

"The decision of the Director upon a complaint shall, subject to section 71, be final and binding between the parties."

So what does that mean? It means that this man has been given autocratic power; the powers of a dictator that cannot be questioned, because the matter is final and binding between the parties. Except for section 71, where an award exceeds \$500 or there is the service of a remedial notice he may appeal to the Appeals Tribunal, provided an award of less than \$500 is involved.

I know about the section that goes on to say that he can appeal on a point of law, I have not missed that. What I am saying is that normally this Law shuts out the normal appeals. The appeal can only be had if you are able to hire a very clever lawyer and if you have a lot of money to pay for it because it will cost money.

I am wondering if this House is really going ahead with this Bill today and if they are going to allow the inherent rights and privileges, the rights of appeal which had been enjoyed to be taken away, subject only to the few exceptions mentioned in section 71 and the other little section that allows the appeal on a point of law.

This Bill could have terrible implications. It could set a policy which, if followed, could completely destroy the justice system which we boast about. I would like to deal with that figure that has been put in - \$500 - because it appears to me that if the employer is requested to pay \$500 he must pay. There appears to be no appeal. If the worker is not satisfied with \$500 he can appeal. The one-sidedness of this Law is what is bugging me.

Regardless of what Members were told in the Committee, they have produced a one-sided Bill, and naturally whatever is in this Bill, if passed, will be the law of the land. Because that part of the Bill - and I am not repeating myself, but just for clarity - is so important that I would like to read, with your permission, Sir. It is the entire section 71.

MR. PRESIDENT:
using up.

I am sure that is all right, but it is your four hours that you are

MR. G. HAIG BODDEN:
the justice system. Section 71:

Yes, Sir, but I think this is one of the most serious erosions of

71. "(1) Any person aggrieved by:

- (a) any decision of the Director upon a complaint where the award exceeds five hundred dollars; or
- (b) the service of a remedial notice;

may, within fourteen days of notification of the decision or service of the notice, appeal to the Appeals Tribunal provided that an employee may appeal an award of less than five hundred dollars where he claims that the award should have exceeded five hundred dollars.

- (2) An appeal under subsection (1) shall be brought by giving notice in writing to the chairman of the Appeals Tribunal.
- (3) The giving of a notice of appeal pursuant to subsection (2) shall operate as a stay upon any award made by the Director.
- (4) The notice of appeal under subsection (2) shall also be served upon the Director, and in the case of an appeal from a decision of the Director upon a complaint, upon all persons who were invited to appear before the Director under section 68(3).
- (5) Upon receipt of a notice the Chairman of the Tribunal shall fix a date for the hearing of the appeal, being not less than one month nor more than three months from the date of his receipt of the notice of appeal, and shall give notice of that date forthwith to the appellant and to all parties who were entitled to receive the notice of appeal pursuant to subsection (4).
- (6) All persons entitled to receive the notice of appeal pursuant to subsection (4) shall be entitled to appear at and be heard upon the hearing of the appeal, or upon any adjourned hearing.
- (7) The Governor may prescribe the procedure to be followed at the hearing of an appeal under this section, but in default of such prescription the procedure shall be at the discretion of the Chairman of the Tribunal.
- (8) Within twenty-eight days from the conclusion of the hearing of the appeal the Tribunal shall reach a decision upon the appeal and shall deliver a notification of that decision, together with written reasons therefor, to every party who appeared at the hearing of the appeal.
- (9) The decision of the Tribunal upon an appeal shall, subject to section 72, be final and binding upon all parties."

I have simply read that to show the limited nature of the appeals that will be allowed.

the Tribunal can only be made:

Section 72, the appeals from

- (1) "upon a point law" and (2) it makes it clear that there is to be nothing else, because subsection (2) says:

"Subject to subsection (1) no decision of the Director or the Appeal Tribunal shall be

open to challenge or review in any Court of Law upon any grounds whatsoever."

So we are taking away the right of appeal.

I heard one Member saying, off the record, that this point of law can be extended to the causes of natural justice and other matters. I do not think we can extend the Law beyond what we put in it. The appeal will be on a point of law.

The frightening part of it is that in subsection (2), no decision of the Director or the Appeal Tribunal shall be open to challenge or review in any Court of Law upon any grounds whatsoever. I could understand this if these appeals were on administrative matters, for example, like the granting a work permit to somebody or not granting it but these are criminal matters, because this Law ...

HON. RICHARD W. GROUND: On a point of order, the Member is misleading himself, he is misleading the House. This does not refer to criminal matters.

If the Member read the Law and had he been in the Committee meetings he would have had an opportunity to see that appeals in criminal matters are not touched or limited at all by these sections. These sections simply refer to decisions of the Director on a complaint. In other words, severance pay, unfair dismissal, and remedial notices. Those are not criminal matters.

MR. G. HAIG BODDEN: Mr. President, the Member is totally wrong. Because if the Director ordered the employer to pay monies under this Law, if he did not pay, he would be guilty of a criminal offence. So how can he argue like that? There are other people here.

HON. RICHARD W. GROUND: On a point of order. I regret the offence of not paying involves a prosecution before the Court and that can be appealed.

MR. G. HAIG BODDEN: Mr. President, I think the Honourable Second Official Member is really dealing in semantics because I gave one example. But there are hundreds of other things that could have happened that would constitute criminal offences.

MR. PRESIDENT: Excuse me, I think we must stick to the Bill in question. There may well be other criminal offences under other Bills. That may well be true, but we are talking about this Bill.

MR. G. HAIG BODDEN: Yes, Mr. President, I think the Member should keep quiet and if he wants to reply he can do so. He did a pretty good job in dealing with the First Elected Member for Bodden Town on a political scale.

MR. PRESIDENT: Would you be seated please. The Chair will rule whether or not a matter is in order or whether it is said in accordance with Standing Orders. It is not for any Member of this House to tell the Chair what is or is not correct in Standing Orders. Please let us observe that.

MR. G. HAIG BODDEN: Mr. President, it is my contention that this Bill seriously erodes British jurisprudence. So I could understand these severe limitations if we were not dealing with the property of the employer, if we were not interfering, as it were, in the running of an on-going business. If I had been one of the architects of this Bill I certainly would be as sensitive as the Second Official Member appears to be, because this Bill, in my opinion, is a disgrace to the business community and an insult to them.

I spoke in the beginning about a certain section of the Law that allowed Executive Council to vary the Law. Here again, at the close of the Bill, section 78(1) the Governor is given the authority under section (1)(b) to vary any time periods established or required by this Law.

As I said on the other section, Executive Council could be given the authority to make regulations under the Law, but should not be given the authority to vary the provisions of the Law. I am surprised that the Second Official Member allowed this to happen.

MR. PRESIDENT: I am sorry, I have to interrupt because I do not understand you. I thought this section says that the Governor, that is the Governor in Council, may make regulations etcetera, for (a) and (b). You are saying that that is what you would like, I think that is what this prescribes.

MR. G. HAIG BODDEN: Mr. President, I read it that the Governor may make regulations for varying any time periods established or required by this Law.

MR. PRESIDENT: That is right, and Governor means the Governor in Council. It says that.

MR. G. HAIG BODDEN: Yes, yes I know that, Sir.

MR. PRESIDENT: Well I thought that is what you were asking for.

MR. G. HAIG BODDEN: They are given, under 78(1)(b) the authority to vary any time periods established by this Law. I think that is wrong.

MR. PRESIDENT: I beg your pardon. You now say that it is wrong if the Governor in Council has the authority to make regulations for varying time periods because that is what this appears to provide.

MR. G. HAIG BODDEN: No, Sir, I am not saying that it is wrong for them to make regulations generally, I am saying it is wrong for them to make regulations that would vary any time periods established by the Law.

MR. PRESIDENT: Thank you. Forgive my interruption, I now understand.

MR. G. HAIG BODDEN: What is even worse in this section is that, in 78(2), "Any regulations made under this Law may create offences, the maximum penalty for which shall not exceed that set by section 74." so that Executive Council is further given the power to create offences which were not set out in the Law. They can create new offences under the regulation process. That is contained in section 78(2) which says, "Any regulations made under this Law may create offences ...". I take this to mean may create new offences. I can understand what the Member meant when he said he wanted an animal with teeth that bites, or a Bill with teeth that bites.

I would like to deal with Part 6 of the Bill, as I have not touched this section yet.

In section 50(2), "The Governor may by regulations extend the application of the provisions of this Part to such installations or operations as may not be within the definition of "workplace", but to which it appears reasonable to extend it." Earlier I mentioned that "workplace" was defined in

the interpretation section. My concern is that that definition can be extended by the Governor in Council and the application is too wide because there is nothing to prevent the Executive Council or the Governor in Council to declare the private dwelling home of a person as a workplace for the purposes of this Law.

Then we note the wide powers given to the Director and his inspectors that they can enter these places without any prior warning. I feel that if this is extended to a person's dwelling home, and an inspector, under the Labour Law, can enter without notice we have taken it a bit far but so has everything else in the Bill.

Section 51 requires more paperwork, because under 51(1):

"Every person who operates a workplace on the date on which this Law comes into force, shall, within one month thereafter, file with the Director a written notice stating the particulars prescribed in subsection (3), and every person who commences to operate a workplace subsequent to the date on which this Law comes into force shall, within one month of such commencement, file a similar notice."

This is not a simple notice to tell the Director where your place of business is located. It has to be detailed, giving the name of the operator of the workplace; the address and location of the workplace; a brief description of the work carried on in the workplace; whether machines are used, and, if so, their nature; the total number of persons employed in the workplace; and where persons are employed in shifts, the maximum number employed at any one time.

Here again, I must ask the question, how can we help the employee by requesting that his employer either become a full time administrator for the purposes of this Law or hire somebody to do it? It is physically impossible to comply with all the requirements here.

Under section 53(c) the employer is required to maintain a reasonable temperature therein appropriate to the type of work being performed. I do not know if this is intended to make air conditioning compulsory in all work places because I am at a loss when I read something in the Bill that I am told does not mean what it says; that I should have been at the Committee's meetings and then I would know what is in the Bill. But I can only read what I see in the Bill.

We see that under section 55 the operator of every workplace shall ensure, amongst other things, that such other facilities, such as canteens, mess rooms and rest rooms, as are reasonable under the circumstances, are provided and maintained. This has to be a nonsense section. Who is going to determine what is reasonable? Is it the Executive Committee, is it the Tribunal, is it the Labour Officer, would it be the inspectors, would it be the employee or would it be the employer? Who is to decide if there should be a canteen at the place of business? Who is to decide if the place will have mess rooms? Will it be an arbitrary decision or was there something decided upon in these Committee meetings which we hear about that is hidden from the Law?

I have exhausted the time allotted to me for this debate. I would like to close by saying that if this Bill goes into effect I feel sorry for both the employer and the employee. The benefits mentioned in the Bill for the employee are benefits which already exist in many of the businesses. The Bill will not benefit the employee, in that, he will be no better off than he was the day before the Bill went into effect. The Bill will certainly hurt the employer and a man's business cannot be hurt without hurting the people who work in that business.

I have heard that a certain contractor has estimated that this Bill will cost him about 27.5 per cent onto his cost of doing business now. From my research on it, I would say that he has made a very mild estimate. I believe the cost to the small man for doing business under this Law will increase by about 33.3 per cent. That increase in the cost of doing business will be passed on to the consumer and this increased cost will reduce future benefits which could accrue to the employee. So with the passage of this Bill which was adopted as a model, has been found to be totally unsuitable. We have before us nothing but an administrative nightmare.

Everybody had high hopes that this Bill would have done some good for the worker, but it appears to me that all it does is to work against the employer without any corresponding benefits to the employee.

MR. PRESIDENT:
Proceedings are suspended until 2:15 p.m.

That will be a convenient time to suspend proceedings I think.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MR. PRESIDENT:
Labour Bill. Would any Member wish to speak?

Proceedings are resumed. Continuation of the debate on the
The Elected Member for North Side.

MR. D. EZZARD MILLER:
Mr. President, I would like to congratulate the Mover of this Bill, the Honourable Second Elected Member of Executive Council. He, like many of us, I am sure, is glad to see the light at the end of the tunnel. He and some of us spent many hours in deliberations of this Bill. He has faced the problems, as he explained in his introductory remarks, of having to try to solve or arbitrate labour problems in this country without any legislation on which to base his actions. His presentation was very comprehensive and detailed. I think the country was well served by his lengthy presentation, and I have been told by some members of the public that they were extremely grateful for his detailed submission because they now understand a lot more and have had a lot of their fears put to rest after his opening remarks on the Bill.

Now, unfortunately I cannot put the remarks made by the Second Elected Member for Bodden Town in that category. I disagree wholeheartedly with his philosophy, his approach to the debate of the Bill and certainly with his claim that the Bill is offensive to the Members of Parliament and to the public at large. I did find his remarks very displeasing, irritating, annoying, unpleasant, impertinent, rude and at some times, abusive.

When I seconded the motion in March 1985, which was accepted by Government at that time, as they saw the need for the legislation and which has brought about the Bill from the Select Committee created by that Private Member's Motion in 1985, I said then, and I maintain that stance today. Good management which has good labour relations leaves no place for labour unions and labour legislation. But, unfortunately, we are not living in a perfect world.

I will document this afternoon, some clear instances of where management or employers, as they are referred to in the Bill under discussion, have failed miserably to provide basic necessities and conditions for their employees.

I would be happy if we did not have to put this Bill on our statute books but it is necessary because management or employers in this country have failed in the provision of these basic necessities. The time has come when Government must take action to protect and to ensure that employees have basic rights and this Bill does both. It protects the employee but it allows the employer to retain his authority

in the business.

I have often admired the Second Elected Member for Bodden Town's ability to compress the most words into the smallest idea of any man I have ever known. You know, I believe he could now claim a place in the Guinness Book of Records, because by my calculations, and I might be off a little bit because of the pauses, but he has packed 475,200 words into the last four hours of debate in this country without, and I repeat, without an idea this time. In all of that debate he did not offer one single alternative to what is before this House today. It seemed like his greatest concern was that this Bill is based on the Antigua Labour Code. To illustrate his point, or to justify his claim he referred to the minutes of the Committee's second meeting. I would remind Honourable Members that he referred to the second meeting, because he was absent from the first meeting at which time the Committee decided the areas that the Bill or the legislation that was being proposed would address.

He read out a paragraph from the minutes and the last sentence in that paragraph which he read says three words: "the Committee concurred". That Member is recorded in those minutes as having been present at that meeting. There is no record of a 'No vote' by that Member for using the Antigua Labour Code as a guide. That Member has tried in the past to cleverly disguise the decisions as reported from committee meetings and purport to have done something other than support the Bill.

He drew an illustration at some point in his debate about the motion on salaries, and if we record from the Finance Committee's Report that was tabled here a few days ago, that Member, anytime he wanted a 'no vote' recorded, made certain it was recorded in the minutes that the Second Elected Member for Bodden Town voted 'no'. If he was not supportive of the idea to use the Antigua Labour Code as a guideline, he could have recorded in those minutes of the second meeting held on Thursday 2nd May 1985 that he specifically objected to it. The report of that meeting says, the Committee, of which he is recorded as being present, concurred with the use of that Code. Of course, it was immediately after that meeting that we heard all the rumbles on the street that we were adopting the Labour Code, I am not suggesting that any particular Member took it out, but it leaves one to wonder how it got out there. The Chamber of Commerce got hold of copies and accused Government of bringing in this law, that law and the other law. But it is time that the people of this country understand what goes on in these Select Committee meetings. Any Member present at a Committee meeting who votes no on an issue can have that vote so recorded.

What really got me upset was when the Member proceeded to impute, deduct, extract, draw conclusions, to bleed, to draw forth from the minutes of meetings that he had not attended, what went on in that Committee meeting. He went on in great detail that we had not accepted the Chamber of Commerce's comments and those of the Labour Advisor's. He was not present at those meetings, therefore he has no basis on which to make such deductions. The minutes of a Select Committee only records the decisions taken in that Select Committee. These minutes are not verbatim reports of what went on in those Committee meetings.

He wandered into other areas, about the tail wagging the dog, and dealing with motions of which I was either the mover or the seconder. During this same period of time I think he dealt with the Economic Development Plan, the Social Security Plan, and the Salary Review. I would remind the public again that the vote on the present salary review by legislators for themselves was a unanimous vote. It was a unanimous vote, nobody dissented. In fact, during the deliberations, nobody objected. I think it is time that a stop is put to this practice, because myself and that Member have clashed before on Committee Reports concerning the rule about the time limit on speeches. I have had to read all of the minutes of that meeting to set the record straight in the past, because that was his motion.

Having listened for four hours to his debate, I am glad that the Member stayed away from the Committee meetings because we would have still been in there.

I interrupted the Member yesterday on a point of explanation and drew to the House's attention that the clause that he was saying excluded the civil service that he was not reading the full clause. The Member read it once after that but after that he continued to stop at the introduction: "This Law shall not apply to the public service ...", and did not go on. But I would just like to emphasize - and let it be known - that I support this Bill. I make no apologies to anyone for what is in this Bill. I have worked hard, I have listened to complaints, I have listened to suggestions. We have tried, and I believe that we have produced a balanced piece of legislation. That is my opinion and I support that.

I am not worried about what the Law is going to say, I know what the Law says and I intend for the Law to say what it says. The Law says the Law shall not apply to:

"the public service provided that the regulations and General Orders from time to time applying to the public service shall not prescribe or permit conditions of service which are less favourable to the employee than those required by this Law."

I am no lawyer and I would not like to be one with the reputation that lawyers have, but it is my interpretation that that proviso makes the public service subject to the conditions of this Law. The Government must provide, through the Public Service Law, through the Public Service Commission Regulations and through the Government Public Service General Orders, conditions of employment which are above and beyond the provisions of this Law. It is my submission that that can in no way be interpreted to exclude the public service. I would further submit that to do so is an attempt to mislead the people. While I respect other people's opinions, they must be purported as opinions because what I just gave is my opinion. It might not be a fact but it is my opinion. It might not be right but it is still my opinion. When people purport their opinions to be statements of fact that can be questioned by no one.

The Member went to great lengths to say that representation, had been ignored. It may be that the Member did not get far enough into the report, to see, or he did not read the Compass. But in the report there is a comprehensive list of things that were changed in this Bill as a direct result of representations made to the Committee. No-one, I can emphatically state and this is not an opinion this is a fact, that no-one was ignored who made representation to that Committee. Of course, the minutes that the Member referred to says in some instances, that the Committee had dealt with the point, but that was simply because some other person had duplicated that particular representation, the Committee had deliberated that particular point and came to a conclusion, based on representations made. The representation that was then being considered was not substantially different from what had been received from someone else or some other organisation. So, there is no point in rehashing. That is what happens when you try to draw forth these conclusions in reading minutes of decisions taken rather than performing the function for which one is elected, and that is, to attend those meetings and have your input recorded in the minutes.

I can sympathize with the Member when he said the salary was exorbitant. The Member from Cayman Brac made an attempt to tie it to attendance, I have no problem with that. I can see where some Members may feel it was not justified, because they do not earn it, they do not come, they do not attend, if you do not attend, you cannot partake. You are elected to come here and partake in the discussions of these Committees and to contribute in however small a fashion to the debate and to the decisions. We are always given the excuse that the minority cannot get anything done. They were not in a minority in that Committee, you know, they had three Members, if they had come to the Committee. The two people in minority up in there were the two people who brought the motion. But we went there and we fought for what we believed. If we did not win, and we felt strongly enough about the point, we recorded our 'no votes'.

In one instance, the Mover of the motion sought leave to file a Minority Report but in the end the Committee saw his way, his particular point was absorbed in the Bill that is before us and it was not necessary to file a Minority Report. We have to stop coming to this Assembly and giving

excuses about being a minority and having the minority rights diminished when we are not exercising the rights that are provided for the minority in this Assembly. If we have exercised those provisions and it is in some way deprecated, then we can make that claim. But unless we come here, partake of the decision, file a Minority Report if we disagree, or at least record a negative vote on a clause, we have no grounds on which to complain.

As I said, in four hours, not one constructive alternative to what we have before us was offered. But that has been the problem for a long time. Labour legislation has been talked about and shuffled about on political platforms in this country to get elected for a long, long time. In eight glory years of the Unity Team, with two Attorney Generals, one appointed and their private one who was elected along with him because he has all the legal brains in Cayman, they could not put together labour legislation and bring it to this Assembly. And then they come here today preaching dissent, stirring up the people saying the Law is against the employer and provides no benefits for the employees. Those two people are in one boat, the employers and employees. It behooves me how we can take from the employer and not give it to the employee. Who are we going to give it to? The fact of the matter, in my opinion, as I see it, this Bill that is before us is a balanced piece of legislation. It provides the necessities and protections for the employee. It provides for the rights and authority of the employer. That is how I see it and that is how I feel it should be. I make no apologies to anyone for that stance. That is my opinion, that is my position.

The history of labour legislation is somewhat interesting in this country. When we moved the motion in 1985, it was bandied about by certain Members on the floor of this Assembly that they supported labour legislation but they were not supporting the motion because the legislation was already drafted, and was left in a drawer up in the Administration Building. Are you telling me that they did not have the fortitude, the guts as this Government has had, to bring it and have it discussed publicly?

The employer or the employee for that matter, in this country today, who has not had an input into this present Bill that is before us - it is nobody's fault but his own. He was given adequate opportunity to make representations either to his Elected Member, to make representation in writing to the Committee, to make representations through his organisation, like the Chamber of Commerce the shadow government, but you see, the sun is overhead here a lot now and that shadow is kind of small.

With the indulgence of the House and with your permission, I would just like to refer to a report by Norman E. Simple, I.L.O. Regional Advisor to the Cayman Islands Government on 23rd - 27th May, 1983, page 3:

"On the initiative of the Honourable Member for Tourism, Aviation and Trade, a Bill was drafted in 1978 for 'a Law to revise and amend, restate and consolidate the Law relating to Masters and Servants and other matters incidental thereto, and to make some provision for the mitigation of unemployment'. The Bill was divided into seven parts as follows:

Introductory: Part 1; Part 2 - the Employment Commissioner; Part 3 - Mandatory Conditions; ..."

Notice the terminology, Sir - "mandatory conditions".

"... Part 4 - Terms deemed to be incorporated; Part 5, Unemployment Insurance; Part 6 - Accident Compensation; Part 7 - General.

This Law, upon enactment, was intended to repeal the Masters and Servants Law, the Minimum Wage Law, the Truck Law, the Seamen's Wages (Recovery of) Law and the Workmen's Compensation Law. However, the Bill was never brought before the House and, if my recommendations ..."

That is the recommendations of the Advisor, Mr. Simple,

".. are accepted, it is hardly likely to come before the House in its present form. From my discussions with the various interest groups, it is clear that the Bill does not offer a sufficiently wide coverage for the areas of protection which the workers need. Besides touching on the very sensitive area of unemployment insurance, which most employers fear and would wish to have no part of, the general view however, is that certain clear legal guidelines are needed to enable both workers and employers to become aware of their rights and obligations in their respective spheres of activity, and to reduce, if not to eliminate, the arbitrariness which characterises a job market in which too many jobs continue to chase after too few people."

So, as far back as 1978, somebody saw the need for a Labour Law, and at that time thought it should include unemployment insurance. The last part of that paragraph those conditions continue to exist today, that is, "the arbitrariness which characterises a job market in which too many jobs continue to chase after too few people." That is the purpose of this Bill, to remove that arbitrariness. Some people get up and tell you it is going to cost so many people so much money. But I will get to that 27 per cent, because I can give my opinion on why I think it is 27 per cent too. One opinion was given, I am going to give my opinion too.

The Member also said that the most important reason why the Second Elected Member for West Bay moved the Motion that I seconded was the problem of gratuities. I signed as seconder of this Motion which brought this Bill about, and this is what the Motion said:

"WHEREAS there appears to be growing dissatisfaction on the part of the local labour force as to terms and conditions of employment, particularly those employed with the construction and tourist related industries;

BE IT RESOLVED that this Honourable House appoint a Committee of the whole House to study the foregoing matter and make recommendations for suitable labour legislation to be introduced in this Legislative Assembly at the earliest opportunity."

and I have not left out any sentences. That is what the motion said. The word "gratuities" is not there. Yet that Member, in his debate, admitted that he had received complaints, while he was in Government, about the problems of gratuity but he did nothing about it. Why? Could it be that the whole style and philosophy of the last four hours is based on petty jealousy? This Government has the fortitude to see a problem that needs correction, and to try to do something about it.

In my opinion, the only way to deal with gratuities in a fair and equitable way is the way we have treated it in this Bill. Government did not introduce gratuities in this country. There is no legislative basis at this time on which gratuities are collected.

It is my opinion that to go and legislate at this time would make the matter worse. I think, as the Bill suggests, if an employer is charging a gratuity and people are voluntarily paying it, it must go to the people that those who voluntarily paid it intended it to go, that is, the workers.

The problem with gratuity in this country is that for too long, too

many people have used the monies collected in gratuities to pay their labour force and that must stop. The only way to address it, to put an end to the charges, whether they are right or whether they are wrong, that management, owners, or other people, are abusing the gratuity collected and using it for purposes for which it was not intended, is to put in this Law that if an organisation collects that gratuity, the formula for which it is paid must be registered with the Department of Labour. There is nothing dictatorial in that. The decision is made by the employer as to what form he is going to pay the gratuity. But he has to file it with the Labour Department, so that when an employee feels he has not obtained his rights under that formula, there is a basis on which to determine whether that is true or not.

Under the present ad hoc system, that is entirely impossible. Now the extra proviso has to be there because there are going to be some unscrupulous employers who would not voluntarily provide that formula and in that case, the Director or somebody else, must have the power to prescribe a formula for those people.

It is my opinion that that is a reasonable requirement of the Law. The Honourable Second Elected Member, in moving this Bill, said it is a reasonable Law and I concur with that.

The Second Elected Member for Bodden Town also went to town on the provisions of the Law for severance pay. In his opinion, it was going to bankrupt every organisation in this country.

If somebody works for an organisation, as in one instance that I know of, where a gentleman worked for a company for 35 years - and we are not talking about somebody who was tardy when coming to work, or somebody who sat down on the job, we are talking about somebody who for all intents and purposes ran a department of that company single-handedly for 35 years, coming to work every day. It is not likely he got very much vacation during that 35 years. At the end, when he was ready to retire, they gave him a Timex watch and told him that if he ever wanted a job in the future, they had one for him.

I have not found any bank in town that will cash that "we have a job for you in the future." This is a man who gave of his best to a company. These are the kind in some unfortunate set of circumstances because as I said in my opening remarks, with good management there would be no need for labour legislation. It is those isolated instances and those unconscious companies who do those kind of things that has forced us to put labour legislation on our books. The Member has a way of emphasizing the section that he disagrees with, and makes you believe that the employee would be entitled, under the Law, to one week's severance pay per year of employment. The way he presented it would make you believe that that employee who worked for 35 years would be entitled to 35 weeks' pay. That is not the case in the Law, Sir. In section 37(1), there is a maximum placed on severance pay, and I will quote the section, Sir, 37(1):

"Severance pay shall consist of one week's wages, at the employee's latest basic wage, for each completed twelve month period of his employment with his employer and any predecessor-employer, subject to a maximum of 12 weeks' pay."

It is my submission that any person who has laboured in a company to increase the value of the company so that the owner of the company can get more when he sells it, should have the ability under the Law to preserve his severance pay. He helped to build the company and there must be provision in the Law where the owner cannot sell that loyalty, etcetera, down the drain. I support that.

He went into all kinds of detail about small business people having to build new store rooms and buying all of Hampstead's filing cabinets. Any business with fewer than ten employees are not required to keep most of the records in this country. Even those that are, if they are not keeping those records now, I would submit that they are not practising sound business practices. We should do everything to stop erosion of our confidentiality laws, or to stop people getting into business and doing the wrong things. We should encourage people to grow in business, but to grow in quality as well as in quantity.

The statement of working conditions as prescribed in this Law, again, is just basic good business and management practices. To submit to this Honourable House that if you hire somebody and tell him he has to stack shelves and you cannot make him operate the cash register, it is sad, because if that Member is telling me that if he was writing one of these job descriptions as a manager, he would tie himself down to that finite detail, then anybody, any manager who allows himself to be put in that position, should not be able to tell the person to work the cash register.

The Member in his, I think he called it his 'last lap' - tried to regroup any ground he might have lost with the "little man" as they call him, the working man in this country, by making a very condescending statement. It was obvious that his heart was not in it, it was not delivered with his usual vociferous gusto, he wanted to make it clear that he was not against benefits for workers but his contention was that we were punishing the employer. It is a reality that in many instances when you are going to give employees benefits, the only person to take them from is the employer. You cannot take them from another employee, you cannot take them from somebody down the street. It is the employer that has to provide them.

Now, I think the Member called the whole of Part 6, which deals with health, safety and welfare at work "nonsense". If we, as Elected Members, privileged to serve the people of this country are going to bring labour legislation which does not provide for health, safety and welfare at work, we are doing a disservice to the people we represent. To impute that the average working man in this country is not entitled by the sweat of his brow to good health and safety practices at work is a dereliction of duty on our part.

I fail to see how this Bill is going to hurt all of these people in business, and is going to hurt the employee too. It does require, as I said, some record keeping. It does require that certain basic rights and privileges be extended to employees, and that certain conditions for the health, safety and welfare of the individual at work is protected. That is exactly what makes this Bill a reasonable Bill, because it does those things. If it did not do those things, then, it would be hurting the employee. As champions of the working man and the little man in this country the one we hear so much about how this Government has been trying to put into oblivion, according to certain Members in this Assembly, how can we, with a clear conscience, purport to be protectors of the common working man in this country and yet say that a Bill that provides for his health and safety at work is nonsense?

The people of this country are fairly astute, and they know what is nonsense, what is reality, what is political rhetoric, what is political opportunity and what is hard work by Members of this Assembly in an attempt to put order in place of arbitrariness in the labour relations in this country.

We had an example, and I believe the Member said it was a contractor, I do not know whether he was in the construction business, the food business or the banking business, or what he was contracting. If the few necessary provisions for good employee/employer relationship that this Law suggests should be in place is going to cost any businessman in this country 27 per cent more, he must be treating his employees in a very deplorable way.

Maybe that is one of the companies that workers have come to me and complained that they do not have covered drinking water, the container for the drinking water is left out there for birds to fly over, leaves to blow into, etcetera, etcetera, if they want water to drink they have to go to that. I can see somebody that is operating in those dark ages of slavery that we heard about here some hours ago, maybe that is one of those people. But if one of those people is operating a business and doing that kind of thing to the workers of this country, I make no apologies that it is going to cost him 27 per cent more. The Member was right when he said the employer must pass it on, because if he is treating his employees that way, you can believe he is also treating the people who are paying him badly somewhere along the line too. That has to stop.

The working man in this country must have some legal

protection for rights for health and safety on the job. And they come here and tell us it is nonsense.

The Second Elected Member for Bodden Town emphasized that he had been interrupted and he was told the Law said one thing and he did not know what the Law should say because he had not been to the Committee meetings. I want to make it emphatically clear that I know what the Law says, I know how the decisions were arrived at to put in what is in the Law because I attended most of the meetings and I contributed. It is up to other Members' opinions whether it was worthy or not, but at least I opened my mouth. I support and I know what is in the Law. I am not telling you now that this is a perfect piece of legislation. but if consultation, deliberations, input from the people who are going to be affected by the Law, or an opportunity to have input can contribute or can produce a perfect piece of legislation, this is as near to perfect as you are going to get.

Now, I would add that I expect in the administration of this Law, in the maturing of this Law, some amendments may be necessary which may develop out of the process of arbitration. But it is essential to make a start and unless a start is made, that maturing process cannot occur. For a man to grow up he has to be born. This, Sir, is the birth of labour legislation in this country. I support it, and I am prepared to defend it politically in the byways, pathways and highways of this country, in spite of all of the dissent and the misinformation about this Law that has been propagated in this country over the past two years, and is continuing to be.

I had a senseless argument with a Unity Team supporter yesterday because he was referring to the first draft Bill, and quoting clauses from that. He could not read it, Sir, somebody had to read it and tell him what was in it. So I can understand why he has not read this last one. That is what is happening. People are being told of things that are nowhere near what is in the Law. They are abusing the loyalty of people who cannot read for themselves and interpret for themselves to propagate and divide the country against this Law.

I believe that during the next couple of hours of debate in this House, the people are going to hear the other side of the story. I am prepared to stand by the provisions of this Law. I believe, and I trust the Honourable Member, in his term of office that is left, to set up adequate administration to deal with it. I believe the labour force in this country is going to be infinitely better off. I believe the employers in this country are going to be infinitely better off and I make no apologies to those who this Law might upset, because they need to be upset.

I support a Bill for a Law to govern terms and conditions of employment; to provide for the health, safety and welfare of employees and related matters.

Thank you, Mr. President.

MR. PRESIDENT:

Thank you. Proceedings are suspended for fifteen minutes.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:33 P.M.

MR. PRESIDENT:

Speak? The Third Elected Member for West Bay.

I think we have all had time to settle. Does any Member wish to

MRS. DAPHNE L. ORRETT:

and conditions of employment; to provide for the health, safety and welfare of employees; and for related matters.

I would like first of all to offer my sincere congratulations, first to the Mover and Seconder of the Bill, to every Member of this Assembly who has worked so hard to bring this to fruition, but certainly, not forgetting the hard work and many hours which have gone into the drafting of this Bill, both by the former Attorney General and the present Attorney General and their staff. The Legal Draftsman has had a lot of work to do in the last few years, and the labour legislation was not least amongst them. I would like to offer my sincere congratulations to them for a job well done in putting this together.

Delay, they say, is dangerous. I believe that to delay the coming into effect of labour legislation in this country today, after having gone to the lengths we have to bring it to this House, would not be in the best interests of this country.

In 1984, when we campaigned for a seat in the Legislative Assembly, a part of our platform was that we would seek to introduce labour legislation, should we be elected to office. We are simply fulfilling a campaign promises, not simply to keep a promise, but as with every other item of our platform agenda, we found that this was an urgent matter which needed to be looked after straightaway. Thus when the motion was brought to this House seconded and accepted, it was with pleasure that I welcomed our seeking to have this legislation put in place.

I was somewhat surprised, and that is putting it mildly, that the Second Elected Member for Bodden Town has seen fit to find so much fault with the Bill. Unfortunately I have not yet been able to read the Hansards to look over that portion which I missed in his debate. However, from what I was able to listen to, I was puzzled that this Member could stand in the House and not give any more credit nor credence to this labour legislation, as I shall refer to it, than what he was able to do.

There were many Committees meetings that had to be attended over the last three years. There was a lot of work that needed to have been done and of course, the Select Committees were called upon to be here to get the work done. Labour legislation happened to be one, I guess if not the most lengthy and greatest work load that we have had during the past three years. This came about, not necessarily because we intended to drag it out, but because the Committee felt that it should be aired as much as possible and that it should be given to every segment of our society who wished to look it over and scrutinize it.

They were invited to make their comments and suggestions. This was done not just on one occasion, but members of the different bodies and associations in this country were able to, on more than one occasion, meet with the Committee and express their views. The Committee listened. We looked carefully at every point that was made. There were some things that we felt, although somewhat critical, were only fair and in the best interests of the country. The changes we felt were necessary were made. The representatives from each of these bodies and associations were brought back to the House. Discussions once again ensued. They expressed their views and concerns once again. This was a repeated process in the drafting of this legislation. Every segment of our society, as far as I am concerned, is represented in this legislation here today.

So it cannot be said that what we have before us is simply a draft which the Elected Members of Government put together on their own as they saw fit and with the intention of ramming it down the throats of our people, regardless of who likes it or who does not. That impression must never be the one that is gained by the public regarding this labour legislation. It is a Bill in which input has been made by every segment of our society. This was intentional. I think it was a democratic process. This is one of the reasons why I feel that this legislation is workable, and, perhaps like the criticisms of the Mutual Legal Assistance Treaty of just over a year go, a lot of what is being levied at the Government at this time is going to have to be swallowed by those who choose to do so.

Every Member of the Government made his or her input into this labour legislation. We sat, not for an hour or two, but for days on end to get this work done. Notice of every

meeting was sent to every Member. What puzzles me at this point in time is the reason why the Second Elected Member for Bodden Town and his colleague were not present they were not here to make their input into this Bill. I am not able to give the reasons for that, but certainly, having listened to the Second Elected Member for Bodden Town who has spoken, I have to ask myself whether this was intentional, whether this was to be an opportunity to use this particular piece of legislation as a political weapon against the Government, or what was the reasons behind their absence from 37 meetings of the Committee?

Every Member made an input, as I said earlier, into this legislation. Therefore, I have no doubt that both those Members, if they had lent their support in attending these meetings, perhaps could have helped in bringing it here sooner, in offering suggestions, or even in criticizing it. We would have been able to know it early enough to have done something about it at that time. But to come to the House now to criticize the legislation I think is unfair and I think it borders on being somewhat irresponsible in one's duty to this House, and in particular to one's duty to his constituents.

Although elected to represent every member of my constituency, I see myself more particularly being here especially to represent the women and the children. I happen over the years, to have had first hand knowledge of some of the problems which women in this country have faced. We have women in single parent homes who need to work, many of them do two jobs, and they work hard. The typical Caymanian woman works hard. That is something which she is used to. For years she has had to be both mother and father in the home. So hard work is not something that is foreign to the typical Caymanian woman. However, the labourer is worthy of his hire.

This Bill, perhaps more than for any other reason that I can think of, has come about because of the standards of working conditions and other areas of discontent which the Caymanian woman has had to undergo in her place of employment in this country.

As all of us are aware, the tourist industry is one of the main pillars of our economy and it is within this particular industry that we have had more complaints and more disgruntled workers than in any other area of the working population in our country.

Members, I am sure, are aware that in the condominium and hotel complexes, particularly on the Seven Mile Beach, and now they are just about all over the Island, in every district in one form or another, the Caymanian woman is working and one of the incentives and one of the benefits to which the Caymanian woman looks forward at the end of the work week or the month is that she shares favourably in gratuities which are collected.

For years and years we have had some unfair treatment in this area. There were a number who dealt fairly and squarely and above board with their workers but there were others who did not. We had a situation where managers, for example, of a restaurant, deducted ten per cent of gratuities collected to pay for dishes or any kitchen items which might have been destroyed by members of staff.

If a member of staff breaks an item, a dish, quite by accident and unintentionally, this is a part of one's job. It does not happen every minute of every day. Is it fair for the individual, unless that person proves to be careless, to have ten per cent of gratuities deducted? But even if the system used was to deduct the gratuity from one particular employee who, perhaps, might have been careless in the way she washed the dishes or handled items in the kitchen, is it fair to deduct ten per cent off the top of the total gratuities collected, when perhaps that month you may have lost one tumbler and one plate? That is very unfair.

We had a situation for years when I heard of hotel managers sharing in the gratuities collected, not just sharing but fifty per cent off the top, and the rest was shared among staff.

We also had a situation where sometimes it was over two months before the gratuities collected for a given month had been distributed. We had situations where gratuities were collected and used to pay salaries. These are cases which have been brought to our attention time and time again, but Government was not equipped with any legislation to correct the problem. Members of the Government at times would speak with management, or bring the complaint to their attention but there was nothing on our law books by which we could get our teeth into this problem and try to get it solved. This labour legislation is intended to correct such a problem.

In the hotel and condominium industry many of the Caymanian woman today have brought these complaints to me and to other Members of this Assembly. Some of them will tell you that after they have shopped in the supermarkets for the week's food, they have practically nothing left, sometimes nothing.

As I mentioned to you earlier, I have some first hand knowledge of what happens in these condominium complexes and hotels. How on earth is it possible for any woman to clean fourteen or sixteen bathrooms and bedrooms in a first class facility in the run of a day unless either she is hurting herself, wearing herself thin physically, or the property is maintained in a less than favourable condition? One or the other has to be the case.

To get down on your knees and clean a bathroom takes time, sheets have to be changed and I am going into detail because I have an idea of what is happening, furniture has to be wiped and polished, floors either have to be vacuumed or mopped once or twice, and then shined and sliding glass doors have to be cleaned. If there is a patio, this also must be cleaned. The screens, whether or not there is a northwester, a southwester or whatever it is, those screens have to be maintained in immaculate condition, and it takes time.

Sometimes they will pay you so much an hour so you rush through fourteen or sixteen apartments because, as a mother, you are anxious to get home. So, the property suffers in that it is not maintained adequately. If you are paid by the apartment, then of course you want to ensure that you get as many apartments as possible because at the end of the week the pay check is much too small if this is not the manner in which you have calculated your pay and how much you can derive from working during the week.

I can tell you of a situation where a prestigious property on the beach, and there is more than one that this has happened to, every year for three years the rates on the hotel accommodations were raised substantially, but the rate of the maids' wages remained the same as the first year that the place was opened.

The first year that the raise in rates was in effect, the manager recommended that a raise in pay be given to the housekeeping staff, it was not done. The second year, with the second raise in rates, the recommendation was made again. The third time around the recommendation was made. The manager was told that in order to raise the wages of the staff, the manager should try to see if some effort could be made in cutting down the money paid for water and electricity during the month.

Needless to say, the manager insisted that rates on everything goes up and at that particular property, the staff are still being paid the same as they were paid three years ago. That is a property that stands amongst the best on Seven Mile Beach. The staff must enjoy the fruits of their labour and there is no way you can charge \$300 and \$400 a day for a condominium complex and find guests repeatedly returning unless staff are doing an excellent job. If they are, they ought to be paid for it.

This labour legislation, hopefully, is going to get its teeth into a number of situations that exist. Perhaps it will be left to the Director of Labour to work out some solutions in certain areas where it might not be stipulated particularly in this legislation.

A case in point - you have a situation where the Caymanian woman is employed at a certain property. There is a high season between December and April, and then there is a somewhat slackened period of the amount of visitors that are here on the Island, and, of course, this results in a lower occupancy rate. Most women are aware of this. But the situation here is, you keep a number of staff on for a

month and those that are off have an opportunity of seeking work some place else for that month to keep food on their table and to keep their home going.

In certain of these properties, they insist that if they do not have work for you for a full day, for example, if they only need you for two hours, they pay you for two hours and you go back home. There is no way that you can go out and seek employment for that day.

I had a lady only recently telling me that some weeks she brings home \$50 odd dollars. But, if she refuses to go in to work for the one, two or three hours that she is needed at the complex, she will lose her job. So when the busy season comes on, she will not have a job at that particular complex.

I consider this unfair and unreasonable. Any employee who leaves home and goes to a job, especially when that is a dependable employee who has given you the best of her service in the busy period of the year, should be paid for that day. It is unlikely that she is going to find work to do for the other portion of the day remaining.

The properties are not going to lose out because they pay maids not one penny more in the high season, but their rents are up about \$100 a day more. Which means that the property does not lose. Whether those rates are \$200 or \$300, that maid is paid exactly the same rate, and it is unfair that when they are getting \$100 a day more in the high season, when the low season comes the Caymanian woman goes home with \$50. Fifty something dollars buys you one bag of groceries, and that is it.

This Law and the teeth which can be put into it through the Director of Labour must see that the Caymanian woman enjoys the fruits of her labour.

It is surprising the number of Caymanian women who have to work two jobs, and it is unfair, because many of them have children in the home. You cannot expect to improve on your social service problems if the mother is out in the day and at night as well. It cannot be.

The people who are running these complexes are people of no small means. The benefits must apply across the board to the Caymanian people. This Law is intended to correct a lot of these problems that exist at the present time.

As I mentioned to you, we have cases where certain condominiums do not even have a restroom facility for staff to use. I asked, "Well what do you do?" They say they are told that when they clean the apartments they must use those in the apartment they are cleaning. This is not good enough, they have to eat their lunch in the laundry facility where there is all sorts of soiled linen and towels and that is where they must sit to eat. This Law is intended to rectify mess and problems such as this.

As I mentioned, I represent the women in Cayman when I stand here and I do not take that particular responsibility lightly. Women who are getting on in age still have to go to work, because they have nothing coming to them. That is the reason, although I do not want to go into that - but I will be so happy to see that social security legislation brought to this House. One of the reasons is because they are not making sufficient to be able to put anything away. I am not talking about people who squander their money, or people who waste their money, I am talking about people who know how to save and who try to save. But by the time they have put away something which they may have collected in the high season through added gratuities, by the time the low season comes, that money is gone, and therefore they are able to save very little.

There is a lot in this labour legislation which I consider of great importance, but I can assure you that if the rights of the Caymanian woman in this country can be looked after, in particular within the tourist related industry, it has my full support. You have situations where not even a seat is provided for staff to sit. I have at times asked the reason for this, and the feeble excuse is, you put a seat there, they will be sitting all day. They could drop down too by having to stand up all day on their feet. What I am saying is that these are simple, basic requirements, and every single penny that some employers can stick in their pockets they will do so to the detriment of some of their most faithful employees.

I consider such practices unfair and unreasonable and for this reason I support this particular legislation.

There are other Members who are going to be speaking regarding this particular Bill and I am sure they are going to have a lot to add. They perhaps, will cover many other points which I have not touched, but I would like before closing my remarks to say that this Bill is not only intended to assist the employee but if one reads through this Bill carefully, the employer is well looked after in this particular legislation. No longer can you walk up to a boss and say "I am a Caymanian, I have got to stay. You are going, so I can do what I please". That cannot take place under this legislation. No longer can you walk off a job and then come back to your employer and expect you are going to get severance pay, vacation pay, or whatever you might want. There are many areas of this particular legislation where the employer is adequately covered. But in particular, the employee that has been suffering at the hands of thoughtless employers are going to be looked after with this legislation.

We were elected to this House to look after the interests of every single citizen. The individuals covered in this are from the highest paid to the lowest. We were elected to ensure that in the four years we were here this country would be far better than when we first stepped into this House and this particular piece of legislation is a part of that particular role which we needed to play.

Mention was made, during my presence here, that there were a number of things that this Government has done during its tenure here so far. I was absolutely astounded that the Second Elected Member for Bodden Town went on to mention that we had voted ourselves an exorbitant amount for salaries, or something to that effect.

I am not meaning to divulge what might have gone on in a committee meeting but permit me to say, that one of the most vociferous proponents of that additional salary increase was the Second Elected Member for Bodden Town. He sat at that table and he made his contribution and I am telling you what is nothing but the truth, there was no one there who thought that that increase was more proper and in order than he did.

Perhaps the Member may have had second thoughts after sitting in his seat and getting up to debate this particular legislation, his conscience may have pricked him and he may have realized that he did not deserve a raise in salary. But he must not stand in this House and tell me or the other Members who worked so hard that we do not deserve a raise in pay.

The financial situation of this country, that very favourable, healthy Budget Address which was presented in this House within the last several weeks did not come about through chance. It came about because there was a Government in place that knew what its responsibilities were and carried out those responsibilities for the good of this country. Every single individual in this country is benefiting from that mode of governing the people. Are you telling me, now, that those persons who were placed here to govern must be less in order?

What I have to say is this. Somebody saw me today and said that they heard one of the Unity Team Members say that they do not know why the Government had a raise in pay, because all they saw was the road dug up going down from West Bay to George Town.

Believe me, if every Government that sits in this House could carry a record as we have over the last three years, a raise in pay would be the least of what it should get in return. But I venture to say that in my constituency, I am not worried about any opposition to a raise in pay, because if ever you found a majority of people in any constituency who rested their heads on their pillows at night knowing their country was in good hands, anyone can take a walk in West Bay and for every 100 people you might find two or three who would tell you they are dissatisfied. And if we covered their head with a crown of gold they would still say the same.

We had Committee meetings continually, we worked on the labour legislation, we had input from the public from hither and yon. There were certain segments of society who decided and insisted that this was not workable, that is left to be seen. But believe me, the man on the street who is suffering from certain working standards, practices and conditions welcomes this legislation as much as I do.

As far as I am concerned, the Second Elected Member for Bodden Town sat wherever he may have been and he did not come to that committee room to say "queh heh". Now, I do not even know if the girl transcribing the notes will know how to spell that, but he means he openeth not his mouth.

Mr. President, I do not ..

MR. PRESIDENT:

I am very grateful, because I did not know what that was either!

MRS. DAPHNE L. ORRETT:

I do not see how he could spend four hours in this house trying to destroy this bill when even fifteen minutes a day for 37 meetings might have added some credence to it to make it a little more perfect as far as he was concerned.

I support the Bill, and I offer it my wholehearted support. I look forward to seeing many of our Caymanian people, men, women, boys and girls, who are going to be satisfied with what we have. The school child is looked after in this, and there are many, many areas, Mr. President, which have been improved and if this were all this government did in its four years here, it would have been a record worth remembering.

Mr. President, I thank you for the opportunity of speaking on this bill, and once again I want to congratulate the Attorney General, the Legal Draftsman, and their staff, for getting this put together so well for us in order for us to be able to present this to the House at this time.

Thank you, Sir.

MR. PRESIDENT:

Does any member wish to speak? Somebody can go in as night watchman.... We do have seven or eight minutes left.

Standing Orders do indicate that I should invite the Mover if he wishes to reply but I am aware that other Members do wish to speak.

In that case, I shall invite the Honourable First Official Member to move the adjournment early, since I feel that that is what the House wishes.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, as there are no more "queh hehs", I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED.

AT 4:21 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.
WEDNESDAY 9TH DECEMBER, 1987.

**FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**WEDNESDAY, 9TH DECEMBER, 1987
(Seventeenth Day)**

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON RICHARD W GROUND, QC	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS, OBE	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 FOR GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

**FOURTH (BUDGET) MEETING OF THE 1987 SESSION
OF THE LEGISLATIVE ASSEMBLY**

**WEDNESDAY, 9TH DECEMBER, 1987
(SEVENTEENTH DAY)**

1. PRAYERS

To be read by the Second Elected Member for West Bay.

2. PRESENTATION OF PAPERS AND REPORTS

**(1) REPORT OF THE STANDING BUSINESS COMMITTEE
(Meeting held 12th November, 1987)**

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

**(2) REPORT OF THE STANDING HOUSE COMMITTEE
(Meeting held 8th December, 1987)**

To be laid on the Table by the Chairman the Second Elected Member for West Bay.

3. QUESTIONS TO HONOURABLE MEMBERS

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE
FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE
AND DEVELOPMENT**

NO: 123: Can the Honourable Member give details of all existing contracts between the
Cayman Islands Government and all present Elected Executive Council Members?

NO. 124: Would the Honourable Member state how many Government Delegations went
abroad in 1987, giving names of persons who went as part of such Delegations and
what was the expenditure?

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

NO. 125: Would the Honourable Member state who will pay to repair roads affected by
the laying of the water system lines?

4. STATEMENT BY MEMBER OF THE GOVERNMENT

Statement by the First Elected Member of Executive Council
responsible for Health, Education and Social Services on the progress
of the Social Security Scheme.

5. GOVERNMENT BUSINESS

BILLS:-

SECOND READING

- (1) The Labour Bill, 1987 - (continuation of debate)

COMMITTEE ON BILLS

- (2) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987
- (3) The Customs (Amendment) Bill, 1987
- (4) The Labour Bill, 1987

REPORTS THEREON

- (5) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987
- (6) The Customs (Amendment) Bill, 1987
- (7) The Labour Bill, 1987

THIRD READINGS

- (8) The Appropriation (1988) Bill, 1987
- (9) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987
- (10) The Customs (Amendment) Bill, 1987
- (11) The Labour Bill, 1987

6. PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE:

To the report of the Standing Public Accounts Committee on the Auditor General's Report of the Accounts of the Cayman Islands Government for the year ended 1986.

To be laid on the Table by the Honourable First Official Member, Financial Secretary and Leader of Government Business.

7. ADJOURNMENT

To be moved by the Honourable First Official Member, Financial Secretary and Leader of Government Business.

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WEDNESDAY

9TH DECEMBER, 1987

10:05 A.M.

PRAYERS

MR. JOHN B. McLEAN:

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 Name's sake, Amen.

Our Father, who 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:

Proceedings of the House are resumed.

Presentation of Papers and Reports. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

**REPORT OF THE STANDING BUSINESS COMMITTEE
(Meeting held Thursday, 12th November, 1987)**

HON. THOMAS C. JEFFERSON:
the Report of the Standing Business Committee.

Mr. President, I beg to lay on the Table of the House

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:
propose to say anything more on it.

The Report is quite explanatory and I do not

MR. PRESIDENT:
Islands.

Reports. The First Elected Member for the Lesser

**REPORT OF THE STANDING HOUSE COMMITTEE
(Meeting held Tuesday, 8th December, 1987)**

CAPT. MABRY S. KIRKCONNELL:
the Report of the Standing House Committee.

Mr. President, I beg to lay on the Table of this House

MR. PRESIDENT:

So ordered.

MR. PRESIDENT:
Town.

Questions. The First Elected Member for Bodden

QUESTIONS TO HONOURABLE MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 123: Can the Honourable Member give details of all existing contracts between the Cayman Islands Government and all present Elected Executive Council Members?

ANSWER: There are no contracts currently in existence between the Government and any of the present Elected Members of Executive Council.

MR. PRESIDENT:
proceed to the next question?

There appear to be no supplementaries. Shall we

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 124: Would the Honourable Member state how many Government delegations went abroad in 1987, giving names of persons who went as part of such delegations and what was the expenditure?

ANSWER: The number of delegations that went abroad during the period 1st January, 1987 to 17th November, 1987 was six. The names of persons comprising such delegations and related costs are as follows:

(1) VISIT TO THE DEPARTMENT OF TRANSPORT IN THE UNITED KINGDOM

The delegation comprised :

Hon. Financial Secretary
Hon. Attorney General
Hon. Member for HESS
Hon. Member for CW&DA

The purpose of the visit was for consultations dealing with the introduction of legislation for enabling the establishment of a Shipping Registry Inspectorate function within the Cayman Islands, that is, to have the International Conventions extended to us.

THE RELATED COST WAS: CI\$ 9,836.04

(2) AMERICAN CORRECTIONAL ASSOCIATION CONFERENCE IN NEW ORLEANS:

The delegation comprised :

Mr. Walsham Conolly, Director of Prisons
Mr. Vernon Jackson, Member - Parole Board
Mr. Winston Bodden, Prison Officer
Mr. Leighton Dixon, Prison Officer

THE RELATED COST WAS: CI\$ 7,259.71

(3) 10TH CONFERENCE OF COMMONWEALTH EDUCATION MINISTERS IN KENYA

Persons in attendance were:

Hon. Benson O. Ebanks, OBE, MLA
Mr. Oswald Rankine, Principal Secretary, HESS
Mrs. Joy Basdeo, Chief Education Officer
Mr. Sam Basdeo, Principal - Community College

THE RELATED COST WAS: CI\$10,367.11

(4) CRITICAL RISK - QUALITY CARE SEMINAR IN CANADA

Persons in attendance were:

Mrs. Angela Martins, Director of Social Services
Miss Jen Dixon, Assist. Director of Social Services
Mrs. Joy Basdeo, Chief Education Officer
Miss Sheridan Brooks, Crown Counsel
Mr. Peter Riley - PWD

The subject under discussion was a Conference dealing with "Secure Settings for Adolescents" geared to provide relevant data for Government's proposed Rehabilitation Facility and Remand Home.

THE RELATED COST WAS: CI\$ 5,858.23

(5) 33rd COMMONWEALTH PARLIAMENTARY CONFERENCE IN MALAYSIA

This delegation comprised:

Mrs. Georgette Myrie, Clerk of the Legislative Assembly
Mr. G. Haig Bodden, MLA
Capt. Mabry S. Kirkconnell, MLA
Mr. D. Ezzard Miller, MLA

THE RELATED COST WAS: CI\$ 5,865.00

(6) COMMONWEALTH PARLIAMENTARY ASSOCIATION CANADIAN REGIONAL CONFERENCE

Attended by:

Mrs. Georgette Myrie, Clerk of the Legislative Assembly
Mrs. Daphne L. Orrett, MLA

THE RELATED COST WAS: CI\$ 1,609.40

TOTAL COST: CI\$40,795.49

MR. PRESIDENT: Supplementaries? Apparently not. Shall we move to the third question of the day, No. 125, please - unless you have supplementaries.

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

NO. 125: Would the Honourable Member state who will pay to repair roads affected by the laying of the water system line?

ANSWER: The George Town water supply contract with Petroservicios International requires that they reinstate

those parts of the roads which have been affected by their pipe laying operation. It is reasonable to expect that in pricing the contract, Petroservicios allowed for this cost in their rates. It is therefore reasonable to expect that in paying for the contract, the employer is meeting the cost of road reinstatement. However, if the contractor, through his own fault, damages more road than is necessary, then any repair costs will be his responsibility and will be to his account.

This Mr. President is the same arrangement as with the Sewerage Project.

MR. PRESIDENT:

We proceed to Item 4 on our Order Paper today, Statements by a Members of the Government, the Honourable First Elected Member of Executive Council.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

SOCIAL SECURITY SCHEME

HON. BENSON O. EBANKS:

Mr. President, the following statement is made in conformity with the terms of Private Member's Motion No. 14/85 dealing with the Social Security Scheme. Further to information already given in respect of the proposed Social Security Scheme, the following information is given:

Government's Actuarial Advisor, Mr. F. Gordon Smith has now completed changes to the discussion booklet and the drafting instructions to the Legal Draftsman in light of representation made in the course of various meetings held.

Discussion of the Scheme as it will apply to civil servants are continuing with the Management Council of the Civil Service Association. It had been hoped to have finalised discussion with them before now, but this has not been forthcoming, partly because of the extra demands placed on the Financial Secretary and myself as a result of the Budget Session of the Legislative Assembly.

Mr. Smith leaves the Island on 15th December and it is hoped to at least conclude discussions with the Civil Service Association before his departure. Timing of further action will be dependent on how quickly those discussions are concluded.

MR. PRESIDENT:

We move now to Item 5 on the Order Paper, Government Business, Bills. The continuation of the debate on the Second Reading of the Labour Bill, 1987.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE LABOUR BILL, 1987

(Continuation of debate thereon)

MR. PRESIDENT:

The Honourable Second Official Member.

HON. RICHARD W. GROUND:

Mr. President, I rise to speak to this Bill because I was the Chairman of the Select Committee that was responsible for giving the drafting instructions, during part at least, of the life of that Select Committee. I was also, quite frankly, responsible for doing most of the drafting work on it so I rise to speak to two aspects and two aspects only.

The first is to defend the workings of the Select Committee against certain charges that have been levelled against the way they conducted their business, and I hope to do that quite shortly. Secondly, I would like to offer one or two technical explanations as to the way the Law works or will work, and particularly yesterday I interrupted the Second Elected Member for Bodden Town while he was addressing the question of appeals. That is one of the technical aspects I will come to during the course of my address.

First of all, perhaps I might address the starting point of the debate of the Second Elected Member for Bodden Town where he complains that the Bill is based on the Antigua Labour Code. He is right, and the Report records that the Committee, at the beginning of its deliberations, did have reference to the Antigua Labour Code. I would like to stress the wording in the Report, that the Committee looked at the Antigua Labour Code as a guideline in laying the groundwork for the proposed legislation. They decided to look at the Code because the original Chairman, Mr. Bradley, was familiar with it, in fact I believe he played a large part in drafting it, but it is those words "a guideline in laying the groundwork", that I would like to stress both to Members and to the public.

The way the Committee worked was to go through the Code, identify parts in it that it felt might be useful in the Cayman Islands, reject parts it felt were not useful, to embody those useful parts in the first draft discussion Bill that was published back in July of last year and then invite representations from the public on that draft Bill. This was intended to be an exercise in consultative drafting, in public consultation, and by beginning from an Antigua Code we hoped to provide a model on which the comments of the public, and the comments of the interested commercial and business interests could be hung, to which they could be addressed, and in the light of which comments, adaptations and amendments could be made.

The Antigua Labour Code is a formidable and complex piece of legislation. It has something like 254 sections. It addresses a wide number of issues which are inappropriate to the Cayman Islands, particularly collective bargaining, Trade Unions, and all of those were dropped by the Committee when it began. The Bill we have now has 79 sections as against those 254. So just on that simple numerical analysis, one can see we came a long way from the Antigua Labour Code. But it is not just that, there were substantive provisions in the Code which, after consideration and after receiving representations, the Committee deleted from the first discussion Bill. Most important and salient among those was the power of the Director of Labour to order reinstatement of somebody who had been unfairly dismissed. That power is in the Antigua Labour Code, it is in the United Kingdom Labour Law, and indeed forms a substantial part of the law in the United Kingdom relating to it. The Committee looked at that, it took an independent view and decided that it was inappropriate. You will not now find that power in this Bill. The Committee took that decision, partly in response to representations from the private sector.

The Member for Bodden Town at one stage described the Committee as making modifications due to pressure from the business sector. I would like to politely, if I may, take objection to the suggestion lying behind that and come back and reiterate that this was a

consultative exercise, and that the Committee was not yielding to pressure, it was listening to views, it was weighing views, and if views were put forward that the Committee, after debating and voting, felt that it could accept, then those views found their way into the Law. That is not yielding to pressure, that is putting the consultative process of democracy into real and genuine operation.

I would like to move, after those first opening comments on the Antigua Labour Code, to another suggestion that had been put forward by the Elected Member for Bodden Town. This was a suggestion that I note was picked up in today's newspaper report. It was that the Committee had totally ignored and rejected representations made to it, totally ignored and rejected good ideas and the Member listed various examples of this.

At the risk of being tedious, I would like to address those, because the Committee, in considering representations, went through a lengthy and painstaking process, as I have already said, during which some points that were put forward were not accepted by the Committee. The Committee obviously was not going to accept everything that everybody put forward, or the Bill that we would have now would be the most amazing hotch potch of suggestions and ill-connected bits and pieces. What the Committee was concerned to do was to take the best, as it felt it, from the suggestions that were put forward.

Now, one of the first people to address the Committee was the Foreign and Commonwealth Office Labour Advisor, Mr. Adrian Smith. Although I was not chairing the Committee at that stage, I was present at that meeting and I was present at that meeting because, for my sins, I had been responsible for drafting the first discussion draft of the Bill, and so I was invited there to hear what Mr. Smith had to say. Some of Mr. Smith's comments were rejected. The Committee rejected his suggestions for collective bargaining. The Committee rejected his suggestions for the collective resolution of industrial disputes. The Committee rejected what he had to say about Trade Unions. The Committee felt that they had no part in this legislation. Just because the United Kingdom Labour Advisor came along and said that they had that sort of thing in the United Kingdom Law, I can assure the House the Committee was not going to say, "Yes, Sir" and put it in our legislation.

Mr. Smith had six main points that he raised, and I think that one can take it that in raising these six main points, he had no problem, and no dissent with the rest of the Bill. The points that he raised were:

- the exclusion of essential services;
- the exclusion of the public services;
- the exclusion of procedures for collective bargaining;
- the exclusion of procedures for industrial disputes;
- minimum wages; and
- the role of the Director of Labour.

Just very briefly, the points about essential services fall away once the Public Service is excluded from the Law - I will come back and address, very briefly, the question of that exclusion, because I know it is one that is dear to the Member's heart.

The Public Service, Mr. Smith noted, was excluded, and thought that this might give rise to some difficulties. The reasons for that are that in this jurisdiction, unlike the United Kingdom from where Mr. Smith was coming, there is an elaborate set of laws which govern certain aspects of the Civil Service, the most important of which is the Public Service Commission Law and the Regulations thereunder which lay down very elaborate procedures for discipline in the Civil Service, and that would have conflicted with the simpler, more straightforward provisions in the Labour Law for dismissal. So those two were incompatible and it was felt preferable to retain the existing framework in that regard for the Civil Service. The Civil Service enjoy other legislation, one of which is the Pensions Law. So there were areas in which it was felt better not to drag the Civil Service into this Law but at the same time the Committee felt and embodied it in the final Bill, that the benefits in the Civil Service should not be less than in the private sector.

Now the Second Elected Member for Bodden Town, of course is right that the Bill does not impose upon Government and the Civil Service the duty to keep the fairly minimal records that are imposed upon employers. But in fact the record keeping which Government does naturally and ordinarily in the ordinary course of its business is far more complex than those fairly minimal requirements. When we come to section 7, which I will do soon, the differences between the printed Government contracts and the fairly brief standard terms which have to be handed out under section 7, are enormous.

Just staying with Mr. Smith for a minute. As I said, the Committee rejected his suggestions as to collective bargaining and Trade Unions. I am sure the Member would not have wanted us to have adopted them. As to minimum wages, Mr. Smith pointed out they did not have that in the United Kingdom any longer, that may, in part, be because of the Supplementary Benefits legislation in the United Kingdom by which Government pays supplementary benefits to the poorly paid. We have no such system here, and to introduce it would be a matter of great dispute. So it was felt that the situation here being different, minimum wages could be retained.

Mr. Smith had a subsidiary recommendation on that, and that was that there should not be a power to recommend minimum wages for separate trades or separate businesses. That power was in the first draft discussion Bill, it is not in the present one. The Committee responded to what Mr. Smith said on that.

On the role of the Director of Labour, Mr. Smith recommended that we keep the legislation simple. I should like to take this opportunity to say to the House that from my experience as a lawyer and of the law in other jurisdictions, this legislation, with its 79 sections, is an amazing piece of simplicity. If anybody troubles to go away and look up the law governing terms and conditions of employment in the United Kingdom, or in the United States of America, they will find that the body of printed law, both in legislation and in regulations, is vast, and the body of lawyers who grow up around it is vast.

In framing this Law, and this is something I will come back to when I look at the provisions relating to health and safety at work, we really have steered by the minimum and kept it as simple as possible but put it as nearly as possible into English which everyone can understand and have kept the bureaucracy at a minimum. Now on occasions this has involved giving to the Director of Labour a number of wide ranging powers.

The choice, if you have made the decision to have labour legislation, and I am not going to address that choice because it is a political question and I will leave the Elected Members to argue it, but on the technical ground, if you have made the choice to have labour legislation, you can either set up a huge bureaucracy with tribunals and officers who go away and do that and tribunals that hear things, tribunals that appeal things and fix things. Or you can try and be simple, try and have one man with some inspectors to help him, you give him broad powers and keep him in check by subjecting him to, first of all, an appeal to a tribunal of three, and also by subjecting him to the supervision of the Courts by allowing appeals on points of law.

So, if the complaint is that too much power has been put to the Director of Labour the only answer to that is that that is the way out of an elaborate, over-codified system, and that one balances it by putting in certain checks and appeals.

I have already paused too long on Mr. Smith and I am going to go on from him, noting only that the Committee sat with him for an hour and a half and discussed freely around the table his suggestions. Far from rejecting his suggestions or knocking them out the door, the

Committee gave careful consideration to his six main points and accepted those that it was able to.

It was suggested by the Second Elected Member for Bodden Town that the Committee has rejected certain other people's input. He picked up on a bank, I am not going to name the bank, but its name appears on page 7 of the minutes for the meeting of the 3rd June, I will come to the other meeting in a moment.

The Bank put forward some 18 points, the Committee went through them all. The Member picked out one and said that the Committee considered this raised point by the bank, and it was a point relating to clause 49 (point number 16 on page 8). The Member looks puzzled, but he can check his notes. He said the Bank went to the trouble of putting forward this amendment and the Committee considered that no amendments were necessary. Then, according to my note, the Member went on to say that the Committee had totally ignored the Bank's suggestions and good ideas were rejected. I have written that down in capitals, and I think that reflects that at that stage he had raised his voice in horror at what the Committee had done at that stage.

In fact, what the Committee rejected there was a very small suggestion by the Bank that the right to dismiss persons for misconduct should be broadened so that misconduct in somebody's private life would entitle them to be dismissed from their employment. The Committee felt that the invasion of the rights of the individual should not be carried that far and in doing so, considered that no amendment was necessary.

Now, that very same Bank which is named on page 7 of those minutes came back to the Committee after the second Bill was circulated. Its representatives came back and met with the Committee. The occasion when they came back, can be found on page 7 of the minutes of 12th August this year which I gave earlier. The Bank's two representatives came back and although it had not given written intention of wanting to come back to the Committee, the Committee agreed to meet with them.

The Bank expressed its compliments to the Committee, which they felt had done a good job in putting the legislation together - no horror there from the bank that its good ideas had been rejected out of hand. The Bank, when it met with the Committee on the new Bill, the Bill which is now before the House, had only one view to express. It drew attention to overtime pay, said that its standard work week was 37 hours, and asked whether this would be prejudiced or affected by the standard work week in the Law - really asking, "Would the bank have to raise its standard work week and change its conditions of employment and would it be banned from paying overtime pay to its employees after 37 hours?"

The Chairman, which was myself, pointed out to the Bank that the Law sets minimums and that employers were quite free to be more generous in the conditions they offered. The attention of the Bank was drawn to clause 5 of the present Bill, which says that. The Bank not only bothered to come along to the Committee to express those compliments but they also wrote to the Committee. The letter was circulated to all Members, those who attended the Committee's meeting and those that did not. It was dated 14th August and they referred to our letter sending them the draft of the discussion Bill.

"Overall", the Bank says, "we were most pleased with the revised draft and trust we have been of assistance to you. We thank you for the opportunity to have had some input in this important piece of legislation." - the same Bank that the Second Elected Member for Bodden Town drew attention to and suggested the Committee had rejected their good ideas out of hand.

There were many other examples of that - I am not going through them all. The Member suggested that the Committee should have listened to the Principal Secretary for Personnel, and was horrified that the Committee, after looking at the Principal Secretary for Personnel's memorandum, agreed that no changes be made to the Bill arising out of the comments made by the Principal Secretary of Personnel. The Member was aggrieved that the Committee had not attached weight to this most important Government Officer who had experience in this field. Of course, the memorandum from the Principal Secretary for Personnel was circulated to all Members. The point is that he made no recommendations for amendments to the Bill.

The only other part of the Committee's deliberations that the Member criticised that I would just like to defend is his suggestion that they totally ignored the Chamber of Commerce. I want to deal with this for two reasons. First of all, because the Chamber of Commerce is an important body representative of many sectors of private enterprises here, I would not like it to be thought that the Committee had totally ignored them.

Secondly, the particular aspect that the Member drew attention to, where he suggested that the Committee had totally ignored the Chamber of Commerce is an important aspect where in fact the Committee had adopted a scheme put forward by the Chamber and is part of the framework of the Bill that derives from the Chamber rather than from the Antigua Labour Code. So I would like to spend a little time and highlight it.

It was on page 7 of those same minutes of the meeting of 3rd June. The Chamber of Commerce, when addressing the powers of the Director of Labour, the Clerk to the Committee, recorded the Chamber's representations like this, beginning at the bottom of page 6:

"The Committee considered the expressed concern relating to the settlement of small disputes between employers and employees where the dollar figure involved did not justify the expense of hiring legal counsel. The Chamber is of the opinion that years of judicial precedent and convention had been wiped out and replaced with the whim of a civil servant, and further that the Caymanian Protection Board has been ignored in the present draft Bill. The Committee, responding to that, noted that in relation to clause 52(8)..."

as it then was, in that draft,

"... there is a twelve week maximum on remedies for unfair dismissal..."

and I would like to just stress this bit,

"... and that the Bill does not prohibit a person taking the route of civil action before the Courts as opposed to the Director of Labour. The Committee further notes that in small cases, the decision of the Director of Labour shall be final."

Now, read in abstract that might, I can understand, look like the Committee was throwing out the Chamber's representations. I hate to mention a point that other Members have made more often and which I am only going to make this once, that if one had been at the Committee and had read the papers of the Committee, that misinterpretation would not have arisen. The point is that the suggestion that small disputes be dealt with by the Director of Labour came from the Chamber of Commerce - and I would like to read their original representation made right at the beginning of the history of this Bill, when the Chamber of Commerce, in June 1985, put in some long and helpful suggestions to the Committee.

I have to say that I would not like Members to think the Committee had accepted all of them, but I am just going to pick out one and deal with it, because it is so fundamental to the latest scheme of the Bill. I am now going to quote from their recommendations:

"The Chamber of Commerce recommends that any disputes in relation to employment contracts, where the amount of the dispute does not exceed, say \$5,000, be taken out of the ambit of the current Court's system and be referable exclusively to the Government Labour Tribunal, which should act in the capacity of an arbitrator. It is felt that most labour disputes will fall in the area of termination of employment, and since the period of applicable notice may be one month or less, it is unlikely that in the majority of cases the employee will be able to support the costs and time involved in litigation. Accordingly the Government Labour Tribunal should be given statutory powers to settle disputes of this nature. The procedure would be informal, the Tribunal would have power to compel attendance of witnesses, to take evidence on oath, and its decisions would be final and binding on the parties as to financial matters, and given the effects of a judgement order. Every employee will then be clearly aware of the terms and conditions of his employment, and an inexpensive grievance procedure will be established to enable an employee or employer to obtain redress in the event of a breach of an agreement."

Now the Committee, while liking the idea of setting up a system for the resolution of small disputes that avoided going to the Courts, did not feel able to accept one important aspect of the Chamber's suggestion, which was that the whole thing be taken completely outside the ambit of the Court's system. The scheme of the present Law, and I cannot stress this too much, is that it provides an alternative, and that an employee who claims to have been unfairly dismissed has two options open to him. He can ignore the framework of the Law and he can go to the Courts - this may be expensive, but in the case of people at managerial level, bank managers and so on, who earn large sums of money and may have long notice periods in their contracts, it may be worth their while to go to the Courts. The Committee has not sought to restrict, or take away that right.

The Committee has put forward, in the draft Bill, an alternative system, whereby in small cases, the little man can go to the Director of Labour and get a quick resolution of his disputes, hopefully without involving lawyers and without involving a formal procedure.

Now, I say in small matters, because there is an important limitation on the powers of the Director of Labour and that is, that both in the cases of severance pay and unfair dismissal, he has a maximum of twelve weeks' wages. I may just say there that the idea of making the maximum in severance pay and in unfair dismissal was a direct recommendation of Mr. Smith, the FCO Labour Adviser. As I said, there is a maximum of twelve weeks. In many cases, that maximum of twelve weeks is not going to be that far removed from the Chamber of Commerce's original suggestion of a \$5,000 limit for the Labour Tribunal.

Now, when the Chamber came back at that meeting of 3rd June, and made their complaint about replacing years of precedent with the whim of a civil servant, I think that they, at that time, were under the misapprehension that recourse to the Courts was going to be prohibited, and that the complaint to the Director of Labour was going to be the only way ahead. If that misapprehension had been correct, I could have sympathised greatly with their complaint. But it was, I must stress, a misapprehension. The Courts are left there, and what is more, the introduction of a right of appeal from a decision of the Director of Labour on a point of law, a modification which came in after the first discussion draft, was introduced by the Committee in response to precisely this sort of recommendation from the private sector. That ability for the Courts to entertain appeals on points of law imports all the carefully built up judicial precedent into the administration of this Law.

At this stage, I am just going to leap ahead and deal with the appellant system as set up by the Bill because it is fundamental to the way the Bill works. The Member has addressed serious criticisms to it, and I think it is fundamental to the public's understanding of the safeguards that the Bill has that I address that as a technical point.

The Director of Labour is given power to do two things of a quasi judicial nature. He can adjudicate on questions of severance pay and unfair dismissal and he can enforce the health and safety provisions by issuing remedial notices. In those two quasi judicial functions, his decision is subject to an appeal. The appeal is dealt with under section 71. The Member read it out, I am not going to read it all out, but let me just read the first subsection 71(1):

- "(1) Any person aggrieved by:
- (a) any decision of the Director upon a complaint where the award exceeds five hundred dollars; or
 - (b) the service of a remedial notice;
- may ... appeal to the Appeals Tribunal ...".

If one looks at the definition of "complaint", one sees that under the Law it is a technical term for the way that the Director of Labour decides upon either disputes about severance pay, or disputes about unfair dismissal and that is all it is under the Law. If one looks at "remedial notices" one sees that that is the notice that the Director of Labour issues to enforce the health and safety provisions.

So those are the two ways, and really the only two ways that the Director of Labour can actually compel things to be done or can adjudicate upon issues. In those ways the decision of the Director of Labour is subject to an appeal. The appeal goes to an Appeals Tribunal which is appointed by the Governor in Council and which consists of three persons. The procedure for that appeal is then set out in the rest of the section.

So everything that the Director of Labour can do is subject to appeal to the Appeals Tribunal, then the decision of the Appeals Tribunal is subject to an appeal to the Courts on a point of law. Now, the thinking behind restricting the appeal to the Court on points of law is that all the facts in the dispute, the arguments as to who did this and who did that, as to when a man was dismissed or what was the cause of his dismissal, or whether he had turned up at work at 7:00 o'clock or 8:00 o'clock on the day that he was dismissed, all those sort of facts are ideally suited to be settled by the Director of Labour who can sit down and have a hearing, take evidence on oath if necessary, and come to an adjudication of where the facts lie.

The Appeals Tribunal can also look into those facts and if it wants can reopen the issue and again decide what the facts are. But the Grand Court, with its volume of business, with the cost of a Grand Court Judge and with the cost of supplying the infrastructure of a Grand Court should not have, in my submission, after that appeals process has been gone through, to decide those disputes as to facts, particularly where the amounts involved cannot exceed twelve weeks' wages. So it was felt that the Grand Court should be reserved for what is its proper function, which is deciding issues of law.

So if, in deciding on severance pay or deciding on unfair dismissal, the Director gets his law wrong, and if after an appeal the Appeals Tribunal has still got the law wrong, all that carefully built up judicial precedent the Chamber was concerned to preserve, then that can go to the Grand Court and the Judge can put them right.

In adopting this system of appeal, the Committee and I, as the draftsman, have followed the de facto procedure that the Grand Court has evolved in cases of other administrative appeals, most notably under the Planning Law, which, where an appeal goes from the Planning Appeals Tribunal to the Grand Court on a point of law, the Grand Court will rule on the point of law, but will not hear evidence as to the facts. Then it would remit the matter, in other words send it back to the Central Planning Authority, or the Appeals Tribunal with a direction as to how the law should be applied, but leaving them to decide what the facts are.

If the direction is that they have exercised their discretion wrongly, will give guidance as to the exercise of the discretion, but will not tell them what to do. So that form of precedent in operating those other administrative laws is one which we have borrowed and applied in this Law.

That is the system of appeal that we have put in place. That does not exclude, and I want to be very clear about this, appeals in cases of offences.

Now after the Director of Labour has ruled on severance pay or unfair dismissal or after he has served a remedial notice - and I will come to those in a minute, because they are an important area that I again need to address - it is an offence under the Law not to comply with his Order or comply with the remedial notice. But that offence is an offence which has to be quite separately prosecuted before the Summary Court. If there was any doubt in that, or if the Member has not followed the way the Law works on this - and I can understand readily that in drafting the Law we have tried to compress it so that it does not go on too long - it is set out in section 74:

"Every person who commits an offence against this Law or any regulations made hereunder for which no other penalty is provided is liable on summary conviction for a first offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months ...",

and it goes on for second or subsequent offences.

The point of reading that is that that expression "summary conviction" means, without a shadow of argument or doubt, that offences under the Law have to be prosecuted before the Summary Court in the normal way, and an offence prosecuted before the Summary Court, if there is a conviction, the provisions then of the Summary Procedure Law and the Grand Court Law as to appeals automatically apply and an appeal lies in the normal way from the conviction to the Grand Court and then to the Court of Appeal. So, in the case of criminal offences, the normal right of appeal has not been touched, has not been tinkered with, has not been tampered with and certainly has not been taken away.

I said I would mention remedial notices, because they are another important aspect of this Law that might be misunderstood, and which I would, I hope, like to clarify and cast in a more favourable light than they have been put so far.

Remedial notices are the way by which the health and safety provisions are enforced. The Second Elected Member for Bodden Town observed, in his address, or if he did not observe, he questioned how these were going to be enforced, who is going to decide what is reasonable, who is going to decide whether there should be a canteen or a mess room, is it to be the employee, the employer, the Director of Labour or what? Well, the mechanism for doing it is that if the Director of Labour feels that steps need to be taken to ensure compliance with the provisions of the part of the Law relating to health and safety at work, he can serve a notice on the employer directing him to take those steps. That notice is called a remedial notice.

I appreciate straightaway that this gives the Director a broad power. It means that if he feels that a workplace is not being kept in a clean state, or adequate seating should be provided, or if canteens should be provided, in the first instance it is up to him to do something about it by serving a remedial notice. So, it is him who decides in the first instance what is reasonable and what should be done.

If I could just digress for a moment, I appreciate that that is putting a wide discretion in the hands of the Director. The alternative is to take the route of regulating everything specifically by laws and regulations, and if any Member of the House would care to look at the United Kingdom 1974 Health and Safety at Work Act, and at the regulations adopted and made thereunder, I think they would be appalled at the amount of law that can be generated if a legislative body really sets its mind to govern this aspect of the working environment and conditions.

The Committee chose another route, which was, in the first instance, to leave it up to the good sense of a civil servant, admittedly, and then subject him to a right of appeal to an Appeals Tribunal consisting of three people to be appointed, and, one hopes, to be appointed from among those whose experience in every day business and in the ordinary walks of commerce and industrial life will be able to bring that experience to bear in deciding what is reasonable, then to subject them to an appeal if they go wrong in law it was felt that that system, in a small island and a small environment like this, was going to provide the flexibility to cope with problems without having to write out thousands of pages of regulations.

In a small environment, should the Director start to go wrong, not only is he subject to these various appeals, but it is rapidly going to come to the notice of members of the public through their Elected Members, who are in close contact with their constituents, and if it is apparent that the Law is going wrong in this direction, it can come back to this House, either by a Motion or by amendment. That, I think, with respect to this House and with respect to the Cayman Islands, is one of the great advantages of a small environment, that the response time to maladministration can be so much quicker than in a large island like the United Kingdom, with its 52 million people, where if something goes wrong with an individual in his factory of 10,000 employees, it is a long route indeed to bring that to the notice of the legislators.

So the Committee took a risk and has adopted this simple system, following the wise and wide suggestion of Mr. Smith, the FCO Labour Advisor, that we keep it simple and as much as possible avoid bureaucracy - a simple system of giving the decision to the Director of Labour in the first case and then subjecting him to appeal.

In borrowing this system, again as the draftsman, I looked at other laws on the statute books. One that I found helpful in finding the system of remedial notices was the Public Health Law. I think it will be readily apparent to Members that health and safety at work and public health are not that too different sets of subjects. Both are concerned with the well being of, first of all, the individual, and secondly, of the community. It seemed not unreasonable to follow a similar approach.

The Public Health Law, 1981, provides a system for dealing with statutory nuisances, and statutory nuisances are listed in section 7 of that Law. They run from (a) to (w). There are all sorts of things, it is a statutory nuisance to create a noise or vibration which is a nuisance; it is a statutory nuisance to let the weeds grow too long on your land so as they become a nuisance or a prejudice to health; it is a statutory nuisance to keep any animals in such a manner as to be offensive or prejudicial to health; it is a statutory nuisance to let coconut shells fill up with water so that mosquitoes can breed in them. These are all listed in the Public Health Law, 1981.

Now the means of getting rid of a statutory nuisance is that the Chief Environmental Health Officer serves a notice on the person responsible, and if that notice is not complied with - well, let me read the section 8(4), then there will be no misunderstanding.

"Where a notice has been served on a person under this section ..."

(the notice is served by the Chief Environmental Health Officer,
a civil servant)

"... and either:

(a) the nuisance arose from a willful act or default of the said person; or

(b) such person makes default in complying with any of the requisitions of the notice within the time and date specified;

he shall be guilty of offence under this Law and shall, on conviction be liable to a fine not exceeding five hundred dollars for each offence and to a further fine not exceeding fifty dollars for each day during which the offence is continued ...".

Now, the Chief Environmental Health Officer can serve a notice and there is no appeal from him serving that notice. You either comply with it or you commit an offence. Of course, there is an appeal from the Court provisions when you are found guilty of an offence, but there is no appeal from the Civil Servant's decision.

In that case, I do not criticise it, because you are dealing with environmental health aspects, even though some of them are as small as long grass or water in coconut shells. In the Labour Law one is dealing with the health, the safety and welfare at work of individuals and of employees and we followed that same system except that we have put in the additional safeguard that before non-compliance with the order of the Civil Servant becomes an offence, there is an appeal to a Tribunal and there is a further appeal on a point of law.

So, as I say, we borrowed the 1981 Public Health Law and we put in some additional safeguards. I can understand that the Member may say that we are giving great powers to a civil servant, and that that is dangerous or horrific, or goes against the traditions in the Islands but I can say that it does not go against the traditions in the Island, because of the 1981 Law and I can say that if it is dangerous or horrific, the Committee, in recommending this Bill, has attempted to build in the safeguards of appeals before one gets so far as somebody actually being found guilty of committing an offence, then you can appeal from the offence.

There are numerous other aspects where, going through the Law in his careful and detailed presentation, the Second Elected Member for Bodden Town criticised its workings. I do not want to respond to all of them at least because it is going to be tedious. The answer to some of them is self-evident. There is one I would just like to pick up, and I hope that maybe I can wrap up this presentation in five minutes so that we can conveniently then take the break.

The Member devoted a lot of attention to section 7 which is the written statement that has to be provided by an employer to an employee. He complained, and I hope I am representing him correctly, that this would be an almost insupportable burden upon the small businessman, that it would generate lots of paperwork so that everyone would have to employ personnel officers, have filing cabinets and storage ... and he went on with his usual powerful rhetoric to challenge this section.

If one looks at it, the requirements that are set out in section 7, subsections (a) to (j) are really only the things that any sensible employer would put in any sensible contract of employment for his own benefit, not least for his own benefit, and also so that he, and his employee, if they fell out, knew exactly where they stood. Should anybody ever get to the court, or to the Director of Labour, then it is invaluable to have such a document to avoid disputes.

Before coming to the Assembly this morning I sat down and tried to knock out the sort of letter or document that might be necessary to embody these terms. I know I am a lawyer and it can be objected that it is easier for me to do this, but really, it took no more than five minutes, holding on a foolscap sheet, and it takes a third of it. What I have got is this - this does not have to be the legal form, but this covers everything that the section says. It reads something like this:

"You,.....(name).....will be employed by(name of the employer)..... as an assistant at the supermarket at.....(the address)....."

Your general responsibilities and duties (and I take that phrase from the Law) are to assist with the operation of the retail part of the store, including stacking and pricing goods on the shelves, keeping the shelves and passages clean and free from obstructions at all times, assisting at the checkout counter as necessary, together with such other related duties as may be assigned to you by the Duty Manager from time to time.

Your hours of work are 8:30 A.M. to 5:00 P.M., Monday to Friday. You will be paid "x" dollars per week, on Friday, that amount being calculated at the rate of x dollars per hour. For the first six months of your employment you will be on probation. You will receive twenty days paid leave per annum, but no part of this may be taken until you have satisfactorily completed your probation period. Your sick leave entitlement will be that set out in the Labour Law, namely ten days' paid leave at the basic rate per annum. Your employment may be terminated by one month's notice on either side."

You do not need to be a lawyer to write that out, you do not need to go to great lengths. Indeed, at the risk of belabouring the point, the reason the things that have to be addressed are set out in the Labour Law is so that the layman coming to it can find out, at a glance, what should go into a contract of employment, what points need to be addressed, so that the right of the parties are laid out. He can run down the list in the Law as a checklist and he can see whether he has got them in the letter governing employment or not.

So it is not, in my submission to the House and the public at large can judge this for themselves, a massive imposition upon the small businessman. Rather, it is an aid or a guideline that enables the small businessman who may not have had training in personnel management, to come along and see how he should be conducting his relations and how he can embody them in a simple, easy and cheap document, at not much trouble to himself.

I beg your pardon, Mr. President, I am performing the difficult exercise of noting points that need answering, and then deciding those which I can perhaps not answer and get away with not answering. In doing so, I am going through my notes. I see that there are three or four more points that I am going to have to come to, so this may be a convenient moment to break.

MR. PRESIDENT:

Proceedings are suspended for fifteen minutes.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:37 A.M.

MR. PRESIDENT:

to continue, I am asked to advise the House that if necessary we may consider sitting late tomorrow in order to be sure that we may finish the business for the week. I would simply like Members to note the possibility that we may sit late tomorrow.
Thank you.

Before I ask the Honourable Second Official Member
The Honourable Second Official Member.

HON. RICHARD W. GROUND:

objections which had been raised to specific sections of the Law. I have got a few more points of that nature that I want to make, and I hope to take them quite quickly. They are all points that the Second Elected Member for Bodden Town made in his critical address when he analyzed the provisions of the Law.

As I say, taking them quickly, as against section 10, which is the notice provisions, the Member objected there that one would need a lawyer to avoid the penalties when it comes to giving written notice, I might just point out to him that that is a section of the Law which has no penalties in it.

He went on in section 12, and I think this is an important criticism that I need to meet to say that the provisions of section 12(3) usurp the authority of the Court to decide what is and is not evidence. Now section 12, Members will recall, requires an employer to give certain statements or certificates to employees. Section 12(1) requires if he dismisses an employee, to give him a statement, in writing, as to why he has done it, and section 12(2) requires him at any time within a year after the expiry of employment, to give the employee a certificate saying when he was hired, when he was terminated and the sort of work he was engaged on.

Now it is section 12(3) that the Member objected to, because that section says that statement or certificate given under those preceding subsections, "...shall be conclusively bound (that is the person giving it) by the contents thereof in any proceedings under this Law ...".

Now, the sort of proceedings that can be conducted under the Law in relation to dismissal or severance pay are proceedings before the Director of Labour. They are not proceedings before the Court. The Court, as I have said, constitutes a separate, and alternative means of proceeding but they are proceedings before the Director of Labour. This restriction on evidence is only restricted to proceedings under this Law and therefore is only restricted to proceedings before the Director of Labour. So this does nothing to alter the rules of evidence in Courts, or to trespass upon the domain of the Courts.

Now, the reasons why, in proceedings before the Director of Labour, the section says that the statement or the certificate should be final is part of that more general reason that lies behind the administrative provisions of the Law to give certainty and simplicity to the determination of disputes. The idea behind section 12(1), which is the statement of the reasons for dismissal, is that if an employer dismisses an employee because he has committed some form of misconduct, he is going to know what that cause is at the time of the dismissal, there is no hardship in asking him to set it out in writing then and there, and there is no hardship in having him bound by it later.

If he is not bound by it, later he can come along bringing all sorts of fol de rol, he can make up whatever reasons he likes. It was felt that it was better that he be tied down to the reasons that he gave at the time.

Similarly, under section 12(2) the requirement for stating terms of engagement and the type of employment upon which an employee was engaged, really there is nothing difficult in that, and there should be no difficulty in an employer coming up with those dates and that brief description of the type of employment, and given that there is no difficulty in coming up with it, again, to give certainty and simplicity. There is, in my submission to the House, nothing wrong whatsoever in requiring the employer to be bound by what he set his hand to. I may also point out that even in Courts of Law, should you set your hand to a document in writing you are at a later date going to have extreme difficulty standing up and saying that that is not your document, or that is not what you meant. So this section, I admit, goes a little further than the basic rules of evidence but if Members think about it, it does not go very much further.

The Member went on, and I am just picking out highlights from his speech and not taking up all his points, to criticise the provisions as to minimum pay and the establishment of a minimum wage. As the Honourable Second Elected Member of Executive Council pointed out in his opening speech, these follow quite closely the existing provisions of the Cayman law governing the ability to set a national minimum basic wage save that under the existing Law the minimum wage is set by the Governor by Order, and under the Bill as put forward, it is the Governor in Council. So the Committee has moved that far, at least, towards some form of consultative direction.

The theory behind having the Governor in Council advised by a Committee is, I would hope, obvious that it allows input from all sectors of the community into the establishment of a national basic wage. The Member complained particularly that the powers of that committee would erode the Confidential Relationships Law, and that is a charge which was picked up in a newspaper report this morning. The newspaper reported the Member as saying it was outside the Constitution and could leave the confidentiality laws open to abuse. So, as it has been given such currency, I feel obliged to explain why that assertion is wrong.

Section 21(8) allows the Committee to take evidence from witnesses to require the production of relevant documents, and to take evidence on oath. Of course, the documents will be relevant to fixing the national minimum basic wage. The Confidential Relationships Law protects confidential information belonging or confidential to another person in the hands of the professional person who holds it. To give an example, a banker holds details about his client's financial transactions. The Confidential Relationships Law protects the information about the client's transactions in the banker's hands.

What the banker may pay his staff is not protected by the Confidential Relationships Law, because it has not come to the banker in the way of his business. So first of all, if the Committee properly restricts itself to relevant information which is going to be what employers pay their staff, there is no question of it impeding on information which is confidential within the Law.

Now, the Member, I think, suggested, and indeed if he thinks about it might suggest, oh, well, in giving that information, in looking at the documents, other information which really is confidential within the Law may come across or the Committee may abuse its powers and seek confidential information within the Law, information which belongs to some other person, and seek to get that out before the Committee. Well, there is a very simple answer to that, and that is the Confidential Relationships (Preservation) Law. That says that when any person is compelled to give evidence before any Court or Tribunal enquiring into any matter, if a person is required to give confidential material within the meaning of the Law, then that person has to apply to the Court, first of all, under section 3A of the Confidential Relationships (Preservation) Law for directions. If he does not apply to the Court first of all he commits a crime.

So, should some hapless employer be subjected to a demand from the Committee and really, I would submit to the House that this is exceedingly unlikely, but should it happen that the Committee demands information that is confidential within the Confidential Relationships (Preservation) Law, then the person from whom the information is demanded has his duty clearly set out in the existing legislation. What he does is he goes to the Court and says; "What should I do, should I comply or should I not comply?". The Court then gives him directions and he follows what the Court says. So there is that safeguard in the existing Law that would prevent any abuse by the Consultative Committee should it, in the frankly unlikely

event, seek to abuse its power.

The Member went on, in the context of minimum basic wages to assert that the setting up of a national minimum wage would take away the right to bargain. He came out with a particular example, that if he hires his brother to paint his house that he will be bound by the national minimum basic wage. In fact he would not be nor would he be obliged to pay the brother the minimum basic wage just for painting his house. There are several reasons for this, the most obvious is that if he just got his brother in to do this one-off job, the brother is a casual labourer under the definition of the Law.

But, more importantly than that, the national minimum basic wage, applies to wages paid under contracts of employment. The whole framework of the Law is that it is set up to apply to employees and employers. If one goes to the definition section, one finds that a contract of employment, which is what an employee is employed under, defines an employee and therefore is what defines the sort of people to whom you have to pay the national minimum basic wage. "Contract of employment" means an agreement - and I am abbreviating it a little - whereby it is agreed between an employee and an employer that the employee will be employed under a contract of service.

Now that expression, "contract of service" is, I am afraid, a technical, legal expression which has been expounded upon and explained by generations of legal precedent and legal decisions. Basically it means a contract in which the normal appurtenances of the employer/employee relationship are present. It implies an element of regularity turning up, doing what your employer tells you to do, doing it on a regular basis, being governed by things like notice and so on and being subject to the directions of your employer. If you hire somebody on a one-off basis to paint your house or to come for one occasion and renovate your garden, perhaps lay turf or something like that, you are not employing them under a contract of service - they are not your employees.

But, the person who paints your house, if he is not your brother, may well be employed by a professional painter or decorator and will enjoy a contract of service between him and the person who employs him. That person who employs him may send him to paint lots of different houses in the course of the working year but the person whose house is being painted does not employ him under a contract of service. The person whose house is being painted is not obliged to pay him the national minimum basic wage. It is up to his employer, the man who regularly employs him, to make sure he gets the national minimum basic wage.

So there is a very important distinction there which I would like to stress, and it does leave out from the ambit of the Law these casual relationships where somebody on a once-off basis comes along and performs a service. If I might just use again a legal term of ours, the opposite of a contract of service is a "contract for services". That is when you hire somebody to come along and perform some services on the once-off basis.

I am leapfrogging through the Law and it may sound a little disjointed.

The question of gratuities was touched upon. The Honourable Member, in introducing the Bill, explained that the provisions as to gratuities set an escalating system of control. In the first instance, it is hoped that the employer and employee can work out gratuities between them. That was, again, what the FCO Labour Advisor suggested, that gratuities be left to agreement. Should they break down, the Director of Labour can intervene and should the Director of Labour's informal intervention not lead to an agreement which can be registered as a last resort, regulations can be made. The Second Elected Member for Bodden Town felt that the formula should have been embodied in the Law.

I think the thinking behind not carving the formula in stone in the Law was that gratuities are a difficult and complex area. The appropriate provisions or formula, may vary from one type of business to another, or indeed from one business within a class of businesses, from one business to another and that this particularly was an area in which a great deal of flexibility should be preserved.

Were the Law to spell out a formula, that would rob the provisions of the flexibility that is necessary to make them work. It was also felt, and I hope I can say this quite frankly, that the Director of Labour, as the system goes into operation and as he sees more and more what happens in the field as he intervenes in disputes, maybe arrives at, arbitrates in disputes, sets of formulae which can be registered. The Director of Labour is going to be in a position from that experience to advise Government what sort of formula might be embodied in regulations, and that the Law was not the place to preempt that evolutionary process, but that rather it should be left to work itself out and that, as I say, as a last resort regulations could be resorted to.

Again, leaping on in respect to severance pay, the Second Elected Member for Bodden Town painted a dire picture of the employer who might be faced with all his employees wanting to leave at once and demanding severance pay. He referred to at least one large business and as it were, invited a Member of the House to comment on that point.

The fundamental point that the Second Elected Member for Bodden Town may have been missing is that severance pay is payable upon termination of employment by the employer. So, should a hapless employer be in the position where all his employees get up and leave him voluntarily, perhaps giving notice, he does not have to pay them severance pay, the Law does not require him to. He may have his own provisions whereby he gives them pensions or gives them pay upon leaving which is entirely voluntary, but severance pay provisions in this Law could not be triggered in those circumstances. That dire picture of the employer being thrust into bankruptcy by all his employees getting up and leaving him is not going to happen because of the severance pay provisions.

I pause only because I am going on through the Member's speech to see what I have already dealt with. I think that the two major areas of the alleged defects and the health and safety provisions, that there is no way of enforcing them, and the appeal provisions I have dealt with. Now, and I am not going to come back to that, there is one final comment I would just like to take up and touch upon, again because it is something that was picked up in the press this morning.

The Second Elected Member for Bodden Town described the Director as being given abnormal powers under the Law, that in some instances he is going to be prosecutor, in some instances judge, and in some instances hangman. Looking at the press report, I see that the role of Commissioner of Police was also thrown in.

It is true that the Director is given broad powers, but each of those areas are quite distinct. The Director of Labour is only a judge in those cases relating to unfair dismissal, severance pay, and remedial notices, where there are financial limits set up on what he can award and where he is subject to an elaborate system of appeal. I cannot find where he is "hangman". He is prosecutor because he is charged with the enforcement of this Law, and he is empowered to prosecute cases before the Courts. The Member suggested that this might represent an abrogation of the fundamental principles of the division of responsibility in Government, and to go against principles that I had adumbrated and put forward in an earlier speech during this meeting.

In fact, it is of course the right of every citizen to bring a prosecution before the Courts. The Law recognises this, but it also recognises that in the case of certain classes of public servants who are charged with the administration of laws with penal provisions, that those classes of public servants should be given express power to appear before the Courts and prosecute offences under the laws for which they have responsibility. There are several examples in our law.

The Customs Law gives power to Customs Officers to prosecute customs offences. The Immigration Law gives powers to Immigration Officers. I think the Public

Health Law gives power to the Chief Environmental Health Officer, though I would want to check that before finally swearing to that, but we have these examples. This does not impinge in any way upon the final and ultimate responsibility of the Attorney General for prosecutions. The Attorney General, of course, does not concern himself in every small prosecution which is brought before the Courts. Every speeding offence does not cross my desk for me to give my fiat for it to proceed. Every drunk driving charge, every customs matter, every immigration offence does not come to me for me to read the file and decide upon it.

The Constitutional safeguard and where the Attorney General's residual power arises, is that if, either a member of the public or one of these civil servants who are charged with the right and the power to prosecute, abuses it by bringing prosecutions where it is unmeritorious, where it is vindictive, where there is no evidence, the Attorney General can then intervene by means of a system set out in the Criminal Procedure Code whereby he can take over the case and end it. He ends it by entering a document which has an unnecessary Latin name called a "*nolle prosequi*", and literally translated it means, I do not want to prosecute. It is a residual power that lets the Attorney General, in cases of abuse, come in and end a prosecution.

So, the right given to the Director of Labour to enforce this Law, to prosecute for this Law and to conduct prosecutions under this Law is in keeping with the system which we have in other similar laws in the Islands already. It does not in any way conflict with those greater and deeper principles of the divisions of responsibility that underlie our Constitution.

I have reiterated myself on this point and I have only done it because I think it is so important that that, at least, is made clear.

With that closing remark, I am not going to go on through the rest of the sections of the Law, and am going to leave any other Member who wishes to address its more general merits to take the floor.

Thank you, Mr. President.

MR. PRESIDENT:

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, the Bill before this House, in my opinion, is a very important Bill. I think the title of it says exactly that. It is a Bill for a Law to govern terms and conditions of employment; to provide for the health, safety and welfare of employees; and for related matters.

For many years we have needed a Bill similar to this for the benefit of employer and employees. At this time I would like to congratulate the Honourable Second Elected Member of Executive Council under whom the responsibility for labour falls, for the very able way in which he presented this Bill. I know it has been greatly appreciated by the radio audience in particular, who have not had the opportunity, or who have not taken the time to fully acquaint themselves with all the terms and all the clauses that are in the Bill. I think it was very important that he went clause by clause, omitting none, and brought what is termed by some, good and bad, to the public.

I would also at this time like to thank the previous Chairman of this Committee and the present Chairman, for all the hard work they have put in, and to the members of the private sector who made representations and showed their interest in the community by having the input they did into this Bill now before the House.

I am one of the Members of this Honourable House who can stand here and truthfully say that I attended every Select Committee that I possibly could. It is not my policy to absent myself just for the sake of being absent, that I can come into this Honourable House and criticise the work of the Committee. Having said that, it would be rather simple of me to come here and try to criticise the clauses of this Bill, having had the opportunity in Select Committee to understand the reasons that each and every one is in there.

I support the Bill. I do have a concern which is for the people of my district. As all Honourable Members of this House and the listening public are aware, Cayman Brac is far behind Grand Cayman in its state of economic development. I think we are possibly where Grand Cayman was in the early sixties. Legislation such as this could cause some hardships to both employer and employee in Cayman Brac and Little Cayman.

In the meeting of 19th August, 1987, I asked that this be recorded, and I ask your indulgence that I may read this short portion which says:

"Matters raised by Members of the Committee:

The Chairman invited Members of the Select Committee to raise any matter. The only Member to make comment was the First Elected Member for the Lesser Islands. He referred to the economic situation of the Lesser Islands, stating that there is virtually a twenty year gap between Cayman Brac and Little Cayman and Grand Cayman's development, and in view of such, certain parts of the legislation could prove to be destructive rather than constructive. He stated that at the appropriate time he would wish to discuss the Bill in its final draft with his constituents, and that more than likely he would propose amendments in the House at the Committee stage."

I still have that concern today, and I would ask in the implementation of this Law, as I anticipate that the Bill will certainly be passed, that considerations to the Sister Islands be given, as the Director of Labour and the Inspectors will be resident in Grand Cayman. It will be more difficult for the employer and the employee to really have the benefit of the Labour Office in Cayman Brac, in particular, and I would ask again, that when this is implemented, that provisions be made that it would not necessitate paying air fares and other expenses to be incurred by people in the Lesser Islands to journey to Grand Cayman to have their complaint heard.

I am very grateful that a six month period and the enforcement of any fines will be implemented. I think this will give each and every person an opportunity to understand the Law and its working more thoroughly. I feel certain that after it has been enacted, those that are now very sceptical of the Law and oppose it will then represent it. It is clear to see the importance that we as legislators put in this matter, that 37 meetings of the Select Committee were called to perform our duties as legislators in trying to get the best Labour Bill we could for the people of the Cayman Islands.

I would also hasten to say to the listening public the impression is being given that this is a monument being carved in stone that cannot be amended. It will be a Law, and this Legislature has the power to amend any law. If it is found that there are sections that are not workable, if it is brought to the attention of the proper authorities, certainly amendments will be brought to this Honourable House in future meetings.

In closing I would again like to take this opportunity to congratulate the Honourable Second Elected Member of Executive Council, and our very able Honourable Second Official Member for the very able job they have done in explaining this to us and in bringing this Bill to this House.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak?
In that case I call upon the Honourable Second

Elected Member to reply to the debate.

(INTERRUPTION) (Mr. McKeeva Bush)

give way, he may.

If the Honourable Second Elected Member wishes to

HON. W. NORMAN BODDEN:

Yes, Mr. President, I will give way.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH:

Mr. President, truthfully, Sir, I would not want to miss

my chance to say my piece on this Bill, no, Sir. I have taken too many blows not to give some back.
However, I am a happy man today. Happy because we seek to embed in our statute books a piece of social legislation which has been properly drafted and meticulously put together. A piece of legislation which I believe, if administered in a proper and unbiased way, will lead to the strengthening of our social, political and economic stability for which this country is renowned.

The Holy Bible commands us that "Thou shall not muzzle the ox that treadeth out the corn" and also that "the labourer is worthy of his reward". This is what this Labour Bill is all about. Thank God the time has come where the working man in this country has some form of protection, some form of effective redress. For one pleasing thing, no more will there be the thought in this country, that management had the right to accuse employees, dismiss them without proper investigation, and then take refuge in the stance that management had the privilege to dismiss its employees as it pleased. And as surely as the Bible commands us not to muzzle the ox treading the corn, I also believe neither should the ox be allowed to eat all of the corn.

Accordingly, you will find in the Bill that the legislation will be fair and just to all concerned. It protects the worker and it protects the employer. It is not one-sided as the Second Elected Member for Bodden Town, in his propagandistic tirade tried to make the public believe, but it puts the employee in a position that he must now begin to have a more responsible attitude to his employment. I believe if management is effective as competent management should be and does not behave in an ignorant manner, then this legislation can go a long way in helping to eradicate the growing problem of poor work attitudes and growing indiscipline that is evident in the workplace. If a desirable level of productivity is to be achieved, or in some instances maintained, it would suit all concerned to make the best of what is proposed in this labour legislation.

than being of a communistic mentality. For the communists have a belief that if you say something long enough, even though you know it to be less than the truth, someone will eventually believe you.

To bring the Bill to this stage was no easy task. Over the three year period we have had 37 meetings. We have had representations from a wide cross section of people representing the various industries and employers themselves; and from the Chamber of Commerce to the Business and Professional Women's Organization.

What was so evident throughout all of the 37 meetings in these three years was the absence of any representation on the part of the employee. And so, we, who claim to be the protector and defender of the working man in this country, those of us who attended the Committee meetings, had to be the spokesmen for the unrepresented working man in those Committee meetings.

We have come a long way with this Bill. Members of this House have been attacked. There have been obscene telephone calls and threats, that did not deter the Committee. It did not deter my conviction of the need and today I give thanks to the Member concerned; I give thanks to the Honourable Attorney General and his staff for having come this far.

Of the recommendations that came to us, we had to reject some of them because they were not fair to everybody concerned. For instance, the Hotel Association wanted the Committee to put into the Law for sick leave to be six working days. That would have been a retrograde step. So the Committee refused to support them in their request, because the normal amount of sick leave today is ten working days. The Law does not now provide and the Law, as long as I am here, will never provide for any benefit to be worse or less than what is normal today in this country.

Another area where the employee is no worse off because of the Law, is the section dealing with vacation leave which says in clause 14(2) of the Bill that "earned vacation leave shall be above and beyond and shall not include any public holiday leave". This means that the vacation to which any employee is entitled under this part shall be extended by one day for each public holiday that occurs during that vacation. As I say, this is now normal, however, I have known of cases which were questioned by certain employers, so this is one of the reasons it was provided in the Law, and more so, why the Law had to be brought to this Honourable House.

One group suggested that all employers should give a work account instead of the employers with ten or more employees as is provided under clause 31 of the Bill. I am not too sure that that particular idea should not have been taken up. However, the Committee chose otherwise. One thing I do know is that no man in his right mind can say that any person in this country having ten or more employees is doing small business. And for the sake of good business sense, that person should want to have some sort of record as to his employees. Cayman is still a developing country, and developing at a fast pace which means there are many complications in the different industries, humans being what we are.

I am a small employer but I find it most necessary to give my employees, sometimes three, sometimes there are more, not up to ten, some simple record of what I expect them to do in their employment to me.

I do not intend to carry on for long. I believe that the Mover has done a good job and that the Honourable Attorney General has done an extremely good job also in clearing up some of what might have been taken in the wrong way. However, I have a few more areas to touch on.

One group, the Contractors Association, had suggested that because in the United Kingdom 13 weeks are allowed to give an employee a written statement of employment, we should do the same. The Committee felt that any employer worth his salt, and I make the point again because I have been questioned on it although I would not belabour it, that any employer worth his salt should give a statement of working conditions in two weeks, as is provided in this Law. What the United Kingdom has in so much as labour legislation is concerned, is not suitable to what is necessary in this country. The United Kingdom has many Labour Unions to back the working man. We have to put in our Law the protection for the working man because we do not believe in nor do we want unions.

The only Member so far opposing the Bill, the Second Elected Member for Bodden Town, claimed on the one hand that we were being cruel to the employer, punishing the employer. He said the Bill is one-sided, all in favour of the worker, with no returns for the employer. Further on he went on to say that the worker is much worse off. I tell you, I am not going to take up on his debate, because from that statement, and his non-attendance at the putting together of this Law, the Member was well confused. So most of what he said I will write off as being a state of confusion.

One point he raised, and one that has been raised often in this House was that the tail was wagging the dog. What he meant by that was that sometimes the dog needed a scratch, he was itching, and the tail had to do the job. The three areas he used as an example, the Social Security Scheme, this Labour Bill and the Economic Plan - I make no apologies that I was part of it, I was in fact the mover of two needed pieces of legislation in this country. If this country is going to survive, labour legislation is necessary, and the Social Security Scheme is necessary and must be brought to this House as soon as possible.

How can any man who claims to be the protector of the small man not want for the people that he claims to represent to have security at work and security in his old age? When I moved the motion to bring about this Bill, I said that the labour in this country and a proposed Social Security Scheme went hand in hand, one could not work without the other. But I will leave him in his state of confusion on the need for the two.

Business people are human beings. But what about the employee? Is he a horse to be ridden all of his life? No, it cannot continue. The Honourable Member talked at great length concerning the provision for severance pay in clause 39.

I remember well the debate in the Committee which the Member did not attend. There are many cases that can be used as an example which deals with section 39. We have had cases where certain businesses have been sold and their long standing employees, when the new manager or the new owner came in, they refused to give them, although they were long standing employees, any sort of vacation pay or any sort of benefits. They say they are new management, therefore the employees have to start over anew. This is what the Member says should be the position. I am amazed at him. This section of the Bill will help to put to rest those injustices.

I do not believe the opposition to this Bill is sound. I do not believe the opposition to this Bill holds any water. They are seeing this Bill as an oasis in the political desert where they now find themselves, they cannot use this to quench their thirst.

Good opposition, in their own words should be, when opposing you should always give alternatives to the points that have been raised by the Government of the day. If you cannot present alternatives, it is much better if an Opposition at that point remain silent. In their own words, many times the Opposition will use many strategies and many points to try to enhance its own image rather than the good of the country. That is what has happened.

One group that came to the Committee suggested that we should do away with the system of gratuities. The Committee refused to accept that recommendation, and rightly so. That did not come from the Hotel Association, but it came from a Member, and I know from minutes of the Hotel Association's meeting that that particular point was raised and that that should be a recommendation. The Government could not do away with gratuities because the Government did not institute gratuities. The Hotel Association, years ago in their refusal to pay and pay properly came up with a system of gratuities. What was happening and is still happening is that the gratuities that should have gone to the employee went into somebody else's pocket. I do not know whether the word "stealing" is unparliamentary or not, but if that is not stealing, then maybe you could give me another word.

MR. PRESIDENT:
House, it is not unparliamentary.

As long as you are not accusing Members of the

MR. W. McKEEVA BUSH:
trust me on that.

No Member of the House is being accused, you can

representative of the people, I have had too many representation made to me to sit down and not try to put this thing right. So the Committee, in it's wisdom, is trying to do something about that stealing. What I would urge is that the first one who is caught should be made to pay back for all the others that got away.

I do not need to stand here and give examples, because I have given them over and over and over again. But to drive it home, how can a property with, let us say, 30 or 15 rooms, being rented for one season, and pay \$1,200 to an employee in gratuities, and the next season come around, and a different manager is there and that same property with the same amount of rooms and the same amount of staff pays two hundred and odd dollars? How can it be so? Highway robbery! No Government in the past sought to do anything about it. This Government, with Members who, not only say that they protect the people, but they prove it, are doing something about it, and we are doing it lawfully.

MR. PRESIDENT:
which to break?

Excuse me, would that be a convenient point at

Proceedings are suspended until 2:15 P.M..

AT 12:43 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT:
Second Elected Member for West Bay continuing.

Proceedings of the House are resumed. The

MR. W. McKEEVA BUSH:

Mr. President, when we took the suspension I was dealing with the gratuity system in this country. One more problem area with gratuities and cause for concern to the Committee was that it was a fact that in the high tourist season management of certain properties would withhold paying the total amount of gratuities collected under the premise that the extra amount would be distributed to them in the slow season. This payment would be without interest added to it. Who would be getting the interest in that time? And who can handle my money better than me? That matter will be straightened out under this Bill when this Bill comes into effect.

The Second Elected Member for Bodden Town who spoke in opposition to the Bill said that we took no recommendations from employers, that is not true. The Chamber of Commerce, one of the hottest opposers of the Law, made a recommendation and suggested that we - let me read from their report to us. In their recommendation it said:

"What is recommended by the Chamber of Commerce is a system that will enable every employee to know with certainty precisely what his basic terms and conditions of employment are, and as agreed by him with the employer."

So they were recommending the work accounts and the terms and conditions of employment, which this Bill has contained. The Chamber of Commerce also suggested a labour tribunal. The Bill contains that, so as far as I am concerned, the Second Elected Member for Bodden Town was in a state of confusion, because he did not do his duty and attend the Committee meetings. The Second Elected Member for Bodden Town did at the Select Committee's meeting on labour what he did at the Finance Committee's meeting. He came in long enough to vote for the increase in salary and left.

We must realise that proper labour legislation is essential simply from the point of view that labour is at least an equal partner with capital in our economic system. Over the years it has been treated as such because it is apparently not recognised as an equal partner by those who represent capital. Labourers cannot demand such recognition because they are not an organised force which would be capable of acting for themselves. So this Government, and any Government concerned with seeing justice done among the people within its jurisdiction has little choice but to see to it that its people are protected so that they can get the maximum possible benefit. To not assume this role in this day and age and with the economic system like ours is to avoid the responsibility of Government.

One other problem we came up with was the payment of salaries in this country. Payment of salaries from certain companies was made late Friday evening, too late to catch the banks. What happens to an employee is that only if some merchants will cash their cheques were they able to get their money for the weekend. They cannot carry on this now, and if they do, under a section of the Law, the worker can demand his pay in cash. The sad thing about that whole fiasco, it was very evident when certain companies got into trouble financially that practice would be carried on. But they cannot now carry it on.

The Second Elected Member for Bodden Town said that he could not attend the Committee's meeting because the minority was ignored, that is not true. He said, "minority Members' good recommendations were rejected". These were his exact words in fact but that is not true. We persisted in certain areas and you can believe that there was some hot debate in that Committee Room. But in the final analysis, many times the minority, and when I say the minority maybe I am placing myself in that position, but many times we made recommendations and the Government of the day said it was their finding that they could not comply with what we were asking for.

One instance, and I only make reference to it to point out the fact that we in the Committee had some power once we stayed together, was the reintroduction of the discrimination clause. Government was adamant that it was not needed. But after we discussed it, not at one meeting but at several meetings, Government finally agreed with us that the discrimination clause should be contained in the Law. So I consider that was an area that if the Member was present at the Committee's meeting he would have had a say and felt some satisfaction in winning across his point. Maybe he had a different idea, maybe that particular issue, the discrimination clause, he would have preferred that it be left out. He certainly, in his debate, did not come across as being supportive of the working man.

This Law is not made for the lazy, it is not going to protect those who will not work and have no commitment to their employment or their choice of career. This Law is for the working man, it protects the working man and it protects the employer.

I spoke a while ago about production, I made some reference to the productive effort. It concerns me and we may well be asked what lies ahead of us in Cayman in terms of future growth and development. I believe that we as a people must commit ourselves to higher levels of productivity. Though they are a small minority, there are still too many Caymanians who do not really appreciate that the building of a country is primarily the task of its own people. A writer once wrote, "the free man is he who frees himself, the slave looks to others to free him and still remains a slave.". A country like Cayman cannot afford the parasite, the lazy and inefficient who have that hope that someone will kill and feed him. No Sir, we cannot afford that.

Many times we look with envy and admiration at a country like the United States. We may not aspire to reach the moon or control other nations, but that country teaches us one lesson, and that is that hard work, sacrifice and the imagination of its people are a prerequisite of economic development. I trust that soon those who think otherwise will learn the same thing in this country.

The Bill is a two way street, as I have been trying to get across. I feel that every manager, every employee or every employer must have a commitment to provide a reasonable and equitable reward for the work of those whom he employs. I feel that for good management/employee relations to continue and develop that every manager must be accessible to his employees, to hear their views, to try to understand their numerous problems, and try to assist them in whatever way possible to overcome their problems. This is good management practice, and this is what this country needs. As I said, it would enhance the relationship of employer and employee. It is a two way street and no longer a one way street on either side.

There has been much opposition to this Bill from the employer sector in this country. I would say to them that no amount of economic good will make our people a united people unless we try to work together, we try to come together along the right path in a democratic fashion - a path in which we will feel more and more that this place is our home, that it is our destiny. Workers, employers alike must come to this realization, workers will then do more for it, more work, more effort, more thinking, more sacrificing and more discipline, than by any other measure we can bring.

In closing, I am touched to my heart because I think this is a great day for us if we try to work together and not try to tear down everything that is put up. Let us forget the personalities, let us look at the issues, let us forget our past frustrations, and forget the history that has plagued Cayman for so long, putting us one against the other. Let us forget it, let us look at the future and let us examine carefully the relative abilities of those who are capable of leading us into meaningful effort.

I support this Bill, and I trust that all Members will give it a vote of confidence.

Thank you.

MR. PRESIDENT:

Executive Council.

Would the Mover wish to exercise his right of reply?
The Honourable Second Elected Member of

HON. W. NORMAN BODDEN:
and thank you very much.

Yes, Mr. President, I would like to exercise that right,

I would like to thank all Honourable Members who spoke in support of the Labour Bill, as well as those who gave it, what I take to be, their silent support. I would like to especially thank the Honourable Second Official Member of Government for his very able contribution to this debate and his clear explanation of the technical aspects of the Bill which he is highly qualified and equipped to do. This is appreciated very much by me, and I am sure, highly appreciated by the listening public which was due an explanation, especially on the legal and technical areas of the Bill.

For the past three years, every Bill except one maybe, that has been brought by this Government, the cry from the Opposition always has been "take it back to the drawing board". This has been their refrain, no matter how necessary or good the Bill was, so I did not expect that the Labour Bill would be treated any differently by them.

I believe that I endeavoured to present the Bill, to the best of my ability, in a factual and fair light, and by no means will I attempt to answer all the opposing views and unjust remarks that have been made by the Opposition. But I would take this opportunity to touch briefly on a few points which I consider merit some comment and clarification.

I have not really been able to fathom, understand or rationalise the claim that this Labour Bill is of a "slave mentality". Something has to be contradictory here because in the same breath it is claimed that the Bill is all in favour of the working class. Now, labour legislation, no matter how bad it appears to be, has just got to be several levels above slavery. To my mind labour legislation and slavery

are certainly at opposite ends of the scale. So I do not really understand this comment on the Bill and I will pass on.

It is true that portions of the Antigua Labour Code were originally used to prepare a discussion draft which was circulated and a request made for public input which was well received, and which I give a great deal of credit to for the very high quality of this Labour Bill. But I dare say that the process that the Committee adopted and followed eliminated many sectors unsuitable to Cayman that resulted in numerous and necessary changes being made to the original discussion draft that today we are considering a Bill that bears little semblance to the Antigua Labour Code. I do not believe that the Antiguan could read this and identify this as their Code.

As the Member for North Side pointed out in his debate, there is a comprehensive list of changes that were made as a result of representations from a wide cross section of organizations and persons in this country. I have had indications from Associations such as the Cayman Islands Hotels and Condominium Association and the Restaurants Association that they now find the Bill acceptable to them, and certainly this would not have been the case had the Committee ignored all their recommendations.

As far as the Chamber of Commerce is concerned, dialogue was maintained with the Chamber up until the very last minute. As a result, some of the recommendations which they made were accepted - I would like to outline just a few of them.

- (1) Pay by commission arrangements was inserted in section 7(2)(e);
- (2) that an employee may not unreasonably withhold consent to payment of his salary by cheque was put in section 27(2) - I should point out here that this request was also made by the Hotel and Restaurant Associations;
- (3) mandatory reinstatement of a worker for unfair dismissal was deleted from section 49;
- (4) conditions for buildings was changed in section 54(d);
- (5) remedial notices, in section 59 - provision was made where the Director of Labour must obtain written consent from the Member responsible for labour before he can issue a closure notice on a workplace; and any operator of a workplace may ask the Grand Court to stay the effect of such a notice until the Appeal is heard;
- (6) in section 69(2) provision was made whereby enforcement of payment of an award made by the Director will be treated the same as a judgement of the Grand Court for the collection of a debt instead of a fine as it was originally stated.

These are just a few of the changes that were made as a result of recommendations from the Chamber. So any attempt to claim that the Committee did not consider representations, or only did so in minor areas is simply not true and is merely a flimsy excuse for those Members who failed to attend the Committee's meetings.

Obviously, not every recommendation from every organization or person could be accepted or entertained by the Committee, otherwise we would have indeed been attempting to be all things to all people. This, the Committee naturally readily recognised and accepted as an impossibility. The Committee also had its own views, and by majority decision in the final analysis had to decide what it considered was best for the country and our people. This was what was done.

As I pointed out in my presentation, no one is pretending that this Bill is perfect. And since this or no other Law can be expected to cover every eventuality it must be recognised and accepted that working within its provisions on a day-to-day basis is bound to produce the need for amendments in due course. I am sure that this will be found to be the case and amendments will come, we are not unmindful of this.

It is true that under the Law employers will have to document a few things that perhaps have in the past been left to verbal agreements only. But, these are the very same conditions which have created cause for change. These are the conditions which have generated misunderstandings and disputes, and are partly what this Law is intended to correct. I maintain that the little extra time taken to fill out a simple form or open up an employment record will be time well spent, and in the interests of establishing better business practices in favour of both the employer and the employee.

To say that the Law will bring a burden of record keeping to employers who will need to hire accountants, lawyers, buy computers and build store rooms is an extreme exaggeration aimed at causing undue concern and enlisting support merely for opposition sake. First of all, the statement of working conditions consists of ten basic, but important items, items which can be held on a one page standard form - items to my mind, which no employer would offer employment without first deciding himself, and which no employee would accept employment before first understanding the terms and conditions of his job. Purely for the avoidance of doubt, these items will now need to be documented. This is similar to a letter of appointment, which should be in every employee's file for the protection of both parties.

Let me just repeat the information called for:

- (1) the job title and general responsibilities.
So the scenario painted by the Second Elected Member for Bodden Town about the supermarket clerk who cannot fill in for a cashier - this is only a scare tactic. Because it says "general responsibilities". And we all know that to be totally specific is impractical and almost impossible.
- (2) the hours of work;
- (3) rate of pay;
- (4) pay days;
- (5) hourly equivalent pay or rate of commission;
- (6) period of employment;
- (7) probation period, if any;
- (8) vacation entitlement;
- (9) sick leave entitlement; and
- (10) length of notice of termination that each party must give to the other.

Personally, as a small employer myself, I would feel much more comfortable having these matters clearly understood and documented before any employee walks through my door and takes up a position with my company. In the case of the claim of high turnover of staff in supermarkets, I believe that in the majority of instances at the level of clerks and cashiers, where high turnover mostly takes place, there is little differences in categories, and sometimes the only change that would have to be made is the change of name. Surely this cannot be considered an expensive and onerous task to the employer?

Nevertheless, having said all this, I would say here that I am willing to give consideration to having the Director of Labour prepare pro forma documents, covering statement of working conditions which the public could collect from the Director of Labour's office. This I believe, especially in the beginning, would be helpful to the public. It has been recommended to me by some of the Members of this House off the record, and I think it is a very good suggestion, and I do not see this as being an impossible task for the Director of Labour to undertake.

The other record keeping required is for work

accounts, which is not necessary to be kept by small businesses with less than ten employees. These work accounts themselves cover only three items: (1) the time worked; (2) leave taken; and (3) basic and other wages paid.

These are the only records which the Law would require to be kept for two years, and certainly this type of record should form a part of any company's operations and any company's files. Actually, other statements which an employee may request or the registration of a work place, are really nothing more than an exchange of correspondence, just an exchange of letters. So, the administrative burdens are only enlarged in the eyes of the opponents of this Bill. Additional work, yes, especially at the start-up of this Law, but that cannot really be termed an administrative burden.

The definition of "casual employee" was claimed by one Member to be totally unknown in Cayman. A casual employee, under the Law, will be a person who is employed on an irregular or intermittent basis. This, like other sections of the Law, means exactly what it says and I believe can be easily and readily understood by those who want to understand the term. An employee can be considered as a casual employee regardless of the category of the position he so fills in a company. To my mind this term should not be confused with unskilled labour. In other words, a professional person or an unskilled or common labourer can be considered a casual employee, and as such is not entitled to benefits set out in the Law.

The other category of employee near to this is defined as part-time and this is a person who is required to work less than the standard work week, but who is contracted on a permanent basis.

Much was made of the machinery provided in this Bill in case it is decided in the future to set a national minimum wage, and there were claims that Executive Council should not be the body to do so, but that it should be done instead by the Legislative Assembly's involvement.

First of all, in the Minimum Wage Law which was passed in 1946, under that Law the Administrator whose equivalent today would be the Governor, was responsible for fixing a minimum wage - not the Vestry, as it was called, I believe, in those days. Furthermore, the provisions in this Labour Bill as regards minimum wage were taken directly from the Minimum Wage Law of 1946.

As I pointed out in my introduction to this Bill, a minimum wage for labourers was in fact set in 1967 at six shillings per hour. So this is no introduction of anything strange, new or alien to the Cayman Islands. It has been around since 1946, and since that Law is going to be repealed much of it in this section of this Bill was lifted from that 1946 Law.

Although this was another matter disputed by the Second Elected Member for Bodden Town, it is my humble opinion that the matter of gratuities has been adequately and properly dealt with in this Bill. For example, in section (2) a very comprehensive definition of "gratuity" is made and in the same section in the definition of "wage" it is made abundantly clear here that "wage" does not include tips or gratuities.

As one Member previously pointed out, Government did not introduce the gratuity system. It was done and put into practice by the hospitality industry at their own decision. However, as this is and has been a problem area, and an area of discontent, section 33 of this Bill intentionally leaves employers and employees free to agree how the amounts represented by gratuities, if collected, will be distributed under an agreed registered scheme.

If there is a dispute, the Director of Labour can intervene and, with the agreement of the employer and employees, register a scheme which they must then abide by. But first of all, they are given an opportunity and an option to reach their own agreement or the Governor in Council may make Regulations prescribing a scheme. To attempt to develop a standard scheme that would suit all businesses and be convenient in the hospitality industry would indeed have been an awesome task. So to my mind, the provisions made herein are the best and certainly appear to me to be acceptable to those tourist related businesses concerned and practising the collection of gratuities.

Severance pay was dealt with and to repeat here, it is important to note that the payment of severance pay comes into play upon termination of an employee's employment by his employer - not when the employee voluntarily decides that he or she is going to walk off the job - they do not get severance pay in this case. I will not go into the details of contradicting the point in this regard that was made by the Second Elected Member for Bodden Town, as this was very ably clarified this morning by the Honourable Second Official Member. So severance pay cannot cause any business to be left in the lurch by dozens of employees deciding that they are going to walk out, this is another invention and exaggeration.

The Committee also saw fit to bind any predecessor employer as well in his responsibility for severance pay. This was done because of cases where one employee or the other has been passed back and forth between employers, former and present, and each one saying they do not know who owes him severance pay or who has to pay him. And one can easily see the plight of the poor employee caught in such a trap, so this is the reason that was put into that section.

As much as I have heard during many hours of debate of this Bill, and I believe there is a portion of the scripture which I do not like to quote in this House, but which says something like if it were possible to deceive the very elect. I have heard enough that could even have caused that to happen. But nevertheless, nothing that I have heard against this Bill could influence me, shake my position nor cause me to believe that this Bill is not fair, reasonable and equitable both to the employer and the employee.

I believe that repetition produces emphasis, and although I have repeated some things in my closing remarks, it is important and necessary for some points to be treated in this manner. I repeat here again that this Bill, when it becomes Law, will provide employers with a clear cut position through the minimum employment standards it provides. It likewise gives employees a fair and even understanding of what their entitlements are, providing of course that they keep their part of the employment bargain.

As I have said and was said by the speaker before me, the Second Elected Member for West Bay, this is a two way street. It legalizes many of the time tested practices in our country which could disappear or change without legal support and backing. This is one of the prime reasons to have legislation.

One Member said that the employees are not getting anything more than they got previously, so why have the Law. The Law is necessary to put in place and confirm that those entitlements remain as such. It does not bring to an end bargaining power. It does not bring to an end our free enterprise system which we cherish. It does not affect the confidential relationship on which our offshore business is based. Those who claim otherwise are stretching their imagination beyond recognition of the facts, and simply denying the real benefits of this legislation to our country, benefits to our honest, hard working class of people, and benefits to our respectable and honest employers.

In conclusion, Mr. President, I once again thank Members for their support of this Bill, and I look forward to a safe passage through its remaining stages.

Thank you, Mr. President.

MR. PRESIDENT:

I shall now put the question.

QUESTION PUT: AYES AND NOES:

MR. G. HAIG BODDEN:

May I have a Division, Mr. President?

MR. PRESIDENT:

Please, Clerk.

DIVISION
NO. 81/87

AYES: 12

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
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

NOES: 1

Mr. G. Haig Bodden

AGREED BY MAJORITY: THE LABOUR BILL, 1987 GIVEN A SECOND READING.

MR. PRESIDENT:

We now suspend for fifteen minutes.

AT 3:08 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:25 P.M.

MR. PRESIDENT:

Proceedings are resumed. The House will now proceed into Committee to study a Bill entitled the Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987 and other Bills.

HOUSE IN COMMITTEE

COMMITTEE ON BILLS

MR. CHAIRMAN:

The House is now in Committee. With the leave of the House, may I assume that as usual we should authorise the Honourable Second Official Member to correct minor printing errors and such like in these Bills? Thank you.

Would the Clerk please state each Bill and read its

clauses.

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS)
(AMENDMENT) BILL, 1987

CLERK: The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987.

Clause 1.	Short title and date of commencement.
Clause 2.	Amendment of section 2.
Clause 3.	Amendment of section 3.
Clause 4.	Amendment of section 4.
Clause 5.	Amendment of section 5.
Clause 6.	Amendment of section 6.
Clause 7.	Amendment of section 7.
Clause 8.	Amendment of section 8.

MR. CHAIRMAN:
the Bill.

The question is that clauses 1 to 8 do stand part of

QUESTION PUT: AGREED. CLAUSES 1 THROUGH 8 PASSED.

CLERK:	Clause 9.	Amendment of section 9.
	Clause 10.	Amendment of section 10.
	Clause 11.	Amendment of section 11.
	Clause 12.	Amendment of section 12.

MR. CHAIRMAN:
the Bill.

The question is that clauses 9 to 12 do stand part of

QUESTION PUT: AGREED. CLAUSES 9 THROUGH 12 PASSED.

CLERK:	Clause 13.	Amendment of section 13.
	Clause 14.	Amendment of section 14.
	Clause 15.	Amendment of section 15.
	Clause 16.	Amendment of section 16.
	Clause 17.	Amendment of section 17.
	Clause 18.	Amendment of section 18.
	Clause 19.	Amendment of section 20.

MR. CHAIRMAN:
of the Bill.

The question is that clauses 13 to 19 do stand part

QUESTION PUT: AGREED. CLAUSES 13 THROUGH 19 PASSED.

CLERK:	Clause 20.	Amendment of section 24.
	Clause 21.	Repeal of section 26.
	Clause 22.	Amendment of section 19.

Clause 23. Amendment of section 55.
Clause 24. Amendment of heading to Part 3.
Clause 25. Amendment of section 59.

MR. CHAIRMAN: The question is that clauses 20 to 25 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 20 THROUGH 25 PASSED.

CLERK: Clause 26. Amendment of section 63.
Clause 27. Amendment of section 70.
Clause 28. Amendment of section 71.
Clause 29. Amendment of section 72.
Clause 30. Substitution of section 73.

MR. CHAIRMAN: The question is that clauses 26 to 30 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 26 THROUGH 30 PASSED.

CLERK: A Bill for a Law to amend the Merchant Shipping (Applicable Conventions) Law, 1987.

MR. CHAIRMAN: The question is that the title stands part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED.

THE CUSTOMS (AMENDMENT) BILL, 1987

CLERK: The Customs (Amendment) Bill, 1987.

Clause 1. Short title.
Clause 2. Amendment of First Schedule.

MR. CHAIRMAN: The question is that clauses 1 to 2 do stand part of the Bill.

HON. RICHARD W. GROUND: I beg your pardon, Mr. Chairman, perhaps I might just mention before the question is put that there was a typographical error which we have noted in there, and I wanted to make it clear to Members that I was going to correct that by deleting, in 9.03 the word "not", and that brings it in line with the white. So that it reads: "Spirits, unsweetened, containing less than 50 per cent by volume of alcohol".

MR. CHAIRMAN: Thank you. With that amendment, as noted, I put the question.

QUESTION PUT: AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to amend the Customs Law (Second Revision).

MR. PRESIDENT: The question is that the title stands part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED.

THE LABOUR BILL, 1987

CLERK: The Labour Bill, 1987.

Clause 1. Short title and commencement.

HON. W. NORMAN BODDEN: Mr. Chairman, I know what you said about typographical errors being corrected by the Honourable Second Official Member. I pointed out three errors in the green copy of the Bill that had to do with words. One has since come to my attention in section 5, where, in the third line that word should be "employee" and not "employer".

MR. CHAIRMAN: Thank you, yes. Did you want to mention the other two now.

HON. W. NORMAN BODDEN: The others I mentioned at the presentation of the Second Reading.

MR. CHAIRMAN: I see. Right, thank you.

HON. W. NORMAN BODDEN: I can repeat them if ...

MR. CHAIRMAN: Well, no, I think you have got them in your amendments, is that so?

I would mention one thing. Your first proposed amendment, to delete the words "Trade and" in the second line of the eighth paragraph of the Memorandum, this is not in fact necessary, I have consulted the Attorney General. The Memorandum is not part of the Bill, so it is simply amended without the need for a formal motion.

HON. W. NORMAN BODDEN: Okay, Sir, that is understood. In connection with the other amendments which I have circulated, should I deal with them as we come to the individual clauses, or should I move the entire motion in dealing with clause 2?

MR. CHAIRMAN: I think when we come to each clause, because one other Member has five amendments. We will take them as we come to each clause.
So we have in fact, I think, got to clause 1. Please read clause 2.

CLERK: Clause 2. Interpretation.

HON. W. NORMAN BODDEN: Mr. Chairman, in clause 2, in accordance with Standing Order 52(1) and (2) I would move the following amendment: in clause 2, by deleting the words "Trade and" from the definition of Director.

MR. CHAIRMAN: The question is that in clause 2, the amendment stated stands part of clause 2.

QUESTION PUT: AGREED. CLAUSE 2, AS AMENDED, PASSED.

MR. CHAIRMAN: We will now take clause 1 and clause 2 as amended. The question is that clause 1 and clause 2, as amended, do stand part of the Bill.

HON. BENSON O. EBANKS: Could I just ask for clarity if, in the definition for "employee" we have corrected or substituted "and" for "have" in the fourth line? Somebody pointed it out.

HON. W. NORMAN BODDEN: That was one of the word corrections I made in introducing the Bill.

MR. CHAIRMAN: So we take that one in.

HON. RICHARD W. GROUND: It is one I have noted, and I am sure the Clerk has noted it, and we will correct that rather than amend it when we come to print the Law.

MR. CHAIRMAN: In that case, can I revert to putting the question to you that clause 1 and 2 as amended, that they do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 1 AND 2, AS AMENDED, PASSED.

CLERK: Clause 3. Application.

MR. CHAIRMAN: The question is that clause 3 stands part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: Clause 4. Powers of exemption conferred upon Government.

MR. LINFORD A. PIERSON: Mr. Chairman, I had given Committee stage notice of an amendment to clause 4, that clause 4 be deleted from the Bill. I do not know if you wish for me to speak on it at this stage, or whether you just ...

MR. CHAIRMAN: It is open to you to speak on it if you wish.

MR. LINFORD A. PIERSON: Well, just briefly. As I mentioned to the Mover of the Bill, I felt that this could cause some problems, even though I did not see it happening with yourself in Executive Council, I believe that the powers here were too wide ranging. I had also received a number of complaints about this section.

Having discussed it with the Mover of the Bill, he was generally in agreement with the deletion of this section.

HON. W. NORMAN BODDEN: Mr. Chairman, it is quite correct that we have had representations about clause 4, and in discussing this, and in reconsidering this clause it was felt that the deletion of this would not in any way weakens the Law, because there are several other provisions in the Law where the Governor in Council can make regulations. For those reasons, since it has caused considerable concern, and we have had representations from various organizations objecting to this clause, I would support that motion made by the Second Elected Member for George Town.

MR. CHAIRMAN: Does any other Member wish to speak on this amendment?

HON. RICHARD W. GROUND: Mr. Chairman, I do not particularly want to speak on the amendment, but if the amendment is to be passed, as it appears it will be, I do have to point out that this is going to involve a complete renumbering of the rest of the Bill and the cross references. As long as the House understands that, I am quite happy to undertake that without further vote or without further formal amendment. I would just like it to be noted that we will have to renumber and re-do the cross references.

MR. CHAIRMAN: That had occurred to me, and in taking the rest of the Bill I was going to seek your agreement that we stand with the present numbering.

In that case we will take the amendment. The question is that the amendment, as circulated, stands part of the clause which will now no longer exist. Rather strange is it not? I think I had better put this question another way.

The question is that clause 4 be deleted.

QUESTION PUT: AGREED. CLAUSE 4 DELETED.

MR. CHAIRMAN: I do not think, therefore, I can now put the clause as amended.

HON. RICHARD W. GROUND: Mr. Chairman, no, I think it now stands deleted and one just moves on.

CLERK: Clause 5. Establishment of conditions above minimum.
Clause 6. Conformity with the Law.
Clause 7. Statement of working conditions.
Clause 8. Probation period.

Clause 9. Termination: fixed term contracts.
Clause 10. Termination by notice: employer's notice.

MR. CHAIRMAN: The question is that clauses 5 to 10 do stand part of the Bill.

QUESTION PUT: CLAUSES 5 THROUGH 10 PASSED BY MAJORITY.

(Second Elected Member For Bodden Town voting against)

MR. G. HAIG BODDEN: May I have a Division, Mr. Chairman?

MR. CHAIRMAN: I think, frankly, you may of course under Standing Orders, but I am not quite sure of the point of it. It was perfectly clear there was one vote against being that of yours. With respect, the time of the House is at stake.

I am sorry, I did not turn to see whether you were insisting on having a Division. You are not?

MR. G. HAIG BODDEN: No, Mr. Chairman. I think I may as well go.

MR. CHAIRMAN: Your privilege.

CLERK: Clause 11. Termination by notice: employee's notice.

MR. CHAIRMAN: There are two amendments on this one.

HON. W. NORMAN BODDEN: Mr. Chairman, in accordance with Standing Order 52(1) and (2) I beg to move that in clause 11(1)(b) that the following words be deleted: "subject in either case to a maximum of thirty days."

MR. CHAIRMAN: Does any Member wish to speak on that amendment?

HON. W. NORMAN BODDEN: I would just like to say, as explained in my presentation of the Bill during the Second Reading, it was felt that this part served no useful purpose but could in fact create hardships down the line for employers who had to find a replacement, for say, a professional person - an accountant, or probably at any level. For example, if they had to obtain work permits it could take much longer. I really did not see the purpose in putting a maximum time limit of 30 days on notices that had to be served in this regard. I would appreciate the consideration of the Committee in deleting this section.

MR. CHAIRMAN: Does any other Member wish to speak?
The question is that the amendment stands part of clause 11.

QUESTION PUT: AGREED. AMENDMENT NO. 1 PASSED.

MR. CHAIRMAN: Now the second amendment to clause 11 as proposed, please.

MR. LINFORD A. PIERSON: Yes, Mr. Chairman, that is clause 11(2)(b). The reason for this proposed amendment is that I feel that it is unreasonable in view of the powers of the employer under section (2)(a) of that clause. Section (2)(a) reads:

"Any employee who fails to give sufficient advance notice as required in subsection (1) may at the employer's option:

- (a) be dismissed prior to the date that he intended voluntarily to quit by the number of hours or days by which the employee's notice fell short of the required period of advance notice;"

I think to also deprives that employee of all accrued vacation leave is somewhat onerous and somewhat restrictive. I believe that you could conceivably have a situation where somebody worked for eleven months and when he is about to take his leave, because the period of advance notice was somewhat breached, he is deprived of the total accrued vacation leave. I feel that this is really somewhat unreasonable and should be deleted.

HON. W. NORMAN BODDEN: Mr. Chairman, this was discussed at great length during the Committee's meetings, and it was felt that a penalty of this nature should be put into the section to discourage employees from failing to give sufficient advance notice. I do not think it is really extreme. I believe that most responsible employees would consider this fair, and I am unable to support that motion.

MR. LINFORD A. PIERSON: I was told by the Mover that he would not be able to support it, I was just hoping that I would be able to work on him during Committee stage. I would like to further say here that in (2)(a) the employee is already paying for his indiscretion in not giving the full advance notice by having the number of hours or days deducted by the employer. He is already being punished in a way for not giving the full advance notice. So it does seem somewhat unreasonable that in addition to losing that amount of pay, he has got to also forfeit all accrued vacation leave he had coming to him.

HON. BENSON O. EBANKS: Mr. Chairman, I tend to agree with the Mover of the Bill. This basically is one of the sections that puts some teeth in the Bill and unless there is a penalty to be paid for people walking off the job without giving proper notice it is not going to serve the purpose for which it is intended.

I do not see this causing any hardship. If a person must leave a job in order to take up another job, he must have weighed the consequences of this section. If he is only doing it out of bloody mindedness, I think he should pay the penalty.

MR. LINFORD A. PIERSON: Mr. Chairman, just to say that it might not be a case that he is doing it out of bloody mindedness, it could be that he had very little choice, and I believe the fact that he is paying by the amount of pay being deducted from what he would normally have received if he had given the full notice is sufficient punishment. But if in the eleventh month of a twelve month contract he found out that he had to leave without giving full notice, then to tell him that all the eleven months accrued vacation leave would be forfeited, to me is a bit extreme. That is extreme. Whether it passes here or not, I think that is extreme.

MRS. DAPHNE L. ORRETT: Mr. Chairman I think that in considering this Bill we wanted to make sure that the employer received equally as much consideration as the employee. I believe this is one of the particular areas in which the Committee felt that it gave the employer some consideration, because this has been a problem in Cayman. There are some people, if they know they can get \$100 a month more at some other place, they simply walk off the job. I believe that anyone who would be looking for another job, whether it was for more pay or whatever it is, as the Second Elected Member for George Town mentioned, it could be up to eleven months. I certainly cannot see someone wanting to walk off a month early and lose his vacation. I believe any sensible individual would hold on for a month and tell his prospective employer "Give me a month and I will be there". I think it ought to be in there.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, this is a big problem here in Cayman, and I do feel that if there is a penalty, we will have the employee staying on the job and we will have less roll over if we have this clause. It gives the employer a little bit of a say in the running of his business, because we have had people come in one week and the next week they leave. This is the sort of thing that has been going on. The roll over is terrific. I think this will stop the roll over.

MR. CHAIRMAN: I think I gather from the course of the debate, if I may ask a question, that leave does not become due until the period has been completed which earns it. So that contractually speaking the man who leaves at eleven months has not actually earned his leave? It is a technicality, I just want to be sure about this.

HON. W. NORMAN BODDEN: That is correct, Sir.

MR. CHAIRMAN: The other question, if I may ask, in section 11(2)(a), does this not mean that if, for example, an employee gives four days' notice instead of the seven days required, the employer can tell him to go today, pay him four days, but not the three remaining? Is that what that means?

HON. RICHARD W. GROUND: Yes.

MR. CHAIRMAN: Okay thanks. I just wanted to be sure what it meant. Sorry, I interrupted you, I think.

HON. W. NORMAN BODDEN: No, I was just going to agree with the question you were asking that my interpretation of it is that. I feel that, as other Members have said, this is really not extreme and I think it is a penalty that employees who fail to give the required notice should consider before taking such action.

MR. CHAIRMAN: Do you wish to put the amendment?

MR. LINFORD A. PIERSON: No, that is fine, you can take the vote on it, Sir.

MR. CHAIRMAN: You do not wish formally to put it?

MR. LINFORD A. PIERSON: Yes, you can take the vote on it.

MR. CHAIRMAN: I will put the question, then. The question is that the amendment to clause 11(2)(b) stands part of clause 11.

that it be deleted, but the technicality is that I say "do stand part of the clause". I am not turning your thing upside down. I will rephrase it as I did the last one.

clause 11(2)(b) be deleted.

The amendment proposed, and the question is, that

QUESTION PUT: AMENDMENT DEFEATED BY MAJORITY.

MR. CHAIRMAN: I am sorry about that semantic confusion. I think I should now put that the question is that clause 11, as amended, stands part of the Bill. Clause 11 (1)(b) was amended. Therefore I have to put the question on clause 11 as amended.

QUESTION PUT: AGREED. CLAUSE 11 AS ONCE AMENDED, PASSED.

CLERK:	Clause 12.	Statement upon termination.
	Clause 13.	Application of leave provisions.
	Clause 14.	Vacation leave.
	Clause 15.	Part-time employees.
	Clause 16.	Public holiday pay.
	Clause 17.	Sick leave.
	Clause 18.	Sick leave pay.

MR. CHAIRMAN: The question is that clauses 12 to 18 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 12 THROUGH 18 PASSED.

CLERK: Clause 19. Maternity leave.

MR. LINFORD A. PIERSON: Mr. Chairman, I have a Committee stage amendment on clause 19(2). It states here during the first fifteen ... to get the full text of it, I would have to read clause 19(1):

"Every female employee shall be entitled to twelve calendar weeks' maternity leave in any twelve month period."

Clause 19(2):

"During the first fifteen working days maternity leave the employee shall be entitled to the basic wage, and the employer shall pay her the basic wage, ..."

My reason for bringing the amendment to change this from fifteen working days to thirty calendar days, or one

calendar month is that to reduce this to fifteen working days you are effectively only giving the female employee fifteen working days. Most of these would not be in a position to stay off on maternity leave without pay and to cut this down to fifteen working days, even though you have provided, in 19(1) for twelve calendar weeks, effectively that person would have to be back to work after the fifteen working days because she would not be able to afford to stay off for a longer period. To increase this to one month would be a more reasonable period.

HON. BENSON O. EBANKS: Except, Sir, if this is left as it is in the Bill, it would be an incentive to get the Social Security Scheme through where they will get thirteen weeks.

(LAUGHTER)

MR. CHAIRMAN: I think that is anticipating a Bill.

HON. BENSON O. EBANKS: February, Sir, February.

MR. LINFORD A. PIERSON: Mr. Chairman, the Member does not have any guarantee that in its present form it is going to meet with too much success, so he had better not anticipate it.

HON. W. NORMAN BODDEN: Mr. Chairman, the Committee discussed this matter at great length as to whether it should be more than was provided for in section 19 but during discussions, the point was made that the employee will actually get three weeks maternity leave on pay. In many instances they accumulate their vacation leave which, through an arrangement between them and the employer, can be taken around that time. They are also entitled to ten days' sick leave per annum, and it was felt that to increase this really could place some employers, in some instances, at a disadvantage, because a very valuable employee could be out of office for a total of seven or eight weeks on pay altogether.

Then they are also entitled to a balance of maternity leave without pay. So you could have an office or a small operator being without a very key person for four months. It was felt that to increase this to about three weeks was really taking it a bit far. That was the view of the Committee, and I support that view, Sir.

MR. LINFORD A. PIERSON: Mr. Chairman, I fully understand what the Member is saying. My only point is that even though we are providing, in 19(1) for twelve calendar weeks, we know pretty well that the female employee would not in normal circumstances be able to take this full period, and will only be able to take, in normal circumstances, the period for which she is being paid, which is around fifteen days. This is why it was felt that if it was increased from three calendar weeks to four, or one month, then it would be a more reasonable period. Even though twelve calendar weeks are provided here (three months), she would not normally be able to take that without pay. This was my reasoning behind that.

HON. W. NORMAN BODDEN: But the point is, Mr. Chairman, that she could end up getting three weeks maternity leave on pay, two weeks vacation, which would be five, ten days sick leave which is another two weeks, which would be seven weeks altogether on pay. If that was accumulated, it would be a considerable amount.

MR. LINFORD A. PIERSON: Yes, that is assuming, of course, she had not taken the sick leave prior to that during the year.

HON. BENSON O. EBANKS: Mr. Chairman, I am in sympathy with the amendment being proposed by the Second Elected Member for George Town. But if I remember correctly why this was arrived at was because this was the minimum mandatory requirement. The Committee looked at small businesses. Why the twelve weeks under sub-clause 1 is there, is that if the person can basically afford to take the vacation, it guarantees her job at the end of that period. But when the other side of the coin is looked at and you think about a small business that probably can only afford to employ one person to operate it, it would mean that for the three months, the proprietor of that business would be required to hire a second person. So you are looking at 25 per cent extra expense for that year to operate the business - 25 per cent of salaries, anyway.

MR. LINFORD A. PIERSON: Effectively, Mr. Chairman, what the Member is saying then, is that we give them the three months knowing full well that they will not be able to afford to take the three months.

HON. BENSON O. EBANKS: No, no. The point is that if they can afford to take it, they can have it and they have their job at the end of that period. But it does not require the proprietor of a small, one-person business to be paying two persons for all of that three months. It was felt by the Committee that that extra pay could actually put the business to the wall.

MR. LINFORD A. PIERSON: Just one correction. I am not talking about paying for three months. My amendment was to extend it from three weeks to four weeks, one calendar month. I am also a small employer. The experience is that most of these people, because they cannot afford to stay off, will be forced to come back to work after fifteen working days, and whether or not we are considering the best interests of that female employee after maternity for her to have to come back to work after fifteen working days is really another question.

HON. BENSON O. EBANKS: Actually, Mr. Chairman, we are only talking about an extra week, then, because fifteen working days is in effect three weeks. So if we are only talking about a week, I personally have no strong feelings about it. If the rest of the Members will go along, I would.

I will just point out again, that we are making better provisions under the other Bill, which I should not anticipate!

HON. W. NORMAN BODDEN: He keeps talking about this other Bill, Sir. I would like to hear from some of the other Members of the Committee, whether they feel that paid maternity leave should be increased by an additional week. What I outlined really was the views of the Committee that I supported at the time. I have no strong feelings against increasing that by one week, because it is really not a lot. But, as I said, if you do accumulate it, then you are looking at possibly eight weeks in total. If you take four weeks maternity leave, two weeks vacation and two weeks sick leave, if they have not had prior sick leave, then you can end up with a maternity case having been out of office for three months and getting two of those three months on pay then, that is what we are looking at.

MR. W. McKEEVA BUSH: Mr. Chairman, I have to be consistent and supportive of the Second Elected Member for George Town's request, because this was my position in Committee. I will have to support his request at this time.

MRS. DAPHNE L. ORRETT: Mr. Chairman, I tend to go along with the Second

Elected Member for George Town. I do not think that most employers are going to find themselves too often in this situation. Nowadays, most young women are conscious of the number of children they are having, and so on. I tend to see this not becoming that much of a problem. I have taken into serious consideration what the Honourable First Elected Member of Executive Council said, and hopefully small businesses will not find themselves in this situation, because I can see that it could definitely hurt. But on the whole, I believe that it is in the interest of most mothers, because I would hate to see a mother having to come back to work under three weeks. I believe if they knew they were going to get that extra five days' pay it would make a difference.
I support this amendment.

HON. VASSEL G. JOHNSON: Mr. Chairman, I too would like to be consistent, because I know the Committee dealt with this matter of maternity leave at great length. The thing is, that as another Member mentioned, this is not pertaining to any particular business, like, say, it was referring to banks, or to Government, or to something like that. It applies right across the board, to small and large businesses alike. What is provided in the Law here is merely minimum provisions. If there is a large company that feels that it can give a month on pay, well that is entirely up to the business. But what the Law is doing is providing a minimum requirement.

I feel that there are going to be businesses of all categories, small and big, some might be able to afford four weeks, some can afford only three weeks. I think what we have to look at is that the Law provides a minimum. It protects all sizes of businesses.

MR. D. EZZARD MILLER: Mr. Chairman, my position always was that I was in favour of what the Second Elected Member for George Town is now proposing. But I would also like to draw Members' attention to why I am supporting it, that this provision under the Law is guaranteed in every twelve month period. It could become onerous and you could be giving them opportunities for other things if they stayed home.

HON. W. NORMAN BODDEN: Mr. Chairman, after listening to other Members' views, and reconsidering the proposed amendment myself, I have no strong objection to what is being put forward by the Second Elected Member for George Town. I have had a change of heart, and I will personally support his amendment.

MR. D. EZZARD MILLER: Mr. Chairman, could we have the amendment that the Second Elected Member for George Town proposed? Is he going to say one calendar month or twenty working days, what is the exact wording of his amendment?

MR. LINFORD A. PIERSON: Mr. Chairman, I wonder if I could leave that for the Honourable Second Official Member to give us his advice on?

HON. RICHARD W. GROUND: I do not actually think it matters much either way, once you have decided the principle that you are going to give a month. I think the reason we expressed the fifteen days as working days it was on the assumption that the normal working week is five days, so it was intended to be three weeks. If you wish to put it to four weeks, you can say twenty working days or you can say four weeks.

MR. CHAIRMAN: I should have thought twenty working days was better, because in terms of weekly pay, four weeks' pay.

HON. RICHARD W. GROUND: Twenty working days, then?

MR. CHAIRMAN: I will put the amendment then. The question is that Clause 19(2) be amended by the deletion of the words "fifteen working" and the substitution of the words "twenty working".

QUESTION PUT: AGREED. AMENDMENT PASSED.

MRS. DAPHNE L. ORRETT: Mr. Chairman, may I seek leave of the House at this time to propose an amendment to clause 19(4)?

MR. CHAIRMAN: Well it is actually my leave you are seeking, but obviously I would consult the will of the House. I think it is up to the Member in charge of the Bill, really. Have you had a chance to discuss this proposal?

HON. W. NORMAN BODDEN: No, Mr. Chairman, but before we reach there, I would just like to point out in 19(2) it appears that a word has been omitted between "days" and "maternity". I think it would be "twenty working days of maternity leave".

MRS. DAPHNE L. ORRETT: No, not necessarily.

HON. W. NORMAN BODDEN: Not necessarily? Okay. I just thought that the word "of" might have been omitted from that line.

HON. RICHARD W. GROUND: I do not think the word "of" has been omitted. I think that when I drafted it I drafted it as "twenty working days maternity leave". It may not be perfectly grammatical, but I think it suffices.

HON. W. NORMAN BODDEN: Accepted, Sir.
I do not know what the Third Elected Member for West Bay is going to be proposing as her amendment. I would have to listen to what she has to say and I will take a decision.

MR. CHAIRMAN: Then we will grant you the time, but I ought to point out as has been pointed out so many times already, this Bill was a long time coming.

MRS. DAPHNE L. ORRETT: I know, Mr. Chairman, but this only just dawned on me. 19(4) says:

"Subject to subsection (3) maternity leave may be taken in whatever proportions before and after actual childbirth that the employee wishes, provided that an employee shall not work where a doctor certifies that it would, by reason of pregnancy, be deleterious to the health of the employee for her to work ...".

I wondered whether or not it would be wise to say "to the health of the employee or to the health of her unborn child for her to work" ... And then in the line following, "... with a view to determining whether it would be deleterious to

her health or to that of her unborn child to continue work". Because, Mr. Chairman, there are times when the pregnant mother's health may not be in danger but working could endanger the health of the unborn child.

MR. CHAIRMAN: I would not be asking the Attorney General for a doctor's opinion, but it would seem to me that the health of the mother is a broad enough term to embrace (there is a good word for you) the unborn child as well, in the circumstances.

HON. W. NORMAN BODDEN: Mr. Chairman I think that section goes on to say that the employer can then ask for a doctor's certificate, and a doctor's certificate would certainly verify what the situation is, if there should be any doubt at any stage.

MRS. DAPHNE L. ORRETT: I know, but what I am saying is it mentions the mother's health ...

HON. RICHARD W. GROUND: But I think the Chairman's point is right, that a doctor is not going to draw fine distinctions between the health of the mother and the health of the unborn child. He is going to regard them as one. And so if it is going to hurt the child ...

MR. W. McKEEVA BUSH: The fetus definitely belongs to the mother. I cannot see how that can be separated.

MR. CHAIRMAN: I think we have now strayed beyond law, into medicine to theology. I think this has gone far enough! But I do believe that your point is covered.

MRS. DAPHNE L. ORRETT: As long as it is, because I have known of cases where they have said to someone that if she wanted to have the child she would have to get off their feet, not that it is going to interfere with her health, but that of the child.

MR. CHAIRMAN: Surely the basic thrust of any doctor's certificate in a case like this is that it would not be proper for the woman to work. That is it. Now, I think we had actually got as far as putting the question, on clause 19 as amended.

QUESTION PUT: AGREED. CLAUSE 19, AS AMENDED, PASSED.

CLERK: Clause 20. National Minimum Basic Wage.

(INAUDIBLE INTERRUPTION)

MR. CHAIRMAN: We have an amendment proposed for clause 20?

MR. LINFORD A. PIERSON: Mr. Chairman, I think the Honourable First Elected Member of Executive Council was reminding me that I may have voted against this at some stage, but like most Members I might have had a change of heart, too. This is why it is coming forward.

I was saying here, that we should add to clause 20 the words "Governor shall fix a date for the coming into effect of a prescribed National Minimum Basic Wage". This is to ensure that even though provision is made here in the Bill and it would be subsequently in the Law, that there is no question as to this not being acted upon as speedily as possible that a basic minimum wage will be set as soon as possible. This was the reason for this amendment.

MR. CHAIRMAN: Could I ask the Attorney General's advice on that? I have the impression that in fact an Order will specify the date on which it comes into effect. If it does not, is it the date that it is signed?

HON. RICHARD W. GROUND: That is right, Mr. Chairman, but as I understand the Member's concern, by either this form of wording or a similar one, he wants to ensure that this is done straight away. Is that fair?

MR. LINFORD A. PIERSON: As soon as possible, yes.

HON. RICHARD W. GROUND: In other words, at the moment it is permissive and the Governor in Council may or may not proceed to put this machinery in motion. I think that the Member, by moving this amendment, is seeking to put a deadline on that process to make sure it happens quickly.

MR. CHAIRMAN: If that is the case, I am not sure the amendment does do that. Because the amendment says that the Governor in Council shall fix a date. It still does not say he shall fix an early date, or the soonest possible date. So I do not think it does what you are asking for.

MR. D. EZZARD MILLER: Mr. Chairman, through you, could I ask the Honourable Second Official Member, it is proposed to give a six month breathing period for the penalties. Would the minimum wage not have to be put into effect within that six months period to allow the penalties for not paying a minimum wage to come into effect once it is provided for in the Law?

HON. RICHARD W. GROUND: I do not think that the minimum wage would have to come into effect within that six months period. The minimum wage could be brought in very quickly if the Advisory Committee sat and reported quickly. It could be brought in five years from hence if they took a long time or if Government did not go ahead with it.

I do not, with respect, think that the six month moratorium on penalties is a concern as to the commencement of the minimum wage.

MR. D. EZZARD MILLER: In that case, Mr. Chairman, I would like to amend the Motion proposed by the Second Elected Member for George Town to say words to the effect that the minimum wage must be declared under the terms of the Law by 30th June, 1988.

MR. LINFORD A. PIERSON: I have an objection.

MR. CHAIRMAN: I am sorry, I think there is a different question being raised here. This clause is permissive. It does not say there shall be a minimum wage. It says the Governor in Council may, after certain procedures, declare one.

HON. W. NORMAN BODDEN: That is correct, Mr. Chairman, and as I recall it was

the Committee's view that this should be left open ended or flexible, so that if a decision was taken to establish a national minimum wage that the provision was in place. My recollection of the Committee's deliberations is that this should be left the way it was so it was not tied to any specific time frame.

MR. LINFORD A. PIERSON: Mr. Chairman, the only problem I have with that is that, as you rightly pointed out, section 21 states that the Governor may by Order prescribe a National Minimum Basic Wage. As the Honourable Second Official Member has said, this could be any time between now and five years.

I know that there have been representations that certain classes of workers were suffering because they were being paid much below what would be regarded as a basic wage. It was felt that because of this, this amendment would make it mandatory that the Governor would have to, within a certain period, fix a minimum wage. As the Member for North Side has said, perhaps this should be by June 1988 but I realise that would be an amendment to this amendment that would have to be moved.

MR. CHAIRMAN: I think it is an amendment to the Bill, because it is a completely different statement from what is in the Bill, as it is. These are permissive clauses, they are not mandatory or creative. Am I right Attorney General? You must tell me.

HON. RICHARD W. GROUND: You are absolutely right, these are permissive clauses as they are presently framed. They are there to permit a minimum wage to be set, but they do not compel that action to be taken.

HON. W. NORMAN BODDEN: Mr. Chairman, it is my view that the establishment of such a national minimum wage, to get the National Minimum Wage Advisory Committee in place, I think there is substantial research to be done, and to be quite honest I would not like to see this tied to a specific time frame for its introduction.

MR. D. EZZARD MILLER: Mr. Chairman, I have a particular desire to see a minimum wage created as early as possible, because there are some members of my constituency working in the hotel industry who are presently, as far as I am concerned, being paid below a basic minimum wage. I would be happy to leave it open ended with a commitment from the Honourable Member that one is going to be set up as soon as possible, because I know 'as soon as possible' means exactly that.

My concern is that we are abolishing a law which presently establishes a minimum wage, even though it is outdated by today's standards, it does specify a minimum wage. If we do not, as early as possible, create a basic minimum wage, I think there are some unscrupulous employers who will take advantage of people because of their geographical situation in terms of being able to seek alternative employment and so on, and pay them below the basic rate. So I am very concerned that a basic minimum wage is established as soon as possible. But I would be quite happy with an undertaking from the Member that this Committee will in fact be activated as soon as possible.

HON. W. NORMAN BODDEN: Mr. Chairman, I have heard the Member for North Side, and I would have no difficulty with proceeding along those lines. I feel that it would be acceptable to leave that section the way it is. As I have said, to tie it to a specific time-frame might cause some difficulties as far as what I see as needing to take place is concerned. I can give the Member that undertaking, and also the Mover of that amendment for the Second Elected Member for George Town the same undertaking.

MR. LINFORD A. PIERSON: I am happy with that, Mr. Chairman. The only purpose of this amendment was to basically change the word "may" to "shall" because "may" is sort of open ended, "shall" would have closed it in a little bit more. I felt that if it read, "the Governor shall by Order prescribe a National Minimum Basic Wage" that this would be a little tighter than saying he may fix it.

MR. CHAIRMAN: Well, I think that is a pretty substantial amendment, and goes, I think, rather beyond normal amendments. You have been given the assurance by the Honourable Member in charge.

MR. LINFORD A. PIERSON: It is my amendment here, Sir, because it said "Governor shall fix a date for the coming into effect of a prescribed national minimum basic wage". So that would be added to it, to say that the Governor shall fix a date. But I am happy with it.

MR. CHAIRMAN: Well, I understand that, but I do not think that actually takes your purpose any further. Because you have got all of the rest of the procedure under the section that has to be followed, and then at the end of it, when you have actually got the Governor in Council prescribing it, then you add on your amendment. But I do not think your amendment will have hastened the process, I really do not. I think that what you are after is an assurance of action which you have been given.

MR. LINFORD A. PIERSON: I am happy with that, Sir.

MR. CHAIRMAN: Okay, right.

HON. THOMAS C. JEFFERSON: Is the Member withdrawing his amendment, then?

MR. LINFORD A. PIERSON: Yes, I think I am.

MR. CHAIRMAN: Well, I had assumed that from the discussion, but I will put it if you wish.

MR. LINFORD A. PIERSON: No, I am happy with the assurance given by the Honourable Second Elected Member. I will withdraw the amendment.

MR. CHAIRMAN: Thank you. In that case, the question is that clause 20 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 20 PASSED.

CLERK:	Clause 21.	Minimum Wage Advisory Committee.
	Clause 22.	Penalty for not paying minimum wage.
	Clause 23.	Rest periods.

MR. CHAIRMAN: The question is that clauses 21 to 23 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 21 THROUGH 23 PASSED.

CLERK: Clause 24. Standard work week.

MR. CHAIRMAN: An amendment?

MR. LINFORD A. PIERSON: Mr. Chairman, I again here have an amendment. This is a touchy one, Sir. I have discussed this with Members of Executive Council and I am still of the opinion that provision should be made in this clause to include one hour per day for lunch breaks, and that this should be specified in this clause to avoid any abuse. I know that even though there are situations now where people are working below the nine hours a day, that there are cases where they are working over this and not getting any overtime. I believe that provision should be made here that one hour for lunch is included in that nine hours a day.

HON. W. NORMAN BODDEN: Mr. Chairman, this section says, as I am sure the Second Elected Member for George Town knows, that this 45 hours is a maximum. From my recollection of discussions in this regard, it was decided not to set a specific time for lunch, whether it was thirty minutes or sixty minutes. It was felt that this was something better left to an arrangement between the employer and employee. Consequently I am not able to support this, Sir. I think if we get into arranging times for lunch, the number of hours that an employee puts in in one particular business might produce hardships for another type of business. It is very difficult, I think, to set this and I am not able to support that, Sir.

MR. LINFORD A. PIERSON: Mr. Chairman, I was advised by the Member when I discussed this with him that he would perhaps not be in a position to support it. He nonetheless, told me that I could perhaps just go ahead with it, he might have a change of heart if I could convince him. It is just that forty-five hours a week, unless it is spelt out, you could have the abuse of an employee, you could have him having to work for the full period, with few or no breaks for lunch. Unless this is spelt out here, it is really not offering any protection to the employee in this respect.

MR. CHAIRMAN: Could I ask for clarification? I know I am not supposed to take part in these discussions, but if I may ask; this clause is about the standard working week, outside which, or in addition to which, overtime is paid. Lunch times are not, I think, referred to in the Bill anywhere. So that there are two separate things, perhaps, that we are addressing? Is that right?

HON. RICHARD W. GROUND: I think, Mr. Chairman, the two probably come together, that if lunch times are to be included, though the standard work week is forty-five hours, in fact as people do not work through lunch times and it is a five day week, it will be forty working hours. While if lunch times are not spelt out, then it is going to be forty-five hours working before the overtime provisions have to come in. So I think that is the point the Member is driving at. May I just say that the way it is drafted, "the standard work week shall not exceed forty-five hours". The Committee picked that form of words to make it quite plain that in particular businesses the standard work week could be a lot less, by agreement, but in no case might it exceed forty-five hours.

MR. CHAIRMAN: And if it does exceed forty-five hours then overtime is payable?

HON. W. NORMAN BODDEN: That is correct.

HON. RICHARD W. GROUND: Well, the standard work week cannot exceed forty-five hours, if the work week that is required exceeds forty-five hours then overtime is paid.

MR. LINFORD A. PIERSON: Mr. Chairman, I think the point made by the Honourable Second Official Member is quite pertinent. It is not saying whether the employee has to work without a lunch break for nine hours per day, or whether after working for nine hours, the tenth hour is the lunch break. I think because it is giving some of us some amount of confusion, it will equally lend the same problem to the employer and employee trying to work under this Bill. This is why to insert this clause would leave it beyond any sort of doubt exactly what is intended.

But to put it this way, you could conceivably have an employer requiring his employee to work a full nine hours a day, and he would have to account for his lunch break whatever time after that nine hours, when in fact within that nine hours there should be some period, whether it is an hour, half an hour, whatever, for a lunch break. After the nine hours you would deal with the overtime, but that nine hours would include a period for lunch breaks.

HON. RICHARD W. GROUND: I see the Member looking at me, but really I think it is whether the normal day should be nine hours plus a lunch break, or eight hours plus a lunch break, or whether we are looking in some industries at a longer working week than five days, maybe five and a half days with a Saturday morning and so on, are not legal questions. In the end it is a policy issue. At the moment, in my construction, if the Member is asking what I think the section means, I think it says that it refers to forty-five working hours. Lunch hours I do not think are working hours.

MR. LINFORD A. PIERSON: So it means then the employee, as a minimum period, is working nine hours a day and he has to account for his lunch after working nine hours a day? This is really what it is saying.

HON. W. NORMAN BODDEN: It relates to forty-five hours work. That is correct. And if you put in your recommendation you would end up with a forty hour week. In Committee we had representations from various organizations that wanted it to be forty hours. Some organizations wanted it to be fifty and after several weeks of discussion, the Committee settled on forty-five. I think that is striking a happy medium. I am still not able to support that amendment.

MR. CHAIRMAN: The Honourable First Official Member.

SUSPENSION OF STANDING ORDER 10

HON. THOMAS C. JEFFERSON: Mr. Chairman, as we are at about 4:30 P.M., I would at this time under Standing Order 83, move the suspension of Standing Order 10 to allow the proceedings of the House to continue until we can finish the business completely this afternoon.

MR. CHAIRMAN: The question is that Standing Order 10(2) be suspended.

QUESTION PUT: AGREED. STANDING ORDER 10(2) SUSPENDED

MR. CHAIRMAN: Please continue.

MR. LINFORD A. PIERSON: Mr. Chairman, I think I am sort of flogging this one to death. I do not mind if you would like to take a vote on it, I would like a vote taken on it.

MR. CHAIRMAN: I wonder, before we put it to a vote, at the risk of flogging a dead horse or whatever it is we are doing - there are two things here. As I understand it, this section prescribes a standard work week in order that the next section can say that overtime will be paid beyond that forty-five hours. It has nothing to do with how that forty-five hours is made up, whether it has ten minutes for breakfast and an hour for lunch or whatever. It is simply the number of hours worked in a week, after which overtime is payable.

I think, with respect, you are introducing another question into this. I am not sure that it is going to help the clarity of the situation to bring lunch hours into this section.

MR. D. EZZARD MILLER: Mr. Chairman, through you, could I ask the Honourable Second Official Member whether this forty-five hour work week, as it now appears in the Law, cannot be further clarified through regulations under the Law to say that the forty-five hours includes lunch times, or whether that goes beyond?

HON. RICHARD W. GROUND: I think at the moment that goes beyond the regulating power. I do not think the Committee had intended, in the Law, to address whether people should have lunch times or not, nor do I think that is the Member's concern in bringing the amendment. The question we have been, I think, clearly debating is eloquently summed up by the Honourable Second Elected Member of Executive Council, it is whether it is a forty hour working week or forty-five hour working week.

MR. LINFORD A. PIERSON: Mr. Chairman, I feel that to omit clarifying this point is going to put the employee and employer at the same time in a sort of a confused situation. Because if he interprets it the way I do then it seems as if we are setting minimum standards here, where the employer could ask the employee to work for forty-five hours a week, nine hours a day, and he would have to account, after working for nine hours a day, for lunch anywhere he can get it, whether it is at the end of the day or whenever. He would have to work nine hours a day. I believe it would be much easier on the employer and employee if we had this specified in here, that in this nine hours a day or forty-five hours a week, that periods for lunch would be accounted for.

I do not think that the Labour Law should omit that, because it is really not going to make the situation for the employee any better than it is perhaps now, if we omit that.

MR. D. EZZARD MILLER: Mr. Chairman, while I support the forty hour work week, I think that what the Second Elected Member for George Town is addressing in a lot of instances is going to have to be settled on the letter of contract and terms of conditions as to when your lunch entitlement is and what it is during that 165 hour work week. I think that is the point where the employee and the employer have to settle the issue of lunch times, coffee breaks, and so on. I was supporting it, because I have always advocated a forty hour work week, and it would just have been a clever way of getting my little thing through.

HON. BENSON O. EBANKS: Mr. Chairman, I see the point the Second Elected Member for George Town is trying to make, but I would point out that not all lunch breaks are of one hour duration, nor is it always convenient that it be an hour.

That is why I think the Committee arrived at this forty-five hours because there are some forms of employment where the work day in fact is separated by more than one hour, for example in the hotel trade it is not uncommon for some people to go in the morning and do a period, and then go back in the afternoon, with much more than one hour separating it.

In fact, I have had representation by people in the hotel industry that this forty-five hours is going to work to their disadvantage. So I think if we have been bold enough to put this in the Law, we are not doing badly. As the Member said, we certainly had recommendations for a longer work week. We struck a happy medium but it is not just a straight case of half an hour or an hour. That would be fine, if all jobs could permit for that to be done. There are some jobs that, because of the nature of the work, the lunch period is necessarily longer than one hour.

MR. CHAIRMAN: Could I ask legal clarification again? Clause 24 does not say that the minimum working week will be forty-five hours. It says the standard working week. It can in the context only refer to the next clause which is payment of overtime. It does not prevent an employer and an employee contracting to work a sixty hour week, for example. What it does say is that over 45 hours he will be paid overtime. I wanted to get that straight, I am sorry to hammer the point, but I think we are introducing a different question, which is the conditions of work rather than the hours of work. I do think the amendment, as tabled, will reduce it to a forty hour week, after which overtime is payable. It still will not stop the employer and employee contracting to work sixty or eighty or forty-eight hours or whatever they choose.

HON. W. NORMAN BODDEN: Mr. Chairman, that is correct, because clause 25(1) says "An employer shall pay overtime pay to an employee for every hour of work in excess of the standard work week", which is forty-five hours.

MR. CHAIRMAN: Is that right?

HON. RICHARD W. GROUND: Yes, Mr. Chairman, the standard work week is simply the mechanism for deciding when overtime pay kicks in.

MR. CHAIRMAN: I think there may be another point here. For example, if the Labour Inspector goes around inspecting conditions of work and finds that people are being worked for nine hours without a break, that surely is not acceptable conditions of work?

HON. CAPT. CHARLES L. KIRKCONNELL: I guarantee this will not happen, you will not work them for nine hours a day.

MR. LINFORD A. PIERSON: Mr. Chairman, maybe we could get an undertaking that the appropriate regulations would be made under the Law to spell out exactly the conditions of that, since we cannot put it here in the Law.

HON. W. NORMAN BODDEN: I would have to give that some consideration, Sir, I have to be careful with all these undertakings I am giving this evening.

MR. CHAIRMAN: It is an undertaking to consider ...

HON. J. LEMUEL HURLSTON: Mr. Chairman, clause 24(2) does seem to give some flexibility, in that, by an Order, Executive Council could vary in any particular industry where difficulty may come to notice.

MR. D. EZZARD MILLER: We have put that in for the contractors who claim they are going to have a 27 per cent increase. If they start to abuse it we can lock them up.

MR. CHAIRMAN: I wonder if it would be acceptable, as the Member has given an undertaking to consider the point? I think on the fact of it the amendment will not be carried because of its implications.

MR. LINFORD A. PIERSON: I am just wondering if the Honourable Member gave an undertaking?

HON. W. NORMAN BODDEN: I really did not give an undertaking, Mr. Chairman. I just said maybe it is something that could be considered, because at this stage, I am not sure to what extent you could deal with this under regulations. I suppose I could say that I would consult with my colleagues and also with the Honourable Second Official Member in this regard to see to what extent this can be done, but I would not like to give an undertaking that it would be ...

MR. CHAIRMAN: I am sorry, I was perhaps using the word too precisely - an undertaking to consider something does not strike me as being an undertaking to do it. But you are prepared to consider the point with your colleagues.

HON. W. NORMAN BODDEN: I have no problem with an undertaking to consider, Sir.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, we have spent more time on this clause, than on any other clause in the Bill. We had representations from the Restaurants Association, they wanted fifty hours, the hotels wanted forty-eight hours, the contractors wanted forty-five, the banks said thirty-seven and a half, some other places forty, so we figured that forty-five hours was a happy medium. That is why we settled on forty-five.

MR. CHAIRMAN: Do you wish to go ahead with the amendment, that is the question?

MR. LINFORD A. PIERSON: Yes, Sir.

MR. CHAIRMAN: The question is that the amendment as circulated for clause 24 do stand part of clause 24.

QUESTION PUT: AYES AND NOES.

MR. LINFORD A. PIERSON: Just for the record, Mr. Chairman, I would like a Division on this.

HON. BENSON O. EBANKS: Would you like me to check the minutes to see whether you voted against that? (laughter)

DIVISION
NO. 82/87

AYES: 2

- Mr. W. McKeever Bush
- Mr. Linford A. Pierson

NOES: 10

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- 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

AMENDMENT TO CLAUSE 24(1) DEFEATED BY MAJORITY

QUESTION PUT: CLAUSE 24 PASSED.

CLERK: Clause 25. Occasions for overtime pay.
Clause 26. Overtime pay.
Clause 27. Form of wages.

MR. CHAIRMAN: The question is that clauses 25 to 27 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 25 THROUGH 27 PASSED

CLERK: Clause 28. Deductions.

MR. CHAIRMAN: An amendment, please.

HON. W. NORMAN BODDEN: Mr. Chairman, in accordance with Standing Order 52(1) and (2) I beg to move that in clause 28(2)(d) that the following be added after the word "work", the words being:

"other than a deduction for any shortfall in a cash float provided to the employee."

MR. CHAIRMAN:

Does any Member wish to speak?

HON. W. NORMAN BODDEN:

I would just like to say Mr. Chairman, that it was felt that it was necessary for an employer to be able to make such a deduction from an employee's salary who has been made responsible for a cash float in their particular line of work. Otherwise you could have a situation, especially in the hotel and restaurant businesses, where an employee is responsible for a cash float of, say, \$100 or \$200 and there is a shortfall. If this was not added, the employer would not be able to make such a deduction. So I feel that this is necessary, and I would be grateful for the support of Members.

MR. CHAIRMAN:

Does any other Member wish to speak?

HON. RICHARD W. GROUND:

Perhaps, Mr. Chairman, I might just say that this amendment fits in to section 28(2)(d) by way of removing such deductions from the prohibition on deductions for bad or negligent work. Somebody who is to be made subject to such a deduction is still going to have to agree to it in principle beforehand in writing, in their contract of employment, under section 28(3)(e) so it can qualify as a deduction to be made. I make that point because it is a safeguard. The employee who is to be subject to such a deduction, before he accepts the cash float is going to have to agree in writing, that he understands that he is getting it on the terms that if he mismanages it he is going to be subject to a deduction from his salary.

MRS. DAPHNE ORRETT:

Is that the right sub-clause?

HON. RICHARD W. GROUND:
cannot hear them!

Mr. Chairman, Members are whispering at me, but I

MR. CHAIRMAN:

We seem to have some confusion over which subsection we are talking about. I had understood the amendment to relate to 28(2)(d).

HON. W. NORMAN BODDEN:

That is correct, Sir. I think the Honourable First Elected Member of Executive Council is of the opinion that it should have gone under subsection (3)(e) or some other area.

MR. D. EZZARD MILLER:

He is celebrating Christmas you do not have to worry about his opinion.

HON. BENSON O. EBANKS:

No, Sir, I see that this is "other than", but I still would have thought that since subsection (2) was dealing with those from whom it was not possible to make any deductions in respect of, that it would have been better placed under (3).

HON. RICHARD W. GROUND:

It works either way.

MR. CHAIRMAN:

assurance we are wanting.

Well, this is the point, if it works, that is the

HON. BENSON O. EBANKS:

I will not argue the point, if he is satisfied.

MR. LINFORD A. PIERSON:

Mr. Chairman, I tend to agree that it would be much clearer, since section (3) deals with the deductions if it had been perhaps made (f) of section (3), and that section (2) was left as it is now. I think it would be much clearer that way.

HON. RICHARD W. GROUND:

Perhaps I might respond to that by explaining the thinking behind it, whether it answers the question or not, I do not know. But the thinking behind it was that the deduction would be made under subsection (3)(e). In other words, the man would authorise it in writing in his contract of employment and then it is not debarred by 28(2)(d) because we put the proviso in. It is convoluted and I hold my hands up in admission to the fact that it is convoluted. It nevertheless will work this way.

I may also say that an eminent lawyer from the private sector suggested it to go this way, and that is where the thinking came from.

HON. W. NORMAN BODDEN:

Mr. Chairman, I have an undertaking from the Honourable Second Official Member of Government that it works well where it is, and while it might look more, I suppose, logical to us that it should have gone in subsection (3), once it works where it is, I am satisfied.

HON. BENSON O. EBANKS:

It is tied to negligent work, so it had to go under (2).

I am not going to make an issue of it Sir. I see it is

MR. CHAIRMAN:

put the amendment.

Well, we all seem to mean the same thing, so I will

paper circulated to Members.

The question is that clause 28 be amended as in the

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN:

stands part of the Bill.

The question then is that clause 28, as amended,

QUESTION PUT: AGREED. CLAUSE 28, AS AMENDED, PASSED.

CLERK:

Clause 29.	Periods and time of wage payments.
Clause 30.	Offences and employee's rights in respect of wages.
Clause 31.	Work-accounts.
Clause 32.	Statement of wages.
Clause 33.	Gratuities.
Clause 34.	Time for distribution.
Clause 35.	Record of gratuities.

MR. CHAIRMAN:
of the Bill.

The question is that clauses 29 to 35 do stand part

QUESTION PUT: AGREED. CLAUSES 29 THROUGH 35 PASSED.

CLERK: Clause 36. Right to severance pay, generally.
Clause 37. Computation of severance pay.
Clause 38. Severance pay, when payable, temporary termination.
Clause 39. Severance pay where employer's business transferred.
Clause 40. Liability of predecessor and successor employers.
Clause 41. Record of hiring dates.
Clause 42. Determination of dispute.

MR. CHAIRMAN: The question is that clauses 36 to 42 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 36 THROUGH 42 PASSED.

CLERK: Clause 43. Unfair dismissal: general.
Clause 44. Termination after fixed term of employment.
Clause 45. Dismissal for good cause.
Clause 46. Termination for misconduct.
Clause 47. Termination for failure to perform duties in satisfactory manner.
Clause 48. Initiation of proceedings.
Clause 49. Remedies for unfair dismissal.

MR. CHAIRMAN: The question is that clauses 43 to 49 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 43 THROUGH 49 PASSED.

CLERK: Clause 50. General application.
Clause 51. Registration of workplaces.
Clause 52. General duty of employers.
Clause 53. Health.
Clause 54. Safety.
Clause 55. Welfare.
Clause 56. Special protective measures.
Clause 57. Notification of accidents.
Clause 58. Duties of persons employed.
Clause 59. Remedial notices.
Clause 60. Offences against Part 6.
Clause 61. Responsibility for enforcement.
Clause 62. Time for commencement of prosecution.
Clause 63. Power of the Courts to modify agreements and apportion expenses.
Clause 64. Power to make regulations.

MR. CHAIRMAN: The question is that clauses 50 to 64 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 50 THROUGH 64 PASSED.

CLERK: Clause 65. Appointment of Director and inspector.

MR. CHAIRMAN: An amendment?

HON. W. NORMAN BODDEN: Mr. Chairman, in accordance with Standing Order 52(1) and (2) I beg to move that the words "Trade and" be deleted from the second line of clause 65(1), after the word "of".

MR. CHAIRMAN: The question is that the amendment, as on the paper circulated, stands part of clause 65.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: The question then is that clause 65, as amended, stands part of the Bill.

QUESTION PUT: AGREED. CLAUSE 65, AS AMENDED, PASSED.

CLERK: Clause 66. Responsibilities of Director.
Clause 67. Powers of Director and inspectors.
Clause 68. Procedure to be followed on complaint to Director.

HON. RICHARD W. GROUND: Mr. Chairman, if I might just interrupt the Clerk on clause 68. There is a misprint in this Bill which I ought to draw to the attention of Members, because it is something I will be wishing to correct. In 68(4) if you look at it is obvious that a line has been missed out. The words that have been missed at the end are: "determine the procedure to be followed", coming after "shall". Those words were not only in the original discussion Bill as circulated, but they are also in the white copy. So the way it would read is, after the words "the Director shall", the new words are "determine the procedure to be followed.". I think Members will see that it does not make sense without that. So I would be seeking to correct that, rather than amend it when we print the Law.

CLERK: Clause 69. Enforcement of award of Director.
Clause 70. Establishment of Appeals Tribunal.
Clause 71. Appeals from decision of Director.
Clause 72. Appeals to Grand Court.

MR. CHAIRMAN: The question is that clauses 66 to 72 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 66 THROUGH 72 PASSED.

CLERK: Clause 73. Discrimination because of race, etcetera.
Clause 74. Penalties.
Clause 75. Specific offences.
Clause 76. Special provisions as to evidence.
Clause 77. Service and sending of documents.
Clause 78. General regulation making power.
Clause 79. Repeal.

MR. CHAIRMAN: The question is that clauses 73 to 79 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 73 THROUGH 79 PASSED.

CLERK: A Bill for a Law to govern terms and conditions of employment; to provide for the health, safety and welfare of employees; and for related matters.

MR. CHAIRMAN: The question is that the Title do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled a Bill for a Law to amend the Merchant Shipping (Applicable Conventions) Law, 1987 and other Bills. The House will resume.

HOUSE RESUMED

REPORTS ON BILLS

MR. PRESIDENT: Please be seated. Bills, Reports.

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1987

MR. PRESIDENT: The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled the Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987, 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 CUSTOMS (AMENDMENT) BILL, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled the Customs (Amendment) Bill, 1987 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 LABOUR BILL, 1987

MR. PRESIDENT: The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I have to report that a Bill entitled a Bill for a Law to govern terms and conditions of employment; to provide for the health, safety and welfare of employees; and for related matters was considered by a Committee of the whole House and passed with six amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THIRD READINGS

THE APPROPRIATION (1988) BILL, 1987

CLERK: The Appropriation (1988) Bill, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled the Appropriation (1988) Bill, 1987, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Appropriation (1988) Bill, 1987 be given a Third Reading and do pass.

There is no debate on the third Reading of this Bill.

QUESTION PUT: AGREED. THE APPROPRIATION (1988) BILL, 1987 GIVEN A THIRD READING AND PASSED.

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1987

CLERK: The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled the

Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987 be given a Third Reading and do pass.

QUESTION PUT: AGREED. THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED.

THE CUSTOMS (AMENDMENT) BILL, 1987

CLERK: The Customs (Amendment) Bill, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled the Customs (Amendment) Bill, 1987, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Customs (Amendment) Bill, 1987 be given a Third Reading and do pass.

QUESTION PUT: AGREED. THE CUSTOMS (AMENDMENT) BILL, 1987 GIVEN A THIRD READING AND PASSED.

THE LABOUR BILL, 1987

CLERK: The Labour Bill, 1987.

HON. W. NORMAN BODDEN: Mr. President, I move that a Bill entitled a Bill for a Law to govern terms and conditions of employment; to provide for the health, safety and welfare of employees; and for related matters, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Labour Bill, 1987 be given a Third Reading and do pass.

QUESTION PUT: AGREED. THE LABOUR BILL, 1987 GIVEN A THIRD READING AND PASSED.

PRESENTATION OF PAPERS AND REPORTS

MR. PRESIDENT: Presentation of Papers and Reports, the Honourable the First Official Member.

GOVERNMENT MINUTE
ON THE PUBLIC ACCOUNTS COMMITTEE'S REPORT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 74(7), I beg to lay on the Table of this Honourable House the Government Minute on the Public Accounts Committee Report, and on the Auditor General's Report of the Accounts of the Cayman Islands' Government for the year ended 31st December, 1986.

MR. PRESIDENT: The paper is accordingly tabled.

HON. THOMAS C. JEFFERSON: Mr. President, it is usual in the past that I would read the contents of the Minute, but as we are moving on to long hours of the evening, I propose not to do so in this case.

CLOSING REMARKS

MR. PRESIDENT: Before the Honourable First Official Member moves the adjournment perhaps I might say a few words, and I too recognize the lateness of the hour.

First, Members may recall a note circulated earlier in this meeting about the proposed dates for the 1988 Meetings of this House. It appears that the dates proposed were convenient to Members so I will confirm them as:

The Opening and Throne Speech:	12th February
Second meeting:	18th April
Third meeting:	7th September

I shall confirm these dates to you in writing shortly. Secondly, on behalf of all of us, may I record our gratitude to the Clerk, the Deputy Clerk, the Serjeant-at-Arms and all the staff of the House for their able and willing support of our proceedings.

Third, may I express my appreciation to Members for their courtesy, patience and good humour towards each other and to the Chair. This has not only been the usual heavy sitting for the Budget, but it has seen the passing of a piece of very important legislation, the Labour Bill.

Finally, may I wish, on behalf of Mrs. Scott and myself, to all Members of the House and to their families and to our staff and their families, a peaceful and happy Christmas and a prosperous New Year.

May I now invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I am happy this afternoon to move the adjournment of this Honourable House until 12th February, 1988.

HON. BENSON O. EBANKS: Mr. President, on behalf of the Elected Members of Executive Council, could I wish for you and Mrs. Scott and your family a merry Christmas and a happy New Year? I would like to also extend these wishes to all of the Elected Members, the Clerk, the Deputy Clerk, the Sergeant-at-Arms and all the staff of the Assembly.

MR. W. McKEEVA BUSH: Mr. President, as we come to a close ...

HON. BENSON O. EBANKS: The Member has given way, Mr. President. I realise I omitted the Official Members of Government in my good wishes, and I would like to say that I have included them.

MR. PRESIDENT: They looked very cast down.

HON. W. NORMAN BODDEN: Unpardonable.

MR. W. McKEEVA BUSH: Mr. President, as we come to a close amid this advent season, I would not fail to do as I have usually done at this time of the year, with, of course, the indulgence of the House seeing we are pressed for time.

But as we look back at our legislative year, it was a long and gruelling year for us as legislators, and each year it seems it becomes more demanding. But it only highlights the stages we are going through. Rapid development brings rapid change of life-styles, and unhappily, a loosening of our moral values and other attitudes as a country. Therefore we as representatives are called upon in diverse ways which were hitherto not usual. Although time consuming and sometimes a great amount of pressure is applied, I believe all of us in the final analysis find the greatest amount of satisfaction in knowing we helped someone in this country.

I believe when we are judged that it can be said we did our best as legislators. We are moving ahead progressively. The need is there for all of us to make sure we move together.

Mr. President, on behalf of this side of the House, seeing that it is your first Christmas here, we trust that you and your family will have a joyous Christmas and a rewarding New Year. We would wish, too, to all Elected Members and Official Members, the Sergeant-at-Arms, our good Clerk, her Deputy and her staff all God's blessings at this Christmas season, and a healthy New Year.

I am reminded of the words of the wonderful carol, "a thrill of hope the weary world rejoices, for yonder breaks a new and glorious morn.". That is it, Sir. A thrill of hope.

May God bless our people as we move in to the close of this year, and bring us safely into the New Year. Have a good Christmas.

MR. PRESIDENT: The question is that this House do stand adjourned until 10:00 a.m. on 12th February, 1988.

QUESTION PUT: AGREED. AT 5:10 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY 12TH FEBRUARY, 1988